
PUBLICITY, PRIVACY, AND RELIGIOUS TOLERATION IN HOBBS'S *LEVIATHAN**

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What motivated an absolutist Erastian who rejected religious freedom, defended uniform public worship, and deemed the public expression of disagreement a catalyst for war to endorse a movement known to history as the champion of toleration, religion's freedom from coercion, and separation of church and state? At least three factors motivated Hobbes's 1651 endorsement of Independency: the Erastianism of Cromwellian Independency, the influence of the politique tradition, and, paradoxically, the contribution of early modern practices of toleration to maintaining the public sphere's religious uniformity. The third factor illustrates how a key function of the emerging private sphere in the early modern period was to protect uniformity, rather than diversity; it also shows that what was novel was not so much the public/private distinction itself, but the separation of two previously conflated dimensions of publicity—visibility and representativeness—that enabled early modern Europeans to envisage modes of worship out in the open, yet still private.

In 1651, in the penultimate chapter of *Leviathan*, Thomas Hobbes capped his reflections on Christian ecclesiastical history with the observation that post-regicidal England had been “reduced to the Independency of the Primitive Christians . . . Which, if it be without contention . . . is perhaps the best.”¹ This passage has struck many of Hobbes's readers as profoundly counterintuitive.

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¹ L 47: 479–80. I cite Hobbes's works (abbreviation chapter.paragraph: page) as follows: *EL* = *The Elements of Law, Natural and Politic*, ed. J.C.A. Gaskin (Oxford, 1994); *DCv* = *De Cive*:

It is not simply that, in context, an endorsement of Independency amounted to an endorsement of the religious policy of Oliver Cromwell's regicidal party. The ideological content of Hobbes's endorsement seems puzzling enough on its own: a movement known to history as the champion of freedom of conscience and worship, of religious pluralism and toleration, and of the separation of church and state seems hardly congenial to an Erastian champion of absolutist monarchy who flatly rejected any principled right to religious freedom, and thought the sovereign authorized to interpret scripture and coercively to impose a uniform public liturgy and confession on his subjects. Having singled out public disagreement, particularly religious disagreement, as a major cause of war, why would Hobbes have endorsed a Congregationalist ecclesiology that might, as both Episcopalians and Presbyterians feared, give free reign to sectarianism?

The problem of how to maintain social order in the face of religious diversity was a central question for post-Reformation Europeans, and in England, by the mid-seventeenth century, there were two competing responses on offer: the policies of enforced religious uniformity and (limited) toleration. We are alerted to this ideological terrain by John Owen, the Cromwellian cleric who, in his 1657 defence of Independency, *Of Schisme*, observed that there exist

two *generall wayes*, fixed on respectively by *sundry* Persons for the compassing of *peace*, and *union* among Christians, but in one *nation* . . . namely, that of *enforcing uniformity* by a *secular* power on the one side, as was the *case* in this Nation *not many years agoe* . . . and that of *Toleration* on the other, which is our *present* condition.²

Hobbes's endorsement of a movement intimately associated with the second camp has seemed so counterintuitive to many readers that, when not simply ignoring it, they have dismissed it as a reluctant and entirely adventitious political concession to the demands of order.³ The reluctance is borne out rather clearly by Hobbes's tone, expressed in words such as "reduced," "if," and "perhaps," and certainly *one* reason for his endorsement lies in the political calculation, extrinsic to the ideological orientation of Independency, that the Cromwellians were now the party most qualified to restore social order. My intention, however, is to argue that Hobbes's ambivalent endorsement was motivated by three additional factors grounded in the substance of the Independency agenda, what we might

The English Version, ed. H. Warrender (Oxford, 1983); *L* = *Leviathan*, ed. Richard Tuck (Cambridge, 1996); *B* = *Behemoth, or, The Long Parliament*, ed. Paul Seaward (Oxford, 2010).

² John Owen, *Of Schisme* . . . (Oxford, 1657), 12.

³ See Johann Sommerville, "Hobbes and Independency," *Rivista Critica di storia della filosofia* 59 (2004), 155–73. Cf. A. P. Martinich, *Hobbes: A Biography* (Cambridge, 1999), 173; Martinich, "Hobbes's Erastianism and Interpretation," *Journal of the History of Ideas* 70 (2009), 143–63.

call Hobbes's (a) Erastian, (b) *politique*, and (c) uniformist motivations. The first two motivations have been recently noted by scholars, but my primary focus here is on the third: my intention is to show not only its centrality for understanding Hobbes, but also how it illuminates the nature of the emerging public/private distinction in early modern England. The third factor is pivotal because it neatly unsettles Owen's assumption that enforced uniformity and religious toleration are *rival* policies—an assumption behind the subsequent liberal conceit that the primary function of religious toleration, and the public/private distinction on which it draws, has been to serve the causes of religious freedom and pluralism.⁴

First, as Jeffrey Collins has recently argued, Hobbes's endorsement reflects the Erastian strand of Independency prevalent during the late 1640s and the 1650s—a strand that combined a strictly limited doctrine of toleration with recognition of the state's coercive jurisdiction over religion. This strand, which Collins calls “Magisterial Independency” and which contrasts to the more tolerationist, separatist strand that came to dominate the movement after the Restoration, spoke directly to Hobbes's mounting desire to break up the corporate power of the Church of England.⁵ But an exclusive focus on Independency's Erastianism in this period—and Collins's tendency to downplay the Independents' tolerationist agenda—fails to account for why, when Hobbes himself explained his endorsement, he explicitly cited Independency's *tolerationist* rather than Erastian credentials.⁶ Any explanation must account for a striking fact about the evolution of his writings on religion from 1640 to 1651: even as Hobbes took his political doctrine to its most Erastian extreme, he *also* expanded the scope for tolerating dissenting but privatized religious expression. The ostensibly rival absolutist–uniformist and tolerationist–privatizing responses to the religious question both find their most intense expression in *Leviathan*. This duality made Hobbes not only the epoch's most formidable theorist of absolute sovereignty, but also one of the most important theorists of the public/private distinction in religion.

Part of the attraction of toleration, and hence a second substantive reason behind Hobbes's endorsement of Independency, lies in the influence on his thought of the *politique* tradition, whose partisans advocated religious toleration as a second-best policy when prudentially necessary for reasons of state. A number of recent commentators have in fact suggested not only that Hobbes's political philosophy is compatible with a policy of toleration, but that Hobbes had tremendous personal sympathy for it; Richard Tuck has gone so far as to argue,

⁴ See, e.g., Peter Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, 2003).

⁵ Jeffrey R. Collins, *The Allegiance of Thomas Hobbes* (Oxford, 2005).

⁶ *L* 47: 480.

partly on this basis, that Hobbes “may well have enthusiastically preferred” the Independents’ ecclesiastical agenda “to traditional episcopacy.”⁷ Yet the *politique* influence, and Hobbes’s sympathy for toleration, are insufficient to explain the striking duality of his view. The difficulty lies in explaining how Hobbes could have supported toleration for reasons of peace, while also insisting on uniform public worship—an insistence that, given the centrality of liturgical disputes in this epoch, resists efforts to identify Hobbes with the second camp mentioned by Owen. For if Hobbes advocated uniformity for purely instrumental reasons, to keep the peace, and if, under the circumstances, enforcing uniformity would exacerbate conflict, then toleration would indeed be a second-best policy, and in 1651 Hobbes should have abandoned his commitment to uniform public worship. But Hobbes did no such thing, and the reason is that Hobbes advocated uniform public worship not just as instrumental to keeping the peace, but also as a constitutive feature of unitary sovereignty.

The fact that Hobbes’s thought simultaneously evolved in seemingly opposite directions is a sign of what he was up to: under circumstances of ineliminable religious diversity, carving out a private sphere in which to tolerate—but also to confine—non-conforming religious practice was a way to *shore up* the public sphere’s uniform religious character. The third substantive reason behind Hobbes’s endorsement of Independency thus lies in his uniformist agenda: toleration, far from being the antithesis to this agenda, was the most circumstantially effective means for implementing it. The duality of Hobbes’s view helps explain both the reluctant ambivalence of his endorsement of Independency—he was grasping onto a second-best alternative—and the combined attraction of the Erastian and tolerationist aspects of Independency.

In sum, Hobbes’s endorsement of Independency was paradoxically a function of the *Leviathan’s* unqualified subordination of ecclesiastical concerns to the reasons of state; its uncompromising commitment to absolute, undivided sovereignty; and its defence of uniform public worship. An examination of how Hobbes’s endorsement could serve this agenda illustrates, more generally, how a key social and ideological function of the emerging private sphere in the early modern period was, rather than to protect diversity, to make public

⁷ Richard Tuck, *Hobbes* (Oxford, 1989), 30. See also Tuck, “Scepticism and Toleration in the Seventeenth Century,” in S. Mendus, ed., *Justifying Toleration* (Cambridge, 1988), 21–36; Tuck, “Hobbes and Locke on Toleration,” in M. G. Dietz, ed., *Thomas Hobbes and Political Theory* (Lawrence, 1990), 153–71. For works emphasizing a “tolerationist” Hobbes, see Alan Ryan, “Hobbes, Toleration and the Inner Life,” in D. Miller and L. Siedentop, eds., *The Nature of Political Theory* (Oxford, 1983), 197–218; Ryan, “A More Tolerant Hobbes?,” in Mendus, *Justifying Toleration*, 37–59; Travis Smith, “Forgiving Those Not Trespassing against Us,” in R. Weed and J. von Heyking, eds., *Civil Religion in Political Thought* (Washington, DC, 2010), 93–120.

uniformity possible. It also suggests that the novelty of the period lay not so much in the public/private distinction itself, but in the possibility of prying apart two dimensions of publicity—what is open or *visible* versus what is official or *representative* of the community—that Medieval Christianity had systematically conflated. Separating the two enabled early modern Europeans to envision a mode of worship that was out in the open, yet still private.

I. THE RELIGIOUS QUESTION: UNIFORMITY VERSUS TOLERATION

As disputes between Puritans and the Episcopalian establishment intensified in the 1640s and England descended into civil war, Hobbes found himself in a unique position to address the religious question: he already had a sophisticated theory of war and its solution in hand, and it did not take much to bring his general theory to bear on religion. The central thesis of that theory is that war results from the failure to secure agreement over words used in social interaction. Hobbes had already outlined the general problem in his 1640 *Elements of Law*: in the state of nature where “every man is his own judge, and differeth from other concerning the names and appellations of things,” from such “differences arise quarrels, and breach of peace.” Peace thus requires that in society there “be a common measure of all things that might fall in controversy; as for example: of what is to be called right, what good, what virtue, what much, what little, what *meum* and *tuum*, what a pound, what a quart &c.”⁸

Hobbes thought that disagreement leads to conflict in two ways. First, disagreement over *normative* terms—evaluative, moral, or political—is a permissive cause of conflict, because such terms provide the basis for shared rules of social interaction; without effective, shared rules, an indispensable means for resolving potential conflicts is lost. Second, by 1642, Hobbes made explicit in *De Cive* his view that disagreement is a positive cause of war in its own right. Its mere expression is typically perceived by prickly humans to be a sign of contempt: to disagree with others is implicitly to call them idiots, to dishonour them, and thus to frustrate their passion of glory—which in turn triggers anger, revengefulness, and, ultimately, violence.⁹ This means that, in principle, disagreement over *any* of the terms used in social life could give rise to war,¹⁰ but even here normative words are both more likely to spark disagreement—since they often implicate persons’ “profit”¹¹—and twice as inflammatory when they do: in disagreeing over

⁸ *EL* 29.8: 180.

⁹ *DCv* 1.5: 46; 17.27: 246; *L* 10: 65.

¹⁰ *DCv* 17.12: 229–30.

¹¹ *EL* Epistle Dedicatory: 19; *L* Review & Conclusion: 492.

the language of praise, duty, or authority, one is telling others not only what to think, thus insinuating that they are too stupid to think for themselves, but also what they are worth, what they should do, or how they should be commanded or punished. If disagreements over evaluative, moral, and political words are the most dangerous, then disagreements over *religious* words unite elements of all three in explosive combination: the tumultuous events surrounding the Long Parliament had by 1642 also led Hobbes to conclude that “there are no Warres so sharply wag’d as between Sects of the same Religion, and Factions of the same Commonweale, where the Contestation is Either concerning Doctrines, or Politique Prudence.”¹² Normative and particularly religious opinions tend to be the most vehemently held and, as Hobbes put it in 1651, if pedestrian disagreement provokes anger, then to contradict a person possessed by a “Vehement opinion of the truth of any thing” is predictably to conjure up the “Madnesse called RAGE, and FURY.”¹³ Specifically religious disagreement is especially prone to enrage people, moreover, because it not only provokes their glory, but also their fear of damnation, a fear that if left unchecked would undermine the very foundations of civil peace.¹⁴

Hobbes’s response to normative and religious disagreements was to puncture the inflated pretensions of zealots. True philosophy reveals that the only things demonstrably valuable or praiseworthy for everyone, independently of convention, are peace and the means conducive to it. Beyond this, reason gives way to authoritative convention. Hobbes applied this deflationary strategy directly to the epoch’s raging liturgical controversies over the proper manner for praising God. Reason can, to be sure, discover some actions that are “Naturally signes of Honour,” but these are strictly limited. Most are “of an indifferent nature,” a matter of convention; to claim some convention-independent truth for one’s preferred manner of worship is but presumptuous folly.¹⁵ He applied the same strategy to theological disputes: because “the nature of God is incomprehensible,” meaningful theological utterances, far from actually describing God, are in fact just expressions of praising or honouring God, i.e. just another conventional mode of divine worship not open to rational adjudication.¹⁶ The public expression of disagreement over such matters is therefore a pointless luxury that prickly

¹² *DCV* 1.5: 46.

¹³ *L* 8: 54. Cf. *L* 15: 110–11. On the role of disagreement in causing war for Hobbes see Arash Abizadeh, “Hobbes on the Causes of War,” *American Political Science Review* 105 (2011), 298–315.

¹⁴ *L* 29: 227, 38: 306–7.

¹⁵ *L* 31: 253.

¹⁶ *L* 34: 271; 31: 248–9, 252; 46: 467; 46: 472; 8: 59.

humans could ill afford: such disagreements are best kept private, since their expression serves no useful purpose and, indeed, threatens to disrupt civil peace.

Politically, everything turns on what it means to keep such matters “private.” On the one hand, if the private sphere were confined to the deep recesses of the mind, then the result of Hobbes’s deflationary strategy would conform to the first policy mentioned by Owen: state-sanctioned religious *uniformity*. If religious truths are uncertain, and if religious discord leads to war, and if, in contrast to religious questions, the value of peace could be known with certainty, then the rational response would be arbitrarily to select a set of religious conventions to profess in common—to allow a sovereign to determine the publicly professed state religion, modes of worship, and theology. Here the point of sceptical deflation in religion would be to permit people publicly to *agree to agree*, in order quite simply to live. On the other hand, if the private sphere occupied a space somewhere between the apparatuses of state and of the mind—in a private domestic sphere or in private associations tolerated by the state—then the result would match the second, *tolerationist* policy mentioned by Owen. Once people understood that religious questions are not susceptible of certain answers, and were persuaded that most religious doctrine or expression is a matter “indifferent” for salvation, then perhaps they themselves could become indifferent enough to tolerate religious diversity. Here the point of sceptical deflation would be to *privatize* religious belief and expression—to allow people to *agree to disagree*, to live and let live.

It will hardly surprise those familiar with Hobbes’s theory of absolute sovereignty to find in him a partisan of the first, uniformist policy. After all, the point of Hobbesian sovereignty-covenants is to enable human beings to agree to agree. Hobbes’s famous solution to the general problem of disagreement—already worked out by 1640—was to erect a sovereign whose public judgement would replace private judgements; that is, a sovereign by whose unitary will “the use and definition of all names not agreed upon, and tending to controversy, shall be established.”¹⁷ Hobbes’s solution was an absolute sovereign capable of establishing a *uniform public language* for use in social interaction.

The policy of uniformity in religion is thus simply an application to religious language of Hobbes’s general solution to war. And once the religious question erupted with full force in England, Hobbes stated with perfect clarity his view that subjects must defer, in liturgical and theological matters, to the uniform terms of public worship set by their sovereign: “those Attributes which the Sovereign ordaineth, in the Worship of God, for signes of Honour, ought to be taken and used for such, by private men in their publique Worship.”¹⁸ The absolutist, increasingly Erastian, and uniformist features of Hobbes’s political thought went

¹⁷ *EL* 29.8: 180.

¹⁸ *L* 31: 253. Cf. *DCV* 15.16: 194.

hand in hand, moreover, with his sharp repudiation, in political society, of any principled right of religious freedom or private judgement.

The decade of civil war was the first time that England saw an outpouring of texts advocating toleration of heresy and even religious freedom. One of the first and most trenchant was penned by the radical sectarian Roger Williams, who addressed his notorious *The Bloudy Tenent of Persecution* (1644) to the Long Parliament amidst the intense struggle, following the collapse of the Laudian regime, over how to reconfigure England's ecclesiastical order. Williams's intervention was published almost exactly a year after Parliament had convened the Westminster Assembly of Divines, in July 1643, to advise it on a new ecclesiastical settlement. The Assembly was overwhelmingly Puritan in its membership, and the great majority were Presbyterians intent on recasting the Church of England as a mandatory, divinely sanctioned, intolerant national church in the Scottish–Genevan style. Williams attacked this intention by appeal to the sacred rights of conscience, defending an uncompromising freedom in religion that went so far as to embrace even the hated Roman Catholics. He called for the complete separation of church and state: portraying a church as a wholly voluntary association like a “Colledge of *Physitians*” or “*Company of East-Indie or Turkie-Merchants*,” he denied the civil magistrate any legitimate jurisdiction over religion beyond civil matters such as maintaining peace, and insisted that “inforced *uniformity of Religion*” plainly “confounds the *Civill and Religious*” domains.¹⁹

Amongst the clergy within the Westminster Assembly, it was a handful of Independent divines who waged a spirited campaign against the looming Presbyterian settlement. Their opening salvo was fired in December 1643, when five Assembly members, openly breaking with their Presbyterian colleagues, published *An Apologeticall Narration* addressed directly to Parliament. Fearing that a nationally organized majority could excommunicate and persecute non-conforming but godly dissidents as heretics, the Westminster Independents called on Parliament to permit congregations to retain autonomy “for matter of discipline within themselves, to be exercised by their own Elders”; that is, to tolerate Congregationalism within the national church.²⁰ Even this limited defence of toleration, which its authors had taken care to dissociate from sectarianism, provoked a furious Presbyterian reaction; it also made of Independency a rallying point for the rapidly spreading sectaries, who saw in the movement their best hope for toleration. It is thus no surprise that Williams was an intimate associate of the more radical elements of the emerging Independency movement, some of whom, such as John Goodwin, joined the sectarian call for the

¹⁹ Roger Williams, *The Bloudy Tenent of Persecution* . . . (London, 1644), 3 (preface), 15.

²⁰ Thomas Goodwin *et al.*, *An Apologeticall Narration* . . . (London, 1643), 14.

right of congregations to separate from any national church. Nor is it surprising that, as part of their propaganda war, the Independents would draw on sectarian arguments in favour of the rights of conscience and freedom of worship—as when in 1646 they republished the separatist Leonard Busher's *Religions Peace* (1614), adding *A Plea for Liberty of Conscience* as its new subtitle.

Hobbes feared sectarianism no less than the Episcopal divines did, and no less than he feared subversive political factions. It is thus entirely normal that in 1640 he would have allied himself, on constitutional matters, with the royalists against the king's Parliamentary enemies and, on religious matters, with the church's hierarchy against Puritan and sectarian agitators.²¹ This is precisely why it might seem so incongruous to find Hobbes in 1651 explicitly endorsing Independency—the party of regicide and (limited) toleration. If enforced uniformity and toleration were indeed rival answers to the religious question, as Owen's mapping of the ideological terrain suggested, then Hobbes's endorsement should have moved him away from the uniformist and towards the tolerationist camp. In fact, however, both the absolutist–uniformist and the tolerationist–privatizing strategies found expression in Hobbes's response to the religious question. To understand this response, we must begin by asking how Hobbes's endorsement could cohere with the *Leviathan's* insistence on the state's coercive jurisdiction over the church—including selecting and supervising its clergy.²²

II. ERASTIAN ABSOLUTISM: INDEPENDENCY AND THE NATIONAL CHURCH

It is true that, after the Restoration, Independency became increasingly associated with the separation of church and state, freedom of conscience and worship, and opposition to coercion in religion. The early manifestations of separatist and Congregationalist thought, however, were riven with a fundamental incoherence. On the one hand, sixteenth-century separatists and Congregationalists conceived of a church as a voluntary association, the internal matters of which are not subject to the coercive jurisdiction of either the civil magistrate or the clergy (unless posing a direct threat to public tranquility); on the other hand, they granted the civil magistrate the right to reform the church, expel pastors, prohibit heresy, and execute apostates.²³ Although the more radical

²¹ See, however, Collins's discussion of Hobbes's 23 July 1641 letter in *Allegiance of Thomas Hobbes*, pp. 80–81.

²² *L* 18: 124.

²³ This tension arises, e.g., in Robert Browne, Robert Harrison, and Henry Barrowe. See W. K. Jordan, *The Development of Religious Toleration in England*, 4 vols. (Cambridge,

and separatist Independents would eventually resolve this tension by releasing the second hand, during the mid-1640s and the 1650s the dominant strand of Independency turned directly to the coercive power of the state over religion, in order to parry the coercive jurisdiction that the Presbyterian clergy were keen to arrogate themselves over the conscience.

Within the Westminster Assembly, the ascendance of this magisterial strand of Independency was in part motivated by the fact that the only other brake on the intolerant, *jure divino* Presbyterian agenda came from the lay party of Erastians. This balance of forces within the Assembly naturally forged an anti-Presbyterian alliance between the Westminster Independents and Erastians, leading the former to emphasize the current of Congregationalist tradition that sanctioned the coercive jurisdiction of the state.²⁴ Thus, while Magisterial Independents opposed *ecclesiastical* coercion, they were decidedly comfortable with *state* coercion in religious affairs, especially over the clergy. Magisterial Independents also confined their defence of toleration within politically acceptable limits, invariably excluding from its scope Catholics, Episcopalians, and radical sectarians they deemed beyond the theological pale.

The union of Erastianism with Independency, moreover, was not merely an anti-Presbyterian marriage of convenience: Congregationalist ecclesiology offered Erastians a powerful tool with which to dismantle the centralized hierarchy of the national church, and thus to neutralize the threat that corporate clerical power could pose to unified state sovereignty. These were precisely the grounds on which the Erastian minister Louis Du Moulin arose to defend Cromwellian Independency. Du Moulin argued in his *Of the Right of Churches* (1648) that although for Independency each congregation is a voluntary or “private” association (which, echoing Williams, he compared to a society of “merchants, physicians and the like”), and enjoys some autonomy in determining the rules governing its internal life, these rules and their enforcement are entirely subordinate to the state’s authority.²⁵ And because Independent churches comprise an atomized network of small, private gatherings, they are much easier for civil magistrates to surveil and control. In light of the Laudian debacle, this would have provided a powerful motive for Hobbes’s turn to Independency in 1651.²⁶

MA, 1932–40), 1: 261–94, 2: 19–22; Joseph Lecler, *Histoire de la tolérance au siècle de la Réforme*, 2 vols. (Paris, 1955), 2: 336–9.

²⁴ On the Independent–Erastian alliance see Collins, *Allegiance of Thomas Hobbes*, chap. 3; Jordan, *Development of Religious Toleration*, 3: 64–83.

²⁵ Louis Du Moulin, *Of the Right of Churches* . . . (London, 1648), 223–4.

²⁶ See Collins, *Allegiance of Thomas Hobbes*, esp. 157.

Indeed, Hobbes prefaced his endorsement of Independency in chapter 47 with a brief ecclesiastical history that implicitly highlighted his Erastian motivations: the point of that history was to condemn the clergy's usurpation of coercive jurisdiction. While the early Christians under the Apostles had been entirely free from the clergy's coercive power, "the first knot upon their Liberty" was soon tied when the "Presbyters" assembled and began to enforce uniformity of "Doctrine" amongst them. The "second knot" was tied with episcopacy, when bishops in turn "got themselves an authority over" other clergy, and the "third and last knot" was tied when coercive ecclesiastical authority was centralized in the "Bishop of Rome." Recent English history had untied all three knots: the coercive authority of Pope, bishops, and assembly of Presbyters having all been successively abolished by 1651, under Independency the English now enjoyed the "Christian Liberty" of the "Primitive Christians," whose "Consciences were free, and their Words and Actions subject to none but the Civill Power"—that is, free from the coercive power of clerics, just as Hobbes desired.²⁷

III. TOLERATION: PRUDENTIAL GROUNDS OF KEEPING THE PEACE

Yet however Erastian the Magisterial Independents were, they also advocated a limited policy of tolerating dissenting religious groups. And it was precisely the Independents' tolerationist—rather than Erastian—credentials that Hobbes explicitly cited as his reason for endorsing them. When Hobbes finally avowed that Independency "is perhaps the best," his first and primary justification was explicit: "because there ought to be no Power over the Consciences of men, but the Word it self."²⁸ Indeed, Hobbes had already noted in the brief history prefacing his endorsement not only that the "Words and Actions" of the early Christians were "subject to none but the Civill Power"—an admittedly Erastian point—but also that their "Consciences were free" as such, i.e. free from *all* coercive power. That the state should not try to coerce persons into believing against their conscience was not a new discovery for Hobbes: he had been making the point as early as 1640 in the *Elements*.²⁹ What is new in *Leviathan* is citing freedom from (both

²⁷ L 47: 479.

²⁸ L 47: 479–80. Hobbes's second justification appealed to the hypocrisy of traditionalist persecution: "secondly, because it is unreasonable in them, who teach there is such danger in every little Errour, to require of a man endued with Reason of his own, to follow the Reason of any other man, or of the most voices of many other men." I take it to be obvious that Hobbes himself did not endorse the premise of this line of reasoning (that "there is such danger in every little Errour").

²⁹ EL 25.3: 142. Cf. 28.8: 176.

ecclesiastical and state) coercion over the conscience as a reason for endorsing Independency. Contemporary readers of *Leviathan* would have understood the significance of appealing to the conscience as a justification for Independency: by 1651, such appeals were strongly associated with partisans of either toleration or religious freedom even *beyond* the internal realm of thought.³⁰

Of course, there is nothing in principle inconsistent in recommending a policy of *toleration* from within an absolutist, Erastian framework: in early modern England, toleration developed as the policy of a state that maintains its “absolute prerogatives” over religion, but refrains from persecution for contingent and “subjective reasons” of its own choosing. This is precisely what distinguishes toleration from religious freedom; the latter, but not the former, implies an individual *right* (e.g. to follow one’s own conscience) that limits state authority.³¹ Thus the problem of consistency in Hobbes does not stem from his absolutism *per se*; it stems from his disagreement theory of war. The question is what attracted the author of this disagreement theory to a tolerationist policy that permits diversity of religious expression.

We must begin by noting that, to the extent that Hobbes did counsel enforcing uniformity in religion, he did so on grounds diametrically opposed to those motivating “traditional” Christian uniformists. The ideological basis for religious intolerance in early modern Europe was the traditional Christian theory of persecution of which Augustine was one of the founders. Although Augustine held that coercion could not directly induce belief, he argued that the fear of punishment could shock intransigent heretics into re-evaluating their damning mistake. Given the pedagogical function of fear, and the aim of helping heretics to win salvation, Augustine naturally ruled out putting heretics to death.³² By the twelfth century, however, heresy had come to be viewed as an abominable crime rightly punished by death. Thus for Thomas Aquinas, heresy was not just a threat to the heretic’s own salvation, but a contagious disease that must

³⁰ Thus my point is not that the *Leviathan* displays an “increased rhetorical deference to conscience” (Collins, *Allegiance of Thomas Hobbes*, 123–4), nor that it grants the conscience a newfound sanctity, but that it links an endorsement of Independency to the rhetoric of conscience and thereby highlights the tolerationist element of Independency as the motive for endorsement.

³¹ Jordan, *Development of Religious Toleration*, 1: 17. Toleration simply “presumes an authority which has been and which again may be become coercive; an authority which for subjective reasons is not brought to bear upon the dissenting group.” See also István Bejczy, “*Tolerantia*: A Medieval Concept,” *Journal of the History of Ideas* 58 (1997), 365–84; Jeffrey R. Collins, “Redeeming the Enlightenment,” *Journal of Modern History* 81 (2009), 607–36.

³² On Augustine and the Christian theory of persecution, see Zagorin, *Idea of Religious Toleration*, chap. 2; Lecler, *Histoire de la tolérance*, esp. 1: 85.

be annihilated for the sake of *others'* salvation.³³ The communal interest in persecution was further heightened for medieval and early modern Europeans by their view of the political community as a sacred *Corpus Christianum*. This medieval legacy underwrote a communalist view of salvation: taking communion with heretics was viewed as tantamount to sharing in their sin; indeed, for a political community merely to tolerate the unrepentant would be collectively to dishonour God and thus to jeopardize the entire community's salvation. The fear of collective divine punishment combined with the contagion view of heresy to transform the persecution of heresy into a vital act of collective self-defence.³⁴

The underlying assumption of traditionalists was that enforced uniformity and persecution are justified because of the manifest objective truth of one's own religious beliefs. There are religious truths known by nature or revealed or instituted by God, and a Christian sovereign has the duty to compel his subjects to abide by them—whether in doctrine, practice, or worship. The widely held view that there is only one permissible way to worship God, for example, was enshrined in the Westminster Assembly's 1646 Confession of Faith, which declares that “the acceptable way of Worshipping the true God, is instituted by himself, and so limited by his own revealed Will, that he may not be Worshipped according to . . . any other way not prescribed in the holy Scripture.” It is hardly a step from this to the conclusion that bearers of “erroneous Opinions or Practices . . . may lawfully be called to account, and proceeded against by the Censures of the Church, and by the Power of the civil Magistrate.”³⁵ As the Presbyterian divine Daniel Cawdrey put it during the Interregnum, “if *Christ* hath instituted any *way* of *Religion* and *worship*,” then “that alone must be *enforced* on all the members of the Church.”³⁶ The crucial point for traditionalists like Cawdrey is this: the sovereign must uniformly enforce the revealed will of God simply because it is God's will, and not for the “*prudential*” reasons of state espoused by “those *Erastian Politicians*” who seek nothing but civil peace. It is entirely “reasonable” that “*professed Christians* should be *compelled* to the *externall profession* of that *only way* of worship, which *Christ* hath instituted,” and “he that denyes this, seems to mee, to bee, if not *an Atheist*, a *Skeptick* in Religion.” To tolerationists who argued that to “*compell uniformitie*” in religion is merely to breed “*Hypocrisie, Formality, Atheism, and Anxietie* of conscience,” Cawdrey gave the Augustinian

³³ Lecler, *Histoire de la tolérance*, 2: 112–3.

³⁴ See Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA, 2007), 69–70.

³⁵ Westminster Assembly, *The Humble Advice of the Assembly of Divines, Now by Authority of Parliament sitting at Westminster, Concerning A Confession of Faith . . .* (London, 1646), 34–5.

³⁶ Daniel Cawdrey, *Independencie A Great Schism . . .* (London, 1657), 14–15.

response that while “by the *corruptions* of mens hearts” these “may” occur “in some,” yet “good and gracious *souls*, have been discovered, and *purified* by . . . that *compulsion*” and, indeed, have subsequently “*blessed* God for” it.³⁷

Cawdrey’s charge that “Erastian Politicians” are closet atheists or sceptics illuminates the intellectual gulf that separates him from Hobbes—despite their shared advocacy of uniformity in public worship. Whereas for traditionalists what impels a policy of compulsory uniformity is the known truth or divine will, Hobbes advocated enforced uniformity in part because, with minimal exceptions, there can be no known, convention-independent truth of the matter. Hobbes’s scepticism here made way for exactly the kind of Erastian or *politique* argument denounced by Cawdrey, which meant that while in principle Hobbes granted the sovereign the right to impose religious uniformity, depending on the balance of prudential reasons he was also willing—as traditionalists typically were not—to counsel a policy of religious toleration.³⁸

The notion that Christians must, for prudential reasons of state, tolerate (heretical) religious diversity amongst themselves had already become influential on the Continent in the early 1560s, as predominantly Roman Catholic France grappled with how to handle its by-then substantial Calvinist Huguenot population.³⁹ Particularly influential was the 1561 *Exhortation aux Princes*, whose anonymous author argued that “at the first sight of new opinions, one must cut all their stems, by fire, by sword, and by death: that is, when their number is still small,” but that when, as with the Huguenots, their number has grown to strength, to strive to destroy the part is to risk dealing a fatal blow to the whole. Under these unfortunate circumstances, prudence recommends tolerating not only the dissenting *conscience*, but also non-conforming *worship*, since to force human beings to act against their conscience is, eventually, to breed a band of impious hypocrites and atheists, who pose a much greater threat to civil order than dissenting but God-fearing Christians.⁴⁰ The *Exhortation* was one of the inaugural texts of the movement that, by 1568, would become known as the *politique* party, the influential group of moderate Catholics who, faced with the seemingly unwinnable wars of religion, concluded that if the policy of enforcing religious uniformity would ruin the commonwealth, then it ought to give way

³⁷ Ibid.

³⁸ See Ryan, “A More Tolerant Hobbes?”

³⁹ As Bejczy, “*Tolerantia*,” has noted, there existed a prior, medieval notion of toleration, which involved prudentially tolerating what was deemed a lesser evil, such as Jews or prostitution, to avoid a greater evil, such as forced conversion or sodomy. What is distinctive about the *politique* view is that it applied toleration to *heretics*, and that the greater evil to be avoided concerned reasons of state.

⁴⁰ Quoted in Lecler, *Histoire de la tolérance*, 2: 44–8.

to a policy of toleration in its stead.⁴¹ The most famous of the *politiques* was, of course, Hobbes's great absolutist predecessor, Jean Bodin, who in *Les six livres de la république* (first edition 1576) combined three basic claims about the state's relation to religion: first, he opposed the persecution of conscience, deeming inquisitorial tactics ineffectual if not counterproductive; second, he nevertheless called for the state directly to regulate religion, with religious uniformity the ideal; and third, under circumstances where uniformity is not feasible without jeopardizing the state, he called for a second-best policy of toleration, but with a stated preference for a proliferation of tolerated, although publicly surveilled, sects (in order to minimize the importance of any single sect).⁴²

That Hobbes firmly embraced the first two elements is clear. He repeated Theodoricus's dictum, cited by Bodin, to the effect that "Beleef, and Unbeleef never follow mens Commands,"⁴³ and explicitly attacked those who "extend the power of the Law, which is the Rule of Actions onely, to the very Thoughts, and Consciences of men, by Examination, and *Inquisition* of what they Hold, notwithstanding the Conformity of their Speech and Actions."⁴⁴ And when he wrote in 1668 that "Suppression of doctrine dos but unite and exasperate, that is, increase both the malice and power of them that have already beleevved them,"⁴⁵ he was simply echoing a prominent, anti-Augustinian theme popularized by the *politiques*. Yet Hobbes, no less than Bodin, emphasized the need for the state to propagate a shared public ideology, by seizing control of the key apparatuses of socialization and directly supervising the clergy's membership.⁴⁶

Hobbes's endorsement of Independency is in part a reflection of his embrace of the third element of Bodin's *politique* view. The spectacular failure of the Laudian program of enforced uniformity, and the civil wars fought in the ensuing decade, had effectively shattered any hope that the state could rely on, or impose, a genuine and deeply rooted religious consensus in England any time soon. Under these circumstances, the theorist concerned with political stability was liable to

⁴¹ See *ibid.*, 2: book 6; Quentin Skinner, *The Foundations of Modern Political Thought*, vol. 2 (Cambridge, 1978), 249–54.

⁴² Jean Bodin, *Les six Livres de la République de J. Bodin, Ensemble une Apologie de Rene Herpin* (Paris, 1583), 496–8, 652–5. On Bodin's general influence see J. H. M. Salmon, *The French Religious Wars in English Political Thought* (Oxford, 1959); George L. Mosse, "The Influence of Jean Bodin's *République* on English Political Thought," *Medievalia et Humanistica* 5 (1948), 73–83. On his influence on Hobbes see Deborah Baumgold, "When Hobbes Needed History," in G. A. J. Rogers and T. Sorell, eds., *Hobbes and History* (London, 2000), 93–120.

⁴³ *L* 42: 343; cf. 40: 323. Cf. Bodin, *Six Livres*, 655.

⁴⁴ *L* 46: 471.

⁴⁵ *B* 2: 188.

⁴⁶ In the very passage decrying the "Error" of inquisition, Hobbes specifically envisioned that the state's officers would examine clerical candidates. *L* 46: 471.

ask how it might be achieved *given* the ineliminable fact of religious pluralism. Part of the Bodinian answer would have been to effect some measure of toleration, and this for a proliferation of religious groups. This is what Independency stood for: some measure of toleration, and an ecclesiology that granted an array of congregations a degree of autonomy.

IV. UNIFORMITY: THE DIALECTICAL RELATION TO TOLERATION

Yet if Hobbes were attracted to toleration for purely instrumental, *politique* reasons, then it would be unclear why he should *also* continue in *Leviathan* to insist on the necessity of uniform public worship. After all, insofar as Hobbes advocated uniformity as instrumentally necessary for keeping the peace, he did so because he thought that publicly expressed disagreement provokes conflict. But if, under the circumstances, trying to enforce uniformity would simply exacerbate conflict, then toleration would indeed be a second-best policy, and the motivation for advocating uniform public worship would have dissipated. The fact is, however, that Hobbes did not champion uniform public worship simply on the prudential grounds that it is necessary for peace; he also attributed an intrinsic significance to it. This significance was not, to be sure, the traditionalist Christian one that there is an objectively correct way of worshipping God. It was, rather, that uniformity of expression is a constitutive and so intrinsic feature of (the construction of) unitary sovereignty. Hobbes assumed that a unitary public will necessarily express itself univocally, in worship no less than in other matters, which is why he asserted that by its very nature the particular “property” of “Publique Worship” is that it “be *Uniforme*: For those actions that are done differently, by different men, cannot be said to be a Publique Worship.”⁴⁷ Fully to understand Hobbes’s endorsement of Independency and its tolerationist

⁴⁷ L 31: 252–3. Jeremy Waldron has also pointed out that Hobbes offered, beyond an instrumental justification, a noninstrumental justification for uniform public worship. Jeremy Waldron, “Hobbes on Public Worship,” in M. S. Williams and J. Waldron, eds., *Toleration and its Limits: NOMOS XLVII* (New York, 2008), 31–53. Whereas Waldron characterizes the latter justification in terms of the duty of artificial persons to worship God, I argue that Hobbes was primarily concerned with the constitutive conditions of a unitary public will, i.e. with the intrinsic nature of sovereign power. It is true that a purely secular commonwealth, with no public worship at all, would not jeopardize the unity of sovereign expression, but Hobbes did not consider this a viable option: because religious motives are so powerful and often defeat political ones, and because religion “can never be so abolished out of humane nature,” to be recognized as the supreme authority the sovereign must also be recognized as the “Image,” “Representation,” and spokesperson of God. L 29: 227; 2: 19; 12: 83; 45: 448; 40: 324.

agenda, therefore, requires that we ask not just how it coheres with *Leviathan's* Erastianism, but also how it coheres with its insistence on the uniformity of public worship—which, in context, reiterated Hobbes's commitment to an established, national church.⁴⁸

A key ideological innovation serving the Independents' commitment to toleration was the new distinction that emerged in early modern Europe between public and private worship. After all, not all forms of heresy within the polity were as scandalous, or as prone to incite conflict, as others: the mere presence of heretics was one thing, the expression of heresy in public another. As Benjamin Kaplan has argued, an extraordinary number of incidents of religious violence in the period “were triggered by just three types of event: [religious] processions, holiday celebrations, and funerals.”⁴⁹ Such events triggered violence above all because they were public rituals: because they “brought together crowds for the express purpose of making assertive statements of group identity and belief”; because they took place “in spaces designated as stages for social interaction” and hence “were hard for nonparticipants to avoid or ignore”; and, finally, because early modern Europeans viewed public rituals as enacting “the will not just of individual participants but of the entire community in whose space they occurred.”⁵⁰ The *power of representation* that early modern Europeans ascribed to public religious expression—the power to speak in the name of the community as a whole—was a manifestation of the medieval communalist inheritance, which fused the civic and sacred communities into a single *Corpus Christianum*, and judged the public expression of heresy to jeopardize the entire community's salvation. Against this background, English Independents and separatists alike deployed the distinction between public and private worship to carve out a protected space for religious non-conformists. By expanding the scope of the private beyond the conscience to include a domain of outward expression, even heretical practices could find expression—and be safely tolerated—outside the public sphere.

⁴⁸ The challenge is outlined in Johann Sommerville, “*Leviathan* and Its Anglican Context,” in P. Springborg, ed., *The Cambridge Companion to Hobbes's Leviathan* (Cambridge, 2007), 358–74. See also Sommerville, “Hobbes and Independency,” which mistakenly (as I will show) takes Hobbes's defence of uniform public worship to provide evidence against any real sympathy for Independency. The other evidence Sommerville cites is that the Independents defended, politically, a right of resistance and, religiously, a duty to act on one's private conscience. At best these points explain the ambivalence of Hobbes's endorsement, not its absence (which, after all, is explicit); Sommerville's latter point also partly relies on conflating the Magisterial and separatist strands of Independency. For a fuller reply see Collins, *Allegiance of Thomas Hobbes*, esp. 130–31.

⁴⁹ Kaplan, *Divided by Faith*, 78.

⁵⁰ *Ibid.*, 96–7.

It may initially seem highly unlikely that Hobbes would deploy such a distinction in this way. After all, Hobbes was the author of a disagreement theory of war, and when he did explicitly delimit the potential scope of legal coercion, he drew the line at the inner conscience, not its outward expression: although the law cannot extend its reach to “the very Thoughts, and Consciences of men,” it is perfectly feasible, and within the rights of the sovereign, to extend it to the external “Speech and Actions” of subjects.⁵¹ In fact, in *De Cive*, Hobbes straightforwardly made the point that subjects must and do “transferre their Right of judging the manner of Gods worship on him or them who have the Sovereign power.”⁵² One reason for this is instrumental, since uniformity of religious expression would help prevent social conflict; a second reason concerns the intrinsic nature of sovereignty. But another reason, he argued in his Latin treatise, has to do with the intrinsic nature of worship as such: divine worship of *any* kind is impossible, he claimed, even in principle, unless its devotional vocabulary be shared with others.⁵³

Yet the fact is that Hobbes was one of the earliest English theorists of the new distinction between, as he put it, “a *Publique*, and a *Private* Worship.” He drew the distinction first in *De Cive*, in 1642, and then again nine years later in *Leviathan*.⁵⁴ Before making the general claim that subjects must defer to the sovereign on the manner of God’s worship, he had, in an earlier passage in *De Cive*, made the more restricted claim that natural reason “commands an *uniformity of publique worship*.” Here his reasoning was the one we have already noted in *Leviathan*: uniformity of public worship is an intrinsic feature of unitary sovereignty, the necessary expression of a single public will.⁵⁵ And in *Leviathan*, he dropped *De Cive*’s more general assertion that (intrinsically) all worship in the commonwealth must be uniform, to retain only the claim that *public* worship must be uniform—which suggests some room for tolerating diversity in *private* worship. (The more expansive conclusion that Hobbes drew in *De Cive*, and dropped in *Leviathan*, was, of course, based on an invalid argument: from the premise that worship requires sharing a vocabulary with others, it does not follow that it requires sharing the same vocabulary with *everyone* within the commonwealth.) It is true that in *Leviathan* Hobbes immediately followed his claim that public worship must be uniform with the conclusion that, “therefore, where many sorts of Worship be allowed, proceeding from the different Religions of Private men, it cannot be said there is any Publique Worship, nor that the

⁵¹ L 46: 471.

⁵² DCv 15.17: 196. Cf. EL 11.12: 70.

⁵³ DCv 15.17: 196.

⁵⁴ L 31: 249, 252–3; DCv 15.12: 189–90, 15.15: 194, 15.17: 195–6.

⁵⁵ DCv 15.15: 194.

Commonwealth is of any Religion at all.”⁵⁶ But it would be a misreading to take the latter sentence to speak against the toleration of diversity in *private* worship. The context makes it clear that Hobbes was here discussing *public* worship, and his “therefore” indicates that he was simply reiterating the previous sentence’s point: that “where many sorts of Worship be allowed” as *public worship*, it is no public worship at all.

It may be tempting to reconcile the general claim in *De Cive* and the more restricted one retained in *Leviathan* by minimizing the gap between them. Especially in light of his disagreement theory of war, and the line that he drew between the conscience, on the one hand, and speech and action, on the other, it might be thought that by private worship Hobbes simply meant an entirely *secret* form of worship: either the *internal* praise and magnification of God expressed in one’s heart and conscience, without outwards expression in speech or actions, or, at the very most, outwards but *solitary* expression hidden from any other person’s sight and hearing. After all, if it were wholly concealed from others, then even non-conforming worship could be rendered politically innocuous, and might be tolerated in the same way in which Hobbes argued that private thoughts ought to be (i.e. not coercively persecuted, but still a candidate for persuasive reform). Furthermore, this equation of private with secret worship would have been perfectly comprehensible in the seventeenth century, as illustrated by the Puritan clergyman Nicholas Byfield, who, keen to admonish his readers not to neglect “private worship,” encouraged them to engage in “secret communion with God.”⁵⁷ Indeed, Hobbes himself, having already distinguished public from private worship, went on in both *De Cive* and *Leviathan* to contrast public to secret worship: the seventh “generall Precept of Reason” concerning divine worship, he wrote in 1651, “directeth not onely to worship God in Secret; but also, and especially, in Publique, and in the sight of men.”⁵⁸ The equation of private with secret worship was in fact so intuitive for seventeenth-century English-speakers that when Hobbes laid out this seventh general precept of reason in *De Cive* (“*Deum non solum secreto, sed palam et publice in conspectu hominum coli oportere*”), his contemporary translator had no qualms in using “privately” to render Hobbes’s *secreto* (“*God must be worshipt not privately onely, but openly, and publicquely in the sight of all men.*”)⁵⁹

The temptation to minimize the scope of private worship in Hobbes, however, stems from a failure to appreciate the *positive* role that the public/private

⁵⁶ L 31: 252–3.

⁵⁷ Nicholas Byfield, *A Commentary upon the Three First Chapters of the First Epistle Generall of St. Peter* (London, 1637), 212.

⁵⁸ L 31: 251–2.

⁵⁹ *DCv* 15.15: 194, original italics.

distinction played in Hobbes's political thought. This positive role derives from a crucial feature of the tolerationist context: by drawing on the new distinction between public and private worship, early modern practices of tolerance paradoxically enabled the state, under circumstances of ineliminable religious pluralism, to *protect* the religious uniformity of public life. They did this by expanding the scope of the private realm beyond the conscience, to include a domain of outward expression, and by tolerating non-conforming religious expression relegated to this expanded "private" sphere. The constriction of the public realm ironically served to protect the traditional identification of the civic and sacred communities, which, given the prevailing, communalist view of salvation, was an indispensable political tool for preventing religious conflict. Hobbes's endorsement of Independency was therefore not just an *absolutist*, Erastian tactic to solidify the state's control over church government; nor was it merely a *politique* concession to secure the *peace*; it was also a tolerationist tactic to ensure the *uniformity* of public worship, as a necessary constituent of unitary sovereign power.

The tolerationist strategy that simultaneously protected public religious uniformity is illustrated, in the early modern period, by the widespread practice of *Auslauf* (literally "walking out"), in which religious dissenters were permitted to worship, preach, and otherwise practise their religion openly *outside* the symbolic boundaries of the community. *Auslauf* typically functioned by allowing non-conformists to travel to and worship in a nearby jurisdiction whose faith they shared, or by allowing non-conforming worship outside city walls.⁶⁰ The former practice was formalized, for example, in German territories by the Peace of Westphalia in 1648. The latter is illustrated by the French royal edict of 17 January 1562—the Kingdom's first legal grant of toleration to Protestants—which, although it continued to ban Huguenot assemblies inside cities, "whether in public or in private, day or night," nonetheless permitted "Assemblies that shall be held in daylight outside of said Cities, to carry out their Preaching, Prayers, & other exercises of their Religion."⁶¹ The public/private distinction was put to exactly the same use. The 6 March ministerial instructions that accompanied the 1562 edict illustrate the point: the instructions clarified that, despite the ostensible ban on private assemblies, "the domestic Prayers of each family within the Cities, are not prohibited" by the edict.⁶²

The boundaries of privacy and secrecy, moreover, were the object of vigorous contestation and subject to considerable fluctuation in the early modern period. Even the category of "secret" private worship was confined neither to internal nor

⁶⁰ Kaplan, *Divided by Faith*, 161–71.

⁶¹ Denis-François Secousse, *Mémoires de Condé . . .*, vol. 3 (London, 1743), 8–11.

⁶² *Ibid.*, 94.

to solitary worship. The other, more expansive contemporary meaning of “secret” worship is well illustrated by the writings of the immensely popular Puritan casuist William Perkins, whose works were widely read for their practical advice on Christian living. In his consideration of how to worship God with the requisite “holy comeliness & decencie,” Perkins expressed concern that “private worship” performed in front of others—that is, “with publike circumstances”—might too easily deteriorate into a sinful spectacle carried out to win the “approbation” of others rather than of God, and to feed the heart’s “ambition, pride, & hypocrisie.” He thus advised his readers that “the private worship of God must be performed privately unto God, & concealed from men”; indeed, even prior to coming “to Gods publike worship,” we must “prepare our selves at home privately in our chamber or closet,” rather than “reserve our private preparations” for when “we come to the publike congregation.” Yet Perkins did not equate this “concealed” worship with *solitary* worship. His background assumption was that the wall of secrecy was erected not around the individual, but around the *family* or household: “Christian families must order their private exercises of religion . . . so privately for voice & gesture, that they may conceale the same from others, beside their familie present.”⁶³ The public/private contrast here amounts to a contrast between the visible assembly of a congregation in its church building and the hidden gathering of a family in its home. This sense of private worship, as a secret *shared* within the household, was indeed so prevalent in the period that the minister William Struther felt compelled, in his 1628 *Scotlands Warning*, to remind his readers of the other, more solitary sense of the term: by “private worship,” he pleaded,

is not onlie to be understood, when the whole Family meeteth together in their Hall, or other convenient roome, but beside that, when the Master of the house having discharged that duety with his Family, goeth a part to some retere corner of the house, & there is yet more free in his devotion than hee can bee in the sight of his Familie: And so other of the house . . .⁶⁴

Seventeenth-century British advice books on Christian family life fed into the forms of so-called “voluntary religion” widely practised by pious Puritan households, who supplemented their public religious observances with daily rounds of catechizing, prayer, and psalm-singing, as well as meetings to go over or repeat the main points of public sermons, to prepare for the weekly

⁶³ William Perkins, *A Godly and Learned Exposition of Christs Sermon in the Mount* (Cambridge, 1608), 338–9. On Perkins’s works and popularity see Louis B. Wright, “William Perkins: Elizabethan Apostle of ‘Practical Divinity,’” *Huntington Library Quarterly* 3 (1940), 171–96.

⁶⁴ William Struther, *Scotlands Warning, Or a Treatise of Fasting* (Edinburgh, 1628), 73.

Sabbath or monthly Communion, and to read and study scripture. Thus, in the hands of divines like Perkins, the assumption that the boundaries of privacy qua secrecy lay around the home served to emphasize the (private) *duties* of members of the devout Christian family.⁶⁵ But in the hands of tolerationists, this more expansive notion of privacy served as an ideological tool for carving out a protected sphere for *freedom* of worship. It is true that Hobbes defended freedom of *conscience* (since the law cannot rightly extend “to the very Thoughts, and Consciences of men”), and not freedom of worship (which concerns instead their outward “Speech and Actions”).⁶⁶ But in the context of early modern negotiations over toleration, even the scope of the “conscience” was subject to much the same expansionary pressures as the boundaries of privacy. The Dutch Republic provides a good illustration. Article 13 of the Union of Utrecht (1579) granted all Netherlanders freedom of conscience, which the republic’s defining legal documents distinguished from freedom of worship. Strictly speaking, this meant only that individuals could not be subjected to an inquisition into their beliefs or required to attend the Calvinist services of the officially recognized Dutch Reformed Church. In practice, however, the line between worship and conscience was recast in terms of the new distinction between public and private worship, redrawn not around the mind but around the family home.⁶⁷ As the States General put it a half-century later, in a 1644 letter, Dutch toleration implied that “for the sake of conscience every inhabitant could remain unmolested in his private home and family.”⁶⁸

There is considerable reason, moreover, to resist assimilating Hobbes’s use of “private worship” to either internal or solitary worship, and thereby to explain away his use of the public/private distinction. First, it is clear that since, for Hobbes, worship by definition involves outward expression, private worship could not be secret in the internal sense of confined to one’s heart and conscience. That is the point of his contrast between “Honour,” which “consisteth in the

⁶⁵ On “voluntary religion” see Patrick Collinson, *The Religion of the Protestants* (Oxford, 1982). On the forms in which devout Puritan families discharged their private religious duties see also Collinson, “The English Conventicle,” in W. J. Sheils and D. Wood, eds., *Voluntary Religion* (Oxford, 1986), 223–59.

⁶⁶ *L* 46: 471.

⁶⁷ Kaplan, *Divided by Faith*, 177–8.

⁶⁸ Quoted in *ibid.*, 179. In *Leviathan*, Hobbes himself suggested that the “conscience,” in its proper, etymological sense, implies that one’s thoughts are shared with another, and only secondarily came to connote one’s “secret thoughts.” *L* 7: 48. On this see Johan Tralau, “Hobbes contra Liberty of Conscience,” *Political Theory* 39 (2011), 58–84. In part because he conflates the coercive and persuasive means of shaping subjects’ opinions (at 63), Tralau erroneously takes this passage to imply the elimination of *any* scope for tolerating the individual’s conscience.

inward thought, and opinion of the Power, and Goodnesse of another,” and “*Worship*,” which is the outward expression of honour; that is, “the external signes appearing in the Words, and Actions of men.”⁶⁹ Indeed, his translator notwithstanding, Hobbes flatly ruled out reducing private to secret worship when he enumerated two types of private worship: the first is “secret,” but the second is carried out “in the sight of the multitude.”⁷⁰ Nor is it even possible to equate worship of the first, secret type with *solitary* worship, since to worship is to communicate a sign of one’s inward thought, and the communication of a sign presupposes both a sender and a receiver. Without “beholders” who take certain “words, or actions” to be signs of honour, “they are no *Worship*; because no signes of Honour; and no signes of Honour; because a signe is not a signe to him that giveth it, but to him to whom it is made; that is, to the spectator.”⁷¹ Private worship is not solitary worship because solitary worship is no worship at all: it is stillborn honour. And once internal and solitary worship are ruled out, the most constricted remaining possibility is domestic worship. In other words, the first kind of private worship—secret worship—is carried out in “secret” within the privacy of the family home, where one’s words and actions serve as signs to members of the family or household, with whom one shares a common devotional vocabulary.

Even the boundaries of secret, “domestic” worship were not necessarily restricted to members of the same family. As Patrick Collinson has argued, given “the size and fluidity of larger households,” there was considerable ambiguity as to whether the exercises of voluntary religion common to pious Puritan households “were confined to one family, or whether they were, in the eyes of the law, a kind of conventicle, drawn from several families.”⁷² The potential difference between a family and a household caused considerable consternation for the Church of England hierarchy, as illustrated by the “Articles” that Archbishop Whitgift published in 1583, which proclaimed “all preaching, reading, catechisme, and other such exercises in private places and families, whereunto others do resorte, being not of the same family” to be “a manifest sign of schism”—a view shared, of course, by Archbishop Laud in Hobbes’s time.⁷³ But even prior to the civil wars, it was not entirely clear that even “conventicles” were always illegal. While there was certainly no right of assembly under English law, the scope of unlawful assembly

⁶⁹ L 31: 248.

⁷⁰ L 31: 249. *De Cive* draws the same distinction between two types of private worship, the first carried out “secreto,” the second “palam.” *DCv* 15.12: 190.

⁷¹ L 31: 249.

⁷² Collinson, *Religion of the Protestants*, 265–6.

⁷³ Edward Cardwell, *Documentary Annals of the Reformed Church of England* (Oxford, 1839), 413. On Laud see Collinson, “The English Conventicle,” 223–4.

was rather narrowly defined: a conventicle was unlawful only if motives or actions conducive to conspiracy or riot were (deemed) present. The essential criterion of illegality was subversive intent; the number and relationship of persons present were relevant only as a sign of such intent. It is true that voluntary gatherings in homes during this period were sometimes associated with the subversive and, indeed, separatist strands of Puritanism. But to the extent that a principal activity remained the *repetition* of public sermons—i.e. prior to the shift in some quarters to spontaneous expressions of individual “inspiration”—such forms of voluntary religion carried no separatist implications. By complementing and reinforcing (rather than replacing) official practices, they paradoxically shored up the legitimacy of the national church for mainstream, non-separatist Puritans—providing added incentive for champions of uniform public worship to tolerate some non-conforming worship within private homes.⁷⁴

V. TWO DIMENSIONS OF PRIVACY: OPEN BUT NOT REPRESENTATIVE

The fact that Hobbes also referred to private worship “in the sight of the multitude” demonstrates that for him the boundaries of privacy did not even come to rest just outside the home. The question is what Hobbes could have meant by this second, more visible kind of private worship. The answer lies in an equivocation over two different dimensions that the public/private distinction might track. So far we have been exploring how the distinction was used to mark a boundary between different levels of concealment from, and openness to, observers. Thus the distinction was used to track *visibility*: public is more visible or open; private is more secret or concealed. But the distinction was also used to track communal *representativeness*: public is what is official or authoritative, what represents the will or speaks in the name of the wider political community (and, where it has quasi-political status, the religious community); private is what represents the will only of an individual part of the community.

The semantic fluctuation between these two dimensions appears, for example, in the very passages we have seen from Perkins. Consider his statement that “when *private* worship is performed with *publike* circumstances, there are many occasions given to ambition, pride, & hypocrisie; but being done *privately*, these occasions are prevented” (my italics). The possibility that private worship might be performed publicly indicates that there are two different dimensions at stake. The adjective and adverb in “publike circumstances” and “done privately” track the worship’s degree of openness, but the adjective in “private worship” does

⁷⁴ Collinson, *Religion of the Protestants*; Collinson, “The English Conventicle.”

not. Similarly, when Perkins wrote that “the private worship of God must be performed privately unto God, & concealed from men,” he was not urging upon his readers an empty tautology (to ensure that their secret worship be performed secretly). He was, rather, urging them to perform the voluntary prayer that they initiate themselves, in their own name, secretly. Perkins’s corresponding admonition that “publike prayer must be made of a publike person, in a publike place,” makes the link to authoritative representation clear: a “publike person” is not (merely) a visible person but, rather, one who speaks authoritatively in the name of the established church; and “publike prayer” is the prayer performed in the name of that church.⁷⁵

A vivid illustration of using the public/private distinction to track the representative power of worship comes to us from John Donne. After his conversion to Anglicanism, the celebrated poet penned a vigorous polemic against his old faith in 1610, and his language sheds considerable light on what Hobbes might have meant by private worship “in the sight of the multitude.” The relevant passage in *Pseudo-martyr* circles around the worry, within the Catholic Church, that the supposed martyrs whom the people worship as saints are sometimes damned souls instead. Donne began by observing that the Church had sought to prevent this “disease” by permitting the public worship only of officially canonized saints. Yet the poet found this remedy wanting: even if “none but those, which are so Canonized, may be publicly Honoured as Saints, yet that disease . . . is not cured hereby.” For according to the Catholic apologist Cardinal Bellarmine, since “*the Pope forbiddes publique worshippe*,” he “*therefore, a Contrario, permits private*.” And by private worship, Bellarmine meant not secret or concealed worship, but *unofficial* worship:

Nor is this *private* worship so private in *Bellarmines* account, that it may not bee exhibited before others; but onely so private as it may not be done, *In the name of the Church, and as though it were instituted by the Church*. So that whole Multitudes, and Congregations may erre still.

The implication for tolerating diseased modes of worship is obvious: “If then, that worshippe which . . . [the Pope] forbiddes to be *publicly* exhibited, may *privately* be given, and this *privatenesse* exclude not whole Congregations, then whole Congregations may lawfully worshippe as a *Saint*, a man slaine in drunkenesse.”⁷⁶

⁷⁵ Perkins, *Godly and Learned Exposition*, 338–9.

⁷⁶ John Donne, *Pseudo-martyr* . . . (London, 1610), 197–9. Donne’s analysis was repeated by Thomas Jackson, *A Treatise Containing the Originall of Unbeliefe, Misbeliefe, or Misperwasions concerning the Veritie, Unitie, and Attributes of the Deitie* (London, 1625), 365.

What was so revolutionary about this distinction, between private worship in the sense of secret worship versus unofficial worship, was the role that it played in breaking communalism's persecuting grip on spaces of open social interaction. The communalist legacy fused the two dimensions of publicity together: open religious expression in visible spaces of social interaction was taken, by virtue of its very openness, to imply the approbation of the community as a whole, and hence to be a purported expression of the communal will. This is why tolerating heretical practices in the open was thought to be so dangerous to the community's spiritual welfare; it is also why defenders of toleration had to break apart the two dimensions, and insist that toleration did not imply approbation. The novelty of religious toleration in the early modern period thus did not simply depend on the emergence of a distinction between public and private worship; what was truly novel was the way in which the distinction was used to encode worship as public in the one sense, i.e. as open or "in the sight of the multitude," while simultaneously private in the other sense, i.e. not representative of the politico-religious community. This was the force of emphasizing the voluntary character of religious congregations. As Donne implied, if the public/private distinction tracks what is and what is not in the name of the community, then even worship by "whole Multitudes, and Congregations"—and not just a family or household—could be deemed private despite being open. This is in fact how Hobbes explicitly defined the difference between public and private worship: in terms not of visibility, but of communal representativeness: "Publique, is the Worship that a Common-wealth performeth, as one Person," as a corporate body, while "Private, is that which a Private person exhibiteth," in his or her own name only.⁷⁷

The Dutch case serves vividly to illustrate how the boundary between public and private worship did not necessarily come to a rest just outside one's own home. *Schuilkerken* were supposedly clandestine churches in which non-Calvinists gathered to worship in numbers (sometimes considerably) larger than was feasible in private homes. These *schuilkerken* were legally and physically "invisible": they did not exist as legal entities; architecturally, their inconspicuous exteriors had none of symbolic markers of a church (such as crosses, bells, icons, or towers); and they were often tucked away on minor streets and in residential areas. But insofar as their existence was frequently known to the authorities and to other citizens, their "invisibility" was a fictional pretence. If they were tolerated in practice, it is because their supposed invisibility allowed the heretical forms of worship to exist without encroaching upon the symbolic boundaries of the communal, public sphere. Similar arrangements were found elsewhere in Europe

⁷⁷ L 31: 249.

as well. Under Charles I, England witnessed several variants on the *schuilkerk*, where non-conformists would gather for worship: manorial chapels, which were technically illegal but often tolerated chapels established in the manor houses of recusant Roman Catholic gentry and peers; the private chapels of Queen Henrietta Maria, the King's Catholic wife; and the embassy chapels of European ambassadors, which, despite being officially permitted only for foreigners, often served as places of worship for English Catholics as well. All of these practices—just like the Puritan forms of domestic, voluntary religion—were contested, of course, and the negotiations between the state, the orthodox, and dissenters over the precise boundaries of the public sphere sometimes turned violent.⁷⁸ To the extent that these negotiations did secure some modicum of tolerance, in the context of a communalist world view their success rested on carving out a protected private sphere. They worked by not only expanding the scope of privacy along the visibility dimension, but also by exploiting the cracks emerging between the two dimensions of privacy. Larger, more open forms of non-conforming worship often initially emerged cloaked in a fiction of invisibility, but in some cases the discrepancy between fictional invisibility and actual visibility became so great that the privacy of the worship finally came to be seen as unequivocally grounded in its nonrepresentative rather than invisible character.

Hobbes had already opened up the theoretical space for this kind of toleration in chapter 22 of *Leviathan*, where he distinguished between two kinds of association or “Systemes” subordinate to the sovereign power: “*Politicall*” and “*Private*.” Political systems are “*Publique*” systems, and this in the relevant sense: they “are those, which are made by authority from the Sovereign Power of the Common-wealth.” Private systems, by contrast, “are those, which are constituted by Subjects amongst themselves, or by authoritie from a stranger.” Some private systems are “*Unlawfull*,” to be sure, but when “allowed by the Common-wealth,” even though not directly authorized by it, they are “*Lawfull*.” Thus “*Regular*” and lawful “*Private Bodies*” are “those that are constituted without Letters, or other written Authority, saving the Lawes common to all other Subjects.” What Hobbes meant by “*Regular*” systems “are those, where one Man, or Assembly of men, is constituted Representative of the whole number,” while “*Irregular Systemes*, are those which having no Representative, consist only in concourse of People,” such as a “conflux of People to markets, or shews.”⁷⁹ On this account, it is not the size or visibility of the “system” that determines whether it is public or private but, rather, its relation to the state. Thus the congregation of an established national church would clearly be a regular, lawful, and “political” or public body. The question is

⁷⁸ Kaplan, *Divided by Faith*, chap. 7.

⁷⁹ *L* 22: 155, 162, 155.

whether there could also be lawful *private* religious gatherings or congregations—whether irregular or regular—with their own tolerated, private worship not conforming to the established, public liturgy. The answer in *Leviathan* appears to be yes.

We should begin by noting that the family served as Hobbes's paradigmatic example of a regular, lawful, and yet private body.⁸⁰ The worship conducted by a family in its home is private, not just in the sense that it is hidden, but also in the representative sense of not being directly authorized by, or in the name of, the commonwealth. Insofar as worship in the home, by the person of the family, is private, it sidesteps Hobbes's injunction that public worship "be *Uniforme*." And as Donne had already made perfectly clear, once privacy is understood in this representative way, it becomes possible to stretch the boundaries of private worship well beyond the individual, and lay it not even between the family or household and congregation, but between private and public gatherings or congregations. As we have seen, Hobbes was rather forthright that his account of private worship included worship "in the sight of the multitude," what Donne had sarcastically called "this large and open *private*," inclusive of "whole Multitudes, and Congregations."⁸¹ Moreover, Hobbes explicitly conceded that a private, irregular "Concourse of people," gathered together "as the usuall meeting of men at Church," could be lawful, as long as "the occasion" for their gathering be "manifest" and it be "in usuall numbers"—"for if the numbers be extraordinarily great, the occasion is not evident."⁸² At the very least, this allows for the small, private, and irregular "conventicles" popular amongst pious Puritans, and this even when not held in a private home. But it also seems that the same legal status could apply to "Regular," organized, and yet private congregations with clerical representatives—as long as such associations do not become "Factions for Government of Religion," i.e. subversive factions seeking to overthrow the established, public ecclesiastical regime.⁸³

⁸⁰ L 22: 162–3.

⁸¹ Donne, *Pseudo-martyr*, 198–9.

⁸² L 22: 164–5. Hobbes was explicit that this concourse of "men at Church" is an "Irregular," potentially "lawfull" assemblage; that it is also *private* is clear from the passage's location in paragraph 33 of chap. 22: paragraphs 5–25 are devoted to public systems, paragraphs 26–34 to private ones.

⁸³ L 22: 164. This, along with L 18: 127, is one of two places where the manuscript version, which Hobbes presented to Charles II, contains references, deleted from the published *Leviathan*, critical of the Independents. Both are consistent with Hobbes's ambivalent endorsement of Independency: Hobbes was critical of anyone (including the Independents, regardless of any sympathy for their ecclesiastical views) who would undermine the established sovereign. Indeed, Hobbes would have been obliged by his "doctrine of doctrines" publicly to avoid criticizing the king's ecclesiastical policies as long he remained in power. But once

It is true that Hobbes's concern over positively subversive modes of religious expression restricted the kinds of open, private worship he was willing to have tolerated; especially dangerous, in his view, were the spontaneous, "inspired" modes of worship common amongst Puritans of a separatist inclination. In the *Elements of Law*, he had specifically castigated "extempore" worship as a "manifest" sign of "contempt" towards God.⁸⁴ And although in *De Cive* and *Leviathan* he did not explicitly condemn extempore worship, he nevertheless sought to define its open expression out of existence: in the very passages that distinguish between secret and open private worship, his overt purpose was to assert that by its nature "spontaneous" or "Free" private worship is necessarily carried out "secreto" or "in secret," but that when conducted "palam" or "in the sight of the multitude," it "vel legibus vel verecundia coercitum est"; that is, it "is never without some Restraint, either from the Lawes, or from the Opinion of men."⁸⁵ Diverse modes of open, private worship may be tolerated in the Hobbesian commonwealth, but only when tightly regulated by state laws. Inspired prophets be forewarned.

Yet with these limitations duly noted, the upshot of Hobbes's theory of public and private worship is this: if the boundary of "secret" worship is the home, then the boundary of private worship "in the sight of the multitude" could in principle be an entire congregation. With the public/private distinction in hand, it becomes possible for the state to tolerate this kind of nonsubversive yet non-conforming worship, even when organized by a "Regular" body, without jeopardizing the uniformity of public worship.

This is precisely what the Independents' Congregationalist ecclesiology made possible. Magisterial Independents of the period were as a matter of fact willing to combine toleration and Congregationalist ecclesiology with state-sanctioned, uniform public worship. The version of the *Agreement of the People* that emerged from the New Model Army's 1648 Whitehall debates, and with which the Army Council petitioned Parliament in 1649, illustrates the point.⁸⁶ The *Agreement's* defence of toleration—which explicitly excluded "Popery" and "Prelacy"—operated against the background supposition of an established

he had been executed, Hobbes was free to support his favoured ecclesiastical arrangement (especially if its partisans were consolidating their grip on political power).

⁸⁴ *EL* 11.12: 70.

⁸⁵ *DCV* 15.12: 190; *L* 31: 249, quoting *De Cive* in Latin and *Leviathan* in English.

⁸⁶ Numerous versions of the petition were printed from 1647 to 1649. The original 1647 draft began as the constitutional manifesto of the Levellers; a revised version was mooted during the Whitehall debates by the Leveller leader John Lilburne. I quote from Article 9 of a late single-sheet print from 1649. Anonymous, *An Agreement of the People of England, And the places therewith Incorporated, For a secure and present Peace, upon Grounds of Common Right, Freedom and Safety* (London, 1649).

“publike Profession” of the reformed “Christian Religion” whose clergy would be provided for by the “publick Treasury.” While insisting that any persons

such as professe Faith in God by Jesus Christ, (however differing in judgement from the Doctrine, Worship or Discipline publickly held forth, as aforesaid) shall not be restrained from, but shall be protected in, the profession of their Faith, and exercise of Religion according to their Consciences, in any place[.]

the *Agreement* immediately imposed a significant qualification: in any place “except such as shall be set apart for the publick Worship.” To be sure, separatists were staunchly opposed to any such establishment clause, but the combination of (limited) toleration of non-conforming worship in private, voluntary congregations, on the one hand, and the uniform “publick Worship” of the established national church, on the other, was the typical ecclesiastical arrangement envisioned by Magisterial Independents of the period. This includes, for example, the Westminster Independents who authored *An Apologeticall Narration*, and Du Moulin, the Erastian cleric who in 1648 asserted that the “independency of private churches” from ecclesiastical hierarchy is entirely compatible both with “their dependency on the magistrate” and with “the magistrates power, in ordering, settling and commanding the publick Divine worship of the Nation.”⁸⁷ While Congregationalism might even be incorporated into the official ecclesiastical structure of the national church, the distinctive professions and modes of worship of independent congregations would themselves remain decisively private.

VI. CONCLUSION

I have argued that a major ideological development in the early modern period, to which Hobbes helped give theoretical articulation in his account of religion, was to pry apart the *visibility* from the *representative* dimension of publicity. This development sheds considerable light on a major question of contemporary Hobbes scholarship: how Hobbes’s religious thought relates to his more strictly political thought. A traditional worry about Hobbes’s political philosophy is that it fails to recognize a properly *social* realm between the individual and the state. But it was precisely the distinction between visibility and representativeness that enabled Hobbes, in his *Leviathan*, to recognize such a realm. For the distinction spoke to one of Hobbes’s primary worries: the conflation of actions carried out

⁸⁷ Du Moulin, *Of the Right of Churches*, 223–4, 252. See also John Owen, *A Sermon Preached to the Honourable House of Commons, in Parliament Assembled: With a Discourse about Toleration, And the Duty of the Civill Magistrate about Religion, thereunto Annexed* (London, 1649), 78–9.

by a multitude of private individuals with those carried out in the name of the “people.” Hobbes insisted that only the sovereign (and his authorized officers) could properly speak in the name of the “people”; were private individuals or “systems” to usurp the sovereign’s public role as the people’s authorized representative, the commonwealth would face mortal danger. The distinction between visibility and representativeness helped to avoid exactly this danger in religion: it enabled thinkers like Hobbes to envision the possibility of tolerating diverse modes of private worship conducted out in the open, *in public*, even by nominal members of the national church, without it thereby *becoming* public, in the name of the people. It is no surprise that this development in Hobbes’s religious thought was accompanied, in his political philosophy, by a new doctrine of representation and authorization in the *Leviathan*.⁸⁸

⁸⁸ See Quentin Skinner, “Hobbes on Representation,” *European Journal of Philosophy* 13 (2005), 155–84.