



IDEAS IN CONTEXT



# Utilitarianism in the Age of Enlightenment

The Moral and Political Thought  
of William Paley

NIALL O'FLAHERTY



## UTILITARIANISM IN THE AGE OF ENLIGHTENMENT

This is the first book-length study of one of the most influential traditions in eighteenth-century Anglophone moral and political thought, 'theological utilitarianism'. Niall O'Flaherty charts its development from its formulation by Anglican disciples of Locke in the 1730s to its culmination in William Paley's work. Few works of moral and political thought had such a profound impact on political discourse as Paley's *Principles of Moral and Political Philosophy* (1785). His arguments were at the forefront of debates about the constitution, the judicial system, slavery and poverty. By placing Paley's moral thought in the context of theological debate, this book establishes his genuine commitment to a worldly theology and to a programme of human advancement. It thus raises serious doubts about histories which treat the Enlightenment as an entirely secular enterprise, as well as those which see English thought as being markedly out of step with wider European intellectual developments.

NIALL O'FLAHERTY is a Lecturer in the History of European Political Thought at King's College London. His research focuses on eighteenth- and nineteenth-century moral, political and religious thought in Britain. He has published articles on William Paley and Thomas Robert Malthus, and is currently writing a book entitled *Malthus and the Discovery of Poverty*.

## IDEAS IN CONTEXT

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*The Moral and Political Thought of William Paley*

NIALL O'FLAHERTY

*King's College London*



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## Introduction

My previous education had been, in a great measure, a course of Benthamism. The Benthamic standard of ‘the greatest happiness’ was that which I had always been taught to apply; I was even familiar with an abstract discussion of it contained in a manuscript dialogue on government, written by my father on the Platonic model. Yet in the first few pages of Bentham it burst on me with all the force of novelty. What thus impressed me was the chapter in which Bentham examined the common modes of reasoning on morals and legislation, deduced from phrases like ‘law of nature’, ‘right reason’, ‘the moral sense’, ‘natural rectitude’, and the like, and characterized them as dogmatism in disguise, imposing its own sentiments upon other people by the aid of sounding phrases which convey no reason for the sentiment but set up the sentiment as its own reason. This struck me at once as true. The feeling rushed upon me that all previous moralists were superseded, and that here indeed was the commencement of a new era in thought.<sup>1</sup>

Thus John Stuart Mill recalled his final conversion to the creed of his father, the moment when the earth-shattering significance of the principles that he had hitherto imbibed as a matter of course hit home. What had ushered in the revolution in thought that brought on this epiphany was apparently Bentham’s assertion in the opening chapters of *An Introduction to the Principles of Morals and Legislation* (1789) that the principle of utility – that is, the principle that judges the rectitude of an action according to its tendency to increase or diminish the happiness of those concerned – was the true criterion of morals; and that, for want of such an external measure of rightness, all other ethical systems were merely expressions of caprice.<sup>2</sup> If Mill’s belief in the epoch-making character of this argument holds water,

<sup>1</sup> J. S. Mill. *Autobiography* in John M. Robson and Jack Stillinger (eds.), *The Collected Works of John Stuart Mill*, 33 vols. (Toronto, 1981), vol. 1, p. 67. Mill read the French translation by Etienne Dumont: *Traité de législation civile et pénale*, 3 vols. (1802).

<sup>2</sup> Though Mill was also greatly impressed by Bentham’s classification of offences. *Ibid.*, pp. 67–8.

then it serves as the perfect advertisement for the subject of this book, because precisely the same claim had been a cornerstone of the tradition surveyed here – so-called theological utilitarianism – since its inception more than half a century earlier. Pioneered by the Cambridge divines John Gay and Edmund Law in the early 1730s, and developed by the influential Anglican philosopher Abraham Tucker in the middle of the century, the tradition reached its apogee in 1785 with the publication of William Paley’s *Principles of Moral and Political Philosophy* (1785). The volume became a Cambridge textbook in 1787 and remained compulsory reading for undergraduates into the 1840s. Ironically, the claim that the revolution in thought that Mill ascribed to Bentham ought really to be attributed to the school of ethics established by Gay in his ‘Preliminary Dissertation Concerning the Fundamental Principle of Virtue and Morality’ (1731) gains credence from the reaction of Bentham and his supporters to Paley’s masterwork when they got wind of its publication in 1786. Oblivious, apparently, to the fact that Paley was synthesising an earlier tradition rather than inaugurating an entirely new one, his friend George Wilson suspected that he had somehow got hold of a copy of *An Introduction* from among the small number the author had distributed to friends in 1780, there being no other way of explaining the fact that his system was ‘founded entirely on utility’. His worry was that when Bentham’s book was made available to the general public, readers would accuse him of ‘stealing’ from Paley what he had ‘honestly invented’.<sup>3</sup> A quarter of a century later, Bentham was still complaining that Paley had used the ‘*Principle of Utility* . . . in the sense I used it’ without acknowledging his debt to the originator.<sup>4</sup>

As some scholars have viewed it, however, this anxiety was misplaced, since the tradition of Gay and Law was a false dawning of utilitarianism. Indeed, when Leslie Stephen coined the term *theological utilitarianism*, it was with a view to disparaging Paley’s contribution to moral philosophy – his point being that this was *theological* as opposed to *scientific* utilitarianism, a crude religious predecessor of the nineteenth-century theory.<sup>5</sup> Significantly, however, Stephen classed the doctrine of expediency (i.e.

<sup>3</sup> George Wilson to Jeremy Bentham, 24 September 1786, in Ian R. Christie (ed.) *The Correspondence of Jeremy Bentham*, vol. 3, in J. H. Burns (ed.), *The Collected Works of Jeremy Bentham* (London, 1971), pp. 490, 491.

<sup>4</sup> Jeremy Bentham to Pierre Étienne Louis Dumont, 6 September 1822, *The Correspondence of Jeremy Bentham: Volume 11: January 1822 to June 1824* (Oxford, 2000), p. 149.

<sup>5</sup> Leslie Stephen, *History of English Thought in the Eighteenth Century*, 2 vols. (London, 1876), vol. 2, pp. 121–8.

utility) among the ‘quasi-scientific systems of morality’ not because it was any less utilitarian than Benthamism, but because of Paley’s insistence on explaining moral obligation – the inducements to act morally – in terms of divine sanctions. Incredulous that such clear-headed thinkers could really have believed in these notions, he assumed, in fact, that they were utilitarians proper under the skin, forced to clothe their true opinions in ‘flimsy theological disguises’ on account of their clerical situations. The point of his famous description of Bentham as ‘Paley minus a belief in hell-fire’ was not therefore to diminish the originality of Bentham’s system but to credit him with being the first utilitarian to have the courage of his rationalist convictions, for having the ‘confidence’, that is, to openly proclaim ‘the divorce of ethics and theology’.<sup>6</sup> Although his view of Paley (and of the eighteenth century generally) was distorted by his fervent secularism, not even Stephen went as far as some recent scholars in denying the significance of *theological expediency*.

In this vein, Fred Rosen offers three reasons for according it a lesser role in the history of ideas than scholars have usually attributed to it. Because they challenge the whole rationale of this book, these points are worth examining in turn. In the first place, he questions whether it makes sense to treat Paley’s ethics as a contribution to utilitarianism, since this means projecting ‘a popular doctrine’ into the 1780s that only gained momentum in the middle of the nineteenth century.<sup>7</sup> If he means that Paley was not a utilitarian in the sense of being part of the campaign for social reform centred around Bentham and Mill, the point is irrefutable, though self-evident. But in the sense of the word which means someone who, as Mill put it, ‘holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness’, then there can be little reason, other than a pedantic objection to terminological anachronism, not to call Paley a utilitarian.<sup>8</sup> A weightier objection to applying the term to the tradition of Gay and Tucker is that expediency, for them, was merely a way of identifying which actions had divine approval; it was the consonance of behaviour with the divine will that ultimately made it moral.<sup>9</sup> Yet what was momentous about the advent of utilitarian thought, by all accounts – including those of Bentham and

<sup>6</sup> *Ibid.*, pp. 125, 124.

<sup>7</sup> Fredrick Rosen, *Classical Utilitarianism from Hume to Mill* (London, 2003), p. 131.

<sup>8</sup> J. S. Mill. Utilitarianism, in John M. Robson and Jack Stillinger (eds.), *The Collected Works of John Stuart Mill* (Toronto, 1981), vol. 10, p. 210.

<sup>9</sup> Graham Cole, ‘Theological Utilitarianism and the Eclipse of the Theistic Sanction’, *Tyndale Bulletin* 42.2 (1991), pp. 241–2.

Mill – was its establishment of an external measure for morality based on pleasure and pain, superseding the allegedly arbitrary prescriptions of moral sense theory and intellectualism. Not only did Paley follow his predecessors in insisting on the necessity of this metric, but for all intents and purposes he determined the morality of habits and institutions by it. Although crucial to his inculcation of moral obligation – and therefore to the practical purposes of his ethics – the will of God had no direct bearing on the weighing of pleasures and pains that took up much of the *Principles* – to the extent, indeed, that evangelical critics fretted that it might act as a gateway to a Godless moral system.

Second, Rosen feels that Paley's 'influence on the course of utilitarian thought' has been exaggerated, since 'the importance of utility in moral and political thought had already been well-established prior to Paley' by Beccaria, Helvétius and, most importantly, Hume.<sup>10</sup> Because 'utilitarian thought' refers here exclusively to so-called 'classical utilitarianism', the claim is valid, in the sense that Bentham appears to have drawn largely on secular theorists in developing his principle; he was ignorant, as we have seen, of the theological tradition that had taken root at Cambridge. If we embrace, on the other hand, the more catholic understanding of 'utilitarian thought' argued for in this book, there is no question that Paley's influence was indeed profound. In terms of the dissemination of such ideas, first of all, the impact of the *Principles* was universally acknowledged in the period. For half a century, indeed, it was Paley, and not Bentham, whom most contemporaries recognised as the chief exponent of utilitarian ethics.<sup>11</sup> Required reading at both Cambridge and the East India College, as well as being the standard moral text in universities in the United States, few works of ethics were as widely circulated as the *Principles*.<sup>12</sup> By the time of his death in 1805, it had gone through fifteen editions, and it remained continuously in print until the 1860s, spawning numerous abridgements and student primers all the while.<sup>13</sup> Aside from a short flurry of attacks on

<sup>10</sup> Rosen, *Classical Utilitarianism*, p. 131.

<sup>11</sup> See J. B. Schneewind, *Sidgwick's Ethics and Victorian Moral Philosophy* (Oxford, 1977), ch. 4.

<sup>12</sup> See Wilson Smith, 'William Paley's Theological Utilitarianism in America', *The William and Mary Quarterly*, 11 (1954), pp. 402–24.

<sup>13</sup> These include William Andrew, *A Series of Examination Questions in Paley's Elements of Moral and Political Philosophy, with . . . Answers* (London, 1841); C. V. Legrice, *Analysis of Paley's Principles of Moral and Political Philosophy* (6th edn. Cambridge, 1811); *An Epitome of Paley's Principles of Moral and Political Philosophy . . . in the Catechetical Form* (London, 1824); *Paley's Moral and Political Philosophy Condensed* (1831); *The Moral Philosophy of Paley: with Additional Dissertations and Notes by A. Bain* (1848); *An Analysis of Paley's Moral and Political Philosophy, in the Way of Question and Answer, etc.* (Cambridge, 1824).

William Godwin's account of morals in *Enquiry Concerning Political Justice* (1793) in the 1790s, it was Paley who bore the brunt of anti-utilitarian censure well into the 1830s.<sup>14</sup> Although it offended them in different ways, evangelicals, high churchmen and Romantics agreed in viewing Paley's doctrine of utility as embodying the moral and spiritual malaise of the age; it thus became one of the main sources of negative definition for three of the most influential cultural movements of the nineteenth century.

Its influence outside the world of letters was no less profound. The *Principles* soon became a compendium of moral and political wisdom for local and national newspaper columnists (which naturally also made Paley the obvious straw man for those questioning the wisdom of the age). Its impact on political discourse was also widely observed. As advertisements began to appear for the tenth edition in 1796, a reformist critic lamented the extraordinary influence that 'Mr. PALEY's name and work' had gained in just a decade, and was particularly dismayed to hear them 'quoted in Westminster Hall and in Parliament, as of high authority'.<sup>15</sup> The frequent invocations of his name in parliament on a whole range of political, ecclesiastical and legal questions in the following decades confirm this view of his standing in the political culture. In support of the Catholic petition of 1805, for example, Charles James Fox appealed to him as 'one whose authority will have very great weight, not only in this house, but with all thinking men in the country'. His name clearly did have weight with Fox's bitter enemy Pitt, who was said to have thought Paley 'the best writer in the English language'.<sup>16</sup> It has even been suggested that Paley's condemnation of the slave trade in 1785 may have been significant in helping William Wilberforce to persuade Pitt to pursue abolition and not the mere limitation of the traffic.<sup>17</sup> Owing, no doubt, to the prevalence of the *Principles* in University teaching, Paley's chapter on the subject was 'the standard discussion of the morality of slavery' in the United States in

<sup>14</sup> On Godwin's ethics and its critics see Schneewind, *Sidgwick's Ethics*, pp. 134–40, 144–7. Interestingly, Godwin read Paley's *Principles* in the year preceding the publication of the *Enquiry*, alongside 'Hume on Morals' and Helvétius' *De l'homme, de ses facultés intellectuelles et de son éducation* (1773). See Diary Entries for 12 September 1791, 12–15, 24–25 May 1792, 20 September 1792 in *The Diary of William Godwin*, Victoria Myers, David O' Shaughnessy and Mark Philp (eds.) (Oxford: Oxford Digital Library, 2010), <http://godwindiary.bodleian.ox.ac.uk>.

<sup>15</sup> Anon, *Letters to William Paley, M.A., Archdeacon of Carlisle, on His objections to a Reform in the Representation of the Commons, and on His Apology for the Influence of the Crown in Parliament* (1796), p. iii.

<sup>16</sup> *The Parliamentary Debates from the Year 1803 to the Present Time* (London, 1812), IV, col. 456 58–9, col. 457 1–2, 13 May 1805. John Ehrman, *The Younger Pitt: The Years of Acclaim* (London, 1969), p. 396 n.

<sup>17</sup> Ehrman, *The Years of Acclaim*, p. 396.

the Antebellum Period.<sup>18</sup> Furthermore, his perceived authority held good on a broad range of political subjects, including, interestingly, the issue of judicial punishments, his discussion of which was generally recognised as the clearest available exposition of the rationale behind the English penal code, even by its most vocal critics, for at least three decades. Bentham's *Introduction*, by contrast, was hardly known for almost half a century. The first edition sold poorly, and it was not republished until 1823.<sup>19</sup> It was not until the middle of the 1830s, indeed, when, thanks to J. S. Mill and William Whewell, the world of letters in Britain began to take notice of his moral philosophy. Until then, Bentham had been known exclusively as a social and political activist.<sup>20</sup> Despite Etienne Dumont's tireless campaign to spread the Benthamite gospel, furthermore, his brand of utilitarianism gained little traction in France until the 1820s, when it became influential in some liberal circles.<sup>21</sup>

And while Hume undoubtedly had an important influence on Paley's political thought, as we shall see, there is little evidence to suggest that he was a conduit for utilitarian thought proper, aside, of course, from the influence his work had on its nineteenth-century exponents; for, as Bentham observed, Hume employed the idea of utility 'to account for that which *is*', and not 'what *ought to be*'.<sup>22</sup> Although it is true, on the other hand, that Paley's masterwork was the last major treatment of Christian expediency, whereas the secular version has remained part of the philosophical landscape since Mill's reconceptualisation of it in 1863, the tradition was far from ending with the *Principles*, being the moral theory to which Thomas Robert Malthus appealed when trying to convince readers of the moral obligation to adopt his programme for the amelioration of poverty in the second edition of the *Essay on the Principle of Population* (1803), an epochal publication in the history of ideas, still widely read today.

The third reason given by Rosen for ascribing a diminished role to Paley was that he rejected 'any largely empirical doctrine which might be used to determine the ingredients of happiness', his point being that the theological foundations of expediency gave rise to religious imperatives that

<sup>18</sup> Robert P. Forbes, 'Slavery and the Evangelical Enlightenment' in John R. McKivigan & Mitchell Snay (eds.), *Religion and the Antebellum Debate Over Slavery* (Athens, Georgia, 1998), p. 84.

<sup>19</sup> Schneewind, *Sidgwick's Ethics*, p. 129. <sup>20</sup> *Ibid.*, pp. 130–1.

<sup>21</sup> Emmanuelle de Champs, *Enlightenment and Utility: Bentham in French, Bentham in France* (Cambridge, 2015), chs 10–15.

<sup>22</sup> Bentham to Dumont, 6 September 1822, *Correspondence of Bentham*, p. 149. See Anthony Quinton, *Utilitarian Ethics* (1973; 2nd edn. London, 1988), pp. 17–23.



precluded the type of ‘scientific’ reckoning of pains and pleasures that characterised Bentham’s system.<sup>23</sup> While it cannot be denied that Paley’s religious worldview coloured his assessment of the likely effects of particular behaviours and policies on the general happiness, it is shown in what follows that he was no less committed than Bentham to adhering strictly to the evidence of experience when computing consequences, albeit that he eschewed anything like a hedonic calculus. Rosen’s interpretation stems from a mistaken belief that in describing the nature of happiness, Paley was stipulating what type of pleasures were worthy of the name; in other words, that he was creating a hierarchy of pleasures based on his Christian convictions. This is by no means to deny the very real antipathy between unequivocally religious and secular moralists in the eighteenth century, since it was clearly one of Hume’s principal objectives, for example, to show that religious sanctions were superfluous to morals, whereas Tucker and Paley saw expediency as a singularly powerful antidote to the contagion of Godless ethics. But this was a debate about the supports of moral behaviour, i.e. moral obligation, rather than about how one determined the moral worth of an action. As Bentham himself observed, the so-called *theological* principle was ‘not in fact a distinct principle’, as in practice the will of God always had to be determined by means of the principle of either utility, asceticism or sympathy and antipathy.<sup>24</sup> All told, there are no good historical reasons for playing down the role of theological utilitarians in formulating and popularising the hedonic standard of morals. Arguably, moreover, its implications were all the more profound for its having occurred in a context in which moral philosophy was still deeply interwoven with theology.

If we are to understand this tradition, and the complexities of ethical debate in the eighteenth century more generally, it is necessary to cast aside our current assumptions of a rigid binary between science and religion, because, for the vast majority of educated people in the eighteenth century, the two were seen as reciprocal. Natural philosophy and natural history revealed the mind of God as exhibited in his Creation; natural theology gave impetus and sanction to experiment by lending it profound religious significance. This relationship was cemented at an institutional level in the late seventeenth and early eighteenth centuries by the co-option of Newtonian natural science and mathematics by leading divines at the

<sup>23</sup> Rosen, *Classical Utilitarianism*, p. 142.

<sup>24</sup> Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, J. H. Burns and H. L. A. Hart (eds.) (Oxford, 1970; Reprinted 2005), p. 31.

University of Cambridge for the purpose of displaying the genius of the divine Architect, as well as establishing the necessity of His continuous action in the universe. In doing so, it was thought to provide irrefutable answers to ‘the *Atheistical Objections against the Being of God and His Attributes*’, and was thus fundamental to the line taken in many of the Boyle Lectures, the lectureship endowed by Robert Boyle for the purpose of ‘proving the Christian Religion against notorious infidels’, which became one of the main platforms for public science in the period. The first lecture was given by the arch-Newtonian Richard Bentley in 1692, much to the delight of Newton himself, who, as he explained to Bentley, had written his *Principia* (1687) with ‘an eye upon such principles as might work with considering men, for the belief of a Deity’.<sup>25</sup> However, not everyone bought into the programme. In the middle decades of the eighteenth century, David Hume made it his mission to show that the application of the new scientific methods to religion would be its undoing. When freethinkers argued that the mechanical philosophy in general and Newton’s theories in particular proved that the constant action of God was not required to preserve the harmonious operation of the Cosmos, some high churchmen came to share Hume’s prognosis, and longed for a return to the certainties of scholastic learning and scripture.<sup>26</sup> But all three were aware that they were raging against the spirit of the age. As the century wore on, the intricate mechanisms of plant and animal anatomy and distribution were increasingly preferred over the architecture of the heavens as proofs of divine contrivance. But the underlying assumption that science and religion were symbiotic remained intact. That moral philosophy was similarly conceived of, in the majority of cases, as a scientific (i.e. evidence-based) enterprise serving theological purposes has the crucial implication that the history of ethical debate in this period must be partly a history of religious thought. One of the main aims of this book, therefore, is to provide an historical account of the religious mentality from which the doctrine of utility evolved.

Before sketching this mindset, however, it is necessary to give a proper description of the ethical system itself. It should be emphasised, first of all, that expounding the utilitarian criterion was, for Paley, only one part of a much broader programme of instruction designed both to inculcate virtue and to instruct readers in how to cultivate a virtuous disposition.

<sup>25</sup> Isaac Newton to Richard Bentley, 10 December 1692, in Alexander Dyce (ed.), *The Works of Richard Bentley D.D.*, 3 vols. (London, 1838), vol. 3, p. 203.

<sup>26</sup> See Jeffrey R. Wigelsworth, *Deism in Enlightenment England: Theology, Politics, and Newtonian Public Science* (Manchester, 2009).

In devising this scheme, he was responding to the challenge laid down by Abraham Tucker in the *Light of Nature Pursued* (1768, 1777) to develop a 'moral politics', a religious philosophy that exploited the findings of 'the science of human nature' for the purposes of improving mankind. What this involved in practice was cultivating benevolence on the grounds of self-interest. One of the principal interpretive claims of this book is that theological utility, in its systematic form, can only be understood in the context of this overarching objective.

It has long been assumed that the later theological utilitarians added little of substance to the doctrine outlined 'in its first complete and unencumbered form' by Gay in the 'Preliminary Dissertation'.<sup>27</sup> Not only does this overlook Edmund Law's important explication of moral obligation and Paley's crucial systemisation of the doctrine of general rules, but, more importantly, it neglects the watershed in the tradition occasioned by Tucker when he set about explaining how the theory might form the basis of a scheme of moral improvement. Until then, the moving force behind the tradition had been primarily philosophical: the desire to divest moral philosophy of the relics of *superstition* and *enthusiasm*. The doctrine of utility which Paley and Tucker inherited from Gay and Law comprised three interrelated parts. Gay's main goal in the 'Preliminary Dissertation' was to suggest a Lockean alternative to Francis Hutcheson's explanation of the origin of morality in terms of an innate moral sense. Although our moral intuition undoubtedly resembled an instinct, argued Gay, a more probable explanation was that it had originated in the self-interested desire to make others do our bidding, and evolved by means of the association of ideas. In the hands of Tucker and Paley, this explanation of how moral sentiments and drives were acquired became a blueprint for how they might be cultivated. The second fundamental component of expediency that Gay and Law bequeathed to later exponents of utility was the equation of moral obligation with a concern for rewards and punishments in the next life. This provided the carrot and stick that would enable the moral statesman to induce their charges to hone the charitable impulses. Finally, there was the utilitarian criterion, which, when rendered safe for quotidian use by the introduction of the doctrine of general rules, provided the moral agent with a scientific means of testing the rectitude of dominant norms and resolving moral quandaries. Quite apart from the definitive shift

<sup>27</sup> Ernest Albee, *A History of English Utilitarianism* (London, 1902), p. 83; Cole 'Utilitarianism', 231; Colin Heydt, 'Utilitarianism before Bentham', in Ben Eggleston and Dale E. Miller (eds.), *The Cambridge Companion to Utilitarianism* (Cambridge, 2014), p. 26.

towards practical religious goals, furthermore, Paley was the first in the tradition to take on the challenge of reconstructing social, political and economic thought on utilitarian grounds, a venture requiring a significant reconfiguration of a theory essentially created for the purposes of personal morality.

In some ways, the task of recovering the religious mindset in which such ideas flourished resembles Weber's undertaking in attempting to trace the origins of the spirit of capitalism to Calvinist asceticism, since, on the face of things, the core doctrines of theological utility can seem highly incongruous with the spirit of Christianity. This was certainly how many critics viewed it at the time. For Paley's primary objective when writing the *Principles* was to establish a particularly anthropocentric theology on the Cambridge syllabus, one that sanctified secular advancement. This religious philosophy was erected on three pillars. God's benignity, established by natural theology, is the first premise of the *Principles*, from which the *telos* follows. Because God wishes his creatures' happiness, mankind should seek to promote human satisfaction. This was the be-all and end-all of theological utilitarianism; its adherents therefore tended to eschew those aspects of religion that failed to add to the stock of contentment. One always prayed *for* something. Devotion for the sake of devotion was enthusiasm, virtue for its own sake, peevishness. Second, under the influence of Locke and David Hartley, utilitarians developed a highly psychologised theology. At its heart was the so-called 'doctrine of motives' which, stated crudely, held that all intentional human action was motivated by the pursuit of pleasure or the avoidance of pain.<sup>28</sup> Accordingly, ethics and religion were largely concerned with the rational regulation of the passions. Where traditionally the Christian had pitted his spiritual energy against fleshly wants, the ethics of Tucker and Paley was about choosing to satisfy some wants over others. Unsurprisingly, his definition of a morally good action as one that was motivated by a concern for heavenly rewards was castigated by evangelicals and Romantics, who unanimously adopted Hutcheson's and Butler's dictum that deeds performed with prizes in mind were devoid of moral content. The third pillar of expediency was a narrative of human development, which dated Enlightenment back to Christ's instigation of a gradual but profound transformation of human morals. Rooted in a uniquely utilitarian construal of Christ's mission on earth which emphasised the strategic and moral over the propitiatory aspects of his coming, the view that mankind was inexorably progressing

<sup>28</sup> Tucker, *Light of Nature*, vol. 1, p. 109.

in reason and humanity in line with a providential plan framed all their thinking on moral and social matters.

The guiding light of the tradition was John Locke; though the Locke of the *Essay Concerning Human Understanding* (1689) and the *Reasonableness of Christianity* (1695) rather than of the second *Treatise of Government* (1689).<sup>29</sup> But it was also very much an expression of the theological orientation that scholars refer to as latitudinarianism. The term ‘latitude men’ was coined in the Restoration as a term of abuse for those churchmen who, having set scruples aside (apparently) in order to conform during the Interregnum, now returned to the bosom of the Anglican Church on the terms set out by the Act of Uniformity (1662).<sup>30</sup> Although the clerics in question seldom referred to themselves as *latitudinarians*, the name has proven a useful label for the wing of the Church who, eschewing contentious ‘adiaphora’, sought to reduce religion to its moral core, and who were therefore willing to comply with the prevailing form of church government.<sup>31</sup> Born from a desire to replace the fanaticism of Calvinism with a moderate and rational Protestantism, latitude remained very much a fringe movement in the middle decades of the seventeenth century, centred around figures like John Wilkins (initially) at Oxford and Benjamin Whichcote at Cambridge. By the 1690s, however, it was in the intellectual and ecclesiastic ascendant (albeit without achieving a majority among the clergy). In 1691, John Tillotson, the prime mover of the second generation of latitude men, became the Archbishop of Canterbury; his foremost allies Gilbert Burnet, Edward Stillingfleet and Simon Patrick succeeded to the sees of Salisbury, Worcester and Chichester respectively.<sup>32</sup> Whereas in its infancy, ‘low churchmanship’ was largely a Cambridge phenomenon, London became the hub of their activity after the Restoration. ‘Closely linked by education, intellectual interests, academic and ecclesiastical posts, friendship’ and ‘even by marriage’ – ties fortified by a shared sense of marginalisation by the dominant high-church party – the second generation of latitudinarians embarked on an

<sup>29</sup> On Locke’s moral thought see John Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge, 1994), chs. 5 and 7; John Colman, *John Locke’s Moral Philosophy* (Edinburgh, 1983); J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge, 1998), ch. 8.

<sup>30</sup> See John Spurr, ‘“Latitudinarianism” and the Restoration Church’, *The Historical Journal* 31 (1988), 61–82.

<sup>31</sup> My description relies on Isabel Rivers, *Reason, Grace, and Sentiment: A Study in the Language of Religion and Ethics in England 1660–1780: Vol. 1, Whichcote to Wesley* (Cambridge, 1991), ch. 2.

<sup>32</sup> *Ibid.*, pp. 29–30, 32.

energetic drive to propagate their mode of belief by means of a sustained campaign of preaching and publication.<sup>33</sup>

When attempting to dispel some misconceptions about the principles of the ‘low-church men’ in 1713, Gilbert Burnet began by observing that ‘they are cordially and conscientiously zealous for the church, as established by law: but yet they think that no human institution is so perfect but that it may [not?] be made better’. The Anglican communion could be improved, in his view, by putting church discipline into more moderate hands; in other words, by wresting it from the grip of high churchmen, who were sticklers for doctrinal orthodoxy.<sup>34</sup> Although their attitudes to comprehension varied, they welcomed the toleration of Dissent enshrined in the Toleration Act (1689), maintained cordial bonds with non-conformists and were generally open to tweaking the rites and articles of the Church for the purpose of removing some of the barriers to conformity.<sup>35</sup> At the same time, their canvassing of a view of the Thirty-nine Articles of the church, to which clergymen had to subscribe, as articles of peace, open to a number of equally plausible interpretations, provided scope for diverse theological opinions within the communion.<sup>36</sup>

The crux of their worldview was a belief in the rational foundations of Christianity, as the antidote to Puritan mysticism and Catholic superstition, but also to Hobbism and other forms of atheism.<sup>37</sup> Rather than fixating on the limitations of reason – which they freely acknowledged – they were grateful for the resource. Assured that having been implanted by God for the purpose of determining truth and falsehood, reason would not lead man astray in matters of import, they were comfortable with the emerging consensus that knowledge of nature was probabilistic.<sup>38</sup> Such attitudes manifested themselves in a particular understanding of the nature of revelation. They were inclined, in the first place, to view natural religion – i.e. knowledge about the being and attributes of God derived from reason alone – and revealed religion as mutually reinforcing, and therefore to put them on an equal footing. Epistemologically, indeed, natural theology was considered prior to revelation in the sense that natural knowledge provided the criteria for judging the truth of scriptural

<sup>33</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, pp. 32, 35, 38–45.

<sup>34</sup> Gilbert Burnet, *A Discourse of the Pastoral Care* (1713), preface.

<sup>35</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, p. 32.

<sup>36</sup> Gilbert Burnet, *An Exposition of the Thirty-nine Articles of the Church of England* (London, 1699), p. 8.

<sup>37</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, p. 34.

<sup>38</sup> Barbara J. Shapiro, *Probability and Certainty in Seventeenth-Century England: A Study of the Relationships Between National Science, Religion, History, Law and Literature* (Princeton, 1983).

doctrine, and the sense that the revealed word was seen as building on the foundations of belief provided by the light of nature, albeit that the message it communicated was crucial to salvation. Because they attached so much importance to the light of nature, latitudinarians were particularly open to drawing on ancient and modern philosophy, sacred and profane, as well as natural philosophy and political economy.<sup>39</sup> As will be shown, the emergence of theological utility can be explained partly in terms of the efforts of later exponents of the tradition to remodel theology in accordance with recent advances in the human sciences, principally those of Locke and Newton, at the expense of the ancient and medieval learning – including Plato, Aristotle, Cicero, Aquinas and the Church Fathers – that had been the main resources of earlier low churchmen. This is not to say that they depreciated biblical theology in any way. For, as Burnet put it, the latitude men laid ‘the foundation of all that they believe in the Christian religion in the scriptures’, as opposed to the formularies of instituted religion, an attitude which they saw as distinguishing them from their high-church counterparts.<sup>40</sup> Because of the trust they placed in reason, however, as the touchstone in matters of belief, they took a highly contextual approach to interpreting scripture, seeking to uncover the intentions of the divine Author in the light of the historical conditions in which He was operating.

The God revealed to them was eminently rational, just and gentle; the antithesis in many respects of ‘the neo-Augustinian Calvinist God, whose judgments are mysterious and arbitrary . . . who by his decrees elects only a few of mankind to salvation and reprobates the majority to damnation’.<sup>41</sup> This idea of the Deity led them to the view that the essence of faith was the cultivation of virtue – hence the accusation of evangelicals that they reduced religion to mere morality.<sup>42</sup> Reacting to the Calvinist doctrine of irresistible grace and the high-church emphasis on sacramental grace, they were emphatic that faith was vacuous where it did not produce virtue, to the extent that they conflated the two.<sup>43</sup> In keeping with this understanding of piety, they characterised the incarnation as principally designed to reinforce the motives for morality by confirming the existence of divine sanctions. Their belief that benevolence was the governing characteristic of providence (and not justice, as Puritans maintained) gave rise to two further attitudes which shaped the development of theological expediency.

<sup>39</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, pp. 46, 36.      <sup>40</sup> Burnet, *Discourse*, preface.

<sup>41</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, pp. 68–9.

<sup>42</sup> See John Bunyan’s depiction of Mr. Worldly-Wiseman in *The Pilgrim’s Progress* (1678), chs. 5 & 6.

<sup>43</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, p. 74.



In the first place, they assumed that God wished man to be happy in this world as well as the next, contrary to the Augustinian view of life as a relentless war between spirit and flesh. Second, because they viewed human nature as containing resources for redemption as well as obstacles to it, they saw faith as a function of the passions and the interests as well as of reason.<sup>44</sup> They therefore emphasised the pleasantness of religion and the consonance of devotion with self-interest in terms of the dividends it paid in this life and the next.<sup>45</sup>

Whether the early Hanoverian period can accurately be described as the latitudinarian ‘epoch’ – as Norman Sykes styled it – is open to debate.<sup>46</sup> Certainly, the ‘moderates’ did not enjoy uncontested hegemony. For one thing, latitude gained less of a hold on the lower clergy than on the elite, as exemplified by the antipathy of the lower house of Convocation towards the temporising bishops in the higher house.<sup>47</sup> Furthermore, their monopoly on the primacy was broken on a number of occasions, for example by the appointments of ‘orthodox’ churchmen John Potter in 1737 and Thomas Secker in 1758.<sup>48</sup> The middle decades of the century saw something of an evangelical awakening, of which by the far the most troubling manifestation, for latitude men, was the rapid growth of Methodism, which they viewed as a resurgence of *enthusiasm*, the volatile religious emotionalism that had created so much havoc in the seventeenth century.<sup>49</sup> It is now well established, furthermore, that so-called high churchmen remained a more significant presence in the eighteenth century than was previously thought.<sup>50</sup> High church was the name given to the wing of the clergy that embraced the doctrines of apostolic succession and sacramental grace, and asserted the need for the Bible ‘to be interpreted in the light of such authoritative standards as the Prayer Book, the Catechism and the Creeds’. Politically speaking, they were inclined to maintain Filmerite notions of government, or approximations thereof, while

<sup>44</sup> On related developments in secular thought see Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism Before Its Triumph* (Princeton, 1977).

<sup>45</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, pp. 72, 58.

<sup>46</sup> Norman Sykes, *Church and State in England in the XVIIIth Century* (Cambridge, 1934), pp. 163, 233.

<sup>47</sup> They lodged a formal complaint, for example, against Burnet’s exposition of the thirty nine articles in 1701. John Gascoigne, *Cambridge in the Age of the Enlightenment: Science, Religion and Politics from the Restoration to the French Revolution* (Cambridge, 1989), p. 79.

<sup>48</sup> See Robert G. Ingram, *Religion, Reform and Modernity in the Eighteenth Century: Thomas Secker and the Church of England* (Woodbridge, 2007), esp. ch. 4.

<sup>49</sup> This, as we will see, was a vital context for Tucker’s formulation of utility in the 1760s.

<sup>50</sup> F. C. Mather, *High Church Prophet: Bishop Samuel Horsley (1733–1806) and the Caroline Tradition in the Later Georgian Church* (Oxford, 1992); Peter Benedict Nockles, *The Oxford Movement in Context: Anglican High Churchmanship 1760–1857* (Cambridge, 1994).



stressing the duty of the state to defend the interests of the Church.<sup>51</sup> Having been virtually frozen out of high clerical office in the reigns of George I and II due to their doubtful loyalty to the House of Hanover, they began to find favour with patrons again when George III ended Tory proscription in the 1760s, and by the last decades of the century had clearly become a force to be reckoned with ecclesiastically and intellectually. This is not to mention the spirited rear-guard action of the Hutchinsonians against latitude in the 1720s and 1730s, and the continued prevalence of high churchmanship at Oxford throughout the century. What matters from our perspective, however, is that a latitudinarian ethos had unquestionably gained sway at the University of Cambridge – where all but one of the main exponents of theological utility were formed intellectually – by the middle decades of the eighteenth century.

This pre-eminence was the result of a sustained campaign by Whig grandees after the Glorious Revolution to replace ‘Tory’ high churchmen, the dominant force in the Restoration Church, with clergymen who were sympathetic to their own cause. The forging of the ‘Holy Alliance’ between moderate churchmen and the Whig regime had begun with the elevation of Tillotson, Stillingfleet and Patrick – prominent low churchmen who had sought preferment in London, having been starved of opportunities at Cambridge – to prime bishoprics. They, in turn, used their influence to install men of like religious and political views in positions of influence at Cambridge.<sup>52</sup> The conquest culminated in the election of the Duke of Newcastle to the Vice Chancellorship in 1748.<sup>53</sup> It was in this climate that Edmund Law – a political Lockean and an advanced latitudinarian in theology – gained so much influence over the intellectual life of the university, helping to pave the way for the intellectual enterprises of Paley and Malthus. Although this intellectual culture was far from monolithic, the zeitgeist was coherent enough. Owing in large part to its perceived usefulness to natural religion, Newtonian natural philosophy came to dominate the curriculum, superseding the scholastic and neo-Platonic learning that had prevailed in the Restoration, as well as the Cartesian science that had just begun to gain a foothold.<sup>54</sup> We should not assume that this gave rise to a total consensus philosophically. Brian Young has documented, for example, how the *a priori* physico-theology that Samuel Clarke derived from Newton’s natural philosophy came under

<sup>51</sup> Peter Nockles, ‘Church Parties in the pre-Tractarian Church of England: the ‘Orthodox’ – Some Problems of Definition and Identity’, in John Walsh, Colin Haydon and Stephen Taylor (eds.), *The Church of England c.1689–c.1833: From Toleration to Tractarianism* (Cambridge, 1993), p. 336.

<sup>52</sup> Gascoigne, *Cambridge*, pp. 74–5, 82.   <sup>53</sup> *Ibid.*, p. 105.   <sup>54</sup> *Ibid.*, pp. 52–5.

sustained fire from both ‘orthodox’ and latitudinarian clerics in the 1720s and 1730s.<sup>55</sup> Although Locke and Clarke were the dominant influences in the middle of the century, Law’s later observation that the rise of the former’s epistemology had eventually sounded the death knell for the latter’s theology reveals the general direction intellectual life had taken in the University by the time Paley arrived there as a sizar in 1758.<sup>56</sup> The prevailing spirit was characterised above all by a commitment to experiment and observation as the only reliable sources of knowledge of ‘matters of fact’. As prominent members of the Royal Society, the latitudinarians had played a crucial role in bringing about the reorientation of science in the seventeenth century, supplanting Aristotelian accounts of natural phenomena in terms of the sympathies and antipathies of innate qualities – which they saw as meaningless or, at best, circular – with explanations that could be validated by experience.<sup>57</sup>

This experiential ethos was vital to the development of theological utility in two respects. The first is helpfully illustrated by Edmund Law’s hugely optimistic analysis of human progress in a work of 1745. If ‘repeated Observation of Experience’ improved our understanding of one aspect of nature, observed Law, this would ‘by that affinity and union long since observ’d between the parts of Science derive Perfection on each Sister Art’.<sup>58</sup> Assuming, like others in the latitudinarian vanguard, that natural and revealed theology were sciences like any other, he was confident that they too would continue to advance in tandem with the mechanical arts and natural sciences. But given that by religion, Law and his circle meant ‘the way of promoting our most perfect Happiness upon the whole, in this Life, as well as qualifying us for and . . . entitling us to higher Degrees of it in the next’, they set particular store on fostering the development of ethics on empirical grounds, which is to say, on the basis of the science of human nature.<sup>59</sup> Of course, this was no less true of some of the main opponents of hedonistic morals such as Joseph Butler and Francis Hutcheson. It was the second aspect of their empirical mentality, arguably, that steered them down the utilitarian path, their commitment to constantly reviewing current assumptions and hypotheses in the light of newly acquired data.

<sup>55</sup> B. W. Young, *Religion and Enlightenment in Eighteenth-Century England: Theological Debates from Locke to Burke* (Oxford, 1998), ch. 4.

<sup>56</sup> Edmund Law, ‘Preface’ to *An Essay on the Origin of Evil* by William King, trans. Edmund Law (5th edn. Cambridge, 1781), p. xix. See below, p. 83, n. 16.

<sup>57</sup> See Margery Purver, *The Royal Society: Concept and Creation* (London, 1967), esp ch. 3.

<sup>58</sup> Edmund Law, *Considerations on the Theory of Religion* (1745; 6th edn. Cambridge, 1774), p. 222.

<sup>59</sup> *Ibid.*, pp. 224–5.

Indeed, while on one level, theological utilitarianism represented a practical expression of the religious and philosophical commitments of 'moderate' churchmen, being a systematic moral religion that eschewed mystical and sacerdotal doctrines, it was equally a bid to accelerate the process of Enlightenment initiated by the latitudinarian avant-garde, by purging religion of residual elements of superstition and enthusiasm. An ultra-Lockean reading of the psychology of virtue led them to cast aside some of the core beliefs of earlier low churchmen such as the notion of a divinely implanted moral conscience (which Butler and Hutcheson upheld) and Platonic ideas of eternal and immutable fitnesses.

Although the first attempt in the Christian utilitarian school to apply expediency to politics in a systematic fashion – Paley's 'Elements of Political Knowledge' (Book six of the *Principles*) – came late in the tradition, it similarly involved the displacement of some of the prevalent tropes of earlier latitudinarian thought through the rigorous application of the methodological principles of the new science. The aim of political theory, as Paley saw it, was to equip the political nation – i.e. the portion of the population that had a say in governing – with the analytical tools that would enable them to choose wisely which party to side with in times of constitutional turmoil. What this came down to was instructing them in how to apply utility consistently with the doctrine of general rules, that is, in a way which took account of the remote and possible unintended consequences of actions as well as their immediate outcomes. This required them to understand certain aspects of the psychology of politics in general such as the lust for power among the politically active, and, most importantly, the mentality supporting the paradoxical willingness of the many to be ruled by the few. However, since the happiness being measured was that of the social group likely to be affected by the action in question, a knowledge of local institutions, customs and norms was equally vital to the proper application of general rules. In attempting to come to grips with the psychology and sociology of British politics, it made sense to draw on the most penetrating analysis available, and Paley thus borrowed liberally from Montesquieu and Hume. To cultivate a more philosophical political attitude, however, it was also necessary to expel the erroneous theories of government that had served only to destabilise British politics since the Restoration. What lent this undertaking urgency, in Paley's case, was the increasingly partisan character of politics in the early 1780s brought on by the escalating struggle between the Rockingham Whigs and the King. In this atmosphere, Paley was anxious to counteract the re-emergence of high-flown notions of government owing to the gradual rehabilitation of

high-church Anglicanism after 1760. But he was no less intent on dispelling the contractarian theories of government that he believed had helped to provoke the American Revolution, in spite of the wide currency they held among leading latitudinarians past and present, including Benjamin Hoadly, William Warburton and, most notably, his patron and mentor Edmund Law.

Undoubtedly the most momentous reappraisal within the tradition of theological utilitarianism, however, was that instigated by Malthus at the turn of the eighteenth century, when attempting to reconfigure Christian political economy in the light of his demography, since it helped to transform attitudes to poverty in Britain irrevocably. Sometime between the publication of the first edition of his *Essay on the Principle of Population* in 1798 and the completion of the second in 1803, Malthus came to believe that the only viable means of ameliorating the condition of the poor was by accelerating their increasing tendency to delay marriage for prudential reasons, as revealed by the demographic history of modern Europe. Confident, moreover, that he had uncovered the socio-cultural determinants of this demographic trend, his chief aim in the *Essay* was to nurture the sort of customs and attitudes which had been conducive to prudential habits in the past: an ethic, that is, of 'decent pride'. The profound irony of this episode was that it involved the employment of theological utility to overhaul the spirit of paternalism that actuated its founders. For the culmination of Paley's version of the science of morals was a programme for ensuring that the rich fulfilled their duty to ensure that the poor did not suffer from want, an obligation which he characterised in terms of the divine imperative to compensate those whom fortune had not favoured in the distribution of property. In the sense, however, that it was presented as a rethinking of hallowed assumptions in the light of new evidence, Malthus's proposed cultural revolution was archetypal of the utilitarian school.

The first two chapters of this book focus on the formation and early development of theological utilitarianism; the last concludes with an overview of its adaption by Malthus in 1803, partly with a view to sketching its afterlife in the nineteenth century. Because it contains both the fullest exposition and the widest application of theological utilitarianism, however, as well as being easily the most important conduit for its dissemination, Paley's *Principles* forms the fulcrum of our analysis. Forged mainly in the nineteenth century, when he became a whipping boy for both evangelicals and Romantics, Paley's historical reputation has had a distorting influence on the historiography of his

ideas. The backlash began in 1789, when Clapham sect initiate Thomas Gisborne attacked the *Principles* for putting the dictates of expediency above the edicts of scripture; while the Cambridge high churchman Edward Pearson questioned the wisdom of requiring students to answer questions on a moral system that, when adopted, inevitably led to the jettisoning of religious considerations from moral calculations.<sup>60</sup> Despite praising the perspicuity of his Christian evidences, Wilberforce castigated Paley for failing in what 'ought to be the grand object of every moral writer . . . to produce in us that true and just sense of the intensity of the malignity of sin'. In giving priority to establishing the benevolence of the Deity, argued Wilberforce, Paley had neglected 'that attribute . . . on which so much stress is laid in Scripture – I mean His holiness and justice'. Utility was simply 'too low a standard of moral right and wrong', for the test of expediency did not give sufficient weight 'to those sins that respect the supreme-being', and hence allowed the seed of all evil, deficient love of God, to flourish.<sup>61</sup> In Coleridge's view, similarly, founding morality on 'the calculations of utility' was tantamount to sanctioning the exertions of all man's noblest powers 'to cultivate the very worst objects of the beasts that perish'.<sup>62</sup> Historians of ideas have been similarly unimpressed by Paley's religious pronouncements. Doubting Paley's candour, Leslie Stephen thought his system embodied another stage in the inevitable progress of moral philosophy towards a purely secular system, as we have seen. Where Ernest Albee identified 'a lack of spirituality' in his ethics, more recently an otherwise sympathetic biographer opined that Paley's moral teaching was 'too much based on the values of this world'.<sup>63</sup>

A number of modern scholars have challenged this view of Paley's philosophy as spiritually bankrupt. D. L. LeMahieu argues that in his appeal to teleological categories, Paley had much in common with the sometime favourite philosopher of his evangelical and high-church

<sup>60</sup> Thomas Gisborne, *The Principles of Moral Philosophy Investigated, and Briefly Applied to the Constitution of Civil Society; Together with Remarks on the Principle Assumed by Mr. Paley as the Basis of All Moral Conclusions, and Other Positions of the Same Author* (London, 1789). Edward Pearson, *Remarks on the Theory of Morals in Which Is Contained an Examination of the Theoretical Part of Dr Paley's Principles of Moral and Political Philosophy* (Ipswich, 1800).

<sup>61</sup> William Wilberforce to Ralph Creyke, 8 January 1803, in Robert Isaac and Samuel Wilberforce (eds.), *The Correspondence of William Wilberforce*, 2 vols. (London, 1840), vol. 1, p. 252.

<sup>62</sup> Samuel Taylor Coleridge, *Lectures 1818–1819 on the History of Philosophy*, J. R. de J. Jackson (ed.), 2 vols. (Princeton, 2000), vol. 1, p. 149.

<sup>63</sup> Albee, *History of English Utilitarianism*, p. 174; M. L. Clarke, *Paley: Evidences for the Man* (Toronto, 1974), p. 60.

detractors, Joseph Butler.<sup>64</sup> Paley and Butler put revelation and belief in an afterlife at the heart of their moral philosophies, and both inculcated the cultivation of innocent habits. For those ‘elements of devotion and seriousness which nineteenth-century critics accused their Enlightenment predecessors of lacking’, LeMahieu refers the reader to Paley’s sermons.<sup>65</sup> Likewise, contrasting the naturalistic, doctrinal minimalism of Paley’s ‘didactic’ works with the orthodoxy of his ‘pastoral’ writings, Anthony Waterman finds in the sermons a reservoir of ‘liturgical and mystical language’.<sup>66</sup> The consensus seems to be that if you are looking for mystical language, ‘orthodoxy’ and other features of ‘serious’ devotion in Paley’s works, you must turn to his pulpit oratory. It is arguable, certainly, that these sermons show a side of Paley which had long been neglected, revealing, as they do, a willingness to broach some of the more mystical aspects of Christian doctrine with his congregations at Carlisle and Lincoln that is seldom found in his major works. But if the history of Paley’s thought has suffered from ‘premature secularisation’ in the past,<sup>67</sup> it could be argued that by giving too much weight to sermons that the author never meant for scholarly publication, recent historians have bled it too liberally of its worldliness.<sup>68</sup> Moreover, such accounts appear to concede to Paley’s detractors what the theologian himself never would have, that what constitutes ‘religious seriousness’ is mystical doctrine and so-called ‘orthodox language’. Given that such elements are absent in Paley’s major works, this amounts to a tacit confirmation of what the critics had said all along – that is, that Paley’s was indeed a rather worldly philosophy. To suggest, as I do here, that there is some truth in this assessment is not to subscribe to Stephen’s view of Paley as a lukewarm Christian, for clearly in the *Principles* (and, indeed, throughout all his works) Paley was committed to a serious theological agenda. But if critics unfairly questioned the sincerity of latitudinarian theology, they rightly identified its anthropocentric nature, for by Catholic, evangelical and high-church standards, and

<sup>64</sup> D. L. LeMahieu, *The Mind of William Paley: A Philosopher and His Age* (London, 1976), pp. 128–9. An important reassessment is N. W. Hitchin, ‘The Life and Thought of William Paley’ (Unpublished PhD. Dissertation, University of Cambridge, 2001).

<sup>65</sup> LeMahieu, *Mind of Paley*, p. 23.

<sup>66</sup> A. M. C. Waterman, *Revolution, Economics and Religion: Christian Political Economy, 1798–1833* (Cambridge, 1991), p. 125.

<sup>67</sup> The phrase comes from Duncan Forbes, *Hume’s Philosophical Politics* (Cambridge, 1975), p. 41.

<sup>68</sup> He stipulated in his will that the sermons were not to be ‘published for sale’, but distributed ‘first to those who frequented the church, then to farmers’ families in the county, then to such as had a person in the family who could read.’ William Paley, ‘Extract from a Codicil to the Last Will and Testament of The Rev. William Paley, D D.’, in *Sermons on Several Subjects* (Sunderland, 1806), p. iii.

even by those of rational religionists like Butler and Hutcheson, the spirit of Paley's thought was indeed worldly.

This description of religious orthodoxy moves beyond the rigid bipolarity that has constrained the debate about secularisation in the period. In response to the charge that his preoccupation with temporal happiness made Paley a force for secularisation, Jonathan Clark – in keeping with his thesis that the so-called patrician 'ideology of order' in eighteenth-century England was fundamentally theological – would no doubt point out (and rightly so) that contentment was prioritised for theological reasons.<sup>69</sup> By 'secular' Clark means simply nonreligious, so obviously theology could have nothing to do with secularisation in that sense. Surprisingly, Robert Hole, who feels that Paley's religious thought 'was far more radical, intellectually, than either he or his disciples were aware', seems content to accept the same signification of the term.<sup>70</sup> Paley was a seculariser, in his view, because he was willing to abandon the theological parts of his moral theory when they conflicted with his secular agenda.<sup>71</sup> But *secular* can also refer to something 'of or belonging to the present or visible world as distinguished from the eternal or spiritual world'.<sup>72</sup> 'Religion and the fear of God', wrote Hooker, 'as well induceth secular propensities as everlasting bliss in the world to come'.<sup>73</sup> A rejection of moral sense theory, and scepticism about ideas relating to the conspicuous presence of the Holy Spirit, are just two of the reasons why Paley's theology belonged less to the spiritual world than most of its counterparts. Critically, while in Hooker's formulation – as in most Protestant thought – 'secular propensities' were a fortunate by-product of Godliness, for Paley enhancing the worldly welfare of our fellows was the very stuff of holiness. This explains why the goal of human improvement, far from being the sole preserve of expressly secular philosophers, as is often assumed, was part and parcel of the doctrine of expediency. By placing Paley's thinking about ethics in the context of theological debate, this book will attempt to establish his genuine commitment to a worldly theology and to a programme of human advancement.

A further clarification of the aim of the book is necessary, however, before reflecting on the wider significance of the study. Because it has little to say about the moral thought of Joseph Priestley and other utilitarians in the 'Rational Dissenting' tradition, and pays only cursory attention to

<sup>69</sup> See Clark, J. C. D., *English Society 1688–1832: Ideology, Social Structure and Political Practice During the Ancien Régime* (2nd edn. Cambridge, 2000), p. 293. n. 16.

<sup>70</sup> Robert Hole, *Pulpits, Politics and Public Order in England 1760–1832* (Cambridge, 1989), p. 73.

<sup>71</sup> *Ibid.*, pp. 81–2. <sup>72</sup> OED.

<sup>73</sup> Richard Hooker, *Of the Lawes of Ecclesiastical Politie* VII, XV, S. 14.



some notable Anglican practitioners such as John Brown and John Hey, it cannot purport to be an exhaustive account of Christian expediency in Britain.<sup>74</sup> Comprehensiveness in this regard has been sacrificed to breadth in another. As the interpretation of Paley outlined earlier suggests, the term *theological utilitarianism* will here represent not only the moral theory codified in the *Principles*, but the intellectual mind-set and the practical aims – religious, moral, political and social – of its adherents, just as *utilitarianism* has long denoted the broad social and political programme of the Benthamites as well as their ethics.<sup>75</sup>

As well as providing an in-depth study of one of the most prominent schools of morals in the eighteenth century, the findings of this book have implications for our understanding of political and religious thought in a momentous period in British and European history. In his philosophical works, Paley engaged with issues such as the emergence of extra-parliamentary campaigns for political and ecclesiastical reform, the birth of the anti-slavery movement and the American and French revolutions. The account given here raises doubts about Jonathan Clark's influential view of eighteenth-century intellectual culture as characterised by a struggle between a church 'increasingly committed to theological and monarchical orthodoxy' and its heterodox, nonconformist enemies.<sup>76</sup> The most important source of anti-reformist thought was not a 'Trinitarian-dynastic nexus', but a sociological viewpoint rooted in the theological premises of the doctrine of expediency.<sup>77</sup> Paley's pessimistic predictions about the likely outcomes of constitutional innovation were based on the findings of a systematic investigation into power politics, crowd behaviour and the relationship between government and the governed, as those things played out in the context of British politics. The fact that latitudinarians like Paley and Edmund Law saw so-called 'Rational Dissenters' like Joseph Priestley and Nathaniel Lardner as their main allies in the battle against their true *bête-noire*, atheism practical and philosophical, further undermines the Christological account of ideology in the period.

At the same time, the argument advanced here helps us to situate England's intellectual culture in relation to broader developments in

<sup>74</sup> See Margaret Canovan, 'The Un-Benthamite Utilitarianism of Joseph Priestley', *Journal of the History of Ideas*, 45 (1984), 435–50; James E. Crimmins, 'John Brown and the Theological Tradition of Utilitarian Ethics', *History of Political Thought*, 4 (1983), 523–50. On Hey see A.M.C. Waterman, 'A Cambridge "Via Media" in Late Georgian Anglicanism', *Journal of Ecclesiastical History*, 42 (1991) 419–36; Gascoigne, *Cambridge*, 244–7, 264–5 and passim.

<sup>75</sup> In this respect, it complements Thomas Ahnert's *The Moral Culture of the Scottish Enlightenment: 1690–1805*. (Yale, 2015).

<sup>76</sup> Clark, *English Society*, 2nd edn., p. 373. <sup>77</sup> *Ibid.*, p. 377.



thought elsewhere in Europe in the eighteenth century. Scholarly debates about the general patterns of European learning have often been framed by the notion of 'Enlightenment'. Until recently, a consensus appeared to be forming around the view that it was no longer possible to talk meaningfully about *the* Enlightenment, but only about Enlightenments, so diverse were the preoccupations of eighteenth-century men of letters and so various were the historical and intellectual contexts in which they wrote.<sup>78</sup> Concerned that the 'many Enlightenments' view of eighteenth-century thought 'had rendered the subject so blurred and indeterminate that it is impossible to reach any assessment of its historical significance,' John Robertson has identified the emergence of a 'European-wide' intellectual movement that in its originality and intellectual coherence deserves to be described as *the* Enlightenment.<sup>79</sup> Produced by a concurrence of Augustinian and Epicurean streams of thought in the last decades of the seventeenth century, according to this view the Enlightenment extended from the 1740s to the 1790s and was characterised by 'the commitment to understanding, and hence to advancing, the causes and conditions of human betterment in this world'. With regard to the vexed question of whether England experienced enlightenment, Robertson's repeated insistence that it was a concern with the improvement of 'life on earth *regardless of the next*' that defined enlightened thought is highly suggestive.<sup>80</sup>

At first glance, it seems to imply that those scholarly priests and their allies who, according to John Pocock and Brian Young, formed the vanguard of England's distinctively 'conservative and clerical' Enlightenment ought rather to be seen as representing *the* counter-Enlightenment.<sup>81</sup> Considering, at least, the amount of intellectual energy eighteenth-century English divines expended on defending religion from the assaults of deists and sceptics, and the fact that eschatological considerations permeated most of their thinking about human welfare, this appears to be the logical implication of Robertson's scheme. According to

<sup>78</sup> See J. G. A. Pocock, 'Clergy and Commerce: The Conservative Enlightenment in England', in R. Ajello, E. Contese and V. Piano (eds.), *L'età dei Lumi: Studi storici sul settecento europeo in onore di Franco Venturi*, 2 vols. (Naples, 1985), vol. 1. pp. 523–62, 553–4; and *idem*, 'Historiography and Enlightenment: A View of Their History', *Modern Intellectual History* 5/1 (2008), 83–96. The claim was endorsed by Roy Porter in *Enlightenment: Britain and the Creation of the Modern World* (London, 2000), xviii.

<sup>79</sup> John Robertson, *The Case for the Enlightenment: Scotland and Naples, 1680–1740* (Cambridge, 2005), pp. 43, 9. See Niall O' Flaherty, 'William Paley's Moral Philosophy and the Challenge of Hume: An Enlightenment Debate?', *Modern Intellectual History* 7 (2010), pp. 1–31.

<sup>80</sup> Robertson, *Case for the Enlightenment*, pp. 28, 44. My italics. See also pp. 32, 47.

<sup>81</sup> See Young, *Religion and Enlightenment*, ch. 4.

Robertson, however, their position in relation to the Enlightenment was more tangential:

The commitments that were central to the Enlightenment itself, the development of the sciences of man and of political economy, the historical investigation of the progress of society, and the critical application of ideas of human betterment for the existing social and political order – these were not at the forefront of English intellectual life between 1740 and 1780.<sup>82</sup>

It is this description of eighteenth-century English thought, rather than Robertson's case for the Enlightenment per se, which this book seeks to question.<sup>83</sup> It is argued here that the application of the science of man to moral, political and religious questions was indeed the object of sustained focus for some of the most prominent English minds of the period, not least for Anglican philosophers, many of whom, it needs to be emphasised, were no less concerned with human betterment than were their sceptical counterparts. Nowhere is this more amply demonstrated than in the development of the doctrine of expediency. Of course, it was only at the end of the eighteenth century that Paley's influence blossomed. But the fact that the *Principles* was, as the author admitted, a systemisation of the researches of his predecessors in the theological utilitarian tradition means that it provides us with the perfect case study of moral thought in England in the period in which it was allegedly estranged from the wider European Enlightenment. Such a study will further demonstrate the untenability of an important assumption that underlies the exclusion of non-secular thought from the Enlightenment.<sup>84</sup> Robertson's emphasis on the fact that such researches were not coloured by eschatological concerns seems to imply that the philosophical pursuit of progress was necessarily encumbered by religious modes of thought, with the added connotation that the pursuit of secular improvement was ostensibly, if not exclusively, a secular project. But, as we shall see, human improvement was a priority for

<sup>82</sup> Robertson, *Case for the Enlightenment*, p. 42. In attempting to displace France as normative and in viewing England as 'an exception', Robertson is following Franco Venturi. See, for example, Franco Venturi, *Italy and the Enlightenment: Studies in a Cosmopolitan Century*, trans. Susan Corsi (London, 1972).

<sup>83</sup> This is not to question, either, the importance of Robertson's comparative study of eighteenth-century Scottish and Neapolitan philosophy.

<sup>84</sup> Vincenzo Ferrone observes that the Enlightenment involved 'a large-scale rethinking of Western religious sensibility', as exemplified by Voltaire's determination 'to pursue happiness outside of any providential scheme.' *The Enlightenment: History of an Idea*, trans. Elisabetta Tarantino (Bologna 2010; English edn. Princeton, New Jersey, 2015), pp. 101, 105. By the standards of Christian thought in the period, however, Voltaire's position amounted to unbelief. To suggest that the Enlightenment rejected the idea of providence implies that Christian thinkers were not part of it.

theological utilitarians because of, and not despite, their theological commitments being a function of their man-centred character. Nor was this emphasis confined to England, of course, since neither Rousseau nor Kant can be said to have approached the question of improvement in this life in utter abstraction from concerns for the next.<sup>85</sup>

Attempts to describe the intellectual landscape of eighteenth-century Europe in terms of Enlightenment have been dogged by the seemingly irresistible temptation to find illumination in those strands of thought that accord with our own philosophical and political outlook. Jonathan Israel's highly influential work on the Enlightenment is a case in point. Israel appears to be on solid historical ground when he identifies the desire to apply the methodological principles of the new science to philosophy, broadly defined, as pivotal to the transformation of letters in the eighteenth century – given that this is how a wide range of thinkers understood their endeavours. But this sensitivity to the intentions of the philosophers themselves wanes dramatically when he explains the categorisation underpinning his study. Whereas Peter Gay was right to equate the Enlightenment with 'the rise of modern paganism' in his pioneering survey, observed Israel, he failed to appreciate the importance of the conservative counterpart to the Radical Enlightenment of the neo-pagans, the Moderate Enlightenment. From the 'revolutionary philosophical, scientific, and political thought systems' of the Radical Enlightenment, 'followed directly the advent of republican and democratic political ideologies expressly rejecting the principles on which political, social-hierarchical, and ecclesiastical legitimacy had previously rested'.<sup>86</sup> Unwilling, however, 'to apply the new criteria to everything', the moderate majority – including Locke, Leibniz, Voltaire and Hume – continued to revere 'established authority and idealized notions of community' just as they clung to 'their belief in magic, demonology and Satan'.<sup>87</sup> It was owing to this half-hearted approach to introducing scientific method into the

<sup>85</sup> An incisive account of the role of religion in Kant's thought is Christopher J. Insole. *The Intolerable God: Kant's Theological Journey* (Cambridge, 2016). On Rousseau's religious ideas, see Geneviève Di Rosa, *Rousseau et la Bible. Pensée du religieux d'un Philosophe des Lumières* (Leiden, 2016); Pierre Maurice Masson, *La Religion de J. J. Rousseau*, 3 vols (2nd edn. Paris, 1916). See, also, David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton, New Jersey, 2008).

<sup>86</sup> Jonathan I. Israel, *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man 1670–1752* (Oxford, 2013), pp. 9–10. Peter Gay, *The Enlightenment: An Interpretation. Vol. 1. The Rise of Modern Paganism* (New York, 1966); Idem, *The Enlightenment: An Interpretation. Vol. 2. The Science of Freedom* (New York, 1969).

<sup>87</sup> Israel, *Enlightenment Contested*, p. 10.

humanities, explains Israel, that, despite its dominance after 1740 ‘in terms of support, official approval, and prestige’, the Moderate Enlightenment was eventually superseded by the Radical. ‘For it was always fatally hampered by its Achilles heel, namely that all its philosophical recipes for blending theological and traditional categories with the new critical-mathematical rationality proved flawed in practice, not to say highly problematic and shot through with contradiction’.<sup>88</sup>

This interpretation contains two misleading assumptions. It fails to recognise, first of all, that from the perspective of many of the *moderates* themselves, it was they who were the true vanguard of the scientific revolution in the teeth of the revival of discredited ancient schools of thought such as scepticism and Epicurean materialism, a perception fortified by the fact that it was shared by Isaac Newton, Robert Boyle, John Ray and Joseph Priestley, the foremost practitioners of the day. For, the question of what the adoption of the new scientific methodology meant for religion was very much open to debate. Similarly, the assertion that the proper application of ‘rationality’ to politics necessarily led to democratic ideology misses the point that many thinkers rejected the doctrine of ‘the rights of man’ precisely because they believed it contradicted the ‘science of man’ as they understood it. The reason why Paley was intent on placing political rights on a utilitarian foundation, indeed, was to put paid to the ill-founded theories of right that were beginning to gain traction in the period; rights were to be determined by an ulterior moral standard rather than doubtful historical hypotheses about the origins of society. When Malthus poured scorn on the utopian prophecies of Godwin and Condorcet – trailblazers of the Radical Enlightenment – it was on the grounds that by inferring ‘an unlimited progress from a partial improvement, the limits of which cannot be exactly ascertained’ they flouted Newtonian principles of reasoning.<sup>89</sup> We need hardly mention, furthermore, that the pioneers of the drive to reduce politics to a science in the period – Montesquieu, Hume, Smith and Burke – all favoured preserving the basic edifice of the British Constitution as the best means of securing the liberty of the governed. In fine, the assertion that a thoroughgoing commitment to

<sup>88</sup> *Ibid.*, p. II.

<sup>89</sup> T. R. Malthus, *An Essay on the Principle of Population as It Affects the Future Improvement of Society, with Remarks on the Speculations of Mr. Godwin, M. Condorcet, and Other Writers* (London, 1798), p. 216. Hereafter referred to as *First Essay*. Godwin was inducted into the Radical Enlightenment in Jonathan I. Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, New Jersey, 2011).

scientific methods inevitably led to the adoption of democratic ideals is hardly borne out by the evidence.

A more historical approach to grasping the main intellectual tendencies of the age is to try to identify the reasons why so many educated people believed they lived in ‘an enlightened age’ or, at least, in ‘an age of enlightenment’.<sup>90</sup> It is possible to boil this self-perception down to a few core assumptions that formed the zeitgeist of intellectual life in Britain, France and the American Colonies at least, and to some extent elsewhere in Europe. Though variously described and located, the darkness from which eighteenth-century men of letters – and, in Britain, the educated public more generally – saw themselves emerging was primarily intellectual and moral. Intellectual *Enlightenment* in this strict historical sense related, first, to the inexorable supplanting of mystical explanations of the world – be they Aristotelian, neo-Platonic, Catholic, evangelical or those of popular magic – with modes of knowledge based on observation and experiment.<sup>91</sup> Placing their trust in experience as the measure of truth, rather than in dogma as earlier generations had too willingly done, they saw theirs as an age of intellectual maturity. But it was also a ‘knowing age’ in the sense that it simply understood the world much better than previous epochs had done; it knew more about the solar system, anatomy, medicine, geography, government, gardening, military tactics, husbandry, etc. ad infinitum. There was an assumption, furthermore, that this knowledge would expand indefinitely and an expectation that many existing paradigms would someday be replaced with new ones – providing that there was ample freedom of thought and expression. Moral Enlightenment was the graduation of mankind from barbarism – ancient, feudal or both, depending on your viewpoint – to the polished and humane social relationships that characterised commercial society in modern Europe and colonial America, as exemplified by the increasingly benevolent treatment of the poor by the rich, or of women by men. Few followed Rousseau in construing the course of civilisation followed by mankind in a negative light. What was in question was how improvement had come about, how it could be sustained and what were its limits (if, indeed, it had any). As Bourke has observed, no political party or ideological grouping had a monopoly on Enlightenment thus understood, however much they laid claim to one. Whereas Richard

<sup>90</sup> In this I agree with Caroline Winterer, *American Enlightenments: Pursuing Happiness in the Age of Reason* (Yale, 2017), pp. 7–9. See also Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton, New Jersey, 2015), pp. 68–9 and passim.

<sup>91</sup> The classic expression of this view was part two of the *Discours préliminaire de l'Encyclopédie* (1751) by d'Alembert.

Price saw the French Revolution as embodying the ever-wider diffusion of the spirit of liberty that followed from the inexorable progress of reason in the world, Edmund Burke saw it as fatal to the cultural forces to which Europe owed its advancement: the spirit of religion and the spirit of the gentleman.<sup>92</sup> Opinion was also divided on the question of whether Christianity was a help or a hindrance to moral improvement. Whereas Law and Paley saw religion as the engine of ethical progress, Hume and d'Holbach thought it was liable to poison sociability. Naturally, narratives of moral improvement were deeply enmeshed with those of intellectual advance. It seemed clear, for example, that a culture of civility and an ethos of tolerance were essential to the flowering of intellect, but also, conversely, that such conditions could only last if destructive forms of subjectivity were kept at bay. There was a broad consensus, finally, that the Enlightenment of the age was bound up with the proliferation of luxury and commerce – though there were few who welcomed these developments without reservation.

Although it is true, as Jonathan Clark observes, that the *enlightened age* of eighteenth-century writers was not *the Enlightenment* of historical scholarship, the fact that the idea was crucial to the self-understanding of the intellectual elite in Europe and North America means that historians cannot very well ignore it.<sup>93</sup> To the possible objection that to define Enlightenment in terms of such broad assumptions risks rendering the term so general that it communicates little, the answer is that the set of attitudes was specific to the period, that they did not shape the ideas of all thinkers to the same degree, and that many rejected them altogether.<sup>94</sup> Identifying the substantial body of shared assumptions within which eighteenth-century debate took place will help us to discern the tangled web of alliances and affinities through which more schematic definitions of Enlightenment tend to scythe. The fact that both Edmund Law and d'Alembert traced their intellectual lineage back to Newton and Locke, for example – inexplicable in terms of the Radical/Moderate or secular/religious axis – can be readily accommodated by the bottom-up account of

<sup>92</sup> Bourke, *Empire and Revolution*, ch. 13.

<sup>93</sup> J. C. D. Clark, *From Restoration to Reform: The British Isles 1660–1832* (London, 2014), p. 106. A word search on *Eighteenth Century Collections Online* reveals that the phrase 'Enlightened Age' appears in 2,601 works.

<sup>94</sup> According to Darrin M. McMahon, Catholic opponents of the philosophes scorned such assumptions. See *Enemies of the Enlightenment: The French Counter-Enlightenment and the Making of Modernity* (Oxford, 2002). In England, the picture was more complex, since even the Methodists subscribed to some 'enlightened' principles. See Henry D. Rack, 'A Man of Reason and Religion? John Wesley and the Enlightenment', *Wesley and Methodist Studies* 1 (2009), 2–17.

Enlightenment sketched here. The history of theological utility illustrates particularly well the difficulty of ring-fencing a quintessentially ‘enlightened’ viewpoint from our vantage point. Though they were locked in an ongoing debate about the relationship between religion and morality, an expansive common ground underlay latitudinarian and sceptical contributions to the controversy including, most importantly, a shared conception of man as essentially a bundle of appetites, always pursuing his self-interest.<sup>95</sup> And like Hume, they identified satisfaction, defined as serenity, as the goal of human existence.<sup>96</sup> That Paley’s conception of improvement was indicative of his preference for the kind of ‘sociological’ conception of society and politics associated with the Scottish political economists, over what he saw as the schemes of ‘speculative perfection’ mooted by Price and Priestley, reveals an even more startling entwinement. Much of his political theory, including his rejection of Lockean contract theory and his identification of prejudice and ignorance as the main sources of political obligation, was adapted from Hume.<sup>97</sup> It is no small irony, then, that primary elements of a theory designed to replace ‘the religious hypothesis as the ground of political philosophy’<sup>98</sup> were absorbed – in Christianised form – into England’s clerically controlled academic culture. These complex networks point to a particular advantage of using the history of theological utilitarianism as a window into eighteenth-century conceptions of Enlightenment.<sup>99</sup> Because they were ready to co-opt whatever ideas they deemed conducive to human improvement, the works of Law, Paley and Malthus were a crucial channel for continental and Scottish thought into English intellectual culture. It was through them that many English readers first became acquainted with the ideas of Montesquieu, Hume and Smith. Considering, indeed, their wide circulation and the cachet they enjoyed among the political elite, such books were undoubtedly among the most important vehicles for the dissemination of the science of man in England and the United States.<sup>100</sup>

<sup>95</sup> According to Robertson, this ‘Epicurean account of human nature’ was central to Enlightenment thought. Robertson, *Case for the Enlightenment*, p. 301.

<sup>96</sup> For the evangelical counter view see Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought 1785–1865* (Oxford, 1988), p. 21.

<sup>97</sup> See John Burrow, *Whigs and Liberals: Continuity and Change in English Political Thought* (Oxford, 1988), p. 54.

<sup>98</sup> Forbes, *Hume’s Philosophical Politics*, p. 78.

<sup>99</sup> For a study that focuses on the Church’s historical scholarship, pastoral care and political practice, see William J. Bulman, *Anglican Enlightenment: Orientalism, Religion and Politics in England and Its Empire, 1648–1715* (Cambridge, 2015).

<sup>100</sup> On the dissemination of ‘Enlightenment’ thought see Robert Darnton, ‘In Search of the Enlightenment: Recent Attempts to Create a Social History of Ideas’, *The Journal of Modern*



The book is divided into four parts. Comprising two chapters, part one provides a genealogy of theological utilitarianism, starting with its formulation by Gay and Law, then moving on to Tucker's endeavour to encourage a more pragmatic approach to nurturing virtue based on the theory of association. Part two examines Paley's efforts to rise to this challenge in the *Principles*. [Chapter 3](#) explores the philosophical side of the exercise: his development of the doctrine of general rules as a way of rendering utility fit for everyday use, and his critique of Hume's attempt to separate ethics from religion. The chapter concludes with a contrast between theological expediency and its main rival in the period, the theory of conscience as expounded by Joseph Butler. By illustrating the dividing line between anthropocentric and God-centred moral thought, this exercise helps us to bring out the remarkable worldliness of the Paleyan tradition. In accordance with Tucker's call to arms, the intention behind Paley's works was not merely to explain the nature of morality, but to inculcate virtue and instruct readers in how to manage their passions. [Chapter 4](#) considers what this programme looked like as a way of life, this time in contrast to the devotional mindset being touted by evangelicals like John Wesley and Hannah More. Paley advanced his highly distinctive vision of religious life as a cure for the spiritual lethargy of the time, as epitomised by the lukewarm belief of so many who called themselves Christians and the malignant hold of the laws of honour and fashion over the upper classes. The [final chapter](#) of this part argues that Paley's *Natural Theology* (1802) ought to be read as advancing this same programme of moral improvement by training his readers to view the natural world in a manner which made them constantly mindful of their obligations.

In [Part 3](#), we turn to Paley's attempt to reconstruct political theory on a utilitarian basis in the *Principles*. His aim, as [Chapter 6](#) explains, was to provide the political classes with philosophical principles for determining which party to support in times of political upheaval. He saw expediency as a scientific alternative to the spurious accounts of political obligation offered by both Lockean contract theory and notions of divine right. As such, it could rid British politics of the destabilising litigiousness encouraged by the former and the ossifying servility engendered in the latter. [Chapter 7](#) examines Paley's much vaunted chapter on the British Constitution. While he claimed that his political ideas had been formulated in times of relative political quiet, and were aloof therefore from party

*History* 43 (1971), 113–32; Idem, *The Business of Enlightenment: A Publishing History of the 'Encyclopédie' 1775–1800* (Harvard, 1979).



rancour, evidence has come to light which proves that his attitudes to the reform proposals of the day were profoundly shaped by his sense that the constitution was in great peril. The political events that occasioned this anxiety are delineated in detail. The subject of [Chapter 8](#) is Paley's profoundly influential vindication of the English justice system. It argues that this defence was no less grounded in the science of man and the principle of utility than was the case for the reform of the 'bloody code'. In doing so, it exposes the fallacy of the suggestion of some scholars that its object was to cloak a conspiracy of the propertied classes to protect their privilege. This section concludes with a brief chapter outlining Paley's contribution to the debate about toleration and church establishment. Its aim is to demonstrate the continuity of his case for an established church and full toleration in 1785 with the ultra-anti-dogmatic position adopted in his lectures in the 1770s. The point is that Paley's stance on the constitution and church establishment can be explained in terms of purely political imperatives on the one hand and the directives of the science of man on the other; they owe nothing to a sudden desire to restore Anglican orthodoxy.

[Part 4](#) explores the vital role of theological utilitarianism in the momentous debate that erupted at this time between paternalism and its enemies. In [Chapter 10](#), we survey what might arguably be described as the apotheosis of the theological utilitarian project, Paley's advocacy – over five chapters – of the duty to promote the happiness of the poor, as he tried to quell a growing scepticism among educated people about the merits of providing them with bounty. Charity, as the early utilitarians saw it, was the main business of religion; and Paley set out to promote it in three ways: by establishing the right of the poor to subsistence on utilitarian grounds, by eliciting sympathy for the poor and a sense of obligation towards them through affecting exempla, and by recommending a psychologically astute programme of charity that would maximise the benefits to giver and receiver. Counterintuitively, it was in advancing paternalist doctrines that Paley gave expression to his belief in human progress and his commitment to advancing it. In 1792, however, one of the conditions of this advancement appeared to be in jeopardy, as political radicals, against the backdrop of political helter skelter in France, began to enlist the working people in the campaign to refashion the constitution. [Chapter 11](#) analyses Paley's attempt to persuade the labouring community that they had little to gain and much to lose by heeding the Painite call. The emphasis here is on the continuity between such arguments and the paternalist vision of society expounded in the *Principles*. Tracing the narrative into the nineteenth century, the second

half of the chapter recounts the dramatic last episode in the history of the tradition, the enigmatic exchange between Paley and Malthus. It is a commonplace in the literature that Paley ‘converted’ to Malthus’s bleak demographic views on reading the first edition of the *Essay on the Principle of Population* (1798). What is not appreciated is that Paley employed the principle of population in his *Natural Theology* for the very specific purpose of expanding his case against levelling principles, while eschewing entirely the social philosophy that Malthus derived from it. In the second edition of *Essay on the Principle of Population* (1803), Malthus, in turn, used the doctrine of expediency governed by general rules to undermine the paternalist moral culture that Tucker and Paley had worked so hard to foster.

PART I

*The Early Utilitarians*



*The Development of Lockean Moral Philosophy*

Whereas Paley's political philosophy engaged explicitly with the hot political issues of the 1780s, including proposals for the reduction of regal influence and the improvement of parliamentary representation, the context of his ethical thought is more difficult to reconstruct. We know that much of the *Principles* was based on lectures given at Christ's College in the early 1770s. Paley was admitted to Christ's as a sizar on 16 November 1758 and started his residence in October 1759, having been a pupil at the free grammar school in Giggleswick in the West Riding of Yorkshire, where his father was headmaster. A capable mathematician, he graduated as senior wrangler in June 1763. Unhappy spells as a schoolmaster's assistant at Dr Bracken's academy in Greenwich and then as an assistant curate ('the rat of rats', as he put it) were brought to an end in 1766 when he was elected a fellow of Christ's following his receipt of the Cambridge Members' prize in 1765 for an essay in Latin on the relative merits of Stoicism and Epicureanism. Vacating Christ's in 1776, Paley took up residence among the rural community of Appleby in the diocese of Carlisle. Then, from 1780 onwards, he had two houses, a prebendal residence in the close of Carlisle Cathedral and the vicarage at Dalston. In 1782 he replaced John Law, his college friend and confidant, as Archdeacon of Carlisle. He owed these appointments to John's father, the eminent theologian Bishop Edmund Law. In the late 1770s, Edmund began pressing Paley to get on with the job of developing the lectures into a book.<sup>1</sup> The Bishop's apparent anxiety about Paley's slow progress was undoubtedly brought on by the changing intellectual climate at Cambridge.

In an atmosphere of toleration and erudition, natural-theological apologetics flourished in 'Whig-Cambridge' for much of the eighteenth century, and, as Paley recognised in his dedicatory preface to the *Principles*, few had

<sup>1</sup> Edmund Law to John Law, 4 June 1778, London, National Archives, Edward Law 1st Earl of Ellenborough Papers, PRO 30/12/17/3/43.

laboured harder than Law to render religion more credible. However, according to Gascoigne, from the 1770s on, this tradition gradually began to give way to more transcendental doctrines, a shift that was partly the result of changes in the political landscape at the university.<sup>2</sup> As master of Peterhouse, Edmund had been among the foremost advocates of reform in the university. A confirmed Hoadlyite, he joined the campaign to relieve the clergy from mandatory subscription to the Thirty-Nine Articles, efforts which culminated in the Feathers Tavern Petition to Parliament in 1772. In the wake of the American Revolution, many at the university became more wary of the reform movement, not least because they believed that the concerted efforts of Wilkes and Wyvill to enlist popular support for their petitioning campaigns threatened to turn an innately tumultuous populace into actors on the political stage, where hitherto they had been mere spectators. Such worries help to explain why some at Cambridge thought the Feathers Tavern men, by petitioning Parliament, had taken matters too far. The defections from the church that followed the petition's failure appeared to point to the schismatic tendency of latitudinarian lenity. In 1779 one such renegade, John Jebb, advised the freeholders of Middlesex that if the government continued to deny the people their rights to equal representation and universal suffrage, 'it would be truly constitutional' for an extra-parliamentary convention to declare the dissolution of the Commons.<sup>3</sup> Small wonder that by the 1780s, many clerics began to equate the distaste for creeds with sedition. As Gascoigne observes, one upshot of this growing ideological polarisation at Cambridge was that anxious dons began to look more to the certainties of revealed theology.

No doubt sensitive to these changes, in 1782 Law was advertising Paley's talents to influential figures at Cambridge, probably in the hope of installing a latitudinarian work of ethics on the syllabus while like-minded clerics still held sway in university affairs.<sup>4</sup> It was the reformer Thomas Jones who, as moderator in the philosophical schools, introduced the *Principles* into exams at Trinity in 1786, and university-wide after 1787. If Law had expected Paley to throw in his lot with those agitating for constitutional change, he must have been disappointed, however. For despite his avowed aloofness from such disputes, the *Principles* expressly

<sup>2</sup> Gascoigne, *Cambridge*, pp. 238–9.

<sup>3</sup> John Jebb, *Address to the Freeholders of Middlesex* (3rd edn. London, 1780), p. 16.

<sup>4</sup> He told his son that Paley's discourse had been 'highly approved' by vice-chancellor Richard Beadon. Edmund Law to John Law, 7 November 1782, PRO 30/12/17/1/21. But see pp. 82–3. For a further discussion of Law's motives.

rejected calls for a reform of the representation of Parliament and for the abolition of subscription. Yet if his politics had disappointed them, there was plenty for Law and Jones to like about Paley's theology, for the *Principles* was a work of rational religion par excellence. It was his unparalleled ability to give cogent answers to their theological and ethical questions that recommended the book to so many divines. Paley himself saw his system as a remedy for the failings of the moral philosophy curriculum at Cambridge. Whereas the writings of Grotius and Pufendorf were 'of too forensic a cast, too mixed up . . . with the jurisprudence of Germany' for his liking, the 'sententious apophthegmatising style' of Adam Ferguson's *Institutes of Moral Philosophy* (1769) gained 'not a sufficient hold upon the attention' of the ordinary reader. Moral philosophy should aim at nothing less than 'the information of the human conscience in every deliberation that is likely to come before it', according to Paley, and expediency met this criteria by providing a hard and fast rule, applicable in all situations.<sup>5</sup> Thomas Rutherforth's *Institutes of Natural Law* (1754–6), popular with tutors at Cambridge, had defined the 'law of our nature' as those rules that it is 'necessary for us to observe, in order to be happy'.<sup>6</sup> But here the doctrine of expediency was lost in a fog of otiose definitions which Paley believed would blunt its effect on young minds. By contrast, his bold affirmation that it is 'the utility of any moral rule alone which constitutes the obligation of it' signalled his intention to expound the principle in a manner sufficiently clear and comprehensive to direct behaviour.<sup>7</sup> The *Principles* drew heavily on John Gay's groundbreaking 'Preliminary Dissertation' (1731) and Edmund Law's follow-up, 'On Morality and Religion' (1758).<sup>8</sup> But where these earlier pioneers had explored the psychological underpinnings of theological utilitarianism, they had said little about its practical application. First in his lectures, and then in the *Principles*, Paley applied expediency to the lives of eighteenth-century Englishmen.<sup>9</sup>

<sup>5</sup> William Paley, *The Principles of Moral and Political Philosophy* (London, 1785), pp. i, iv, xv.

<sup>6</sup> Thomas Rutherforth, *Institutes of Natural law: Being the Substance of a Course of Lectures on Grotius de Jure Belli et Pacis Read in St John's Cambridge*, 2 vols. (Cambridge, 1754–6), vol. 1, p. 10.

<sup>7</sup> *Principles*, pp. vi–vii, 61.

<sup>8</sup> Gay's 'Preliminary Dissertation Concerning the Fundamental Principle of Virtue or Morality' first appeared anonymously in Edmund Law, trans., *An Essay on the Origin of Evil* by William King (Cambridge, 1731). Law added two moral treatises of his own to the fourth edition, 'On Morality and Religion' and 'The Nature and Obligations of Man as a Sensible and Rational Being', in *An Essay on the Origin of Evil* by William King, trans. Edmund Law (4th edn. Cambridge, 1758). King's *De Origine Mali* was first published in 1702.

<sup>9</sup> *Principles*, p. ix.

In doing so he was continuing the systemisation of theological utilitarianism initiated by Abraham Tucker, who in his *Light of Nature Pursued* had sought to demonstrate the sanctity of human happiness by a rigorous examination of human nature. Fearing that the profuseness of his speculations would confine his readership to the learned, Tucker modestly observed that it was ‘no uncommon thing in the sciences . . . to see one man prepare materials for another to work up’.<sup>10</sup> Paley apparently read this as a personal invitation, declaring that ‘I shall account it no mean praise, if I have sometimes been able to dispose into method . . . or to exhibit in more compact and tangible masses, what, in that otherwise excellent performance, is spread over too much surface’.<sup>11</sup> In [Chapter 3](#), it is shown that there was more to ‘working up’ Tucker’s theology than merely distilling it into a practical code. First, however, some account must be given of the birth of the tradition in the 1730s.

### The True Origin and Criterion of Morals

The prime mover in the development of Christian utility was Edmund Law. The son of a curate and schoolmaster, Law graduated from St John’s College, Cambridge in 1723 and was elected a fellow of Christ’s College in 1727.<sup>12</sup> In a long career at the university, crowned by his ascent to the Mastership of Peterhouse College in 1754, his mission was to ensure that it led the way in advancing the investigation of religious truth, on the one hand by spearheading the endeavour to restore the teachings of scripture to their original simplicity and on the other by nurturing natural theology and the sciences that sustained it.<sup>13</sup> To create the optimum conditions for truth to thrive, moreover, he strove tirelessly to remove alleged obstacles to free religious inquiry such as mandatory subscription – though like his close friend Francis Blackburne, he remained committed to doing so from within the Anglican fold. On the ground, Law’s campaign to forward the march of Christian Enlightenment involved modernising the curriculum, nurturing the next generation of latitudinarian thinkers and contributing to scholarly debate through his own publications.<sup>14</sup> As will become

<sup>10</sup> Abraham Tucker, *The Light of Nature Pursued: From the Second Edition Revised and Corrected with Some Account of the Life of the Author*, ed. H. P. St. John Mildmay, 4 vols. (1768–78; Cambridge, 1831), vol. 1, p. 88.

<sup>11</sup> *Principles*, pp. xiii–xiv. <sup>12</sup> ODNB.

<sup>13</sup> See Paley, *A Short Memoir of the Life of Edmund Law (Extracted from Hutchinson’s ‘History of Cumberland’, . . .) Re-printed with notes. By Anonymus* (London, 1800).

<sup>14</sup> His protégés included future-Unitarians like Jebb, John Disney and Gilbert Wakefield; but also lifelong Anglican latitudinarians like Richard Watson and John Hey.



apparent, all three endeavours contributed to the rise of Christian utility. While its success did not precipitate the kind of doctrinal warfare sparked by anti-Trinitarianism in the period, it did provoke a hostile reaction from a number of prominent churchmen, who saw utility as undermining some of the basic assumptions of Christianity. Its rise undoubtedly owed much, therefore, to Law's intellectual character, his extraordinary openness to new and challenging ideas, but also his stubborn adherence to those he found persuasive. He was willing both to brave the censure of his more orthodox colleagues for propounding unorthodox teachings – most notably, the doctrine of mortalism, the notion that the soul slept between death and resurrection – and to take up the cudgels for some of the most heterodox churchmen of the day, many of whom were his acolytes.<sup>15</sup> Importantly, his intellectual courage was matched by his energy and commitment. As we have seen, it was Law who coaxed Paley into turning his lectures on ethics into a textbook, while working tirelessly on the University authorities to ensure it became required reading. Given, in addition, that John Gay was by all accounts a highly reticent character, it is hard to think that his seminal essay would have seen the light of day had Law not included it in his edition of William King's *De Origine Mali* (1731).

A fellow of Sidney Sussex, Gay lectured in Hebrew, Greek and Ecclesiastical History. All we know about him apart from this is that he was an accomplished biblical scholar with an unsurpassed knowledge of Locke.<sup>16</sup> A vital influence on Tucker and Paley, his 'Preliminary Dissertation' was a highly original contribution to the debate about moral sense theory. The work challenged Francis Hutcheson's characterisation of the moral sense as innate, offering in its place a genealogy of moral affections drawn from Locke's analysis of human motivation. In a bid to refute the assertion of Hobbes and Mandeville that both moral approbation and virtue stemmed from selfish motives, Hutcheson's *Inquiry Concerning Moral Good and Evil* (1725) had ascribed such behaviour to the interplay of two instincts which acted 'without regard to *self-interest*' – the *moral sense* which determines our minds to approve of 'some quality apprehended in actions' which we recognise as morally good, and '*disinterested affection*' from which virtuous actions flow.<sup>17</sup> That men generally look favourably upon good actions without being able to give reasons for their approbation and that they often pursue

<sup>15</sup> Paley, *Short Memoir*, pp. 12–13. <sup>16</sup> This was according to the Bishop. *Ibid.*, p. 2.

<sup>17</sup> Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue* (3rd edn. London, 1729), pp. 115, 104, 158–9. Hutcheson styled the moral affections instincts in *Inquiry*, pp. 195–6.

virtue without considering their private interest, only a fool or a Hobbist would deny, asserted Gay. But the theory that described the moral sense and the public affections as instincts, if not necessarily guilty of resurrecting the discredited doctrine of innate ideas, smacked nonetheless 'of that of *occult qualities*'.<sup>18</sup> It is an extremely telling allegation in regards to the themes of this book, since it reveals that from its inception, theological utility was conceived of as an attempt to extend the 'scientific revolution' to the realm of ethics.

As Keith Hutchison has shown, when exponents of mechanical science scorned occult qualities, what they were often really objecting to was the idea of Aristotelean qualities per se, i.e. the *qualitates* or forms said to be responsible for the attributes of things.<sup>19</sup> Because they assumed that in perception, the properties of bodies accessed the mind directly, peripatetics held that such qualities provided 'a complete and satisfactory explanation of the observed phenomena, the final answer to all queries'.<sup>20</sup> Qualities that were 'within the realm of experience, but outside the realm of sense', however, such as magnetism and ether, were deemed to fall beyond the scope of *scientia*, which dealt only with things that could be perceived by the senses.<sup>21</sup> These were designated occult qualities by the peripatetics, and frequently ascribed to supernatural causes.<sup>22</sup> As the proponents of mechanical science saw things, however, all causes were occult by this definition, since they all produced their effects imperceptibly, i.e. through some indiscernible interaction between the minute parts (corpuscles or atoms) of the bodies in question.<sup>23</sup> Perception did not partake of the real essence of things. They asserted, moreover, that the specific phenomena deemed occult by the Aristotelians were amenable to scientific explanation, in the sense that their causes might be accounted for mechanically, or that their effects could be described in terms of general scientific laws. In claiming that invoking the moral sense to account for morals was redolent of the doctrine of occult qualities, then, Gay meant either that it was vacuous – akin to explaining heat as a manifestation of the form of heat – or that it was a way of evading explanation altogether while giving credence to mysticism.

<sup>18</sup> Gay, 'Preliminary Dissertation', p. xiv. On Hutcheson's attitude to innate ideas see Daniel Carey, *Locke, Shaftesbury, and Hutcheson: Contesting Diversity in the Enlightenment and Beyond* (Cambridge, 2006), pp. 161–172.

<sup>19</sup> Keith Hutchison, 'What Happened to Occult Qualities in the Scientific Revolution?', *Isis*, 73 (1982), 234.

<sup>20</sup> Marie Boas, 'The Establishment of the Mechanical Philosophy', *Osiris* 10 (1952), 415.

<sup>21</sup> Hutchison, 'Occult Qualities', p. 239. <sup>22</sup> *Ibid.*, pp. 235–6. <sup>23</sup> *Ibid.*, p. 243.

A more credible explanation of the moral sentiments, Gay hypothesised, was that such dispositions were rooted in rational calculations of self-interest and ultimately derived therefore from ‘the principle of all action’, the pursuit of pleasure and avoidance of pain. When viewed in the imagination, the objects of pleasure and pain, or what we call good and evil, ‘have a present pleasure or pain annexed to them, proportional to what is apprehended to follow them in real existence’.<sup>24</sup> These are our passions, and the desires that arise from them are affections. The theological utilitarians agreed with Locke, then, that the province of reason was to consider which desires ought to be satisfied in order to produce happiness, understood as ‘the utmost pleasure’.<sup>25</sup> Adopting a first-person narrative, Gay advances a conjectural history of how moral sensibilities would have evolved among rational beings dedicated to seeking private happiness. As my happiness depends on the voluntary behaviour of my fellows, approbation is a way of ‘annexing pleasure’ to their selfless behaviour as the only means of encouraging them to promote my happiness. But since I approve of my benefactor’s happiness, I also desire and take pleasure in it. And this esteem which I attach to actions that benefit me is the source of public affection, as it provides the motive for moral actions.<sup>26</sup> The error of those like Hutcheson who saw merit as being incompatible with acting for the sake of private happiness was that they failed to distinguish properly between ultimate and inferior ends. As all actions are ultimately motivated by the pursuit of happiness, the merit of an action must concern its inferior end. Though I am aware that his final objective is to bask in the warmth of my approval, as long as his immediate aim is to promote my general well-being and not to procure some particular favour, the moral agent is worthy of my esteem.<sup>27</sup> Like Adam Smith later, Gay maintained that that the whole gamut of moral affections – benevolence, ambition, honour, shame, etc. – could be explained in terms of an economy of esteem; but whereas, for Smith, such ‘fellow feeling’ was its own reward, for utilitarians the hunger for merit derived

<sup>24</sup> Gay, ‘Preliminary Dissertation’, p. xxii.

<sup>25</sup> John Locke, *An Essay Concerning Human Understanding*, Peter H. Nidditch (ed.) (4th edn. 1700; Oxford, 1975), p. 258. The sphere of morality, according to Locke, consists in our ‘power to *suspend* the prosecution of this or that desire’, for during this suspension ‘we have opportunity to examine, view, and judge, of the good or evil of what we are going to do’. Our duty then is to ensure that we choose those sources of uneasiness (i.e. passions) which yield the highest amount of satisfaction. pp. 263–4.

<sup>26</sup> Gay, ‘Preliminary Dissertation’, p. xxiv.   <sup>27</sup> *Ibid.*, pp. xxv–xxvi.

from our perception that those who held us in high regard were more likely to treat us well.<sup>28</sup>

The obvious objection to this scheme, Gay acknowledged, was that we approve or disapprove of moral actions spontaneously without any consideration of self-interest, and even where the behaviour has no effect on our private happiness. Rather than providing evidence of divinely implanted instincts, however, such phenomena could be explained in terms of Locke's theory of the association of ideas. In a brief chapter added to the fourth edition of *An Essay Concerning Human Understanding*, Locke had described how ideas with no natural correspondence often became fixed in the mind through chance or custom, and how, indeed, 'most of the Sympathies and Antipathies observable in men' could be ascribed to associations cemented in this way.<sup>29</sup> Gay took the further step of explaining the process by which such connections gave rise to the moral sense and to all the '*acquired Principles of acting*' that may have the appearance of instincts.<sup>30</sup> On observing that certain modes of action promote our private happiness, we attach pleasure to them. But eventually such behaviour becomes inextricably linked in the imagination with the idea of pleasure, such that when we witness selfless actions we automatically feel enjoyment, even where we are not the beneficiaries. The moral agent comes to admire virtue in the same way a miser develops a love of money then, association turning 'that which was first pursued only as a *Means*' into 'a real End, and what their Happiness or Misery consists in'.<sup>31</sup> Crucially, however, many of these associations come to us second-hand, being gradually accumulated as we imitate others in attaching pleasure and pain to certain types of action. It was thus conventional morality that was supported by the moral sense and public affections. And it was clearly with a view to exposing the gulf between 'that, which is thought praiseworthy'<sup>32</sup> and that which was right in God's eyes that Gay's critique of Hutcheson was prefaced by a section purporting to reveal the true criterion of virtue.

Again, the reader is invited to see the world through the eyes of a reasonable creature trying to maximise personal happiness. Obligation is defined in similarly Lockean terms as '*the necessity of doing or omitting any Action in order to be happy*'. As it arises 'from the necessary Influence which

<sup>28</sup> *Ibid.*, pp. xxvii–xxviii. For Smith, esteem was easily the most sought-after pleasure, but virtue was only one means of attaining it. Adam Smith, *The Theory of Moral Sentiments*, Knud Haakonssen (ed.) (6th edn. 1790; Cambridge, 2002), pp. 69–70.

<sup>29</sup> Locke, *Essay*, p. 396. <sup>30</sup> Gay, 'Preliminary Dissertation', p. xxx. <sup>31</sup> *Ibid.*, p. xxxi.

<sup>32</sup> Locke, *Essay*, p. 354.

any Action has upon present or future Happiness or Misery', obligation can emerge from natural or civil law as well as conventional morality. But complete obligation can only come from divine authority, for God alone can influence our happiness in all cases (presumably because of the sanctions at his disposal).<sup>33</sup> If the will of God was the rule of virtue, however, it remained to be explained what it was he commanded. In attempting to answer this question, so vital to clergymen who saw virtue as the main province of religion, Gay was entering territory that Locke had left largely uncharted. For despite Locke's insistence that the proper definition of mixed modes would render morality as demonstrable as mathematics and his frequent hints as to the type of behaviour likely to be rewarded by the Almighty, no clear measure of rectitude was identified in the *Essay*.<sup>34</sup> Such direction could be gleaned, maintained Gay, from the abundantly evident goodness of His works, which plainly demonstrated 'that he could have no other design in creating Mankind than *their* Happiness'. As the will of God was 'the immediate Criterion of virtue', a morally good action was one that furthered this design by promoting the happiness of our fellows.<sup>35</sup> In addition, then, to the Lockean account of the moral sense, Gay's bequest to later latitudinarian moralists included a standard of virtue which neatly reconciled private with public good while preserving the religious basis of ethics. For Paley and Tucker, as we shall see, the role of the philosopher was to effect a closer alignment between these two pillars of theological expediency, by increasing the degree to which the morality of opinion was governed by the rational rule of virtue. In other words, Paleyan ethics was largely concerned with the cultivation of the moral sense, and it is this objective which engendered the sociological approach to morality, religion and politics that forms the core theme of this book. Any genealogy of Paley's thought must give due weight therefore to the moral sense tradition, at least as it was construed by Christian utilitarians.

A helpful way of grasping its significance in relation to the emergence of Christian expediency is through Law's periodical updates on the state of ethics and religion, unsystematically strewn over successive editions of his works (and frequently in footnotes) in the middle decades of the eighteenth century. Interestingly, Law's first commentary on the subject, a lengthy footnote in his translation of Archbishop William King's *De Origine Mali*, wholeheartedly endorsed the idea of 'a disinterested

<sup>33</sup> Unlike Locke, Gay does not stipulate that our obligation stems from rewards and punishments in the next life. Locke, *Essay*, pp. 351–2.

<sup>34</sup> Locke, *Essay*, p. 516. <sup>35</sup> Gay, 'Preliminary Dissertation', p. xix.

benevolent instinct', largely with a view to exposing the alleged vacuousness of intuitionist ethics. By directing us to perform and approve of actions which benefited mankind, the moral sense illuminated the true criteria of morals, providing it with the substantive basis which was lacking in those theories which made '*essential Rectitudes*, and *Eternal Notions*' the basis of virtue.<sup>36</sup> Clearly, however, this thoroughly utilitarian slant on the moral sense, which saw it solely as an indicator of the types of action that yielded human satisfaction, subverted Hutcheson's intention of showing that 'moral good is irreducible to natural good'.<sup>37</sup> Furthermore, by placing it at the hub of a theory that held 'a principle of Self Happiness' to be the 'spring' of moral obligation and therefore the basis of natural law, Law used the notion of conscience to support precisely the view of morality it was designed to overturn. The idea of a moral sense fit neatly into this picture because it suggested that we were to some extent driven to perform virtuous deeds by the pleasures accompanying them.<sup>38</sup> Hutcheson, on the other hand, had denied that virtuous actions were prompted by such a 'secret sense of pleasure', again, because it implied that morality was merely part of the system of natural wants.<sup>39</sup>

It was only on coming to appreciate fully the implications of Gay's 'Preliminary Dissertation' that Law finally rejected the notion of an instinctive moral faculty unequivocally. In the 1731 edition, however, he reflected only cursorily on its import, echoing Gay's conclusions that the moral sense was a throwback to 'the Old Philosophy' which too readily ascribed what it could not explain to appetites and innate capacities. At this stage he deemed it unnecessary to revise the 'Remark' expositing his version of the moral sense theory, probably because such exactitude was unnecessary to his broader aim in this part of the book of demonstrating the moral attributes of God from the appearances of human nature.<sup>40</sup> If it could be shown that man had a natural tendency to approve of virtuous actions, we

<sup>36</sup> Edmund Law, 'Remarks referred to in Footnote 18', in *Origin of Evil* (1731), p. 66. As well as conflating Joseph Butler's idea of *conscience* with Hutcheson's moral sense, Law confused the moral sense with benevolence.

<sup>37</sup> Stephen Darwall, *The British Moralists and the Internal 'Ought' 1640–1740* (Cambridge, 1995), p. 211. In Law's defence, the *Inquiry* assigned to utility the important role of determining the relative 'moral Excellency' of various proposed actions. *Inquiry*, p. 180.

<sup>38</sup> Law, 'Remarks', p. 66.

<sup>39</sup> Hutcheson, *Inquiry*, p. 108. This he took to be the implication of Shaftesbury's assertion that the natural affections were the chief source of felicity. The Third Earl of Shaftesbury (Anthony Ashley Cooper), 'An Enquiry Concerning Virtue or Merit', in *Characteristics of Men, Manners, Opinions, Times*, 3. Vols. (2nd edn. London, 1714), vol. 2, pp. 99, 103.

<sup>40</sup> The aim of Footnote 18 of chapter one, section three, to which the remark refers, was to provide a sounder explication of the divine attributes than King had offered. See *Origin of Evil* (1731) pp. 45–50.

could infer that this inclination was inherent in the Creator, since it could only have derived from him. As Gay and Hutcheson concurred ‘that we are led insensibly, and by the constitution and circumstances of our very Being, to love and approve certain Actions, which we call Virtuous’, either version of the moral sense theory would substantiate the argument.<sup>41</sup>

As he began to work out the broader implications of Gay’s theory in subsequent works, however, Law became increasingly strident in his espousal of both the Lockean explanation of the moral sense and the utilitarian ethical standard. It is useful at this point to explore Law’s assessment of these two aspects of Gay’s bequest separately, starting with the former. In the second of two short essays added to the fourth edition of King’s *Origin* (1758), we find a more triumphalist Law deriding ‘the inveterate prejudices’ of those who defended ‘the old idle doctrine of innate ideas and instincts’.<sup>42</sup> He enthuses about recent investigations into ‘the power of ASSOCIATION’, most notably those of David Hartley who in his *Observations on Man* (1749) had applied ideas ‘just hinted at by Mr. Locke’ to answer some of the fundamental questions about human nature. Law’s suggestion that the principle of association was as influential in the intellectual world as gravity was in the natural registers his sense that he was witnessing an epochal moment in the history of the Christian Enlightenment.<sup>43</sup> It also enables us to place the development of a systematic Lockean moral philosophy in a broader institutional and intellectual context. Law’s translations of King became influential at Cambridge in a period when Newtonian studies formed a core part of the syllabus – a pre-eminence owing largely to the efforts of latitudinarian divines<sup>44</sup> – and it was clearly his intention that the Lockceans should emulate in the human sciences the achievement of the Newtonians in the natural, by reducing the foundations of morals ‘to that original Simplicity which Nature seems to observe in all her Works’.<sup>45</sup>

<sup>41</sup> Edmund Law, ‘Remarks’, p. 67.

<sup>42</sup> Edmund Law, ‘The Nature and Obligations of Man’, p. lx. This essay came directly after Law’s ‘On Morality and Religion’ in the 1758 edition. Ironically, his invocation of moral sense theory against intuitionism from the first edition survived with few changes.

<sup>43</sup> *Ibid.*, pp. lvi, lvii.

<sup>44</sup> See Gascoigne, *Cambridge*, pp. 69–184. Law’s translation of King was used as a textbook at Cambridge, where he became ‘the principal channel for the diffusion of Lockean thought’. Isabel Rivers, *Reason, Grace, and Sentiment: A Study in the Language of Religion and Ethics in England 1660–1780: Vol. 2, Shaftesbury to Hume* (Cambridge, 2000), pp. 335, 334.

<sup>45</sup> Law, ‘The Nature of Man’, lx. This echoed Hume’s surmise that principles of mind like those of astronomy ‘may be resolv’d into one more general and universal’. David Hume, *An Enquiry Concerning Human Understanding*, in L. A. Selby-Bigge (ed.) *Enquiries Concerning Human Understanding and Concerning the Principles of Morals* (1748; 3rd edn, Oxford, 1975), p. 15.



Nor were these developments in ethics out of kilter with recent trends in Christian apologetics at Cambridge, particularly the increasing tendency among divines, from the 1690s on, to question the notion that men had innate ideas of God, a doctrine that had been fundamental to a widely employed proof of the existence of God, the so-called ‘argument from universal consensus’.<sup>46</sup> No reason could be given for the universal belief in a Creator, reasoned Tillotson in a sermon of 1663, ‘but from the nature of man’s mind and understanding, which hath this notion of a Deity born with it, and stamped upon it; or which is all one, is of such a frame, that, in the free use and exercise of itself, it will find out God’.<sup>47</sup> As the second half of this formulation suggests, the thrust of such arguments was not that man emerged from the womb with full-blown *a priori* perceptions of God, but rather that his reason was primed to facilitate the ready deciphering of His signs.<sup>48</sup> The doctrine remained a prominent feature of latitudinarian theology until the 1690s, when a number of theologians began to see it as a liability in the assault on atheism, largely because it could be used by deists to undermine natural religion. In his Boyle lectures, the Newtonian Richard Bentley marked how atheists used ‘their own wicked doubting’ as evidence for the non-being of God by arguing that a wise Creator would surely have left ‘a native and indelible inscription of himself’ on everyone’s mind ‘whereby we must needs have *felt* him, even without *seeking*’.<sup>49</sup> Since our natural reason, if not corrupted, must inevitably lead us to knowledge of the Divinity, such implantations were unnecessary, replied Bentley. In the scheme of providence, indeed, they were plainly counterproductive, as there could be no merit in faith if His word was emblazoned on men’s hearts.<sup>50</sup>

In a similar vein, in his *Considerations on the State of the World with Regard to the Theory of Religion* (1745) Law celebrated Gay’s final dispelling of such notions from morals as a providentially ordained liberation.<sup>51</sup>

<sup>46</sup> Locke attacked the argument in the *Essay*, identifying ‘whole Nations’ who had no concept of a deity, while also arguing that universal consent, if it did exist, would not prove such ideas innate. *Essay*, pp. 87, 49. On the argument prior to 1688 see John W. Yolton, *John Locke and the Way of Ideas* (1956; Reprint Oxford, 1968), pp. 36–48.

<sup>47</sup> John Tillotson, ‘Of the Wisdom of Being Religious’, Sermon 1, *The Works of the Most Reverend John Tillotson, Late Lord Archbishop of Canterbury*, 10 vols. (Edinburgh, 1772), vol. 1, p. 25.

<sup>48</sup> See Rivers, *Reason, Grace, and Sentiment*, vol. 1, p. 62.

<sup>49</sup> Richard Bentley, *A Confutation of Atheism from the Structure and Origin of Human Bodies . . . Being the Third of the Lecture Founded by the Honourable Robert Boyle, Esquire* (London, 1692), p. 4.

<sup>50</sup> *Ibid.*, pp. 5–6.

<sup>51</sup> The edition used here is the shorter-titled Edmund Law, *Considerations on the Theory of Religion* (6th edn. Cambridge, 1774), which incorporates a number of revisions Law made over successive publications.



Human happiness 'seems to consist entirely in agency', enthused Law and a world in which we were moved exclusively by our pursuit of happiness, directed by our 'active power' of reason, offered maximum compass for its exercise.<sup>52</sup> It was through rational deliberation that man's actions bore a relation to God. The scope of this agency must be narrower, therefore, and human dignity diminished, where fixed impulses steered mankind towards moral rectitude. And deemed 'unimproveable' by Law (despite Hutcheson's statements to the contrary) such instincts would stir none of the emulation and exertion that arose where it was left in man's power 'to improve and advance, as well as to impair his nature'.<sup>53</sup> Lockean man, by contrast, was very well equipped psychologically for the radically dynamic scheme of providence outlined by Law in *Considerations* – a dispensation driven by mutually reinforcing improvements in science and religion. There was an obvious consonance too between Locke's hedonistic description of motivation and a theology that viewed the imitation of God's moral perfection as 'the sum and substance, the end and aim, of all religion',<sup>54</sup> since if the final cause of ethical behaviour was human satisfaction, creatures moved by the rational pursuit of happiness were hardwired to fulfil the divine plan.

Needless to say, not everyone in the learned community shared Law's enthusiasm for these developments. Indeed, thinkers from disparate parts of the intellectual spectrum rallied to the defence of so-called 'natural' ideas of God and virtue. Shaftesbury's declaration that 'twas Mr. Locke that . . . threw all Order and Virtue out of the World' echoed the earlier complaints of the Cambridge high churchman Henry Lee and the latitudinarian schoolmaster Thomas Burnet.<sup>55</sup> This unlikely meeting of minds arose from the shared conviction that the rejection of 'con-natural principles' severed any possible connection with an eternal and immutable moral referent, condemning us to steer our course by moral distinctions originating in 'uncertain and contingent impressions'.<sup>56</sup> As Yolton observes, the doctrine of innate ideas that had prevailed among Christian moral thinkers in Britain before Locke's celebrated attempt to debunk it had held that the law written in men's hearts was

<sup>52</sup> Law, *Considerations*, pp. 15, 12.   <sup>53</sup> *Ibid.*, p. 13.   <sup>54</sup> *Ibid.*, p. 195.

<sup>55</sup> The Third Earl of Shaftesbury (Anthony Ashley Cooper), Letter VII, 6 June 1709, *Several Letters Written by a Noble Lord to a Young Man at the University* (London, 1716), p. 39; Henry Lee, *Anti-Scepticism; Or, Notes Upon Each Chapter of Mr Lock[e]'s Essay Concerning Humane Understanding* (London, 1702), preface; Thomas Burnet, *Remarks Upon the Essay Concerning Humane Understanding in a Letter Addressed to the Author* (London, 1697), pp. 4–5.

<sup>56</sup> Lee, *Anti-Scepticism*, preface. Shaftesbury also accused Locke of dispensing with one of the most powerful arguments for the being of God. See Shaftesbury, *Letters*, p. 40.

reflective of God's eternal law.<sup>57</sup> Paley would later discover that there were indeed grave difficulties in constructing universal and unchanging rules on the grounds of expediency, as the effectiveness of any particular precept in promoting happiness must vary according to the culture and historical epoch. If, notwithstanding such issues, utilitarians seemed relatively relaxed about the problem of contingency, it was because they had very realistic expectations about the degree of certainty that could be attained in natural philosophical enquiries, subscribing, as they did, to Locke's view that in this 'State of Mediocrity and Probationarship' God had set few things in the 'broad daylight' of 'clear and certain knowledge', leaving man instead to steer his course by 'the twilight . . . of Probability'.<sup>58</sup> This acceptance that the most accurate investigation of nature could at best yield propositions that were '*accurately or very nearly true*' provided a healthy psychological climate in which for natural philosophy and natural theology to thrive, insofar as both were dependent on the principle of general induction.<sup>59</sup>

But there was another crucial way in which theological utility seemed to Law to be perfectly suited to the character of man. As a representation of human nature, the Lockean account of moral sensitivity provided a *via media* between the deeply cynical characterisations of mankind in the works of Mandeville, Bayle and La Rochefoucauld, and the overly romantic portrayals of the moral sense school. Law argued that descriptions of human nature which centred 'all in self immediately' and represented man as primarily motivated by the 'the lowest gratifications' were dangerous distortions, likely to propagate the pernicious principles they depicted.<sup>60</sup> By contrast, the theological utilitarians continued to believe in benevolent affections that provided a fund of selfless passions, or at least of motives that were not *immediately* self-interested, even if, by their account, such feelings were 'formed by habit' and born of rational self-interest. But such a view, while it raised human nature out of the mire in which Mandeville and others had left it, stopped short of elevating it to the angelic heights suggested by the notion of a perfectly pure and disinterested benevolence.

<sup>57</sup> Yolton, *The Way of Ideas*, pp. 30–36.      <sup>58</sup> Locke, *Essay*, p. 652.

<sup>59</sup> The quotation is from Newton's fourth rule of reasoning, which states that 'In experimental philosophy we are to look upon propositions inferred by general induction from phenomena as accurately or very nearly true, notwithstanding any contrary hypotheses that may be imagined, till such time as other phenomena occur, by which they may either be made more accurate, or liable to exceptions'. Isaac Newton, *The Mathematical Principles of Natural Philosophy*, Andrew Motte trans., 2 vols. (London, 1729), vol. 2, p. 205. On latitudinarian attitudes to probabilistic reasoning see Shapiro, *Probability and Certainty*, ch 3.

<sup>60</sup> Law, *Considerations*, pp. 251–2.

Law now observed a danger in the latter theory that had not occurred to him previously, its natural tendency to run 'into rank enthusiasm'.<sup>61</sup> Though never explicitly elaborated, the reasoning behind this prognosis can be pieced together from his writings.

Aside from perturbations that might arise where the rulings of conscience, undirected by an objective moral standard, dictated behaviour,<sup>62</sup> it seemed to Law to be making impossible demands on the moral agent to require that his benevolent motives operate exclusively of all prospects of private interest. A chief aim of Anglican utilitarians from Law onwards was to adjust man's religious (not to mention social and political) expectations to suit the 'frailty' of his nature as increasingly revealed by the science of morals.<sup>63</sup> It was no 'degradation, or degeneracy' in virtue or religion that it was profitable to us in *this* life as well as the next, or that we promoted 'the true happiness of others . . . with a view to our own good upon the whole; otherwise it would not be reasonable in us, but romantic'. Those who found such a gainful morality disquieting might 'wish to revive the old stoical principle of following good for its own sake', jibed Law, but this had been thoroughly debunked by 'modern improvements', which had shown how all things seemingly approved of in themselves had originally been encouraged for their beneficial consequences.<sup>64</sup> The invective against the pointless austerities of 'stoical' virtue and the association of moral sense theory with arbitrariness and enthusiasm were frequently echoed in the writings of later latitudinarians, particularly in their attacks on evangelical religion. Equally, the discernment of nobility in what opponents saw as a shockingly terrene picture of human nature became a definitive part of Paley's thought.<sup>65</sup> It is clearly no indictment of their religious commitments therefore to describe this as a worldly theology.

In all, then, Law identified three ways in which the associationist account of the moral sense developed by Gay represented a critical breakthrough in the history of ethics. First, it revealed the foundations of morals in their native simplicity, laying a solid foundation for future investigations in the field and for the construction of a workable practical code of ethics. As a description of man's nature, it suggested an enlarged scope for human agency and happiness (relative to moral sense theory), while recognising both his frailty and nobility. Finally, the idea of an acquired moral sense,

<sup>61</sup> *Ibid.*, p. 252.   <sup>62</sup> Law, 'Nature of Man', p. lviii.   <sup>63</sup> Law, *Considerations*, p. 254.

<sup>64</sup> *Ibid.*, pp. 256, 255.

<sup>65</sup> Nor did Law share anti-Lockean anxieties about the quasi-materialism of the *Essay*. See Law, 'Nature of Man', p. lix. Both Tucker and Paley leaned towards dualism of one kind or another. See below, p. 59 n. 4; Paley, *Natural Theology*, p. 312.

especially one guided by calculations of utility, discouraged the enervating pursuit of profitless virtue which Christian utilitarians associated with enthusiasm.

We now turn to the other half of Gay's bequest to theorists of expediency, 'the criterion of virtue': the will of God and the happiness of mankind, beginning with the latter. The theological principle of utility was developed in response to the perceived failure of moral sense theory on the one hand, and rational intuitionism on the other, to provide a substantive basis for practical ethics. Picking up on the contention in the *Essay* that it was the law of fashion that generally governed day-to-day behaviour in society, the Earl of Shaftesbury had concluded that Locke denied any other rule of virtue than that of custom.<sup>66</sup> But by demonstrating that the moral sense was an amalgam of culturally determined associations, and that it therefore acted as a watchdog for local norms and prejudices rather than some universal and eternal standard, Gay turned Shaftesbury's criticism on its head. Utility provided the moral compass for conscience.

Gay's secondary criterion fulfilled a similar role in relation to intuitionism. Like Shaftesbury and Hutcheson, rational intuitionists like Samuel Clarke, William Wollaston and Ralph Cudworth rejected the voluntarist view that obligation arose from the commands of either God or the Sovereign. 'When things exist, they are what they are . . . Absolutely', and 'not by Will but by Nature', insisted Cudworth. 'Meer will' could no more 'make the thing commanded just or obligatory', therefore, than it could make 'a Body Triangular'.<sup>67</sup> Being unable to make any mode of behaviour just merely by commanding it, lawmakers must always appeal to some pre-existing standard of justice to validate their claims, observed Clarke, because without such distinctions, we could have no way of judging why one law was better than another.<sup>68</sup> The core thesis of the intuitionists, then, was that these underlying moral truths were eternal and immutable, existing antecedent to and independently of either divine

<sup>66</sup> Locke, *Essay*, pp. 353–7. Shaftesbury, *Several Letters*, p. 40. Henry Lee makes the same complaint in *Anti-Scepticism*, pp. 18–19.

<sup>67</sup> Ralph Cudworth, *A Treatise Concerning Eternal and Immutable Morality* (London, 1731), pp. 16, 18, 14.

<sup>68</sup> This objection was specifically aimed at Hobbes' contention that, aside from some few branches of the Law of Nature, morality was a construct of the civil state, all things being 'indifferent in their own right' in the state of nature. If this were true, argued Clarke, all laws 'will be either arbitrary and tyrannical, or frivolous and needless; because the contrary might with equal reason have been established'. Samuel Clarke, *A Discourse Concerning the Unchangeable Obligations of Natural Religion, and the Truth and Certainty of the Christian Revelation* (1706; 7th edn. 1728), pp. 179–80.

commands or those of the sovereign.<sup>69</sup> Hence they frequently compared moral distinctions to mathematical axioms.<sup>70</sup> In Gay's view, however, the 'Fitness or Unfitness of things', the '*Reason* of things' and other such formulations, though indeed valid standards of virtue, were nonetheless only 'remote Criteria of it', since the ultimate measure of fitness, truth and right reason was human happiness.<sup>71</sup> A less conciliatory Law could 'fix no meaning at all to these words', beyond their relation to the production of natural good.<sup>72</sup>

But, as Gay was undoubtedly aware, the barebones moral theory in Locke's *Essay* was liable to similar objections to those raised by Clarke and others against voluntarism. 'You mean to resolve all into the will of the Law-Maker', wrote Thomas Burnet to Locke, 'But has the will of the lawmaker no rule to go by? And is not that which is a Rule of his Will, a rule also to ours, and indeed the original rule'.<sup>73</sup> Now clearly utility did not provide a ground for God's will in this sense, for as Law made clear, there could be no moral criteria 'antecedent to or independent of the will of God'.<sup>74</sup> Nor, obviously, by this thinking, could the deity be bound by laws emanating from his will. If, despite being an avid Lockean in politics, Law saw the seemingly despotic nature of God's moral governance as unproblematic, this is because he believed that an omnipotent being who was perfectly benevolent and wise must necessarily do 'what is absolutely best'.<sup>75</sup> There is some question as to whether Locke was a strict voluntarist, or whether, as some of his statements appear to indicate, he did in fact believe in a natural law independent of God's commands with divine sanctions providing a 'condition for our obligation to act morally'.<sup>76</sup> But whichever is the case, the principle of utility filled the void of normativity left by his virtual silence on the content of such laws, as it did with the intellectualist criteria.

<sup>69</sup> See, for example, *ibid.*, pp. 148–9.

<sup>70</sup> That there was a 'fitness and unfitness of the application of different things or of different relations one to another' was 'as plain, as that there is any such thing as proportion or disproportion in geometry and arithmetic'. Clarke, *Discourse*, pp. 174–5.

<sup>71</sup> Gay, 'Preliminary Dissertation', p. xx. <sup>72</sup> Edmund Law, 'Remarks', 65.

<sup>73</sup> Burnet, *Remarks* (London, 1697), p. 6.

<sup>74</sup> While they apply to all men at all times, divine laws are not strictly speaking eternal, says Law, because they relate to things which owe their existence to an act of creation. This qualification followed logically from the idea that created beings were necessarily less perfect than uncreated ones – the first premise of King's theodicy. Edmund Law, 'Remarks', p. 65.

<sup>75</sup> Edmund Law, *Origin of Evil* (1731), p. 48.

<sup>76</sup> Daniel Carey, *Locke, Shaftesbury, and Hutcheson*, p. 131. Carey is summarising the views advanced in Alex Tuckness, 'The Coherence of Mind: John Locke and the Law of Nature', *Journal of the History of Philosophy* 37 (1999), 73–90.

### Edmund Law on Moral Obligation

Just as useless as criteria without content, however, were laws without the sanctions to enforce them. So rang the key note to Law's 'On Morality and Religion', annexed to the fourth edition of King's *Origin of Evil* (1758). In Gay's 'Preliminary Dissertation', the obligation to obey God's will was said to arise from his ability to affect our happiness in all circumstances. What Gay was implying, and what Law was now spelling out, was that divine sanctions were the very source of moral obligation. It is true, observed Law, that a kindly disposition will generally win us esteem, thus providing a motive for such behaviour. But in circumstances where the exercise of more selfish passions is more likely to promote our private happiness, there is no 'Principle in Nature' to oblige us to cultivate kindly affections. Without the assurance that the Creator would 'make us ample Amends hereafter' for the losses we were likely to incur through selfless actions, there would be no '*eternal and immutable Reason*' for us to perform them.<sup>77</sup> The language of unchanging moral distinctions was obviously chosen to further expose the shortcomings of rational intuitionism. Samuel Clarke had argued that truly *moral* obligation was derived from the assent that any man must necessarily give to the moral rules based on the 'necessary and eternal different relations, that different things bear one to another', on having given them proper consideration. The expectation of rewards and punishments on the other hand was merely a reinforcement of such obligation.<sup>78</sup> Responding to Clarke in the first edition of his translation of King, Law had declared himself at a loss to 'apprehend how these relations, &c. 'Are to be chosen for their own sakes and intrinsic Worth, or have a full obligatory Power antecedent to any reward and punishment annexed either by natural Consequence or Positive Appointment to the Observance or Neglect of them.'<sup>79</sup> At that stage, as we have seen, Law held that virtue was prompted by the warm feeling accompanying the indulgence of the moral sense. But having since identified supernatural sanctions as the only sufficient and perpetual motive for virtue, he now viewed all theories that asserted the independence of morals from the divine will as potentially damaging to morality, including not only doctrines of intrinsic virtue, but also the view that virtue was pursued for its immediate pleasure. The latter notion could be upheld only by those who subscribed to the discredited theory of moral instincts, argued Law, or

<sup>77</sup> Edmund Law, 'On Morality and Religion', p. xlv. <sup>78</sup> Clarke, *Discourse*, pp. 148, 218.

<sup>79</sup> Edmund Law, 'Remarks', 65. The quotation is a splice from Clarke, *Discourse*, p. 18.

by those who felt that the motive to act morally was the same as that which moved us to perform a whole host of habitual actions, i.e. the praise and blame of our neighbours and the comfort of familiarity. As a guide to behaviour and as a source of motives to virtue, the moral sense could only produce obedience to the law of fashion, whereas the primary and secondary criteria of virtue, as defined by Gay, appeared to Law to provide both the perpetual standard and motive wanted for a workable system of ethics.

Though much of Law's ethical writing was concerned with refining the philosophy of Gay's 'Preliminary Dissertation', the importance of his contribution should not be underestimated, especially in relation to the genealogy of Paley's thought. For if, as both thinkers agreed, divine rewards were the source of moral obligation, it remained to be explained how they could be earned. Gay had shown how an action ultimately prompted by private interest – including a concern for the fate of my soul after death – might still merit esteem if the immediate intention behind it was to promote the happiness of the beneficiary. But, by the same logic, such benevolence was of itself no worthier of *divine* merit than self-interested actions which unintentionally benefit others are deserving of esteem, for neither the intention nor the motive (the attainment of esteem) relates to God. Since 'the *Intention* is all that can make it bear any Relation to him', only 'what was done purely on his account; in Obedience to his Will, or in order to recommend us to his favour' could entitle us to his rewards.<sup>80</sup> Here again, however, concessions had to be made to human frailty. As we would not expect a servant to have his master's will in permanent view while performing his duties, neither is it required of us that we perform every action in conscious conformity to divine commands. In the way that the servant is deemed commendable if he acquires habits that enable him to serve diligently, divine recompense is merited if our behaviour is governed by the general intention of doing his will. Neatly combining this account of obligation with Gay's moral criteria, Law defined virtue as '*The Doing Good to Mankind, in Obedience to the Will of God, and for the Sake of everlasting Happiness*'.<sup>81</sup> This was the definition that Paley adopted in the *Principles*.

While attempts by the early utilitarians to establish the necessity of divine sanctions to ethics were largely aimed at exposing the insufficiency of the motives provided by moral sense theory and intuitionism, they also

<sup>80</sup> Law, 'On Morality and Religion', p. xlvi. The intention connects the act to God, but this is obviously closely related to the motive, the goal of securing 'extraordinary recompense'. The presence of one implies that of the other.

<sup>81</sup> *Ibid.*, p. lii.



supplied Paley with much ammunition for his attack on purely secular moral systems. Nor, we may assume, were the earlier theorists unaware of the overlap. Among those moralists Gay accused of excluding the will of God from ethics by making the happiness of man the whole of virtue, he surely meant to include unbelievers. Such thinkers could not explain how utility could provide 'sufficient obligation' for moral behaviour in all cases without the aid of divine sanctions, alleged Gay, for in particular Cases, such as 'laying down my Life', the good of mankind 'is contrary to my happiness', and could not therefore 'be any Obligation to *me*'.<sup>82</sup> As a demonstration of the supposed inadequacy of morals without supernatural rewards, the example was poorly chosen, given how few people, outside of the military, ever faced the prospect of having to give up their lives for their friends. Though Law did not furnish any better examples, his delineation of the role of supernatural rewards and punishments threw the lack of obligatory power in other moral systems into sharper focus. Moreover, Law's insistence that without such sanctions we had only the enticements and deterrents of custom to oblige us directly implicated non-Christian moral codes. The stoic injunction of 'following nature', endorsed by Shaftesbury and widely associated with atheism, lacked both an extrinsic standard and a perpetual motive, observed Law; and thus amounted 'to no more than this, Do always what you like best; or, Follow your present humour'.<sup>83</sup> As we will see, a significant reworking of these arguments was required for the more head-on confrontation with infidelity that Paley was engaged in.

Before exploring these developments, however, we need to situate the evolution of Lockean moral thought in relation to latitudinarian churchmanship on the one hand, and broader currents of European thought on the other. If in common with earlier latitude men, the theological utilitarians viewed the Reformation as a gradual stripping away of the unscriptural outward religious forms that human arrogance and ambition had piled upon the simple faith of the apostles,<sup>84</sup> Law's attack on the idea of innate moral dispositions registered his conviction that this purifying critique ought to be extended to natural as well as revealed religion. Viewed alongside his failure to defend the doctrine of the Trinity, as Tillotson and Burnet had done, it further demonstrates his willingness to take the rationalist and irenic agendas of broad churchmanship further than his

<sup>82</sup> Gay, 'Preliminary Dissertation', p. xxi.      <sup>83</sup> Law, 'On Morality and Religion', p. xlvi.

<sup>84</sup> Such had been the spirit of latitudinarian invective against high-church sacerdotalism in the decades following the Glorious Revolution.



predecessors would have wished.<sup>85</sup> That such an intellectually radical theology was able to gain so much influence at Cambridge was partly due to the relatively comfortable hegemony that latitudinarians had secured in the university by the 1730s, at the expense of high churchmen. It also helped, of course, that Law had admirers and patrons in the very highest Whig political and ecclesiastical circles, including the Dukes of Newcastle and Grafton, and the future Archbishop of Canterbury, Frederick Cornwallis, a former pupil of his.<sup>86</sup> Law's Lockean politics may have appealed to old Whig connections anxious to fend off what they saw as the arbitrary incursions of the new monarch. But however cosy his relations with Newcastle and Grafton, Law's willingness to challenge some of the central orthodoxies of Anglicanism militates against any interpretation that sees latitudinarian moral thought in this period as driven primarily by the social and political interests of churchmen.<sup>87</sup> Motivation is complex, and undoubtedly moral and religious thoughts are deeply entangled with political and personal interests. From what we can gather from their writings, however, Law and Gay gave little thought to the political implications of their researches, and as Paley later proved, utility could just as easily be employed to defend the monarch's powers as attack them. Considering, finally, that it emerged as a sister science to theodicy, and as the product of such candid inquiry – reflection that prompted Law to revise his views on moral sensibility – the safest conclusion is that theological (and therefore moral) concerns were the primary driving force behind the evolution of utility.

Yet, clearly, the context for this development was not a narrow theological debate between Anglican churchmen, but a wider conversation in the Republic of Letters about the origins of morality.<sup>88</sup> Adherents of expediency, no less than Hutcheson or Hume, treated ethics as a branch of the science of the mind, and, if anything, saw themselves as applying such methods more rigorously than the former, who had been too ready to

<sup>85</sup> Rivers, *Reason, Grace, and Sentiment*, vol. 1, p. 71. Law was widely suspected of Arianism. See the editor's footnote in Paley, *Short Memoir*, p. 10.

<sup>86</sup> As Bishop of Coventry and Lichfield, Cornwallis (himself of beneficiary of Grafton's patronage) made Law Archdeacon of Staffordshire in 1763. Newcastle's influence helped him acquire a prebend in the church in Lincoln in 1764 and a prebendal stall in the church of Durham in 1767, while Grafton was instrumental in securing him the bishopric of Carlisle in 1769.

<sup>87</sup> Margaret Jacob argues that earlier latitude men accepted Newtonian natural philosophy 'because it effectively supported a particular social ideology'. M. C. Jacob, *The Newtonians and the English Revolution 1689–1720* (Hassocks, Sussex, 1976), p. 20.

<sup>88</sup> Although Britain was the hub of the debate in moral philosophy, the controversy over theodicy with which the development of utility was entwined raged across the continent, involving Malebranche, Bayle, Pope, Leibniz, Hume, Rousseau and Voltaire.

ascribe moral sensibility to ‘occult qualities’. These commitments became particularly pronounced in the works of Tucker and Paley, dedicated, as they were, to developing a programme of ethical instruction based on Locke’s psychology. Judging by Law’s writings, furthermore, the early utilitarians saw the advances they achieved by these means, and for that matter, all improvements in knowledge, as giving impetus to the ongoing progress of mankind in terms of happiness in this life and the next. If Gay and Law were detached from Enlightenment intellectual culture, in other words, they certainly did not know it.

Accepting the metaphysical framework laid by Gay and Law, Tucker and Paley aimed to develop utility into a guide for living. This change in emphasis is explored in the following two chapters. There were four areas in particular to which they turned their attention. Most obviously, there was the need to bolster the theological foundations of utility. Based on the premise that human happiness was the goal of providence, the principle of utility raised the stakes for theodicy, while the essentialness of extraordinary sanctions to the whole scheme added urgency to the bid to supply evidences of Christ’s resurrection. Paley made celebrated contributions to both forms of apologetics. Second; accepting Law’s prescription for the best means of serving the Deity, Paley and Tucker focused on the practical task of cultivating virtuous habits in their readers through the management of so-called customary morality, a role which engendered the intense focus on the psychology of virtue that distinguished them from earlier protestant theorists. And since to tempt sinners into virtue, you had to know what made them tick, the nature of human happiness increasingly came under the microscope. Thirdly; as the first philosopher in the tradition that was required to prescribe on a host of moral issues, from divorce to duelling, Paley faced the added challenge of forming general rules of behaviour based on complex assessments of likely outcomes, calculations further complicated by the need to analyse group psychology as well as that of individuals. This sociological perspective opened up a new chapter in Christian ethics and particularly in theologically based political thought. Finally, the need arose for a fresh perspective on the methods employed by moralists to inculcate virtue. As Law had shown in ‘On Morality and Religion’, the only way of sustaining a conscious obedience to the divine will, and therefore of bringing the moral sense into line with the standards of utility, was to increase the degree to which thoughts of the next life formed the ruling motive of behaviour. Thus it is suggested in this study that natural theology, as well as providing the foundational

premises for Paley's definition of virtue (as adopted from Law), fulfilled the equally vital role of fixing these edifying associations in the mind of the reader. In the crusade against irreligion, the argument from design was used as a rhetorical as well as a philosophical weapon, an approach which, as [Chapter 5](#) explains, diluted their commitment to the strict rules of experiential reasoning they swore by.

*Abraham Tucker and the Call for 'Moral Policy'*

Christian utility was not the sole preserve of Cambridge clerics. A lay graduate of Merton College, a Whig sanctuary at 'Tory' Oxford since about 1716, Abraham Tucker (alias Edward Search) launched his literary career in 1755 with an anonymous pamphlet satirising partisan politics, entitled *The Country Gentleman's Advice to His Son on . . . the Folly and Pernicious Consequences of All Party Clubs*.<sup>1</sup> This was followed in 1763 by his first philosophical work *Freewill, Foreknowledge and Fate*, a fragment which drew on Locke's theory of human action to refute the so-called doctrine of 'Free will of indifference'. The book which concerns us here, however, in our bid to trace the lineage of Christian utility, is his magnum opus the *Light of Nature Pursued*, the first two volumes of which appeared in 1768, with the remaining volume following posthumously in 1777.<sup>2</sup> This genealogy is complicated by the fact that Tucker encountered more than one possible source for his associationist account of moral life, since, as well as developing the theories of Gay and Law, the *Light of Nature Pursued* contained a lengthy engagement with David Hartley's *Observations on Man* (1749). However, Hartley acknowledged that it was Gay's assertion that 'all our intellectual pleasures and pains' could be deduced from association that had prompted him to explore the matter in the first place, and his account of the psychological (though not the physical) origins of the moral sense was basically identical to that outlined in the 'Preliminary Dissertation'.<sup>3</sup> Tucker's main business with *Observations*, in any case, was to overturn Hartley's mechanical theory of volition, by insisting on the operation of ideal as well as

<sup>1</sup> G. H. Martin and J. R. L. Highfield, *A History of Merton College, Oxford* (Oxford, 1997), p. 240.

<sup>2</sup> The first two volumes appeared in five books, the third in four.

<sup>3</sup> See David Hartley, *Observations on Man, His Frame, His Duty, and His Expectations*, 2 vols. (London, 1749), vol. 1, pp. 493–9. Hartley expanded on Gay's account, however, explaining, for example, how virtue becomes associated with both its earthly and heavenly rewards. pp. 495, 497.

physical causes of human action.<sup>4</sup> Furthermore, we know that Tucker also read Law's translation of *De Origine Mali*, since he drew on King's work and the analysis of its 'profound commentator' when exploring the problem of free will in volume one. The shape and content of the arguments, as will be outlined, confirm beyond doubt that he was building on the foundations they had laid.<sup>5</sup>

In terms of reconstructing the biographical context of the work, however, a sketchy account by his grandson is all we have to go on.<sup>6</sup> Coming from a wealthy merchant family, Tucker entered Merton as a gentleman commoner in 1721, a status that would have enabled him to pursue his interests in metaphysics, mathematics and languages in a much more leisurely fashion than was feasible for the sizar, Paley, whose career prospects depended on academic honours. He entered chambers in the Inner Temple in 1724, but apparently lacked the motivation to climb the greasy pole, for he was never called to the bar. On purchasing Betchworth Castle, near Dorking, in 1727, he turned his attention to the improvement of his considerable estates. Tucker seems to have practiced the gentlemanly Christianity preached in his works assiduously, tending carefully to the morals of his children, patronising charitable institutions and serving as a magistrate. The *Light of Nature Pursued* was his answer to questions that had absorbed him since his early youth, concerning the origin and foundation of morals, and a range of theological issues connected therewith. But despite his years of legal training, he was unable to explain his principles with concision, and failed to make good on a resolution to tidy up the longwinded manuscript.<sup>7</sup> That said, it is easy to see why he was held in high esteem by Paley and the Law family, among many others, for he excelled in illuminating some of the finer points of human psychology, most notably, the formation of habit, a fundamental issue in eighteenth-century moral thought. This lucidity owed much to his gift for choosing vivid and homely analogies; and it is through such idioms that his personality and interests seem to have filtered into the text. It is surely no accident, for instance, that a man preoccupied with prudent business practices and 'perfectly skilled in merchant's accounts' should characterise morality as 'the art of book-keeping in the commerce of pleasure'.<sup>8</sup> What the choice of

<sup>4</sup> See, for example, Tucker, *Light of Nature*, vol. 1, pp. 53, 63, 69, 214. He was expanding on points briefly made in *Freewill, Foreknowledge and Fate, a Fragment* (London, 1763), pp. 176–8.

<sup>5</sup> Tucker, *Light of Nature*, vol. 1, p. 100.

<sup>6</sup> John Mildmay, 'Some Account of the Life of the Abraham Tucker, Esq.' in H. P. St. John Mildmay (ed.) *The Light of Nature Pursued* by Abraham Tucker, 4 vols. (1768–78; Cambridge, 1831), vol. 1.

<sup>7</sup> *Ibid.*, pp. ix, vii, xi. <sup>8</sup> *Ibid.*, p. xi; Tucker, *Light of Nature*, vol. 1, p. 268.

imagery also brings home is the extent to which the whole language of Christian expediency was suffused with the parlance of the market. In a way that was alien, not to say objectionable, to existing traditions of ethics, it imbibed something of the commercial spirit of the age. In terms of their wider intellectual project, the calculation of profit and loss provided an objective standard that could trump the claims of subjective revelation and caprice. It was therefore a potent weapon of Enlightenment.

The declared aim of the *Light of Nature Pursued* was to apply the experimental method to morality, 'and by diligently observing what we do . . . lay the surest foundation of our conduct, and attain the clearest knowledge of what we ought to do'.<sup>9</sup> There were strong hints early on that the Platonic notion of 'eternal and immutable' moral qualities, so thoroughly pounded by Law, would not pass the test of experience. Even eschatological considerations were to be left aside for the first volume; preliminarily, at least, the study would be based entirely on human nature. Tucker proceeded to develop a more comprehensive explication of the psychological foundations of morality than either Law or Gay had offered, chiefly by further teasing out the implications of Locke's theory of the mind for morals. While repeatedly avowing his agreement with this psychology, however, he felt he might justly claim to 'consider action more minutely' than his great predecessor.<sup>10</sup> Such microscopic scrutiny occasionally prompted flat objection, most importantly to Locke's description of desire purely in terms of uneasiness – a view which seemed to portray human existence as a state of perpetual agitation. Frustrated desires caused uneasiness, no doubt, but the successful pursuit of a goal was accompanied by satisfaction throughout.<sup>11</sup> That motivation did its work through pleasure, and not merely by spiritual itching, was an important correction for a religious worldview which construed human life as a ceaseless pursuit of ends, but which was founded on the premise that this busy existence was a happy one, befitting a benevolent providence.

Underlying this description of man's nature was a theory of human action that relied heavily on Locke's contribution to the debate about free will and necessity in the *Essay*, his chapter 'Of Power'. The will, says Locke, is 'the power of the mind to determine its thought, to the producing, continuing, or stopping of an action, as far as it depends on us', whereas liberty was nothing more than the power to do or forbear an action, 'according as its doing or preferring has the actual preference in his

<sup>9</sup> Tucker, *Light of Nature*, vol. 1, p. 6.   <sup>10</sup> *Ibid.*, p. 87.   <sup>11</sup> *Ibid.*, p. 91.

mind'.<sup>12</sup> To ask whether the will was free then was to ask whether one ability possessed another ability. On the question of freedom of the agent, Locke adopted the position, associated with Hobbes, that a man was at liberty in so far as he was not restrained from acting according to his preference. In the first edition of the *Essay*, he insisted that this preference was invariably determined by the agent's idea of what course of action was likely to produce the most pleasure.<sup>13</sup> However, partly to increase the scope for moral responsibility,<sup>14</sup> and partly to explain why men did not in fact invariably choose those actions they knew to be most productive of pleasure in the long run, in the fourth edition of the *Essay* Locke identified a wider compass for human choice. It is apparent that 'the satisfaction of any particular desire can be suspended from determining the will to any subservient action', observed Locke, providing an opportunity for the agent to examine whether the satisfaction of this want was consistent with his real (and presumably long-term) happiness. The desire judged the most conducive to real satisfaction would ultimately determine the will, but having the capacity to examine his motives thoroughly, the agent was accountable for 'hasty' and 'ill-order'd' choices that led to misery.<sup>15</sup> Tucker reflected only cursorily on this idea of suspending judgment, focusing instead on defending what he took to be Locke's core argument, i.e. that all voluntary human actions stemmed from motives, whereas 'sticklers for indifferency' laboured under the illusion that when the mind was considering whether to perform a particular action, the will could step in and trump the motives acting on the agent, 'annexing the idea of best to that which had not it before'.<sup>16</sup> According to this view, the will itself was self-moving and indifferent to the sway of motives. But this was to ignore the overwhelming evidence that 'the mind never does anything unless she conceives it will prove satisfactory'.

To prove the point, Tucker proceeded to scratch below the surface of a host of seemingly indifferent actions to reveal actuating desires. Love of

<sup>12</sup> Locke, *Essay*, p. 241.

<sup>13</sup> James E. Harris, *Of Liberty and Necessity: The Free Will Debate in Eighteenth-Century British Philosophy* (Oxford, 2005), p. 25.

<sup>14</sup> Critics pointed out that his original position appeared to make morality (and therefore salvation) depend on intelligence; for if virtue consisted in attaining 'the utmost Pleasure we are capable of', then a man might be held blameworthy merely for being incapable of identifying which modes of action were likely to yield the most pleasure. Locke, *Essay*, 284. See Darwall, *The Internal Ought*, pp. 156–8; Harris, *Of Liberty and Necessity*, p. 26.

<sup>15</sup> Locke, *Essay*, p. 271.

<sup>16</sup> He was probably referring here to William King's claim that man had 'an active power, the very nature of which is to make an Object agreeable to itself'. William King, *An Essay on the Origin of Evil*, Edmund Law trans. (Cambridge, 1731), p. 101.

virtue was itself a passion, and even stoical abstemiousness was essentially 'the desire of restraining desire'.<sup>17</sup> But if all volitions were thus determined, where was the scope for moral choice? According to Tucker, it resided in our power of 'raising up ideas or fixing them in the mind, which shall determine us to such volitions as we want'.<sup>18</sup> There were two ways of achieving this. First, while unpleasant things could not be made palatable by a fiat of the will, Locke had identified a way of gradually reshaping the desires through the application of reason. In the way that salt added flavour to an insipid dish, for instance, you could whet the idler's appetite for labour by advertising its rewards. The iron law governing this, and all attempts to maximise satisfaction in the long-term, according to Tucker, was that 'you can never bring a man into the liking of anything disagreeable, unless by means of something he already likes appearing connected therewith, or attainable solely thereby'. A second source of virtue lay in the power we had to control our organs of sensation and reflection. By focusing our attention on certain motives and ignoring others, we could gradually alter the colour of our desires. Whereas the capacity to make vapid ends agreeable enabled us to nurture prudence, this power to 'work ourselves up by degrees into almost any passion, by dwelling on certain ideas' was the source of all the nobler virtues.<sup>19</sup>

This attack on 'indifferency' ought to be seen, alongside Gay's critique of Hutcheson's moral sense, as part of the broader programme to divest moral theory of those elements which were alleged to transcend the economy of natural wants. As the book progressed, however, the focus was increasingly on using the findings of this in-depth examination of morals to form a strategy for managing the passions. In chapter 27, he attempted to show how the two methods of shaping future motives just described could help the moral agent to achieve 'the ultimate good'. His survey of human nature had led him to conclude that 'the proper business of life' was to sustain the procurement of our desires over the course of our lives, maximising the aggregate of pleasure over pain.<sup>20</sup> This surplus was generally achieved through the strategic exercise of self-restraint. But we were frequently deceived by our wants into grabbing present pleasures at the expense greater ones down the road, or into pursuing the satisfaction of one desire to the exclusion of

<sup>17</sup> Tucker, *Light of Nature*, vol. 1, pp. 117, 111, 103.

<sup>18</sup> *Ibid.*, p. 117. Thus while pouring scorn on 'indifferency', Tucker could nonetheless assign 'the mind herself as the efficient cause of all we do', rejecting Hartley's doctrine of physical necessity. *Freewill, Foreknowledge and Fate*, p. 176.

<sup>19</sup> *Ibid.*, pp. 112–13.   <sup>20</sup> *Ibid.*, p. 300.



others equally gratifying; and this was where reason came in, providing a careful moderation of desires.<sup>21</sup> On the one hand, it enabled us to achieve ends we found desirable, by suggesting effective means to accomplish our objectives. While not always pleasurable in themselves, these preparatory measures often become so as the mind came to associate them with the final prize. Secondly, we could employ the understanding to accommodate 'desire to the objects before us'.<sup>22</sup> It was the primary role of the moralist to facilitate this accommodation, according to Tucker, and his instructions for how this was to be done were vital to the development of Paleyan moral thought.

Addressing his counsels to 'the moralist' rather than the reading public at large, Tucker clearly saw himself as a backroom strategist, drawing up battle plans for popularisers like Paley to take into the field of didactic ethics. Since the *summum bonum* was an aggregate, and less immediately appealing than pleasures that were close at hand, it was the moralist's job to encourage the most satisfactory propensities and render them habitual. As it is difficult to keep our long-term ends in constant focus, explained Tucker, 'he will establish certain rules to serve as landmarks to guide us on the way', and work these into a system. Because we find it difficult to keep the ultimate good in mind continually, however, the wise moralist encourages his audience to look on such rules as good in themselves, so 'that they may become influencing principles of action'. It being impossible (however desirable) to provide each individual with a body of regulations suitable to their characters and situations, a set of basic 'universally expedient' rules was wanted, from which more particular prescriptions would stem. 'The first seems to be that of habituating ourselves to follow the dictates of judgement in preference to any impulse of the passion, fancy, or appetite, and forbear whatever our reason disapproves as being wrong.'<sup>23</sup> It is important to emphasise that this rule did not engender a head-on struggle between reason and the appetites. Principles of reason are merely the modes of action discovered by the judgment to be most productive of happiness; impulses are 'wrong' only insofar as they diminish satisfaction. As the emphasis on inuring the moral agent to obey the prescriptions of the understanding and to see moral rules as good in themselves illustrates, moreover, the chief goal of ethics was to turn these dictates of reason into affections. Moral rules were of little use, insisted Tucker, while they remained speculative principles, and they would only evolve into principles of action where they became 'habitual, and striking

<sup>21</sup> *Ibid.*, p. 301.    <sup>22</sup> *Ibid.*, p. 302.    <sup>23</sup> *Ibid.*, p. 304.

with the force of an obligation or an object of desire'.<sup>24</sup> In order for rational precepts, including utilitarian calculations, to influence behaviour they had to become embedded in the moral sense, altering its makeup.

In practice, then, ethical life was a function of the acquired moral sense. This was a vital implication of Gay's anatomy of morals for those who wished to transform utility into a practical ethics. Since in everyday life the moral agent usually relied on his moral sense to steer his course, his virtue rested on its proper cultivation.<sup>25</sup> Crucial to his success in facilitating this development was a proper understanding of the relationship between the imagination and the understanding, and particularly, a realistic sense of the latter's role in shaping conduct. Reason, it is true, concerns itself with remote ends, and is therefore best equipped to provide the principles of long-term action that promote the *summum bonum*.<sup>26</sup> But it acts too slowly to 'give constant employment to our active powers', and it is therefore left to the imagination to provide us with a constant source of those reflexive ideas which prompt and direct most of our actions. What the understanding *could* do was shape and improve the imagination, so the 'instantaneous motives' it gave rise to were those most likely to yield real satisfaction. But first the attainments of reason had to be implanted in the fancy, a task requiring considerable diligence, as the example of musical training demonstrated. The musical novice first learns the notes, then through regular practice comes to associate them with the keys of the instrument, and the keys themselves with their sounds. 'All this he must work out at first with painful application', but after much practice, the associations and trains of associations (i.e. associated associations) become fixed in the imagination; playing the instrument thus becomes second nature.<sup>27</sup> By habitually performing the types of action recommended by reason, the moral agent could similarly inure himself to virtue, for, as he explained in relation of the *summum bonum*, repetition takes the sting out of painful measures which lead to long-term happiness, while their association with the ultimate good may even render them pleasant. The power of reason was further circumscribed, and moral inculcation greatly complicated, by the fact that the moral sense which these morally profitable associations were meant to shape was largely the product of sympathy and custom. Tucker's aim, and perhaps

<sup>24</sup> Tucker, *Light of Nature*, vol. 1, p. 304.

<sup>25</sup> Hartley states more explicitly than Gay or Law that practical morals involve refining the moral sense, but he does not make utility the criterion for assessing customary morality. See *Observations on Man*, vol. 1, pp. 339–40.

<sup>26</sup> Tucker, *Light of Nature*, vol. 1, p. 194.      <sup>27</sup> *Ibid.*, p. 195.

his most important contribution to the Lockean tradition, was to reframe the doctrine of utility in the light of this limitation.

His insistence that rational principles required such sedulous nurturing advertised the need for philosophers to assess more carefully how far their ethical formulae actually influenced behaviour, particularly those preachers who defeated their own purposes by pursuing virtue too zealously. Where the moralist's rules did not add to the stock of virtue/happiness, he should have no compunction about changing tack. What was called for, in short, was a more 'statesmanlike' attitude to advancing virtue.<sup>28</sup> The politic moralist would adjust his ambitions to suit the available materials, paying careful attention, above all, to the customs and dominant passions in a society, and not wasting energy trying to convince them to adopt practices that went against all their inclinations. Indeed, the most effective means of maximising virtue, in Tucker's view, was by encouraging 'a steady adherence to whatever our moral sense represents to us as right'.<sup>29</sup> Being mainly acquired through instruction and sympathy, however, the moral sense was often the safeguard of the most absurd prejudices, notwithstanding that some of the principles it approved were founded in the understanding.<sup>30</sup> Seeing, furthermore, that habits which were virtuous at one time or in one person, could 'become vice or folly in another', it was necessary to nurture 'that statesman's habit' of frequently evaluating 'our conduct by a reference to expedience'.<sup>31</sup> Tucker added the critical stipulation, however, that when employing the utility test 'we must carry the reference to all quarters whereto it can extend', weighing 'not just the consequences of the present action', but also 'what effect our departure from any rule may have upon ourselves at other times' and 'how far it may influence other people to follow an example'.<sup>32</sup> Here, then, was the doctrine of general rules, so vital to Paley's moral and political theory, and which helps explain why utility was never the licence for the radical overhauling of institutions and mores that some critics feared it might become.

By viewing expediency as a tool for eking out the maximum yield of pleasure, we begin to grasp why it involved such a thoroughgoing sociological stocktaking. But as well as adapting his schemes to the spirit of the times, the policy maker obviously had to pay heed to the constant and universal in human nature. As satisfaction is the ultimate end of action,

<sup>28</sup> *Ibid.*, pp. 371–2. This was clearly a playful inversion of Plato's championing of philosopher kings.

<sup>29</sup> Tucker, *Light of Nature*, vol. 1, p. 372.

<sup>30</sup> An 'obstinate adherence' to the findings of reason might produce 'bigotry'. Tucker, *Light of Nature*, vol. 1, p. 373.

<sup>31</sup> *Ibid.*, p. 374.      <sup>32</sup> *Ibid.*, p. 283.

declared Tucker, I need to explain how the virtue I recommend relates to this end; otherwise, no one will think it worth having.<sup>33</sup> In practice, therefore, the moralist should set a premium on establishing universal charity on self-interest – a recommendation which inspired Paley, but which would have antagonised those who were hostile to the notion that our most sublime virtue ‘sprouts originally’ from such an ‘earthly principle’.<sup>34</sup> Tucker accused these ‘errant knights’ of virtue of harbouring an unprofitable ardour for virtue akin to enthusiasm. We have seen how Law had expressed similar misgivings about ‘stoical’ fastidiousness, but without identifying the grounds for such suspicions. He was writing in the early 1740s, however, when Wesley’s mission was in its infancy, whereas Tucker, writing in the 1760s, had to contend with a burgeoning Methodist movement. Unnerved by the turbulent spirit of their beliefs, he carried on a protracted assault on enthusiastic tendencies throughout the *Light of Nature Pursued*, based on an extended analysis of their causes and symptoms.<sup>35</sup> As well as shedding much light on the religious dimensions of moral debate in England in the eighteenth century, his attack on enthusiasm was archetypal of the ‘enlightened’ mentality on which so many commentators in the period prided themselves.

A central contention of *The Light of Nature Pursued* was that a zeal for virtue could become a ‘species of intemperance’ like any other, if not guided by reason.<sup>36</sup> Such immoderation was rooted in the belief that morality had a ‘distinct essence of its own’, with its own modes of action that somehow transcended the economy of pleasure and pain that actuates everyday life.<sup>37</sup> These ‘enthusiasts and rigid observers of a stoical rectitude’ made a fetish of the sublime virtues, neglecting many of the physical and mental characteristics necessary to conduct the commerce of everyday life successfully. At the same time, their constant inculcation of ‘inward righteousness’ bred a selfish obsession among acolytes with improving their own mental states, such that they did nothing for their fellow men except to pray for them.<sup>38</sup> Religious zealots labour under a similar misapprehension to the devotees of stoical rectitude, according to this view, in that they believe God requires us to maintain a ‘perpetual devotion of mind’. In an undisguised swipe at Wesley’s doctrine of Christian perfection (which had

<sup>33</sup> *Ibid.*, p. 365.    <sup>34</sup> Tucker, *Light of Nature*, vol. 2, pp. 365; vol. 1, p. 272.

<sup>35</sup> Another possible target was the non-juror William Law whose *A Serious Call to a Devout and Holy Life* (1729) and *A Practical Treatise Upon Christian Perfection* (1726) had a profound effect on the young Wesley.

<sup>36</sup> Tucker, *Light of Nature*, vol. 1, p. 340.    <sup>37</sup> Tucker, *Light of Nature*, vol. 4, p. 273.

<sup>38</sup> Tucker, *Light of Nature*, vol. 1, p. 375.

indeed asserted the need to 'aim at God alone' in all things), Tucker proceeded to identify the despondencies arising from the pursuit of 'absolute perfection'.<sup>39</sup> Because such perfectionists equate holiness with 'continual fervours of devotion, and extraordinary exercises of virtue, despising the common transactions of life as unworthy of their notice . . . the greatest part of their time, unavoidably spent in worldly concerns, appears lost to them'.<sup>40</sup> As it was beyond the powers of the 'sons of Adam' to keep the Deity constantly in mind, it could not be a condition of their salvation, and ought not, therefore, to be a source of anxiety, insisted Tucker. The antidote to enthusiasm in religion, as in morals, was to set feasible objectives based on a proper estimate of our capacities.

Tucker accepted Law's judgment that it was possible to do God's will in all things without having it perpetually in view, simply by making it the guiding principle of our lives.<sup>41</sup> In volume three, he explained the two stages in which this religious mindset is developed. Firm belief begins with the rational conviction that doing all for the glory of God is more productive of happiness than any other course. Since 'Self lies at the bottom of every action we do . . . the love of God, to be sincere and vigorous, must spring from a settled opinion of his goodness and beneficence, and that every act of conformity to his will is beneficial to the performer'. The deal-clincher here of course was the promise of extraordinary rewards for compliance, in the afterlife.<sup>42</sup> It was natural to infer, also, from His benevolence, that obedience to the Almighty consisted in advancing human happiness. Once this rational *conviction* had become embedded in the imagination as a *persuasion*, it would begin to bear practical fruit, giving rise to 'a serene unmistrustful Hope, and a sincere universal charity'.<sup>43</sup> Tucker's conclusion here demonstrates just how far 'enlightened' religion was framed in opposition to its enthusiastic counterpart. He uses the word *unmistrustful*, rather than trusting, to highlight the contrast with the 'gloomy and suspicious notions of God' encouraged by evangelicals.<sup>44</sup> The *serene hope* that the latitude man derived from his focus on divine rewards produced a *sincere* commitment to universal charity, whereas religion which dwelt on the terrors of divine judgment yielded

<sup>39</sup> Tucker, *Light of Nature*, vol. 4, pp. 272, 277; John Wesley, 'The Witness of Our Own Spirit', Sermon XI, in *Sermons on Several Occasions* (Bristol, 1760; London, 1985), p. 128. Methodists were exhorted to 'let all your thoughts, words, and works tend to his glory', while Wesley himself would not be content 'Till all my hallowed soul be Thine; Plunged in the Godhead's deepest sea', John Wesley, *A Plain Account of Christian Perfection* (5th edn. London, 1785), pp. 6, 8.

<sup>40</sup> Tucker, *Light of Nature*, vol. 4, p. 277. <sup>41</sup> *Ibid.*, p. 275. <sup>42</sup> *Ibid.*, p. 279.

<sup>43</sup> *Ibid.*, p. 281. On the difference between a conviction and a persuasion see pp. 134–5.

<sup>44</sup> Tucker, *Light of Nature*, vol. 3, p. 15.

only an abject and fearful submission.<sup>45</sup> All in all, those who were persuaded that doing good to mankind was the best way of glorifying God had a cognisable means of securing their salvation, and were spared the fear and dejection suffered by those who, not ascribing any spiritual merit to the everyday business of life, seldom felt like they were gaining credit with their maker.

In this way, then, Tucker employed the psychological groundwork laid out in volume one to demonstrate how Law's definition of virtue – the doing good to mankind, etc. – could be adopted as a way of life. The plan recognised no distinction between the goals of moral policy and those of faith; religion was 'the science of attaining happiness'. It is only in the light of this conflation that we can comprehend the role of prayer in the theological utilitarian scheme. In their deluded pursuit of inner righteousness, Methodists harangued the Almighty with incessant 'hymns and hallelujahs' which, breeding only gloominess and fatigue, undercut the divine plan for mankind. The proper role of prayer was to nurture the moral senses by turning virtuous convictions into persuasions.<sup>46</sup> While, according to the theological utilitarians, the decision to do God's will sprung originally from the desire for a blissful afterlife, they were adamant that the pursuit of this objective also provided a steady stream of engagements that rendered 'peace habitual to the mind' in this one.<sup>47</sup> In this respect, rational devotion was in tune with their highly measured approach to pleasure seeking, unlike the worship of enthusiasts, which they saw as being more characteristic of that rash hedonism that sacrificed the *summum bonum* to enervating present ecstasies. It is their joy in 'over-topping mankind in holiness, that makes people censorious, rigid and superstitious', observes Tucker, 'the notion of exquisite delights, high transports, and raptures, that betrays them into superstition and enthusiasm'.<sup>48</sup> Such immoderation also helped to explain why enthusiasm frequently led to unbelief, for such spiritual highs inevitably waned, giving way to despondency, and ultimately to disillusionment with the Maker.

The final part of Tucker's anatomy of enthusiasm is germane to our narrative here, as it identified another key overlap between evangelical theology and non-utilitarian ethics. Writing in the 1760s, with the authority of the Hanoverian regime and the Anglican Church apparently secure, Tucker hardly saw the rise of Methodism as heralding a return to the

<sup>45</sup> *Ibid.*, p. 171.

<sup>46</sup> Tucker, *Light of Nature*, vol. 4, pp. 288, 271, 281. As Chapter 5 explains, this was precisely the thinking behind Paley's rhetorical scheme in *Natural Theology*.

<sup>47</sup> Tucker, *Light of Nature*, vol. 3, p. 24. <sup>48</sup> Tucker, *Light of Nature*, vol. 4, p. 340.

sectarian mayhem which had been the *causa prima* of seventeenth-century latitude. He was eager nonetheless to expose the divisiveness of the epistemology on which their theology was based. Disagreements between 'intuitive speculatists' are always acrimonious, observes Tucker, because there is no way of arbitrating between 'essential truth[s] intuitively discerned'. In trusting to this epistemology 'our Godly and gifted wholesale dealers in lectures mimic the metaphysician without knowing it'.

Their system, like his, lies altogether in abstract essences and things unsubstantial, such as derivative wickedness, satisfaction to justice, the price paid for the ransom of sin, and the like. With them justification, sanctification, and imputed merit, are something that may be drawn up by faith, as water by a pump: grace is an unsubstantial thing transferable from one substance to another, capable of being contained and conveyed in material elements. Thus, like the conjurer, they join the cause with a very remote effect or with effects not producible by it, and thereby turn religion into a kind of magic or charm.<sup>49</sup>

This characterisation offers further clues as to why the doctrine of motives held so much appeal for advanced latitude men. The 'stoics in virtue' insisted that utility could only produce contingent principles, but once one accepted the principle, so fundamental to 'enlightened' religion, that 'the uncreated nature of things' could only be known through the substances we perceived in the world, 'general and private happiness' began to look like the firmest foundation available for religion and ethics. From what we could discern by the light of nature, 'Temporal interests' were the 'magnetic needle' by which 'we ought to steer our course in the voyage of life', concluded Tucker, and he made no bones about 'making religion subservient' to such wants.<sup>50</sup>

As we have seen, in volume one Tucker argued that this compass pointed towards a statesmanlike management of the passions; but how was it in one's own interest to nurture benevolence? One reason why it paid to be charitable was that by advancing the happiness of *all*, one necessarily increased that of *each*. We might be urged to promote our neighbour's welfare from narrow self-interest – a reputation for fairness increased the merchant's trade, for example – but such motives produced mutual goodwill less 'universally' and less 'completely' than benevolence did.<sup>51</sup> Secondly, as a grateful neighbour is a friend in deed, beneficence will

<sup>49</sup> Tucker, *Light of Nature*, vol. 2, p. 235.

<sup>50</sup> Tucker, *Light of Nature*, vol. 3, pp. 18, 19.

<sup>51</sup> Tucker, *Light of Nature*, vol. 1, p. 366.



‘generally engage a return of the like’, or at least elicit esteem. If virtue was seen purely as a means to satisfaction, however, what compunction could one have about stealing sly pleasure at the expense of others where there was no chance of being found out? Tucker answered that any man with the slightest regard for his future prospects in this life would be aware that the road to worldly ruin was paved with secret misdemeanours.<sup>52</sup> The most valuable reward for developing finely-tuned moral senses was the serenity that came with having a ruling passion that was relatively easy to gratify, and which provided the mind with a constant source of engagement. How better, indeed, to attain the *summum bonum*. Any deviation from the right path, on the other hand, would unsettle the moral affections, so assiduously cultivated through habit and reflection, basically reducing the pleasure of kindness.<sup>53</sup> Each sin further unravels the threads of conscience, lowering the resistance to temptation, and robbing the moral agent of the mental disposition that produced the highest possible yield of satisfaction.<sup>54</sup>

But by advertising so enthusiastically the worldly wages of virtue, Tucker was walking a theological tightrope, for he also needed to show that earthly rewards were not motive enough in themselves to stimulate acceptable levels of selflessness. Morality without religious sanctions was limited, in Tucker’s view, because there were some states of being where good behaviour was not worth the effort. With little to gain from being virtuous, for example, the elderly were bound to play up. Neither, as Gay had observed, could a reason be found why a wise unbeliever would ‘suffer martyrdom in the cause of virtue’.<sup>55</sup> Insisting, therefore, on the ‘absolute necessity’ of religion ‘to make the system of morality complete’, Tucker took up the cudgels for theological morals in two long volumes. His summary of the argument in a chapter on the ‘Re-enlargement of Virtue’ in volume two, as well as being a rejoinder to the concluding chapter of volume one on ‘The Limitation of Virtue’, reads like an answer to Pierre Bayle’s contention in *Pensées diverses* (1683) that a community of atheists would not necessarily be less virtuous than a society of Christians.<sup>56</sup> Tucker conceded that there had been cases of atheists living commendable lives –

<sup>52</sup> *Ibid.*, p. 391.

<sup>53</sup> Benevolence acquires an immediate pleasantness for both moral agent and observer via the complex associative process first described by Gay. Therefore, the actions it produces are not narrowly self-interested like those of the prudently honest trader.

<sup>54</sup> Tucker, *Light of Nature*, vol. 1, pp. 382–5, 383. <sup>55</sup> *Ibid.*, p. 389.

<sup>56</sup> Pierre Bayle, *Pensées diverses. écrites à un docteur de Sorbonne, a l’occasion de la comète qui parut au mois de Decembre 1680* (1683). See especially sections 133–93 in the Nouvelle Édition Corrigée, 4 vols. (Rotterdam, 1721), I & II. For an English translation see *Miscellaneous Reflections Occasion’d by the Comet Which Appear’d in December 1680*, Robert C. Bartlett trans. (New York, 2000).



most notably, Epicurus – but insisted that no conclusion could be drawn about the general tendency of their principles from the behaviour of a few paragons. Among a nation of non-believers subscribing to the secular doctrine of expediency outlined in volume one, the more thoughtful citizens would soon realise that the system was founded on individual self-interest, and 'upon finding themselves approach near their end' would naturally conclude that 'they may serve their private ends without ever being discovered, though to great damage of others or of the community'.<sup>57</sup> This slackening sense of obligation would not occur among devout Christians, reasoned Tucker, or at least not among those who had imbibed his own hypotheses about the fate of the soul in the netherworld. This elaborate and weird conjecture was designed to establish the justice of providence, thereby providing a retrospective cosmological framework for the discussion of human nature in volume one.<sup>58</sup> However, we will restrict our focus here to those parts of the 'theodicy' which he marshalled to the defence of Christian morals.

To understand that a price must inevitably be paid for sneaky transgressions, it was necessary to perceive 'a like connexion of interests running throughout the whole' of God's realm.<sup>59</sup> Among His many mansions, there was probably a medium stage between our state – so heavily burdened with defective matter – and a purely spiritual existence; a condition where the spirit, though less flesh-laden, retained its 'perceptivity and activity' and 'who knows' what organs.<sup>60</sup> The 'mundane soul' progressed through this 'vehicular state' by gradually shedding the matter that was the source of both its desires and pains. What was wanted to sustain the moral agent in his complete commitment to promoting the public good was an appreciation of the close connection between his own interest and that of the myriad spiritual beings inhabiting this intermediate phase.<sup>61</sup> Pains suffered in the name of virtue in this world were necessary to the production of enjoyments elsewhere in the cosmological order, but beneficence also redounded to our private interest, since everything we did to benefit our neighbour added 'to the common stock' of pleasure from which all partners 'dealing . . . in the traffic of pleasure' profited.<sup>62</sup> A more compelling reason, perhaps, for spurning private vices was that our well-being in the 'active' intermediate state hinged upon our preparation in this one. According to Tucker's 'doctrine of equality', every being was given an

<sup>57</sup> Tucker, *Light of Nature*, vol. 2, p. 438.

<sup>58</sup> On Tucker's approach to the problem of evil see pp. 160–1.

<sup>59</sup> Tucker, *Light of Nature*, vol. 2, p. 35.

<sup>60</sup> *Ibid.*, pp. 31, 40.

<sup>61</sup> *Ibid.*, pp. 439, 369.

<sup>62</sup> *Ibid.*, p. 370.

equal portion of pleasure to last throughout their existence, so that losses sustained from selflessness would be repaid in one of the later 'journies through matter'.<sup>63</sup> The wicked, on the other hand, would carry the debts for ill-gotten pleasures in this life, but also a propensity to run up further debts. Shaped by our earthly habits, the soul tended 'to renew the old courses', and would thus be hampered in its efforts to cast off its material parts.<sup>64</sup> This was in addition to the sanctions handed out by the Creator, intense pleasures for the virtuous, an age of severe pain for the wicked. But as it could not be supposed that a disinterestedly benevolent governor would be so partial as to make some for heaven and others for hell, even wicked spirits would eventually 'fly naked and alone'.<sup>65</sup>

In an effort to establish that there was enough in his theology to embolden the prospective martyr, Tucker entwined this hypothesis with an equally eccentric thought experiment, exploring the possible motives of the celebrated Roman general Attilius Regulus who, despite being assured of release by his Carthaginian captors if he would secure the release of high ranking prisoners in Rome, spoke against the swap in the senate, preferring to return to a painful death than give advice that was prejudicial to his country.<sup>66</sup> In volume one of the *Pursuit* Tucker had accused him of 'folly for throwing away life with all its enjoyments for a phantom of honor'.<sup>67</sup> Now, in volume two, he acquitted him of this charge on the grounds that it was neither 'joy in the transports of rectitude, nor the stoical rhodomontade of a day spent in virtue containing more enjoyment than an age of bodily delights' that steeled his courage in the last hours, but rather his conviction that he was a 'citizen of the universe', that virtuous behaviour always promoted the interests of other beings in the cosmos, and that man was fully compensated in the life to come for all his good actions. Tucker insisted that he was not trying to rewrite history, and that Regulus merely represented an ideal figure standing for all those who found themselves in the same situation, to show that 'prudential motives of true self-interest might be suggested to them . . . for acting in the manner he did'.<sup>68</sup> And though less concerned than Law with advancing a theory of human progress, Tucker confidently asserted that a persuasion of this connection of interests among mankind would also accelerate the gradual humanisation of the world already in evidence. He thus foreshadowed Paley in

<sup>63</sup> *Ibid.*, pp. 343–365, 351.    <sup>64</sup> *Ibid.*, pp. 402.    <sup>65</sup> *Ibid.*, pp. 365, 72.

<sup>66</sup> His likely sources were Cicero's *De Finibus* 2. 65, *De Officiis* 3. 99 and *Paradoxa Stoicorum*, 16.

<sup>67</sup> Tucker, *Light of Nature*, vol. 2, p. 439. He was thus echoing those critics of Regulus' actions whom Cicero sought to rebuff. Cicero, *De Officiis*, trans., Andrew P. Peabody (Boston, 1887), pp. 229–39.

<sup>68</sup> Tucker, *Light of Nature*, vol. 2, pp. 439, 440, 441.

believing that to inculcate a mindset conducive to salvation was to advance simultaneously the providentially ordained march of civilisation.<sup>69</sup>

However, if one of Paley's primary aims in the *Principles* was to synthesise the diffuse musings of the *Light of Nature Pursued*, he clearly felt Tucker's convoluted defence of the religious foundations of morals required a more drastic overhaul. Plainly, the latter had been rather too successful in founding the *summum bonum* on the anatomy of human nature set forth in volume one, such that it undermined his later attempts to expose the shortcomings of secular moral systems. It was hard to imagine, for example, anyone who had adopted Tucker's good life in their younger days electing to do violence to their finely-tuned moral senses in later life. Furthermore, if he was to tackle Bayle's thesis head on, it was not enough for Tucker to show that citizens committed to his own peculiar hypothesis would have sufficient motive to remain virtuous in their dotage. For it was precisely Bayle's point that principles of honour and not the sublime edicts of Christianity underpinned the customary morality of so-called Christian countries. To show that right actions frequently flowed from man's concern for the afterlife was, therefore, high on Paley's agenda. Undoubtedly, it would not do to have an elderly population that was hell bent on gluttony, but he clearly felt that the inadequacies of expediency *sans* religion were more considerable this. It was necessary, therefore, to expand these aspects of Tucker's theology, if he was to lay bare the flimsiness of the solely secular civilisation preferred by Hume.

<sup>69</sup> Like Law, he characterised this improvement in Lockean terms, as an increasing concern for long-term happiness. *Light of Nature*, vol. 2, p. 367.



PART II

*Paley's 'Moral Politics'*



## CHAPTER 3

### *William Paley's Moral Thought*

The previous two chapters provided a contextual account of the key texts in the evolution of theological utility prior to the publication of the *Principles*. As the book was developed from lectures given at Cambridge in the early 1770s, some reflection must be offered on how it was shaped by the intellectual atmosphere there. Paley's entry for the members' prize at Cambridge (1764–5) indicates that he was *au fait* with the basic arguments of theological utilitarianism before the publication of the first two volumes (five books) of Tucker's *Light of Nature Pursued* in 1768, probably having been exposed to them as an undergraduate at Christ's between 1759 and 1763. By this time, utilitarian ethics of various forms had already taken root in the university, through Law's writings of course, but also through the lectures of Thomas Balguy and Thomas Rutherforth (both of St John's).<sup>1</sup> The prize essay, on the question of whether the philosophy of Zeno or Epicurus was more dangerous to the state, reveals much about the intellectual preoccupations at Cambridge at this time. Paley ultimately sided with Epicureanism as the least pernicious, stressing all the while the woeful inadequacy of both systems. Whereas his biographer Meadley saw this as clear evidence of his utilitarian convictions at this time, his son Edmund Paley insisted that the essay could not be taken as a reliable indication of his father's views, for university disputations merely tested the candidate's ability to construct a cogent case and were not a forum for expressing personal opinions, a view borne out by Paley's correspondence in 1764–5, which shows that he originally intended to make a case for Zeno.<sup>2</sup> A second assistant in an academy at Greenwich, Paley was desperate to win a prize which he viewed as a ticket to employments more worthy

<sup>1</sup> Gascoigne, *Cambridge*, pp. 126–7. Balguy first gave his lectures on ethics in 1753. Rutherforth's lectures, based on Grotius' *De Jure Belli et Pacis*, were published in 1754–6.

<sup>2</sup> George Wilson Meadley, *Memoirs of William Paley, D.D.* (Sunderland, 1809), pp. 203–4. Edmund Paley, *Life of Paley*, p. xlv. William Paley to John Law, 1765, PRO/30/12/28/1/60.

of the talents of a senior wrangler.<sup>3</sup> He therefore weighed the relative merits of each side according to how confident he was of being able to make a case for them that would impress the judges. But if winning was imperative, it is likely he would have defended the ancient sects on grounds favourable to his readers, the vice chancellor and heads of colleges. The fact that such arguments were closely in tune with the tenor of theological utility suggests, therefore, that it was already a vital part of the intellectual culture at Cambridge.

He initially resolved to defend the Stoics only because, unlike the Epicureans, they appeared to believe in both a future state and a particular providence. On eventually siding with Epicurus, however, he proceeded to disparage the Stoics for raising virtue above the reach of 'all, save a few visionary enthusiasts'.<sup>4</sup> Moreover, this analysis was the occasion for advancing a vision of Christianity with close parallels to the Lockean view propounded by Law.<sup>5</sup> Surpassing the 'visionary and ideal' virtue of Zeno and the 'sordid and selfish' morals of Epicurus, Christ had 'exalted the dignity of virtue with its utility, and by superintending a future state, to support the paradox of the Stoic on Epicurean principles'. Presumably, Paley is referring to the Stoic paradox that *The Life of Virtue is the completely happy life*, defended by Cicero on the grounds that the self-reliant and praiseworthy man could not fail to be happy, to the extent, indeed, that pains and pleasures seemed trivial to him.<sup>6</sup> Jesus, on the other hand, had solved the paradox precisely by confirming, through his resurrection, that the moral life received its due wages of natural good in the afterlife. Like an enlightened moralist, therefore, the divinity had closely consulted human nature to construct laws that were 'accommodated to our weakness without flattering our corruption'.<sup>7</sup> On a related question, Paley asserted that the willingness of ancient heroes (like Attilus Regulus) to sacrifice their own happiness for the good of the nation did not prove, as Cicero had asserted, that they were 'acted upon by some higher principles than a regard to private utility'. It was likely, instead, that they were driven to

<sup>3</sup> He told Law that he would 'rather starve with my friends at Cambridge than live as I do in pomp and affluence at Greenwich'. He also brooded on being overlooked for the prize the previous year. Paley to John Law, 1764, PRO/30/12/28/1/67; Paley to Law (1765), PRO/30/12/28/1/41-2.

<sup>4</sup> He was obviously toing and froing, however, for soon after resolving to defend Epicurus he told Law that he was inclined again 'to continue my former intention of defending Zeno'. William Paley to John Law, 1765, PRO/30/12/28/1/60.

<sup>5</sup> Edmund Paley, *Life of Paley*, p. xlvii. Latin translated by Michael Hardy.

<sup>6</sup> Cicero, *Paradoxa Stoicorum* in M. R. Wright trans., *On Stoic Good and Evil* (Warminster, 1991), pp. 83-6.

<sup>7</sup> Edmund Paley, *Life of Paley*, pp. xlvii, xlvi.



heroism by some 'implicit persuasion of its utility, habitually settled in the mind, though the advantage of this particular action was not for the present either seen or considered'.<sup>8</sup> Although it is 'private utility' rather than 'the good of mankind' that is in question here, the argument shows that Paley had already imbibed the basics of the theory of association and believed it had currency among leading lights of the university. His instincts were right; for vice chancellor William Powell, the latitudinarian head of St John's, highly approved of his efforts – the prize followed and a year later a fellowship at Christ's.

The installation of Edmund Law's patron the Duke of Grafton as Chancellor of the university in July 1769, not to mention the ascent of his former pupil Frederick Cornwallis to the primacy, boded well for Paley's prospects of preferment.<sup>9</sup> And though the formal curriculum was increasingly dominated by the mathematical sciences, students continued to receive instruction in the various forms of Anglican rational theology that had taken root in the first half of the century, but which, with the waning influence of high-church detractors, had acquired the status of orthodoxies.<sup>10</sup> Paley's teaching portfolio, a typical mix of metaphysics, Greek New Testament and ethics, accorded with this latitudinarian spirit, but had a particularly strong Lockean bent. Locke's *Essay* and Samuel Clarke's *Demonstration of the Being and Attributes of God* (1705) formed the core of his lectures on metaphysics. According to a former pupil, furthermore, he took Locke's *Reasonableness of Christianity* as a model for his lectures on Greek Testament, in the sense that they were centred on the core scriptural doctrines, avoiding more divisive creedal questions, a view corroborated by Paley's own characterisation of his theology in later life.<sup>11</sup> It demonstrates just how much of his system was in place by the mid-1770s that he also delivered at this time a course of lectures that would form the basis of his *A View of the Evidences of Christianity* (1794).<sup>12</sup>

Delivered in the first half of the 1770s, Paley's lectures on moral philosophy contained a systematic exposition of the core doctrines of

<sup>8</sup> *Ibid.*, p. li.

<sup>9</sup> A poem written by John Law to mark the event was read out in the Senate House. Cornwallis, who was in attendance, was also mentioned in flattering terms. George Wilson Meadley, *Memoirs of William Paley D. D.* (2nd edn. Edinburgh, 1810), p. 56.

<sup>10</sup> Gascoigne, *Cambridge*, p. 126.

<sup>11</sup> A Christian, 'Anecdotes of Paley', *The Universal Magazine, New Series*, IV, July–December 1805, 416. This, he told Beste, was why he had not asserted the divinity of Christ in his *Evidences of Christianity* (1794). Henry Digby Beste, 'Conversations of Paley' in *Personal and Literary Memorials* (London, 1829), p. 201.

<sup>12</sup> The lectures were offered to future ordinands among the graduates. Meadley, *Memoirs* (1810), p. 81.

theological utility as developed by Gay, Law and Tucker – including the associationist account of the moral sense and Law's definition of virtue – along with important applications of his own, such as his defences of charity and property.<sup>13</sup> Under the constant urgings of the Law family, Paley gradually worked up the lectures over a period of about seven years (1778–1785), expanding on many points briefly outlined in the notes, as well as adding new sections.<sup>14</sup> While the fact that he added little to the metaphysical foundations of utility might seem to confirm the judgment of some critics that Paley's works were lacking in originality, this is to underestimate not only his achievement in synthesising a body of ideas, dispersed untidily over a ragbag of texts, into such a model of clarity and logic, but also the significant intellectual innovation involved in fashioning the philosophical components of utility into a moral and political compass for young gentlemen. It was explained in [Chapter 1](#) that Paley's *Principles* was the culmination of the process begun by Tucker of turning utility into a system of practical ethics. But there was much more to this than churning out utilitarian precepts on everyday moral questions. To gain a proper sense of Paley's contribution to the genre, it is necessary to view the doctrine of utility as part of a wider programme of moral training of the sort advocated by Tucker in the *Light of Nature Pursued*, a comprehensive guide to the father and master in the fulfilment of his duty to care for the spiritual well-being of the household. This involved on the one hand equipping readers with a sound philosophical means of solving their everyday moral quandaries. Crucial to this enterprise, as we shall see, was his elucidation of the doctrine of general rules, a set of guidelines for ensuring that due weight was given to remote and collateral consequences when the relative utility of any action was being calculated – without which, Paley believed, expediency was unworkable. Distilling Tucker's prolix analysis of motives into concise guidelines for managing the passions, the book also offered extensive instruction on how to develop a virtuous disposition and how to nurture one in others. The two faces of Paley's scheme of moral instruction are treated separately here. This chapter focuses on the philosophical aspects of the programme, his exposition of the doctrine of utility and his critique of rival systems; while the next explores his attempts to educate readers in the

<sup>13</sup> London, British Library Add MSS 12078; Bedford and Luton RO/ PM 3015 Paley's Lecture Notes on Theology, on Moral Philosophy and on Divinity.

<sup>14</sup> We do not know precisely when he began writing the book, but his family believed it took seven years to complete, and in June 1778 we here mention of the project for the first time in Edmund Law's correspondence. Edmund Paley, *Life of Paley*, p. c. Edmund Law to John Law, 4 June 1778, PRO 30/12/17/3/43.

psychology of virtue. It must be stressed, however, that this is an artificial division, for Paley continually shifted between delineating the nature of virtue and counselling on how it might be maintained.

So far the incorporation of Paley's *Principles* into the Cambridge syllabus has been presented as a triumph for the man-centred theology developed by Gay and Law over evangelical and high-church religious ideas. But this context only goes some of the way to explaining the intentions behind his scheme of virtue. For whereas the earlier development of Christian utility had been tied up with the latitudinarian campaign to purge religion of its corruptions – superstition and enthusiasm – Paley was more concerned about the apparent waning of Christian belief per se. Eighteenth-century religious writers diagnosed two forms of unbelief which they were anxious to cure. There was alarm across all spectrums of protestant thought about the growing numbers of so-called practical atheists, nominal believers who went through the motions of religious practice, with little inner conviction. Furthermore, having vanquished, as they thought, the threat of deism in the first half of the century, theologians perceived a dangerous resurgence of philosophical unbelief, as the likes of Hume, Voltaire and Gibbon used their considerable literary talents to undermine the rational proofs of natural and revealed religion. The two aspects of Paley's scheme of moral education relate to the two fronts on which he combated infidelity. On the one hand, he was attempting to supplant nominal belief with a deeply felt religiosity, an active benevolence which arose from making one's fate in the afterlife the ruling concern in this one; second, he mounted a vigorous defence of the evidences of religion against the objections of sceptical atheism. In the realm of morals, practical unbelief manifested itself in the influence of secular normative codes such as the laws of honour and fashion, philosophical, in the attempts of certain writers to divorce morality from religion. Exploiting Edmund Law's voluntarist conception of moral obligation, Paley used his account of virtue to expose the inadequacy of these systems, taking David Hume's anatomy of morals in *An Enquiry Concerning the Principles of Morals* (1751) as the case in point.

Before turning to the text itself, however, it is useful to offer some reflections on what light these agendas shed on the broader themes of this book. In the first place, if Paley's resolute defence of Christian ethics testifies to the sincerity of his religious commitment, his advancement of a broader programme of moral instruction argues against treating his ethics as something discrete from his religious ministry. Probably because unbelief rather than enthusiasm was his main target, he avoided the tirade against systems of 'stoical rectitude' and the brash espousals of hedonism that had filled the pages of the *Light of Nature Pursued*. But this was still the

stridently anthropocentric theology championed by Tucker and Law, moral and religious life being explained entirely in terms of the 'doctrine of motives'. Indeed, the concision of Paley's exposition laid bare its worldliness, such that his definitions proved no less provocative to Romantic, evangelical and high-church critics than Tucker's fulminations might have done.

At the same, this account must raise serious doubts about histories which treat the Enlightenment as an entirely secular enterprise, as well as those which see English thought as being markedly out of step with wider European intellectual developments. Most importantly, it undermines the supposition implied by Robertson's definition of the Enlightenment – but also by the syntheses of Peter Gay and Jonathan Israel – that belief in the afterlife was intrinsically antithetical to the employment of philosophy in the pursuit of human progress in this life. While the notion of human advancement rarely took centre stage in Paley's writings, as it did in those of Edmund Law, the assumption that man was progressing according to the providential plan framed his thinking about the role of religion and morality in the world. As we will see in later chapters, his ideas about the constitution, toleration and the relief of poverty can only be fully understood against this backdrop. The sense that knowledge itself, where not stifled by self-serving dogmatism and supine acquiescence, was in a constant state of development, and the desire to maintain or accelerate this momentum, were deep-set in the Lockean mindset. It was partly because of an apparent stalling of this progress in the universities that Edmund Law was so eager for Paley to finish the manuscript. A letter of June 1781 to his son John reveals that he had wanted it to be published concomitantly with the fifth edition of his translation of King's *Essay*, in the hope of instigating a revival of interest in rational theology, which he believed had fallen out of vogue at the University.<sup>15</sup> The basic problem, as diagnosed over some five pages added to the preface of King, was that, being now entirely engrossed in mathematics, students outsourced their religious thinking, blindly imbibing the orthodoxies of the day – a state of affairs that was fatal to the advance of religious truth. Law's hope, then, was that the simultaneous publication of the *Principles* and King's *Essay* – to be followed soon after by Richard Watson's six volume compendium, *Theological Tracts* (1785) – would help to reawaken the spirit of religious enquiry

<sup>15</sup> Edmund Law to John Law, 19 June 1781, PRO 30/12/17/1/17,18.

which, for him, was the lifeblood of 'reformation and improvement'.<sup>16</sup> Paley was clearly on board with the plan. Truth, as he saw it, was 'the supreme perfection of every religion', and he shared Law's optimism that religious doctrines would invariably become more rational where they were freely discussed and debated. This is an important context for understanding one of his main designs in writing the book: to supply the defects of other textbooks 'in the manner of unfolding and explaining' moral principles.<sup>17</sup> The fashion of expositing ethical principles in 'strings of . . . detached propositions' on the one hand, and of 'dwelling upon verbal and elementary distinctions' on the other, cut little ice with minds that were unused to contemplating philosophical subjects (i.e. the vast majority of readers).<sup>18</sup> By exciting curiosity about such subjects, by treating them thoroughly but succinctly, and most importantly, by accommodating 'both the choice of subjects and the manner of handling them to the situations which arise in the life of an inhabitant of this country in these times', Paley stood a better chance, he believed, of enticing young minds to examine moral life in a philosophical light. Of course, as well as counteracting the spiritual ossification that so troubled Law, this intellectual awakening was intended to contribute to the moral advancement of mankind, in the basic sense that thinking for oneself, as opposed to accepting principles on authority, was central to the 'vision of moral personality' that the theological utilitarians inherited from Locke,<sup>19</sup> but equally because principles that had been properly reasoned out were more likely to influence behaviour. As Tucker's put it, *conviction* was vital to *persuasion*.

A third scholarly supposition that this case study undermines is well exemplified by Robertson's assertion that what made 'The Enlightenment philosophers' original, in terms of methodology, was their desire 'to join mental and moral philosophy in a single science, in which the framework for the investigation of individual behaviour was provided by human society rather than divine authority'.<sup>20</sup> This assumes that the prevalent

<sup>16</sup> Edmund Law, 'Preface' to *An Essay on the Origin of Evil* by William King, trans. Edmund Law, (4th edn. Cambridge, 1758), p. xxi. Ironically, it was a campaign spearheaded by Law himself from the 1720s on to replace the 'dull, crabbed, system of Aristotle's logic' with 'modern' natural philosophy and natural law – as a way of settling students in 'right notions of religion' – that had resulted in the pre-eminence of mathematics; while the 'downfall' of Clarke's theology, at the hands of Lockean epistemology, had 'sunk the credit of that whole science'. (pp. xvii, xix).

<sup>17</sup> *Principles*, pp. 579, viii.      <sup>18</sup> *Ibid.*, pp. vi, vii.

<sup>19</sup> Schneewind, *The Invention of Autonomy*, p. 145.

<sup>20</sup> Robertson, *Case for the Enlightenment*, p. 29.

belief that the laws of nature were God's laws necessarily ruled out a thoroughgoing commitment to the science of man; when, for Paley and Tucker, the study of human psychology and society was the surest way of determining the divine will with regard to human beings.<sup>21</sup> It was in this regard, indeed, that Paley made one of his most significant contributions to the conceptual apparatus of theological utility. His commitment to basing moral precepts on the widest possible investigation of outcomes entailed a thoroughgoing examination of the motives involved in each mode of behaviour, and relied, therefore, on an understanding of the universal psychological processes which determined these motivations, i.e. on the way in which moral sensibility was acquired. For this, Paley relied heavily on the anatomy of moral sentiments delineated by Tucker. Because, however, the application of utility 'to real life and to actual situations' involved gauging how particular acts or behaviours would influence habits, customs and prejudices – either directly or by the example they set – the commitment to treating consequences in the round engendered a deeply sociological approach to morals and politics that, in terms of Christian moral thought at least, was distinctive to Paley. The doctrine of utility that Paley inherited comprised three essential elements: the Lockean account of moral sensibility, the utilitarian criterion of morals and the resting of moral obligation in divine sanctions. His engagement with each of these topics is examined here in turn.

### **The Acquired Moral Sense**

Before elaborating the principle of expediency, Paley asked his readers to consider the various ways in which men try to determine their duty, as a way of exploring the role of moral philosophy itself. It was a mistake to believe, as many people did, that the full extent of our obligation consisted in obeying the law of the land, because there were numerous duties which were necessarily omitted from the legal code, not least charity and piety. Nor, surprisingly, could the Scriptures be relied upon to provide comprehensive guidance on ethical questions, for while the bible did set out general rules of justice and virtue, for reasons relating to its aims and the circumstances of its production, it did not provide a sufficiently systematic treatment of morals to equip us for the exigencies of everyday life. It was up to the moralist, then, to offer the

<sup>21</sup> How far this belief limited the scope of their enquiries or precluded certain conclusions is a different matter.

'didactic regularity' wanting in scripture.<sup>22</sup> The critical question now was which system of morals should fill the breach. Paley saw no need to consider the claims of moral theories based on the eternal and immutable relations of things at any length, the systems of Clarke, Cudworth and Wollaston that Law had so thoroughly deprecated, probably because their influence at Cambridge had sharply declined since the early decades of the century.<sup>23</sup> Readers were thus presented with a straight choice between expediency and moral sense theory.

His case against moral sense theory hung on the Lockean premise that if God had given man an innate capacity to discern what was right, the whole of mankind would share the same moral values.<sup>24</sup> The fact that American savages enjoyed spectacles of cruelty that would repulse citizens of 'polished' European nations proved conclusively that this was not the case.<sup>25</sup> He followed Gay in conceding to the moral sense school that ordinarily moral approbation was a matter of impulse – having little time to calculate the utility of actions, we are 'for the most part determined at once' – while rejecting their account of the origins of moral sensibility. 'Moral approbation follows the fashions and institutions of the country we live in; which . . . themselves have grown out of the exigencies, the climate, situation, or local circumstances of the country'. Take into account also the influence of arbitrary rulers and 'the unaccountable caprice of the multitude' in forming such customs, and 'this . . . looks very little like the steady hand, and indelible characters, of nature'. A more likely explanation was that 'having experienced, in some instance, such a conduct to be beneficial to ourselves . . . a sentiment of approbation rises up in our minds, which sentiment afterwards accompanies the idea or mention of the same conduct, though the private advantage which first excited it be no more'.<sup>26</sup> This was how 'the custom of approving certain actions' originally took root, but it clearly continued by other means, for most people endorse particular types of behaviour because they are taught to do so as children. Imitating or following the commands of their elders, they pick up the habit of praising or condemning particular types of conduct, and these associations are reinforced by censure and encouragement. So while, according to Bishop Butler, the virtuous life consisted in

<sup>22</sup> *Principles*, p. 7.

<sup>23</sup> See *Principles*, pp. 47–8. Like Gay, he argued that such criteria were ultimately derived from expediency.

<sup>24</sup> For a genealogy of such arguments see Carey, *Locke, Shaftesbury, and Hutcheson*.

<sup>25</sup> *Principles*, p. 11. <sup>26</sup> *Ibid.*, pp. 37, 12.

granting 'absolute authority' to the 'superior principle' of conscience,<sup>27</sup> for Paley, this was tantamount to rendering the 'prejudices and habits' of the day morally sovereign – with the effect of stifling moral reform, since, by definition, such affections always approved of current norms, never correcting them. It was this tendency to mistake prejudices for the natural order that had led Aristotle to assume that barbarians were slaves by nature, a maxim that, for similar reasons, was deemed self-evident by modern-day slave traders. Utility, by contrast, provided a safe external standard for evaluating customs and norms, and the possibility therefore of improving them. It was thus presented from the outset as an engine of human progress. Just as importantly, Law's definition of virtue supplied what, in Paley's mind, was fatally lacking in ethical systems based on instinct or conscience, a sufficient obligation to behave virtuously, since conscience could always be overridden where it was perceived that the pleasures of vice were likely to outweigh any pangs of guilt arising from the indulgence.<sup>28</sup> Lacking teeth, codes of morals derived from the theory of moral instincts had no practical value; Paley thus moved swiftly on to setting out a surer road to determining the divine will.

### The Doctrine of General Rules

Quoting Law verbatim, Paley defines virtue as '*the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness*'.<sup>29</sup> The rule is the will of God; human welfare constitutes the subject. Subject and rule melt into a single directive, however, as God evidently wishes man's happiness. This we know, says Paley, because the contrivances of nature bespeak a benevolent architect; their object is always some beneficial purpose. So, while evil surely exists, it is never the final cause of any organism. Teeth are made to eat, 'not to ache'.<sup>30</sup> Though in this instance the Almighty's designs are revealed by the light of nature, it would be folly, warns Paley, to ignore 'his express declarations, when they are to be had'.<sup>31</sup> Given, however, that Christ pronounced on a mere handful of moral questions, we largely have to make do with nature's beacon. From His evident preoccupation with our welfare, it follows, Paley assures us, that 'the method of coming at the will of God, concerning any action, by the

<sup>27</sup> Joseph Butler, 'Preface' to *Fifteen Sermons Preached at the Rolls Chapel* (2nd edn. London 1729), p. xvi.

<sup>28</sup> *Principles*, pp. 16, 17.   <sup>29</sup> *Ibid.*, p. 35. See Law, 'Morality and Religion', p. lii.

<sup>30</sup> *Principles*, p. 58.   <sup>31</sup> *Ibid.*, p. 54.



light of nature, is to enquire into “the tendency of that action to promote or diminish the general happiness.”<sup>32</sup> The tendency of an action to increase or decrease human satisfaction determines its moral value. The obvious objection to this measure of virtue, as Butler had observed, was that it allowed many actions which, while useful, no one would permit.<sup>33</sup> Paley admitted that it might seem expedient, on the face of it, to assassinate a tyrant or gain a seat in parliament through bribery. But however welcome the immediate consequences of such actions, the general consequences of violating ‘some necessary or useful *general rule*’ – in the case of assassination, the rule that only the civil authority could inflict capital punishment – could be catastrophic. Allow one assassination now and you must permit any man to eliminate those he finds obnoxious, which would be to expose everyman ‘to the spleen, fury, and fanaticism, of his neighbour’.<sup>34</sup> While, strictly speaking, the doctrine of general rules referred to the consideration of the consequences of an action if ‘the same sorts of actions’ were ‘generally permitted or generally forbidden’, Paley often used the term more broadly, simply to denote a rigorous attention to long-term and unintended consequences when performing calculations of utility. He completed his account of the foundations of morals by explaining that the discourse of *rights* was simply another way of talking about utility, thus replacing, as he saw it, the convoluted formulations of the natural law theorists with a ready metric of rectitude.<sup>35</sup> Nonetheless, the table of contents bears a strong resemblance to that of Rutherford’s *Institutes*: promises, contracts, oaths, marriage, war, slavery, etc. – the traditional topics of natural law theory – were to be revisited in the light of the principle of utility.<sup>36</sup>

A letter written by Paley three years after the publication of the *Principles* captured well the salient features of utility based on general rules as a practical system.

I know nothing immutable in morals but their principle. That principle is public expediency, not a present temporary particular expediency but an expediency which comprehends all consequences which includes every tendency operation and every operation tendency by which in any way or

<sup>32</sup> *Ibid.*, p. 60.

<sup>33</sup> See Joseph Butler, ‘Of the Nature of Virtue’, *The Analogy of Religion Natural and Revealed to the Constitution and the Course of Nature to Which Are Added Two Brief Dissertations*, in W. E. Gladstone (ed.) *The Works of Joseph Butler*, 2 vols. (Oxford, 1896), vol. 1, p. 410.

<sup>34</sup> *Principles*, pp. 61, 64. <sup>35</sup> *Ibid.*, pp. 72–3.

<sup>36</sup> On the Natural Law tradition see Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge, 2012); Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge, 1979).

at any distance of time human happiness may be affected by our conduct. Expediency so interpreted becomes the measure of our duty because it is the object upon to which the will of our supreme governor is constantly and uniformly directed. This principle is founded in our relation to him – like that relation is invariable. It travels unchanged thro' every region of the earth & continues the same in every situation of our being. That which is expedient, expediency being well understood, is always right – so far morality is universal – but what is expedient; what conduct or what measure under given circumstances is entitled to that character becomes the subject of a calculation which must necessarily [sic] be affected by the previous situation the established habits customs disposition and manners of the persons upon whom our resolution is to operate. If these vary the result of the calculation will vary with them. If this variety follow the progress of climates I know not why we should deny that our duties moral rules must be adapted to the same temperature.<sup>37</sup>

Two aspects of this analysis deserve our attention. In the first place, it obviously implied that the rules of morality were context specific. As we will see in [Chapter 6](#), this had crucial implications for the application of utility to political subjects – ‘to which’, Paley insisted, ‘more than to almost any other, general rules are applicable’ – most obviously, in the realm of imperial administration, but also when considering what constituted proper grounds for resistance to government.<sup>38</sup> It was less relevant, however, to the formation of rules of personal morality, as these were more likely to hold good universally; there being few situations where it was not expedient to alleviate the suffering of the poor, for example, or to refrain from suicide. Schofield is undoubtedly right that Paley’s approach entailed a deep respect for historical forces which predisposed him to caution in questions relating to political reform. His further claim, however, that this reverence for the productions of history stemmed from a sense that they were ‘representative of man’s understanding of the divine will and goodness’ – which would imply a fetishisation of existing institutions for theological reasons – is not supported by the evidence.<sup>39</sup> Paley repeatedly scorned the ‘superstitious’ attachment to laws and customs. Factoring the

<sup>37</sup> Though undated, the letter appears to have been written around 1788 with the aim of offering Edward Law ammunition for his defence of Warren Hastings, for whom he was appointed principal counsel in 1787. PRO 30/12/17/4/ 25–26. Paley concluded that ‘the trial therefore of such an administration must proceed . . . upon the laws & usages, not of the country from which he derives his appointment, but of the country which he governs.’ PRO 30/12/17/4/27–29.

<sup>38</sup> *Principles*, p. xvi. However, the moral laws governing international relations had to be universally applicable. See *Principles*, pp. 638–44.

<sup>39</sup> T. P. Schofield, ‘A Comparison of the Moral Theories of William Paley and Jeremy Bentham’, *The Bentham News Letter*, 11 (1987) 20.

influence of long-standing laws, customs and institutions into computations of expediency was simply part of giving 'full and constant consideration' to general rules – without which no moral system could be 'satisfactory or consistent'.<sup>40</sup>

Of course, in stark contrast to Bentham's utilitarianism, Paley's doctrine was founded on theological principles. But we have seen already that this metaphysic gave impetus to a rigorously experiential approach to ethics, as its exponents attempted to do for moral philosophy what Newton had done for natural philosophy. Because it equated 'doing the will of God' with promoting human happiness, there was a strong theological imperative to explore the mechanics of human motivation and the nature of contentment. Paley's moral theory, as observed earlier, was based partly on the hedonistic moral psychology developed by Tucker, partly on the sociological approach engendered in his own commitment to measuring utility on a local basis. As will become clear, furthermore, the spirit of broad-minded erudition he imbibed at Cambridge meant that he was not in the least inhibited in drawing on the best analysis that European philosophy had to offer when aggregating consequences – whether it was Hume on politics or Montesquieu on criminal justice – even where the analysts in question were 'infidels'. Though the theological doctrine of utility was largely home grown, the practical code developed in the *Principles* was also a product of the bustling intellectual commerce between England and the wider continent that characterised the period.

It is evident, secondly, that Paley saw the formulation of the doctrine of utility based on general rules as a momentous development in ethics. In asserting that the 'principle is founded in our relation to him' – a relation that 'continues the same in every situation of our being' – he seemed to be hinting that expediency had made good Locke's claim that a demonstrable moral science could be derived from 'The *Idea* of a supreme Being . . . whose Workmanship we are, and on whom we depend; and the *Idea* of ourselves, as understanding, rational Beings' (though being founded on experience rather than 'self-evident demonstrations', it could not produce the incontrovertible axioms that Locke thought ethics should aspire to).<sup>41</sup> The crucial role of general rules in rendering the raw doctrine of utility serviceable to human needs was made clear in a very pointed reflection on the evolution of stoic moral thought. While they naturally saw 'the absurdity' of making moral judgments about behaviour without reference to utility, the ancient moralists frequently found the conclusions

<sup>40</sup> *Principles*, p. xv.    <sup>41</sup> PRO 30/12/17/4/ 25–26. Locke, *Essay*, p. 549.

they reached from calculating the expediency of particular actions unpalatable. To solve the dilemma, they invented the *honestum*, 'a measure of right, distinct from utility' and which trumped it in such problematic cases. The suggestion that they had been resorted to for want of better understanding was clearly an indictment of the Stoic notions of virtue integrated into Protestant thought by Joseph Butler and others.<sup>42</sup> By equipping utility to grapple with the complexities of social life, the discovery of general rules rendered such mystifications redundant, thereby restoring human happiness to its natural and central place in moral reasoning.

A further reason why general rules were essential to making theological utility fit for practical application, according to Paley, was that the voluntarist model of obligation was unworkable without them. In 'any dispensation, whose object is to influence the conduct of reasonable creatures' it is necessary that perfectly similar actions meet with the same punishments and rewards. If the moral government of the world was such that one action was punished while a like one was rewarded, 'rewards and punishments would cease to be such, – would become accidents', and could have no effect on behaviour therefore.<sup>43</sup> This deep entwinement between Paley's voluntarism and his commitment to general rules was also in evidence in the examples he chose to impress 'on the minds of young readers' the importance of computing consequences 'collateral and remote', all of which came from the English judicial system, being 'instances . . . where the malignity of the crime, and the severity with which human laws pursue it, is almost entirely on account of the general consequence'.<sup>44</sup> The particular consequence of house breaking was the loss of some inconsiderable items, the general that no one could leave their house unguarded; the particular consequence of coining was a negligible loss to the person receiving the coin, the general, the abolition of money itself. That Paley moved from the moral to the criminal law without even marking the transition demonstrates that what Hume observed of theological morals in general – that

<sup>42</sup> *Principles*, pp. 70–1. On Stoic moral thought see P. Donini and B. Inwood, 'Stoic Ethics', in K. Algra, J. Barnes et al. (eds.) *The Cambridge History of Hellenistic Philosophy* (Cambridge, 1999), pp. 675–738. On Butler's Stoic inheritance see A. A. Long, 'Stoicism in the Philosophical Tradition: Spinoza, Lipsius, Butler', in Brad Inwood (ed.) *The Cambridge Companion to the Stoics* (Cambridge, 2003), pp. 365–92; Rivers, *Reason, Grace, and Sentiment*, vol. 2, ch. 3; James Moore, 'Utility and Humanity: The Quest for the *Honestum* in Cicero, Hutcheson, and Hume', *Utilitas* 14 (2002), 365–386.

<sup>43</sup> *Principles*, p. 65.   <sup>44</sup> *Principles*, pp. 68, 69–70.

it treated 'all on a like footing with civil laws' – was particularly apt in the case of theological utility.<sup>45</sup>

While the multiplication of examples may seem to the modern reader like philosophical overkill, it was crucial to the broader practical aims of the book. On the one hand, it trained young minds to habitually extend their views beyond the immediate consequences of particular actions or policies, a practice especially important in the political deliberations, which, as gentlemen, they were obliged to carry out. But just as importantly, it drove home the point that utility was not just a measure of the moral worth of an action, but also an indicator of the rewards or punishments awaiting such behaviour in the afterlife. This tight weaving of the criterion of virtue with the motives enforcing it was precisely what one might have expected to find in a work of 'moral statesmanship' on the model of Tucker; that is, a book dedicated to instilling virtue by advertising its consonance with self-interest. As well as constantly reinforcing moral obligation, throughout the *Principles* Paley interspersed his verdicts on ethical questions with instructions on how to cultivate virtue through the right management of the passions. The fundamental principle of these lessons was set out immediately after the definition of virtue. Men rarely deliberated about the morality of their actions, being 'for the most part determined at once; and by an impulse, which is the effect and energy of pre-established habits'. The use of 'moral and religious knowledge', then, was 'in the *forming* and *contracting* of . . . habits'. A guiding principle of the science was that 'many things are to be done, and abstained from, solely for the sake of habit'.<sup>46</sup> Consider, says Paley, the case of a man who having been brought up always to tell the truth finds himself tempted, on one occasion, to embellish the facts of an anecdote to show off his wit, though in a manner unlikely to harm anyone's interest or reputation. If he considers that giving in to the impulse on this innocent occasion may weaken his habit of veracity, thus putting his virtuous disposition on the line, a wise man will surely forgo the immediate gratification.<sup>47</sup> Paley reiterated this advice in relation to many of the practical moral issues explored in the book, from drunkenness to sexual conduct. In what sense, however, could such actions be considered virtuous, if the moral agent considered neither the happiness of mankind, the will of God, nor everlasting life? In the way, answered Paley, that a servant may be considered dutiful, though he performs his services with

<sup>45</sup> David Hume, *An Enquiry Concerning the Principles of Morals*, in L. A. Selby-Bigge (ed.) *Enquiries Concerning Human Understanding and Concerning the Principles of Morals* (1751; 3rd edn, Oxford, 1975), p. 322.

<sup>46</sup> *Principles*, p. 37.      <sup>47</sup> *Ibid.*, pp. 38–9.

little thought of his master's will or welfare; the virtue lies in his nurturing of these habits over time under the direction of dutiful motives.<sup>48</sup>

Arguably, it is as a crucial part of this programme of psychological instruction, rather than as an attempt to identify precisely what was to be measured in calculations of expediency, that Paley's celebrated analysis of human happiness in [Chapter 6](#) of book one is best read. When outlining the principles of moral policy, Tucker had bemoaned the fact that while giant strides had been made in the natural sciences, little progress had been made in 'the science of pleasure'. In the *Light of Nature Pursued*, he had set out to redress the balance by offering detailed instruction on how to nourish 'a crop of fancies' that would yield contentment in the long run.<sup>49</sup> This was precisely the thinking behind Paley's analysis of human satisfaction. Basically, happiness was the condition in which the aggregate of pleasures exceeded that of pains; the bigger the surplus, the happier the person.<sup>50</sup> Although, as a pleasure-producing 'machine', the human frame was prone to fatigue when overextended, this could be avoided and maximum output maintained in the long term by processing a steady stream of pleasures. Paley assessed the various sources of fulfilment like a production manager. Sensual pleasures are not in themselves the stuff of happiness, for 'computing strictly the actual sensation, we shall be surprised to find, how inconsiderable a portion of our time they occupy'.<sup>51</sup> Moreover, these enjoyments go stale with repetition. Likewise, a taste for high delights leads to an 'empty and uneasy existence', for not only are such pleasures very rare, but they take the shine off milder ones. His faculties burnt out, the voluptuary finds life 'irksome' and 'restless'. Exemption from cares is equally deleterious, being attended with 'imaginary anxieties', 'hypochondriacal affections' and 'depression of spirits'; while the vaunted pleasures of rank and station are blighted by 'the anxiety of the pursuit, and the pain of disappointment'.<sup>52</sup> What pursuits *could* be relied upon, then, to yield a surplus of pleasure? Exercising the social affections was one means of achieving mental tranquillity, in Paley's view. Good health was another source of pleasure, and a prerequisite for other enjoyments. The prime directive, however, was that happiness consisted in 'engagement', defined as 'the exercise of our faculties, either of body or of mind, in the pursuit of some engaging end'. This was clear to anyone who compared 'the alacrity and spirits of men who are engaged in any pursuit that interests them, with

<sup>48</sup> *Principles*, p. The analogy was borrowed from Edmund Law. See above, p. 53.

<sup>49</sup> Tucker, *Light of Nature*, vol. 1, pp. 267, 110. <sup>50</sup> *Principles*, p. 18. <sup>51</sup> *Ibid.*, pp. 19–20.

<sup>52</sup> *Ibid.*, pp. 20, 21, 22, 25.

the dejection and ennui of, almost all, who are either born to so much that they want nothing more, or who have *used up* their satisfactions too soon, and drained the sources of them'.<sup>53</sup> Happiness, then, was largely a matter of selecting our enjoyments wisely. Having chosen our goals, the trick was to marshal the imagination so that we found pleasure in the means of attaining them; the ends could then be substantially forgotten.<sup>54</sup>

According to the Rosen, Paley's failure to set out 'an elaborate classification of different pleasures and pains', as Bentham did, was tantamount to a denial of 'the importance of an empirical understanding of what pleasures people actually feel'. Paley, says Rosen, 'was prepared to make certain assumptions concerning which pleasures advanced happiness. The presence of people who insisted that their happiness was in fact based on the so-called "pleasures of sense" would make no difference.'<sup>55</sup> It is worth reiterating the point, however, that the main objective of this discussion was not to define happiness, but to offer readers practical advice on how to maximise the amount of pleasure in their lives, the most important question, as he saw it, 'in the conduct of life'.<sup>56</sup> And going by the standards of the age, it is hard to see why his characterisation of human contentment should be deemed any less empirical than Bentham's classification of pleasures. While Paley shared Locke's view that men varied so much in their inclinations that no single recipe for happiness could suit all, there was a 'presumption', he felt, 'in favour of those conditions of life, in which men generally appear most cheerful and contented'.<sup>57</sup> No doubt, such appearances were often deceptive, but they were the best measure we had. As his correspondence shows, his description of felicity was based on the lifelong study of these appearances among 'men of different tastes, tempers, stations, and pursuits', as he strove to answer the question which constantly plagued him: that of 'how to be happy'. On witnessing the perpetual merriness of an ailing female acquaintance who was 'always busy', Paley remarked to John Law that 'she must be in possession of the secret which I want in the chapter'.<sup>58</sup> From his days as a sizar at Christ's on the other hand, he had observed at close quarters the 'intolerable vacuity of mind' of those *bon vivants* whom, money being no object, could indulge sensual desires to the full.<sup>59</sup>

<sup>53</sup> *Ibid.*, pp. 26, 27, 33, 28.   <sup>54</sup> *Ibid.*, p. 29.

<sup>55</sup> F. Rosen, 'Introduction' to J. H. Burns and H. L. A. Harts (eds.) *An Introduction to the Principles of Morals and Legislation* by Jeremy Bentham (Oxford, 2005), pp. lv, lvi.

<sup>56</sup> *Principles*, p. 26.   <sup>57</sup> *Ibid.*, p. 27.

<sup>58</sup> *Ibid.*, p. 16. William Paley to John Law, 7 May 1778, PRO/30/12/28/1/110-111.

<sup>59</sup> *Principles*, p. 28. The intention was not to exclude physical pleasures from happiness, as Rosen suggests, but to show that the exclusive pursuit of them would not produce a 'continued stream of happiness'. *Principles*, p. 21.

In terms of the systematic account of expediency that Paley was building, this reflection on the nature of contentment was a digression.<sup>60</sup> Calculating the expediency of a particular behaviour was seldom a matter of determining whether it kept people busy. Rather, it involved computing the net balance of pleasure over pain, and vice versa, that said mode of conduct produced, as per Paley's definition. Preconceived notions about the superiority of intellectual over sensual pleasures had to be set aside when making such determinations, added Paley, for pleasures differed only in duration and intensity.<sup>61</sup> Unsurprisingly, given the highly practical bent of his mind and the perceived impatience of his audience with abstruse topics, Paley did not offer anything like the elaborate typology and analysis of pleasures set out by Bentham. The calculations of expediency that supported his moral prescriptions were based not on the complex computations of a felicific calculus, but on his observation of what appeared to produce happiness in most people and his sense of the things they identified as being conducive to wellbeing. In his hugely influential chapter on crimes and punishments, for instance, Paley treated civil liberty – in Montesquieu's sense of security – as a byword for utility; throughout the chapter on the constitution, he assumed that the stability of government was a vital element of the general happiness; in computations of personal morality, tranquillity of mind was often assumed to be the main ingredient of contentment. Though indisputably empirical – in the sense of being based on observation and investigation – this approach obviously did not embody the concern with precise measurement and comprehensive classification that would increasingly come to characterise intellectual and political life in the nineteenth century. Methodologically, the doctrine of utility was more in keeping with the less data-heavy science of man practiced by Hume, Hutcheson and Butler; and, as such, it was equally exposed to the attack on Enlightenment commonplaces to which the new methodologies gave rise.<sup>62</sup>

### Moral Obligation

Although, as we have observed, Paley's account of moral obligation was deeply entwined with the doctrine of general rules – and actually preceded it in the text – it deserves to be treated separately here, not least because it

<sup>60</sup> The analysis was crucial, however, to his attempts to convince the grumbling poor of Carlisle that they had reasons to be cheerful in 1792. See ch II.

<sup>61</sup> *Principles*, pp. 18–19. <sup>62</sup> See below p. 311.



formed the crux of his case for the superiority of expediency over other moral systems, and, most importantly, of religious over secular moral codes. His starting point was a question that bridged the gap between speculative and practical ethics: 'Why am I obliged to keep my word?' The only time I am obliged to do anything, returned Paley, is when I am 'urged by a violent motive resulting from the command of another'. Obligation is defined in terms that tie it in with the interdependencies of this world. A motive is violent when it comes from 'one on whom my fortune depends'.<sup>63</sup> I am obliged to serve my master or benefactor because my welfare depends on his goodwill. An element of command is also necessary to impose a duty, but not just anyone can command; it takes 'the will of a superior' to move us. The master is the master because he has the power to punish and reward, and 'we can be obliged to nothing, but what we ourselves are to gain or to lose something by'.<sup>64</sup> I must keep my word because God commands it. My motive is eminently violent: rewards and punishments of the eternal variety. There followed the distinction which, for many, encapsulated the gross materiality of Paley's vision. The only difference between prudence and duty, he argued, was that in the one case we had in mind worldly advantages; in the other 'we consider also what we shall get or lose in the world to come'.<sup>65</sup> A model of clarity and concision, the chapter exemplifies well Paley's unparalleled ability to make complex ideas comprehensible to a wide audience, thereby maximising their potential to influence behaviour. At the same time, the directness of the language lent the chapter an air of familiar authority which added force to the reassuring message that morals and religion were wholly a matter of the interests and the passions, and not some sublime communion with the Godhead, attainable only through recondite spiritual gymnastics.

Paley left the arguments of his predecessors regarding moral obligation more or less where he found them, but they were carefully repackaged to maximise their impact on the target audience. For Tucker, a motive was deemed violent when the act of resisting it was painful.<sup>66</sup> Paley used the term to evince the moral efficacy of future-state settlements. By equating God's commands with the injunctions of the manorial master, he made the divine realm an extension of the familiar hierarchy of human dependencies, an image that put far less strain on the inward eye than Tucker's cosmological commerce of interests. Paley retained Tucker's system of proportionate heavenly rewards, however, thinking it conformable to our

<sup>63</sup> *Principles*, pp. 49.   <sup>64</sup> *Ibid.*, 50.   <sup>65</sup> *Ibid.*, 53.

<sup>66</sup> Tucker, *Light of Nature*, vol. 1. pp. 286–7.

ideas of justice 'that there are prepared for us rewards and punishments, of all possible degrees, from the most exalted happiness down to extreme misery; so that "our labour is never in vain"'.<sup>67</sup> Bona fide saints would be better off than those borderline cases who had avoided damnation by the skins of their teeth. By removing the sharp dividing line between heaven and hell, Paley hoped to assuage the fear that came with not knowing how much virtue was required to avoid damnation. Like Tucker, he was willing to disregard orthodox notions of the afterlife in order to maximise happiness and virtue.<sup>68</sup> His readers would have taken it for granted, though, that he was describing an everlasting condition, there being no mention of intermediate states and suchlike that might provide sinners with an insurance policy.<sup>69</sup> If otherworldly concerns could promote moral well-being, Paley did not wish to dilute the medicine. But two serious theological challenges still confronted him.

Though, from Paley's perspective, Tucker had probably overstated the efficacy of worldly motives for virtue, at least he had recognised their inadequacy. Hume, on the other hand, thought such inducements more than sufficient for man's needs. According to his *Enquiry*, the rewards for good behaviour are twofold. Benevolent actions recommend themselves because of their 'immediate accord or agreement with human sentiment'. He agreed with Gay that our moral sentiments, and therefore our virtues, acquire their existence from their utility. It follows from our approval of useful actions that have no reference to ourselves, says Hume, 'that everything, which contributes to the happiness of society, recommends itself to our approbation'. The happiness and misery of others naturally give us pleasure and pain, the very mainsprings of human action; here is motive enough for selfless deeds. 'Virtue is an end' in itself, 'desirable . . . merely for the immediate satisfaction it conveys'.<sup>70</sup> If such immediate inducements, then, explained the acts of human kindness witnessed every day, Hume did not deny that moral sentiments had to compete for primacy with other passions, including avarice. He was in no doubt, however, that we had an 'interested obligation' to cultivate social virtues. As the most extravagant selfishness could do no more than satisfy some desire, it made sense in the long term to indulge the kinder affections. 'What other passion is there where we shall find so many advantages united; an agreeable sentiment, a pleasing consciousness, a good reputation?' asks Hume.<sup>71</sup>

<sup>67</sup> *Principles*, p. 41.      <sup>68</sup> The Thirty-Nine Articles refer only to salvation and hell.

<sup>69</sup> In his sermon 'Preservation and Recovery from Sin,' he stated explicitly that perdition was eternal. Sermon xxxiii, *Works*, vol. 5, p. 301.

<sup>70</sup> Hume, *Enquiry Concerning Morals*, pp. 244, 178, 245.      <sup>71</sup> *Ibid.*, p. 231.

Occasions might arise when dishonest deeds redound to my fortune without harming my reputation or endangering the social bond. But whatever a man profits from breaking a general rule will be little compensation for the disturbance of 'his inward peace of mind'. Only a fool would sacrifice a clear conscience for 'worthless toys and gewgaws'.<sup>72</sup>

Paley singled out these passages in the *Enquiry* for special attention, arguing that there was an insufficient basis for civilised morality in the human passions *sans* religious motives. Responding to Hume's complaints about 'the modern scheme of uniting ethics with Christian theology', he urged his readers to study the second part of the ninth section of the *Enquiry*.<sup>73</sup>

When they have read it over, let them consider, whether any motives there proposed are likely to be found sufficient to withhold men from the gratification of lust, revenge, envy, ambition, avarice, or prevent the existence of these passions. Unless they rise up from this celebrated essay, with very different impressions upon their minds than it ever left upon mine, they will acknowledge the necessity of additional sanctions.<sup>74</sup>

He admitted that the utility of belief in a future state had no bearing on its truth. While it is clear from his lecture notes that he already had the basic materials in hand for his *Evidences of Christianity*, a work demonstrating the veracity of Christ's miracles and by extension the existence of an afterlife (again in response to the sceptical interrogations of Hume); in the *Principles* this was taken as a given. If it could be proven that such sanctions existed, it would be foolish to attempt to construct morality without them, concluded Paley.<sup>75</sup>

But to counter Hume's assertion that morality necessarily suffered when wedded to religion, Paley did not need to prove the first principle of Christian ethics as such. It was enough to show how Christian belief influenced everyday human behaviour for the better, how, indeed, it was integral to the so-called natural social affections that Hume thought sufficient for human ethics. What was it that kept the servant honest when his master's back was turned? asked Paley, but his belief that he was serving God. This 'affords a greater security to the master than any inferior principle; because it tends to produce a steady and cordial obedience, in the place of that constrained service, which can never be trusted out of sight, and which is justly enough called eye-service'.<sup>76</sup> But consciousness of being divinely monitored also had a powerful

<sup>72</sup> *Ibid.*, p. 233.    <sup>73</sup> *Principles*, p. 55. See Hume, *Enquiry Concerning Morals*, pp. 228–234.

<sup>74</sup> *Principles*, p. 56.    <sup>75</sup> *Ibid.*    <sup>76</sup> *Ibid.*, pp. 143–4.

humanising effect on society's masters. Whereas sceptical histories had emphasised the barbarism occasioned by religion as it oscillated between superstition and enthusiasm, Paley presented abundant evidence of the efficacy of Christianity as a softener of human hearts. It was evident, for one, that accountability to divine authority checked the master's behaviour towards his servant. The principal virtue of public worship, according to Paley, was that it promoted humility among the higher orders by reinforcing the uniquely Christian principle of equality before the divine law. It kept men mindful of 'their mutual infirmities and common dependency' on the same great source of bounty, and reminded them that they would all be subject to the same judgement. However lax or superstitious Englishmen were in their beliefs, Paley thought it an observable fact that salvation was still 'the supreme object to all of their hopes and fears'.<sup>77</sup> To expose the poverty of morality without religion, he argued that divine sanctions were the very bedrock of the code of ethics observed in advanced nations. Remove them, and reluctant martyrs or scurrilous grandparents (the bugbears of heathen morality, according to Tucker) would be the least of society's worries.

Where Hume had cast doubt on the effectiveness of next-life ambitions as moral motives, the *Principles* argued that worldly aims were actually less productive of good behaviour than heavenly ambitions. This is because there was no guarantee that selfless actions would be rewarded in this life. 'Those who would establish a system of morality, independent of a future state, must . . . shew that virtue conducts the possessor to certain happiness in this life, or to a much greater share of it, than he could attain by a different behaviour'.<sup>78</sup> Neither was remorse, a powerful force for good in Hume's philosophy, motive enough to make the moral agent forgo secret evils, because guilt feelings could be tolerated for the sake of profit.<sup>79</sup> Paley did not deny that good conscience was a major source of contentment, but thought the charitable impulse would be especially vulnerable to any decay in belief. 'Whilst worldly prudence will direct our behaviour towards our superiors . . . there is little besides the consideration of duty, or an habitual humanity, which comes into the place of consideration, to produce a proper conduct towards those who are beneath us', and such beneficence could not flourish, even to its present degree, without religious sanctions.<sup>80</sup>

<sup>77</sup> *Ibid.*, p. 353.      <sup>78</sup> *Ibid.*, p. 53.

<sup>79</sup> *Ibid.*, p. 17. This was one of Paley's objections to moral sense theory, but it was equally pertinent to the assault on Hume.

<sup>80</sup> *Principles*, pp. 191–2.

The salutary influence of religious motives observable in contemporary society was viewed by Paley and Law as a product of the Enlightenment initiated by Christ. Here, then, was the latitudinarian alternative to sceptical histories which saw commerce, politeness and the law of honour as the primary agents of civilisation, and religion as a source of barbarous regression. The crux of this counter-narrative was the assumption that charity was a distinctively Christian virtue, a belief borne out, in Paley's view, by the fact that hospitals, infirmaries and public charities, mainstays of modern European societies, had not existed before the arrival of Christianity. Even 'the most polished nations of antiquity' had not managed to institute a poor law as England had done.<sup>81</sup> Whereas in the ages before Christianity servitude was slavery, the ethos of equality before God, itself a product of the belief in divine judgement, made for a 'spirit of liberality' that had changed the nature of master-servant relations in Christian countries. Aware that meddling in national politics would have hindered the progress of global conversion – it being unlikely that statesmen would welcome the cadres of a subversive political movement – Christ had not been so politically naive as to openly declare himself an enemy of slavery. Rather than directly challenge Caesar, Christianity had done its work by gradually softening men's hearts.<sup>82</sup> Inevitably, the slow transformation of attitudes led to the collapse of odious institutions, and as knowledge of Christianity became universal, so would barbarities recede around the globe.

Elsewhere, Paley recognised that scripture affirmed the 'expiatory, and atoning' character of Christ's death, but as this nature was beyond human understanding, it was advisable to concentrate on its comprehensible practical consequences.<sup>83</sup> This emphasis on the moral aspects of the mission appeared justified in the light of the Saviour's insistence on 'the inferiority of and subordination of the ceremonial to the moral law'.<sup>84</sup> His primary purpose was to encourage the fulfilment of our duties, though not chiefly through the actual teaching of morality. Delivering precepts was 'only a subordinate part' of Christ's mission, 'his great business being to deliver stronger moral sanctions, and clearer assurances of a future judgement'.<sup>85</sup> It was no accident, then, that charitable institutions had

<sup>81</sup> *Ibid.*, p. 205.      <sup>82</sup> *Ibid.*, p. 198.

<sup>83</sup> William Paley, 'Good Friday', Sermon IV, *Works*, vol. 6, p. 169.

<sup>84</sup> William Paley, 'Observations upon the Character and Example of Christ, and the Morality of the Gospel' (1776), Appendix to Meadley *Memoirs of William Paley*, p. 57. This essay was originally annexed as a summary and appendix to Edmund Law, *Reflections on the Life and Character of Christ* (Cambridge, 1776).

<sup>85</sup> *A View of the Evidences of Christianity*, in *Works*, vol. 2, p. 32.

sprung up in countries that had received this revelation, since the promise of a reckoning in the life beyond provided an incentive to the type of behaviour that narrow self-interest could never induce.<sup>86</sup> And though subsidiary to the assurance of resurrection, Christ's bold espousal of humility and charity in a world that privileged the heroic values of pride, patriotism and active courage represented a profound shift in moral direction. This was a thoroughly utilitarian revolution – such values being recommended 'by their solid utility' – which found its institutional embodiment in the English poor laws.<sup>87</sup> Here was proof, then, that the influence of Christian doctrine, though more readily perceptible 'in the silent course of ordinary and domestic life', did eventually 'reach public institutions'.<sup>88</sup>

However clearly the battle lines between sceptic and divine were drawn on many issues, the controversy about the effects of religion on morality also revealed a number of important shared commitments, and these further highlight the degree to which latitudinarian thought reduced 'the independence of the sacred from the civil'.<sup>89</sup> In the *Natural History of Religion* (1757), Hume had argued that popular religion engendered a state of anxiety that was poisonous to morality. It was generally accepted, observed Hume, that one did one's duty for the good of society and oneself. But the 'superstitious man', liable to worry that by merely following the stirrings of his heart in this way he did not gain any particular credit with his maker, was prone to seek the divine favour 'by frivolous observances' and 'intemperate zeal'. So haunted is he, indeed, by tortuous misgivings about divine judgement that 'he considers not that the most genuine method of serving the divinity is by promoting the happiness of his creatures'.<sup>90</sup> Driven by religious terrors, he is capable of heinous crimes in the name of righteousness.

But, as we have seen, latitudinarians shared this contempt for over-zealousness and pompous ceremonialism, ardently proclaiming the Deity's preference for beneficence. In fact, Paley's rational creed even appeared to correct many of religion's failings as diagnosed in the *Natural History*. Where, according to Hume, popular religionists ascribed 'barbarities' to God, Paley trusted wholly in His good nature. 'It seldom happens, that a popular religion were found, in which it was expressly declared, that nothing but morality could gain the divine

<sup>86</sup> *Principles*, pp. 205, 191–2.

<sup>87</sup> *Ibid.*, p. 224. Charitable values were recommended because they contributed 'most to the happiness and tranquillity of social life.' Paley, *Evidences*, vol. 1, p. 18.

<sup>88</sup> *Evidences*, vol. 1, p. 205. <sup>89</sup> Pocock, 'Historiography and Enlightenment', p. 94.

<sup>90</sup> David Hume, *The Natural History of Religion*, ed. A. Wayne Colver (1757; Oxford, 1976), pp. 87, 89.

favour', complained Hume.<sup>91</sup> And yet for Law and Tucker religion did consist primarily in 'moral attainments'. Not forgetting Hume's disdain for the philosophical claims of rational religion, in practical terms Paley's religious man had more in common with Hume's virtuous type, whose decision-making process was ruled by the calm passions, than with Wesley's man of 'simple heart' who in all things 'aim[ed] at God alone'.<sup>92</sup> Paley agreed with Wesley that the religious mind aims at God in all its actions, but he denied that such reflections could be divorced entirely from considerations of reward and punishment. The Wesleyan on the other hand could not accept that an action born of natural human desire could have moral value. In this respect he resembled Hume's superstitious man, who 'offers the strongest violence to his inclinations' because an action that 'proceeds from no mixture of any other motive or consideration appears to him "more purely religious"'.<sup>93</sup> This perception that piety and the everyday human passions were mutually exclusive goes a long way to explaining why evangelicals and some high churchmen thought an ethical system based on the doctrine of motives inimical to true religion. For them, the most virtuous Paleyan lived too much 'in the flesh', was too immersed in *'the beggarly Elements of the World'*, to be deemed sincere.<sup>94</sup> Theological utilitarians agreed with Hume that happiness consisted in the calm state of mind that comes from a busy life, moral probity in the right 'direction of energies into secular . . . channels',<sup>95</sup> though they argued that religious sanctions were indispensable to both.<sup>96</sup> This common extolment of equanimity was rooted in the desire, widespread in the decades following the Restoration, to spare the eighteenth century from the errant religious emotion that had plagued the seventeenth.<sup>97</sup> But the continued promulgation of a man-centred creed must also be read in the context of ongoing debates between latitudinarians and evangelicals in the second half of the

<sup>91</sup> Hume, *Natural History of Religion*, p. 87.

<sup>92</sup> John Wesley, 'The Witness of Our Own Spirit: A Sermon on Romans vii 16.' *Sermons on Several Occasions*, 3 vols. (1746), vol. 1, p. 214.

<sup>93</sup> Hume, *Natural History of Religion*, p. 90.

<sup>94</sup> Wesley, 'The Witness of Our Own Spirit', pp. 216, 215.

<sup>95</sup> Forbes, *Hume's Philosophical Politics*, p. 87.

<sup>96</sup> In the human happiness stakes, the believer was at a distinct advantage over the most benevolent Humean, in Paley's view, for he had a goal of profound consequence, and therefore a source of perpetual engagement for life. *Principles*, p. 30.

<sup>97</sup> See Pocock, 'Clergy and Commerce', 531–3, 552. As Hume never tired of pointing out, however, there was a gulf between popular beliefs and the rational religion of liberal churchmen.

eighteenth century about the nature of virtue and spirituality, to which we now turn.

### **Anthropocentric Versus God-Centred Morality**

Given these crossovers between theological utilitarianism and Humean thought, it is not surprising that expediency was seen by some contemporaries as presenting a serious challenge to more traditional modes of Christian thought. Although moderate evangelicals were generally complimentary of Paley's celebrated exposition of the argument from design in *Natural Theology* (1802), in the early decades of the nineteenth century increasing numbers at Cambridge shared Adam Sedgwick's anguish that a moral philosophy so deeply 'in bondage to the world, measuring every act by a worldly standard, and estimating its value by worldly standards' retained so much influence in the university.<sup>98</sup> From the mid-1830s on, he campaigned energetically to have Butler's *Sermons* replace the *Principles* as the main moral textbook for undergraduates. What made Butler's moral philosophy the natural antidote to Paleyan expediency was that it synthesised perfectly the 'God-centred' attitudes described earlier in this book. This chapter will conclude, therefore, with a brief comparison of the two theories by way of situating the late eighteenth and early nineteenth-century debates in relation to the theological oppositions explored in chapters one and two, and of lending further weight, thereby, to the characterisation of Paley's thought as the apogee of a radically worldly religious tradition.

In the preface to his *Fifteen Sermons Preached at the Rolls Chapel* (1726), Butler set out, first of all, to explain what the ancient moralists meant when they said that virtue was the main business of human life and that it consisted in following nature. He wished to show, in the second place, that they were right in doing so. The crux of the demonstration was an analysis of the inner feeling or conviction which had convinced such philosophers that men were made to cultivate virtue. To understand any system, we need to comprehend not only its constituent parts, but the relations between those parts and the end or ends which the system brings about.<sup>99</sup> The principal relation of man's inner nature, considered as a system, is the 'Supremacy of Reflection or Conscience' over the interests

<sup>98</sup> Adam Sedgwick, *A Discourse on the Studies of the University* (Cambridge, 1833), p. 57. Sedgwick lavishly praised Paley's *Natural Theology* in the appendix.

<sup>99</sup> Butler, 'Preface' to *Fifteen Sermons*, p. ix.



and the passions, and from this it can be inferred that our nature is 'adapted to virtue', in the way that the constitution of a watch 'is adapted to measure Time'.<sup>100</sup> That is to say, this was the purpose for which the Author of Nature had created us.<sup>101</sup> Butler describes conscience as:

a superior principle of reflection . . . which distinguishes between the internal principles of his heart, as well as his external actions: which passes judgment upon himself and them; pronounces determinately some actions to be in themselves just, right, good; others to be in themselves evil, wrong, unjust: which, without being consulted, without being advised with, magisterially exerts itself, and approves or condemns him, the doer of them, accordingly.<sup>102</sup>

A good place to begin our comparison is with Butler's observation that the age-old debate in moral philosophy between those who believed virtue should be followed for its own sake and those who explained it in terms of the rational pursuit of self-interest corresponded closely to 'The Question, which was a few Years ago disputed in *France* concerning the Love of God', a reference to the so-called Quietist Controversy in which Archbishop Fenelon had asserted the possibility and the desirability of a wholly disinterested love of God, untainted by expectations of favour or reward in this life or the next.<sup>103</sup> In observing a close affinity between Fenelon's position and the commitment to following virtue for its own sake, Butler offered an extremely acute insight into the broader religious mentalities at work in the moral debates of the period. For the imperative behind the theory of conscience was clearly to do for moral agency what Fenelon wished to do for devotion, extricate it from the pursuit of self-interest. So closely intertwined were the two commitments that Butler thought they could be validated by the same account of the operation of the passions. As part of his critique of the 'selfish hypothesis' of Hobbes and La Rochefoucauld, he distinguished between settled self-love, the calm determination of what promotes our interests in the long-run; and the satisfaction of particular appetites, including those of sense, ambition, resentment, etc. There appeared to be a basis in this anatomy for the Stoic assertion 'against the Epicureans' that virtue was 'to be pursued as an End, eligible in and for itself', observed Butler, since if there were affections 'distinct from Self-love',

<sup>100</sup> *Ibid.*, pp. x–xi.

<sup>101</sup> Joseph Butler, 'Upon Human Nature', Sermon I in *Fifteen Sermons*, p. 25.

<sup>102</sup> Joseph Butler, 'Upon Human Nature', Sermon II in *Fifteen Sermons*, pp. 35–6.

<sup>103</sup> Butler, 'Preface' to *Fifteen Sermons*, p. xxxiii. His adversary Jacques-Bénigne Bossuet responded that the 'disinterested' love of God ought not to exclude considerations of the afterlife. Peter Gorday, *Francois Fénelon: A Biography – The Apostle of Pure Love* (Brewster, Massachusetts, 2012), chs. 4–7.

it was implied in the very idea of such feelings that the objects of each of them were 'in themselves eligible, to be pursued on its own account'.<sup>104</sup> As well as proving the Stoic assertion about the pursuit of virtue, such reasoning provided firm grounds for believing that God, too, could be the end of a particular affection. If we feel certain affections on beholding the beauty in God's creation, concluded Butler in the preface, it seemed certain that 'There must be some movements of mind and heart which correspond to his perfections, or of which those perfections are the natural object', and that 'when we are commanded to love the Lord our God with all our heart . . . somewhat more must be meant than merely that we live in hope of rewards or fear of punishments'.<sup>105</sup> A key aim of Butler's project was to dispel what he saw as the unfair association of religious affection with enthusiasm, and precisely on the grounds that the love of God was an affection like any other.<sup>106</sup> Hence his popularity among those trying to resuscitate the religion of the heart, the baby that had been thrown out with the bathwater, as it were, in the process of purging religion of superstition and enthusiasm in the aftermath of the civil war and interregnum.

The mentality embodied in Paley's idea of moral obligation was in many ways the converse of the one delineated and epitomised by Butler. By his definition of virtue, Butler's good deeds lacked moral content, not being motivated by the pursuit of future-life benefits. Furthermore, Butler was clearly among those authors who Paley believed had shrouded the question of moral obligation in mystery by supposing 'that to be obliged to do a thing, was very different from being induced to do it; and that the obligation to practice virtue . . . was quite another thing, and of another kind, than the obligation which a soldier is under to obey his officer, a servant his master'.<sup>107</sup> As we have seen, Tucker had identified this certainty that virtue had its own 'distinct essence', discrete from the pleasures and pains that normally actuated mankind, as the root cause of moral *enthusiasm*.<sup>108</sup> But, as he made clear, the (allegedly) healthier view of morals which he prescribed in its stead was intimately bound up with the conviction that since all actions were ultimately moved by self-interest, the sincere love of God could be nothing else but the firm assurance that obedience to his will was beneficial.<sup>109</sup> Although Paley did not broach the topic directly in the *Principles*, his sermon 'On the Love of God' reflects, once

<sup>104</sup> Butler, 'Preface' to *Fifteen Sermons*, p. xxxii. <sup>105</sup> *Ibid.*, p. xxxiii–xxxiv.

<sup>106</sup> To say that the love of God was ultimately focused on his rewards was to deny its existence altogether, for it was, in effect, to say we love his rewards. Joseph Butler, 'Upon the love of God', Sermons XIII, XIV in *Fifteen Sermons*.

<sup>107</sup> *Principles*, p. 52. <sup>108</sup> See above, p. 69. Tucker, *Light of Nature*, vol. 4, p. 273.

<sup>109</sup> *Ibid.*, p. 279.

more, his firm commitment to the man-centred religious worldview elaborated in the *Light of Nature Pursued*. While it cannot be questioned, says Paley, that sincere belief sometimes originates in fear, 'the purest motive of human action is the love of God.' He thus equated genuine religion with action, by which he meant morality, and the emphasis throughout the sermon was on the unparalleled efficacy of the love of God as a motive for good deeds. Like Tucker, Paley treats the love of God not as a particular affection ending in the Godhead, but as centred on the happiness which the Almighty bestows, for it consists in gratitude for 'enjoyments' in this life and 'hopes' for those promised in the afterlife.<sup>110</sup> From the perspective of practical ethics, the advantages of this approach were palpable, as he saw it. While unbelievers like Hume naturally founded their moral systems on something other than divine sanctions, it seemed ill-conceived for Christian writers to leave such expectations out of their accounts of duty if they were serious about their religion having some influence on the world.

The foundation for Butler's description of obligation was of course his account of the source of moral approbation. As well as terminating in their sublime objects, the moral and religious affections were said by Butler to 'correspond to his perfections', being traces of 'that Image of God which was originally stamped upon' our nature.<sup>111</sup> It is easy to see how such a view dovetailed with the God-centred religious mind-set, because it seemed to suggest that decisions made under the influence of conscience involved particular emanations of the divine will. Thus, for Wesley, conscience (or moral sense) referred not only to the implanted moral faculty, but also to the state of being 'when the eye of our mind is singly fixed on God.' With our thoughts thus fixed, God's will 'runs through our whole soul . . . and is the constant spring of all our thoughts, desires and purposes'.<sup>112</sup> Butler insisted, at the same time, that conscience was not merely a 'principle of the heart' but also a 'principle of reflection' or 'faculty', and therefore belonging at least in part to reason, in a clear bid to distinguish it from Hutcheson's moral *sense*, and thus to separate morality more rigidly from the economy of sensual appetites. Not only did this help to allay fears of moral approbation running into enthusiasm, but it seemed to imply that conscience provided a means of accessing eternal and immutable moral distinctions. Thus the ardent intellectualist Richard Price hailed Butler for

<sup>110</sup> William Paley, 'The Love of God', Sermon VII in *Works*, vol. 5, p. 59.

<sup>111</sup> Butler, 'Upon Human Nature', Sermon I, p. 7.

<sup>112</sup> Wesley, 'The Witness of Our Own Spirit', pp. 211–12, 214.

demonstrating that the moral faculty was 'an intellectual power' 'whose object is truth' rather than 'some implanted power or sense', while castigating Paley's account of the moral sentiments for making virtue a matter of mere 'prejudice'.<sup>113</sup> As Paley saw things, of course, it was conscience that was the guardian of customary morals; and reason could only be brought to bear on such sentiments through the utility test.

As touched on earlier, finally, Butler also provided ammunition for the critique of the utilitarian criterion of morals, asserting that it was impossible to predict with any certainty the manifold consequences of any action, that many actions that were obviously immoral might be justified on the grounds of expediency and that the consequences of an action never figured in moral approbation or disapprobation. Because it maximised the accuracy of utilitarian calculation and precluded the possibility that such determinations could sanction wicked actions for any reason, the doctrine of general rules nullified the first two objections, according to Paley, while the third arose from the fundamental error of mistaking moral intuitions for principles of morality. Though Paley's dismissal of Locke's theory of government undoubtedly took some the shine off his performance for Edmund Law, the bishop must have been jubilant nonetheless to witness the consummation of the drive to reconstruct morals on the basis on Locke's psychology. By instilling a more philosophical attitude to morals and religion among a wide and influential readership, the book would help to revivify the Reformation. No book, moreover, was better designed to rehabilitate Christian virtue among England's youth, by this thinking, because never had a work of Christian morals adhered so strictly to the art of the possible. Having delineated the differences between anthropocentric and God-centred morals, we now turn to explore how these mentalities were expressed in some of the modes of religious life available to eighteenth-century Protestants.

<sup>113</sup> Richard Price, *A Review of the Principle Questions in Morals* (1787), pp. 12, 195, 458.

*'Taking the Pruning Knife to the Branch'*  
*Expediency in Action*

The idea of politeness has been helpfully employed by historians to describe the complex ways in which manners were regulated among the upper strata of English society in the eighteenth century, as the commercial middle classes exerted an increasing influence over professional, political and economic life.<sup>1</sup> Gentlemanly standards of taste and behaviour infused all spheres of cultural life, providing the newly affluent with a currency of status to rival property, formerly the sole mark of dignity.<sup>2</sup> Although seen as having the potential to knock the barbarous feudal edges off the aristocracy, these models of decorum and style also reflected the preoccupation of the middling sorts with emulating the gentry, as exemplified by the widespread adoption (and consequent debasement) of gentlemanly titles such as esquire, Mr and Mrs.<sup>3</sup> The idiom also permeated religious vocabulary, particularly that of latitude men, who upheld the calm and courteous disposition of the saviour, and the reasonable and sober character of his preaching, as a model for their vocation.<sup>4</sup> Paley welcomed the improvements to general living standards brought about by the increased consumption of luxury among the wealthy, and as a stern critic of the boorish and rakish behaviour of gentlemen at Cambridge, might be seen as promoting the ethos of gentility and sociability that increasingly governed social intercourse between the members of an ever-widening elite. In other respects, however, his philosophy can be seen as an exposé of the inadequacies of all elite codes of behaviour as a force for civilisation, for, as Paley saw it, both politeness and the law of honour were merely customary forms of morality, endorsed by the public conscience, but unregulated by an objective moral referent on the one hand,

<sup>1</sup> See Lawrence E. Klein, 'Politeness and the Interpretation of the British Eighteenth Century', *The Historical Journal*, 45, 4 (2002), 869–98.

<sup>2</sup> *Ibid.*, pp. 876–7.

<sup>3</sup> Paul. Langford, *A Polite and Commercial People: England 1727–1783* (Oxford, 1989), pp. 65–7.

<sup>4</sup> Rivers, *Reason Grace and Sentiment*, vol. 1, pp. 28–88.

and lacking sufficiently forceful motives to encourage universal charity on the other. We shift focus in this chapter, then, from Paley's attack on the 'philosophical morality' which Hume set up as an alternative to the religious, to his critique of the secular moral codes that operated in eighteenth-century society. Our main objective, however, is to describe the distinctive way of life which he offered in their place.

The many accounts of eighteenth-century life that have appeared in recent decades which stress the primacy of religious motivations in eighteenth-century social and political discourse, while they have added greatly to our understanding, can create the false impression that theology in the period was essentially political.<sup>5</sup> Even in the politically tempestuous years following the American and French Revolutions, religious philosophers were not perpetually engaged in attacking or defending the established political order. Much of the time, they were more directly concerned with fostering religiosity and virtue, a goal that produced obvious benefits in the political realm, but one that was pursued largely as an end in itself. Anxiety about philosophical unbelief reached new heights in the wake of the French Revolution, but it was religious apathy, rather than scepticism, that replaced enthusiasm as the churchman's *bête noire* in the last quarter of the century. There was disagreement, however, even among Anglican thinkers, about how to respond to this perceived rise of practical unbelief, because there was no consensus about what mode of life was most acceptable to God. Latitudinarians, evangelicals and high churchmen canvassed distinctive and sometimes conflicting lifestyle models in an often acrimonious contest for the soul of the nation. An exploration of the latitudinarian response to this perceived crisis of faith will help us to illustrate both the way of life which it was Paley's primary intention to recommend and the theological rationale behind such counsels. Because there was much continuity between the attitudes which underlay Paley's response to the contagion of religious apathy and that underpinning his justifications of the political order, however, this chapter also provides a primer for understanding his political thought.

While this mindset will be illuminated through an extended comparison with evangelical thought, this is not to underestimate the degree to which latitude was shaped by its relationship with high churchmanship throughout the long eighteenth century. The politically charged struggle between latitudinarians and high churchmen for hegemony at Cambridge in the opening decades of the eighteenth century, played out through the

<sup>5</sup> The obvious example here is Clark's *English Society*.

wrangling for clerical preferment and college offices, galvanised solidarity among latitude men, helping to forge them into a coherent group.<sup>6</sup> Despite gradually ceding dominance to their Whig adversaries at Cambridge by the mid-eighteenth century, high churchmen continued to exert a significant influence on national life, not least through their supremacy at Oxford. Recent interpretations have challenged the earlier scholarly consensus that this surviving tradition was little more than 'an ecclesiastical Toryism', a highly politicised strain of high churchmanship, convinced of the 'unique excellence' of the English Church, the orthodoxy of its doctrine and the divinely constituted nature of its government, but shorn of the deep spiritual commitments of the Caroline divines. Paul Mather has argued convincingly that spiritual high churchmanship, which stressed, among other things, the apostolic succession of the clergy and the devotional value of ceremonialism, found capable and influential advocates throughout the period.<sup>7</sup> However, as [Chapter 2](#) explained, it was the critique of evangelical theology – albeit one whose spiritual temper owed much to the writings of the non-juror William Law – which framed Tucker's practical reconfiguration of utility. And whereas by the 1790s Paley was persuaded of the need for rival Anglican traditions to show a united front against increasing religious lassitude, this did not involve any watering down of his own spiritual medicine, a programme of moral and religious instruction at odds in many ways with high church notions of piety, but one which is thrown into particularly sharp relief when viewed beside vital religion.

By emphasising theological differences, however, we do not mean to elide the significant areas of cooperation and agreement between the church 'parties' in this period. Besides making common cause with Wilberforce and More in the campaign against slavery, for example, Paley followed their lead in promoting basic religious education for the poor through the establishment of Sunday Schools. If they denied that beneficence was the essence of Christianity, their energetic philanthropic activity at a local level gave the lie to Tucker's assertion that evangelicals harboured profitless notions of virtue.<sup>8</sup> Furthermore, barring those who defected to Dissent after the Feathers Tavern Petition (1772), churchmen came to show an increasingly united front in defence of the established order in the anxious years following the French Revolution. This is not to

<sup>6</sup> See Gascoigne, *Cambridge*, pp. 27–184.

<sup>7</sup> Mather, *High Church Prophet*, pp. 1–23. See also Nockles, *The Oxford Movement in Context*.

<sup>8</sup> More's Female Benefit Clubs, offering social insurance to labouring women, were a case in point. Anne Stott, *Hannah More: The First Victorian* (Oxford, 2003), p. 116.

mention the important areas of theological communion between the three church traditions. Despite their shared distaste for the doctrine of utility, for example, significant numbers of 'orthodox' and evangelical Anglicans valued Paley's Christian evidences highly, both as an aid to piety and a valuable part of the church's armoury against infidelity.

It makes sense to concentrate on the profound differences in mentalities between latitudinarians and evangelicals, nonetheless, not only because of the stark light it sheds on Paley's thought, but also because of the mutual role they played for one another as constant sources of negative definition. With its preoccupation with worldly contentment, many evangelicals saw latitude as both a cause and a symptom of the general spiritual malaise of the times, rather than its cure – a view that persisted in nineteenth and twentieth-century historical accounts of Paley's theology. This assessment was given credence no doubt by the related assumption, prevalent in Victorian historiography, that Georgian churchmen 'partook of the general sordidness of the age', allowing the church to fall into decay in the process.<sup>9</sup> Spiralling non-residence meant that numerous parishes went without clergymen, while churchgoing and the taking of communion declined as parishioners voted with their feet. As Walsh and Taylor have argued, however, this unmixed picture of decline obscures a more complex reality. The considerable increase in non-residence in the eighteenth century, for example, did not necessarily result in a decline in the standards of pastoral care. Pluralists, or those like Paley who held benefices in a number of parishes simultaneously, were often quite capable of meeting the needs of the parishioners in each. Of course, it is difficult to measure standards of pastoral care, but 'there is little evidence of total neglect at local level'.<sup>10</sup> Granted, however, that the failure of some parsons to fulfil their pastoral duties can be put down to sluggishness, it needs to be emphasised that shortcomings on the supply side were only part of the story. Walsh's and Taylor's claim that the clergy's services (particularly the provision of public worship) were less widely available than in former times mainly because there was less demand for them chimes with the consensus among

<sup>9</sup> Charles J. Abbey and John H. Overton, *The English Church in the Eighteenth Century* (2nd edn. London, 1896), p. 648. John Walsh and Stephen Taylor, 'The Church and Anglicanism in the "Long" Eighteenth Century', 'Introduction' to John Walsh, Colin Haydon and Stephen Taylor (eds.) *The Church of England c.1689–c.1833* (Cambridge, 1993), p. 1. For a damning twentieth-century account of latitudinarian churchmanship see Horton Davies, *Worship and Theology in England: from Watts and Wesley to Martineau, 1690–1900* (2nd edn. Cambridge, 1996), pp. 52–75.

<sup>10</sup> Walsh and Taylor, 'The Church and Anglicanism', p. 8.



protestant religious writers from the 1770s on that ‘practical religion’ was in decline.<sup>11</sup>

If Paley generally viewed human existence with unbridled optimism, when describing the state of religious belief in Britain gloomier shades obtruded. As early as 1763, while a schoolmaster’s assistant in Greenwich, he wrote to John Law of his plans to pen ‘6 sermons on luke warmth in religion, to point out its symptoms and apply them to the present age’.<sup>12</sup> Signs of his increasing anxiety on this score as the century wore on were evident in his ever-more indulgent attitude to evangelical and high-church theology. Although in his lectures at Christ’s in the early 1770s, he spoke out against the persecution of the Methodists, he was clear, nonetheless, that their core doctrines of justification by faith alone and of the perceptible operations of the Holy Spirit did not stand up to exegetical scrutiny.<sup>13</sup> Taking a similarly standard latitudinarian line, in an essay of 1776, he contrasted the ‘sober and rational devotions’ of Christ with those of ‘modern enthusiasts’, observing, at the same time, that the saviour had insisted on the ‘inferiority and subordination of the ceremonial to the moral law’.<sup>14</sup> By 1790, however, he was counselling young clergymen to refrain from sermonising either on ‘the danger . . . of preaching up the necessity of faith’, or ‘upon the futility of rites and ordinances’, lest in their efforts to cleanse Christianity of superstition and enthusiasm they expelled religious sentiment altogether.<sup>15</sup> They should save their fulminations for the real enemies of the church, those intent on ‘setting up a kind of philosophical morality, detached from religion’.<sup>16</sup> Although, as part of the intellectual vanguard of the church, Paley naturally felt a particular responsibility for stemming the rise of philosophical unbelief, there are strong hints in his *Natural Theology* (as the [next chapter](#) shows) that he came to share Hannah More’s conviction that the spread of ‘practical’ rather than sceptical irreligion was the main challenge facing Christian philosophers at the turn of the nineteenth century. Undoubtedly, he would also have assented to her contention, in *An Estimate of the Religion of the Fashionable World* (1790), that only by restoring ‘a lively belief’ could Christianity hope to counteract the prodigality of the age.

<sup>11</sup> See below, pp. 149–50. <sup>12</sup> William Paley to John Law, 1764, PRO/30/12/28/1/18.

<sup>13</sup> ‘Extracts from College Lectures’ in Appendix to Edmund Paley, *Life of Paley*, pp. cccxii–cccxiv.

<sup>14</sup> Paley, ‘Observations upon the Character and Example of Christ’, pp. 51, 57.

<sup>15</sup> Edmund Paley, *Life of Paley*, p. xc; Paley, ‘Use and Propriety of Occasional preaching’, Delivered to the Clergy of the Diocese of Carlisle, in the Year 1790, Charge VII, *Works*, vol. 6, p. 47.

<sup>16</sup> Edmund Paley, *Life of Paley*, p. xc.

Where they parted company was on the critical question of what constituted a 'lively belief'.

On that score, More probably had Paley and his like in mind when she accused 'temporising divines' of pandering to the fashionable set, rather than taking them to task.<sup>17</sup> At least two of her criticisms of contemporary religion implicated Paleyan divinity. First, there was the assertion that morals were 'not the whole of Christianity', piety being an end and duty in itself. Tucker had affirmed the exact opposite: true religion could be distinguished from heresy by the fruits it bore.<sup>18</sup> Whereas Paley's works are not devoid of suggestions that holiness is a valuable end – most notably in *Natural Theology* where he spoke about transforming the study of nature into a form of homily – piety is usually extolled because of its practical benefits. Indeed, he frequently asserted the necessity of good works, but never of piety for its own sake. More's second complaint about fashionable religion was that it failed to represent readers to themselves as 'condemned sinners under the sentence of death'.<sup>19</sup> Paley admitted that the lost sheep was sometimes worried into rejoining the fold by fear of damnation, but was adamant that such feelings were normally superseded by purer motives like gratitude or 'the love of God'.<sup>20</sup> Moreover, his assertion in *Natural Theology* that vice could be explained 'without having recourse to any native, gratuitous malignity in the human constitution', proves that he did not believe that 'all are by nature in a state of condemnation'.<sup>21</sup>

More's distinction between those preachers 'who lay the axe to the root' and those who take 'the pruning knife to the branch' illustrates well the distinctive modes of Christian life on offer to Protestants at the end of the eighteenth century.<sup>22</sup> A prime example of the former approach, Wesley's doctrine of Christian perfection, aimed at setting hearts alight with an all-consuming faith. With God's help the sinner becomes 'pure from desire', effectually transcending his animal existence: 'I live not, – my evil nature, the body of sin, is destroyed'. Thus 'Freed from *self-will*, the faithful 'feel that all their *sufficiency is of God*, that it is he alone who is in *all their thoughts and worketh in them both to will and to do his good pleasure*'.<sup>23</sup> Paley preferred to work *with* man's passions, coaxing and cajoling him on to the

<sup>17</sup> Hannah More, *An Estimate of the Religion of the Fashionable World* (3rd edn. Dublin, 1791), p. 13.

<sup>18</sup> Tucker, *Light of Nature*, vol. 3, p. 15. <sup>19</sup> More, *Religion of the Fashionable World*, p. 242.

<sup>20</sup> See William Paley, 'On the Love of God', and 'Fear as a Religious Principle', Sermons VIII and III, in *Works*, vol. 5, pp. 47–56, 16–22.

<sup>21</sup> *Natural Theology*, p. 356; More, *Religion of the Fashionable World*, p. 238.

<sup>22</sup> More, *Religion of the Fashionable World*, p. 244. See *Luke* 3: 9 and *Matthew* 3: 10.

<sup>23</sup> Wesley, *A Plain Account of Christian Perfection*, pp. 16, 18–19. See *Romans* 6: 6.

right course, an approach which evangelicals saw as making too many concessions to man's sinful nature. Piety, as depicted in the *Principles*, was concerned with preparing the mind to weather future storms through 'habits of just reflection', and particularly by frequent contemplation of divine judgement. By training the mind to turn to thoughts of the afterlife when irate, for example, the effect of resentment might be suspended and the thirst for revenge satiated. More than a compendium of prescripts, the *Principles* instructed the master of the house in how to manage both his own sentiments and opinions, and those of his charges. Particular caution had to be exercised when instilling religious feelings. Accustoming children to think of the consequences of their deeds in the life to come formed the first principle of good parenting, a habit most effectively imparted by 'a silent, but observable, regard to the duties of religion, in the parent's own behaviour'.<sup>24</sup> The parent's virtues ought to be made 'easy and engaging to those about him', continued Paley, for 'Virtue itself offends, when coupled with forbidding manners. And some virtues may be urged to such excess, or brought forwards so unseasonably, as to discourage and repel those who observe and who are acted upon by them, instead of exciting an inclination to imitate and adopt them'.<sup>25</sup> Chidings were just as ineffective, as they merely alienated the child, and fathers were further warned to avoid perpetually disturbing family recreations with expressions of 'morose' or 'rigorous' piety lest children should develop 'a settled prejudice against seriousness and religion, as inconsistent with every plan of a pleasurable life'.<sup>26</sup> The idea that religion had to be shown to be compatible with a pleasant life, fitting in to the economy of human wants, was anathema to the apostles of vital religion. 'Religion is never once represented in scripture as a light attainment', thundered More. 'On the contrary, it is exhibited under the active figure of combat'.<sup>27</sup>

Parents who had a mind to wage spiritual war on their children were well catered for at Kingswood school, founded by John Wesley in 1748, on the dismal pedagogical principle: 'Break their wills that you may save their souls'.<sup>28</sup> Will breaking involved an unsparing use of the rod on the ceaselessly supervised infant. Wesley's system was Lockean in its eschewal of 'softness and effeminacy', Moravian in its uncompromising rigour.<sup>29</sup> Far

<sup>24</sup> *Principles*, p. 298. <sup>25</sup> *Ibid.*, pp. 298–9. <sup>26</sup> *Ibid.*, p. 299.

<sup>27</sup> More, *Religion of the Fashionable World*, p. 150.

<sup>28</sup> Quoted in Alfred H. Body, *John Wesley and Education* (London, 1936), p. 52.

<sup>29</sup> Wesley borrowed selectively from Locke's educational philosophy, adopting the regime of 'fear and awe' that Locke thought best for training very young children, but placing little emphasis on forming the bonds of 'love and friendship' that were gradually supposed to replace this absolute

from worrying about the seasonality of their religious pronouncements, parents of Kingswood students were ordered to 'continually inculcate God'.<sup>30</sup> Nor would the scholars have to endure those untimely interruptions of their recreation that Paley counselled against, there being no recreation. The problem with games, as Wesley warned, was that 'He who plays as a child will play as a man'. In 1768 a certain Master Hindmarsh was pleased to report to Wesley, who had previously complained about the lifelessness of the boys, that 'by the power of God' they were one night compelled to 'cry aloud for mercy'. Another revival saw the same master take the children to view the body of a recently deceased neighbour, the hymn having been chosen to intensify their terror.

And I am born to die  
To lay this body down  
And must my trembling spirit fly  
Into a world unknown.<sup>31</sup>

The sound of children wailing for God's mercy would have been repugnant to philosophers who thought benevolence the primary characteristic and peace of mind the final cause of religion. Wherever love for a child developed into a 'womanish fondness', it ought to be moderated,<sup>32</sup> but the parents' primary duty to their children, as Paley saw it, was to provide for their happiness in this life. Notwithstanding that the main focus of his discussion of parental duty in the *Principles* was on the offspring's happiness in *adult* life, children were described as an object of 'affection and endearment', affording one of the purest forms of enjoyment, the exercise of the social affections.<sup>33</sup> In their enjoyments, Paley perceived 'a kind of sensible evidence of the finger of God, and of the disposition which directs it'.<sup>34</sup> Such views accorded with the broadly affectionate attitudes towards children shared by the middle and higher ranks of society, but were anathema to Wesley, who accused his liberal contemporaries of indulging the natural predilections of sinners and generally cockering their children up to damnation.<sup>35</sup> Paley and Tucker would have responded

government as children grew older. See Body, *Wesley and Education*, p. 59.; John Locke, *Some Thoughts on Education* (5th edn. London, 1705), pp. 56, 47, 63.

<sup>30</sup> Body, *Wesley and Education*, p. 59. <sup>31</sup> *Ibid.*, pp. 177, 122. <sup>32</sup> *Principles*, p. 284.

<sup>33</sup> *Ibid.*, p. 27. <sup>34</sup> *Principles*, p. 60. See also p. 28; *Natural Theology*, p. 319.

<sup>35</sup> Linda Pollock makes a strong case against Lawrence Stone's thesis that the eighteenth century saw a major shift away from more authoritarian child-rearing practices, stressing instead continuity between the cultures of parenting before and after the seventeenth century. She does observe, however, that eighteenth-century parents were better able to articulate their feelings for their children. See Linda A. Pollock, *Forgotten Children: Parent-Child Relations from 1500 to 1900*

that the morbid excesses of the Wesleyan alternative were counterproductive. Worn down by the sheer austerity of the place one minute, roused to febrile religious terror the next, the Kingswood scholars were likely to give up religion as a bad mistake.

Critics were essentially right, then, about the compromising character of expediency, except in their assumption that such attitudes were born of moral insouciance. Utilitarians preferred spiritual diplomacy to war as a matter of deep principle, albeit as one of ethical realpolitik. In calling upon philosophers to 'mingle a little policy with their uprightness' in order to promote human satisfaction, Tucker was emphasising the need to set realistic targets for the moral agent based on a thorough psychological assessment.<sup>36</sup> A wise moralist would often jettison his favourite schemes, observed Tucker, when they ran counter to prevailing attitudes. Studying received customs and opinions with a view to extracting the most virtue out of them yielded better dividends than abruptly forcing folk out of their regular courses of behaviour.<sup>37</sup> It was this kind of thinking, encapsulated in the doctrine of general rules, that sustained Paley's patience with seemingly irrational practices and institutions in politics and religion, but which reformers took for moral cowardice. As his approach to the moral instruction of children also demonstrates, Paley readily applied that other dictum of moral policy, much insisted upon by Tucker, that you could only bring a moral agent to forgo one pleasure by means of another connected with it. In the hands of these later latitude men, the Lockean doctrine of motives evolved into a remarkably pragmatic Christian ethics whose recommendations were based on sociological analysis.

There was more to theological utility, however, than this Lockean inheritance. The role of eschatology, for example, in shaping their strategy for restoring the country to spiritual vigour should not be underestimated. Paley's support for Sunday schools stemmed from his conviction that a little religious education was better than none at all. For poor children, one day spent in the company of a few upstanding citizens might temper the effects of six spent among ruffians. Not enjoying a (literally) captive audience like the masters at Kingswood boarding school, the teachers at Hannah More's Sunday Schools in Mendip had to use more carrot than stick to ensure the attendance of local children.<sup>38</sup> But if feasts and festivals,

(Cambridge, 1983); Lawrence Stone, *The Family, Sex and Marriage in England 1500–1800* (London, 1977), ch. 9.

<sup>36</sup> Tucker, *Light of Nature*, vol. 1, p. 371.   <sup>37</sup> *Ibid.*, pp. 376, 378.

<sup>38</sup> Stott, *Hannah More*, p. 115.

gingerbread and apples, were used to lure them, the aim, nonetheless, was to effect a complete transformation of the soul through the inspiration of the Holy Spirit. For while a smattering of religion might render the children more respectable, only this inward metamorphosis could retrieve them from hell's fires.<sup>39</sup> Whereas salvation, by this thinking, was all or nothing – the sinner saved or damned,<sup>40</sup> Paley and Tucker believed in a stratified heaven where the departed were ranked according to how profitably they had employed their gifts in this life. Since even the worst braggart could therefore improve his situation in the next life with good behaviour, every little bit of religion that could be imparted was worth the moralist's effort.

The fact that latitudinarian leaning laymen were less apt to record their spiritual trials than evangelicals, while it puts the historian of the former at a disadvantage, reveals something important about their respective mentalities. From its dramatic inception with the conversion experience, a life of Christian perfection could be fraught with anxieties. With the bar for salvation set so high, it was natural to fret about whether you were on course, and keeping a journal was a cathartic way of monitoring one's spiritual condition. The disconsolate brooding of Wesleyan diarist Sarah Lawrence illustrates well how difficult it was in practice to 'aim at God in all things'.

I now felt the most anxious desire to recover the ground I had lost – but, not clearly see the way of Faith but strove to great lengths in fasting and self-denial and here in the Devil got the advantage and teased my soul with sore torments. I was, as I thought, condemned in everything I went about, fearing I sought my own will – and afraid to eat my bread or put on my close lest it should be an indulgence.<sup>41</sup>

The contrast with the worldview captured in Paley's correspondence and biography, the best records we have of the private thoughts of a Paleyan, could not be starker. While what are traditionally conceived of as religious subjects crop up only occasionally, his letters evidence a life-long preoccupation with what theological utilitarians considered to be the most important of all spiritual questions, the nature of human happiness.<sup>42</sup> Where

<sup>39</sup> *Ibid.*, p. 121.

<sup>40</sup> See Boyd Hilton, *A Mad, Bad, and Dangerous People: England 1783–1846* (Oxford, 2006), p. 177.

<sup>41</sup> Sarah Lawrence, 'An Account of her Relations with God in her Own Words', Recorded in Mary Fletcher's account of Sarah Lawrence 1801 (?), Fletcher Tooth Collection, Methodist Archive and Research Centre, John Rylands, University of Manchester, Box 24. Folder 5. I am grateful to Amy Culley for the extract.

<sup>42</sup> According to his son, Paley seldom spoke about religious subjects and 'never with his family'. Edmund Paley, *Life of Paley*, p. xv.

vital Christians were 'enjoined to concentrate continuously on their own spiritual state',<sup>43</sup> this type of restless self-analysis was inimical to Paley's formula for contentment. *Engagement* was a way of banishing those ruminations that soured life by allowing the self to become absorbed in the things of this world, albeit under the guiding motive of heavenly reward. A serious intellectual point lay behind his drollery, therefore, when he declared to Cambridge acquaintances that the *summum bonum* of life 'consists in reading *Tristram Shandy*, in blowing with a pair of bellows into your shoes in hot weather, and roasting hot potatoes under the grate in the cold'.<sup>44</sup>

More foreign still to the Paleyan mind was the extreme apprehension Methodists like Lawrence could feel about engaging in everyday activities other than prayer; an anxiety which may explain why they spent so much of their time at class or band meetings. Whereas later evangelicalism, as represented by Wilberforce and More, was better able to reconcile earthly existence with spiritual imperatives, the latitudinarian was so comfortable in his secular skin that the problem never arose. He prioritised the welfare of his fellows for the good of his soul in the afterlife, but was able to enjoy a remorse-free and therefore genuinely joyful engagement with the world. Sottishness and carousing were off limits, of course, but life was to be lived to the full. When not employed with clerical duties, the Archdeacon enjoyed whist and knitting, walks and fishing, and he once praised a dinner guest to John Law for having 'wit enough to laugh'.<sup>45</sup> It was wise to be merry. In the gentry circles he frequented in Carlisle, Lincoln and Bishop Wearmouth, Paley frequently amused the company with his own brand of self-deprecating humour, once recounting how, when asked if he would subscribe to the Thirty-nine articles, he 'took out his purse and asked how much'.<sup>46</sup>

Not that he was immune to melancholy; far from it, he seems to have prized the labours of philosophical composition (or any useful project) as a deliverance from 'hypochondriacal' reflection.<sup>47</sup> Because, on the other hand, it seemed to him to expose the thinker to these very ruminations, he classed the meditative side of his vocation among the burdens which the clergy had to shoulder for the good of the

<sup>43</sup> Hilton, *A Mad, Bad, and Dangerous People*, p. 176.    <sup>44</sup> Beste, 'Conversations of Paley', p. 209.

<sup>45</sup> William Paley to John Law, 1764 [65?], PRO/30/12/28/1/72.

<sup>46</sup> Beste, 'Conversations of Paley', pp. 72–3.

<sup>47</sup> He confessed to Law that he looked 'to the conclusion of it [the *Principles*] not with the pleasure that the man saw Italy with but as the loss of a standing amusement.' William Paley to John Law, 7 May 1778, PRO/20/12/28/1/110.



community.<sup>48</sup> Given this conception of the moralist's remit, and his conviction that discontentment could give rise to 'unfavourable suspicions' of the divine nature, he doubtless felt duty-bound to ensure that his general demeanour advertised the consolations of the Christian life.<sup>49</sup> It is hard to deny, however, that Paley's letters radiate a genuine *joie de vivre*. Full of chit chat about national and university politics, and gently mocking commentaries on debates and sermons, they confirm biographical descriptions of him as a man in love with life. In one letter, he asks Law to inquire whether Mrs Jebb 'thinks of any other, than the immaculate conception', the request following sharply on the heels of some observations on the sexual system of plants.<sup>50</sup> Undoubtedly, however, the casual observer might have had difficulty distinguishing the sincere Paleyan who eschewed austerity and rarely spoke about religion from the nominal protestant. In his recollections of conversations with the then sub-dean of Lincoln, not once did Henry Best allude to Paley's holiness. A letter of Paley's to Edward Law in which he had joked about the increasing frigidness of Bishop Edmund Law's wife clearly showed, in the opinion of one observer, 'that he lacked real piety at this time'.<sup>51</sup> Quietism in religious matters could look like indifference, Sternean bawdiness like laxity.<sup>52</sup>

It may also have seemed, on the face of things, that compared with their evangelical counterparts the theological utilitarians made little effort to reach out to the poor. Wesley consciously targeted the urban poor, whereas More adopted the two-pronged strategy of bombarding the lowborn with penny pamphlets, while trusting to more erudite volumes to reform their upper-class exemplars. This was in contrast to the solitary Tucker, who apologised for addressing himself exclusively to the studious, pleading that he did 'not know the others well'.<sup>53</sup> And while Paley's ability to exposit

<sup>48</sup> Regarding the nature of happiness, he came to believe that 'the less one reasons and thinks about it the better for one's own sake but we who undertake the direction of the world are obliged to turn our thoughts to other people's advantage'. William Paley to John Law, 7 May 1778, PRO/30/12/28/1/110.

<sup>49</sup> In a melancholy state 'we lose the idea of that goodness which can be apprehended only by its effects', remarks Tucker. *Light of Nature*, vol. 2, p. 15. See also William Paley, 'The Goodness of God Proved from the Light of Nature and Revelation', *Works*, vol. 6, pp. 427–430.

<sup>50</sup> William Paley to John Law, 1773 [74?], PRO/30/12/28/1/80–1.

<sup>51</sup> The remark is written on the back-side of the letter, which reads: 'My Lord grows weary of the [toils] of an unfruitful bed [f]or whatever cause the Lady is become enormously fat'. William Paley to Edward Law, Dalston, 29 October 1785, University of Cambridge, King's College Archive Centre, The papers of John Maynard Keynes, Keynes MS 182 [PP87/55/1].

<sup>52</sup> Lord Lonsdale claimed that Paley was 'a great sensualist in eating' and that he had once baptised a child while on horseback. See Joseph Farington, 21 May 1818, *The Diary of Joseph Farington*, January 1818–December 1819, (London, 1983), XV, p. 5206.

<sup>53</sup> Tucker, *Light of Nature*, vol. 2, p. 267.



complex arguments (even Tucker's copious musings) with unrivalled clarity earned him a reputation as a populariser, aside from a single pamphlet – *Reasons for Contentment Addressed to the Labouring Part of the British Public* (1792) – and a hastily compiled Sunday School reader, he did not have much to say to the labouring classes that he deemed worthy of publication in his lifetime.<sup>54</sup> There was also a strong emphasis throughout his writings on the intellectual facets of pastoral care. Of those who drew from the state fund for religion, none were more deserving, in his view, than 'those who are occupied in cultivating, or communicating religious knowledge, or the sciences subsidiary to religion'.<sup>55</sup> The clergy were first and foremost a learned body who by their philosophical and linguistic labours had mastered the books on which Christianity was based. In the light of his admission that the majority of men received their religion on authority,<sup>56</sup> this stress on scholarship seems excessive, for what need had such parishioners of Greek testament? There were times, also, when the bald functionalism of Paleyan religion could reduce to the status of mental exercises what the common man held to be of inestimable intrinsic value, such as when he praised the liturgy of the Church of England because its stages were 'contrived like scenes in a drama, to supply the mind with a succession of diversified engagements'.<sup>57</sup> Latitudinarians had long scorned emotionalism in religion, which they associated with enthusiasm, and sharing Locke's anxiety about 'vague and insignificant forms of speech', they generally avoided the use of metaphor.<sup>58</sup> In doing so, however, they left little for the uneducated mind to grab hold of, and by frequently warning their clerical brethren not to tamper with the usages of the populace, they admitted as much.

Paley would have responded that the battle against religious apathy had to be fought on many fronts, and that he was sensibly sticking to the terrain he knew best. He was confident, at the same time, that Anglicanism had structures in place to bridge the yawning cultural gap between the higher echelons of the clergy and the multitude. In a controversial sermon of 1782, he justified the church's hierarchical organisation on the grounds that it provided each layer of society with a class of clergymen that were attuned to

<sup>54</sup> William Paley, *The Young Christian Instructed in Reading and in the Principles of Religion* (Carlisle, 1790).

<sup>55</sup> *Principles*, p. 152. By this thinking, the established church was essentially a hot house for the cultivation of divines, and if only a few rose to any eminence that was because 'we sew many seeds to raise one flower'. *Principles*, p. 558.

<sup>56</sup> *Principles*, pp. 394–5. <sup>57</sup> *Ibid.*, p. 361.

<sup>58</sup> Locke, *Essay*, p. 10. Rivers, *Reason Grace and Sentiment*, vol. 1, p. 56.

their needs and acceptable in their company.<sup>59</sup> He also encouraged initiatives aimed at narrowing the intellectual gulf between the educated elite and labouring poor. Speaking in 1795, he advised those clergymen who had been rendered socially inept by lives of cloistered studiousness to spread the word through the publication of cheap religious tracts.<sup>60</sup> He also publicly endorsed the Sunday School movement, helping to compile a reader for use in Carlisle schools. Despite his confidence that an increasingly rational Christianity would gradually permeate society, he acknowledged that few were ready as yet for the undiluted religion of reason favoured by some advanced latitudinarians. However, this was far from admitting that his own programme would cut no ice outside of learned circles. Whereas Methodism took its message directly to the poor, Paley aimed to diffuse civilisation through the accepted channels, equipping the heads of comfortably-off households and their wives to manage the morals of their dependents; hence the detailed guidance on how to inculcate religion effectively. The master of the house was morally bound to 'maintain . . . a sense of virtue and religion' in his household, including, of course, in his domestics, through discipline, instruction and example. From his insistence that the argument from design was comprehensible to the meanest intellect, we may infer that he expected the core messages of his theology to filter down to the servants. Indeed, the dedicatory preface to the *Principles* made the sequence of Christian Enlightenment clear. By confirming the consonance of Christianity with human experience, religious scholars recommended belief to 'serious enquirers', and it was '*through them*' that it would finally achieve 'universal reception and authority'.<sup>61</sup>

An equally important way in which Christian utilitarians tried to touch the lives of the poor was by humanising their masters. Paley's efforts to cultivate virtue among his well-off readers epitomised the statesmanlike approach morals advocated by Tucker. He worked *with* their moral sense when it was favourable to beneficent ends, as when he encouraged charity and philanthropy by appealing to a widely-held sense of obligation to relieve the poor – supplementing utilitarian arguments with heart-wrenching rhetoric for maximum effect.<sup>62</sup> But, as Gay had reminded

<sup>59</sup> William Paley, 'A Distinction of Orders in the Church Defended upon the Principles of Public Utility' (1782), Sermon III, in *Works*, vol. 6, p. 96. The sermon was given in Castle Chapel, Dublin to mark John Law's consecration as Bishop of Clonfert. He repeated the argument in *Principles*, pp. 569–70.

<sup>60</sup> William Paley, 'On the Distribution of Religious Tracts', Delivered to the Clergy of the Diocese of Carlisle, in the year of 1785, Charge I, *Works*, vol. 6, p. 5.

<sup>61</sup> My italics. *Principles*, p. iv. <sup>62</sup> See ch. 10.

Hutcheson, not everything that glittered in the eye of conscience was gold; the law of honour, for example, was a 'capricious rule' 'constituted by men occupied in the pursuit of pleasure', and favourable, therefore, 'to the licentious indulgence of the natural passions'.<sup>63</sup> Not only did it endorse a host of aristocratic vices, from duelling to fornication, but because it only regulated behaviour between equals, it could appear to sanction the neglect of charity and the high-handed treatment of the lower orders by its silence on such issues. The Christian scripture on the other hand insisted on the reciprocal nature of 'the duties of masters and servants'.<sup>64</sup> No doubt, Paley's experiences as a sizar at Christ's, where patrician codes of conduct had fostered a culture of bullying, fortified his resolve to instil a strong sense of this obligation among his readers by reminding them of the equality of all men before God, and that their fate in the afterlife depended on how far this thought influenced their behaviour.<sup>65</sup> The hope was that the thought of divine sanctions would trump the short-term gratifications driving the code of honour as a spring to action; boorish pleasures would lose their lustre as the moral sense warmed to the charitable behaviour associated with heavenly rewards. In this way, Paley continued what he saw as the historic mission of Christianity, replacing a hedonistic customary morality, subject to the 'caprice and fluctuations of fashion', with a universal system of obligation derived from the divine will.<sup>66</sup>

Aimed at mitigating the evils resulting from class privilege and private property, this campaign to reform high-class morals was the essential counterpoint to Paley's defence of establishments. However rose tinted his view of the institutions preserving their privilege, Paley was never guilty of presenting readers to themselves in flattering terms, as Hannah More alleged the 'fashionable divinity' was wont to do. Though less vitriolic than Wesley in his recriminations, he did not shy away from exposing the moral failings of the well-to-do, and even countenanced using the law to rein them in.<sup>67</sup> Among some novel expedients suggested by Paley for curbing patrician prodigality was that the propertied adulteress be deprived of her

<sup>63</sup> *Principles*, pp. 250, 3.      <sup>64</sup> *Ibid.*, p. 143.

<sup>65</sup> Paley was disgusted by the 'sordid vanity' of those he had to serve, recalling with palpable bitterness how he had 'wiped the shoes of every . . . villain who would ask me to his room'. William Paley to John Law, 1765, PRO/30/12/28/1/42.

<sup>66</sup> Paley, *Principles*, p. 226.

<sup>67</sup> He clearly had the courage of his convictions. At Christ's, Paley and John Law had opposed the granting of the college hall to Lord Sandwich because he was accompanied by the actress, Martha Ray, with whom he was living in sin. This was despite the fact that their former boss, Dr Shepherd, was a warm supporter of Sandwich. Edmund Paley, *Life of Paley*, p. lxxvii.

fortune, thus removing one incentive for would-be suitors. The pillory was recommended as an effective deterrent from 'offences of higher life' in general.<sup>68</sup> Such legal penalties would hit the offenders where it hurt most, their fortunes and reputations. As ever, Paley's proposals were tailored to particular psychological profiles and geared towards changing mentalities and behaviour.

If it was to provide the paterfamilias with a complete guide both to mastering his own passions and directing those of his charges, however, Paley believed that the *Principles* must also offer extensive instruction in the management of sexual desire. In this context the cultural differences between latitudinarian and evangelical theology were particularly pronounced. Though he eventually married (allegedly to scotch scandalous rumours), Wesley consistently advised single members of the fold to remain celibate if they could, so they might pursue perfection free from the distractions of family.<sup>69</sup> Lust, expelled from their lives at conversion, would not return if the singleton prayed hard enough. While Wesley came round to the idea that married believers could be as holy as unmarried, he never retracted his claim that it was virtually impossible to love a spouse without sin. Although few evangelicals, and even few Methodists, were as cool on marriage as Wesley, we must assume (if the diary of Sarah Lawrence is anything to go by) that their obsessive fear of sin would have made them less comfortable with carnal knowledge than their latitudinarian neighbours.<sup>70</sup> Suffering from none of the hang-ups that tormented Wesley, Paley viewed sexual desire as a basic biological drive like hunger or thirst, the brainchild of a beneficent Creator intent on peopling the world, and certainly nothing to be bashful about. He treats sexual morality with the same cool matter-of-factness that characterised his description of the British Constitution. If gratified outside marriage, carnal urges had the pernicious effect of diminishing marriage (and therefore population) 'by abating the chief temptation to it', but they were not in themselves wicked.<sup>71</sup> Indeed, his assertion that the naturalness of the passion 'proves that it was intended to be gratified' suggests that Paley thought of sexual relations as something more than a means of procreation. Nor were its

<sup>68</sup> *Principles*, pp. 275, 548–9.

<sup>69</sup> Henry Abelove, *The Evangelist of Desire: John Wesley and the Methodists* (California, 1990), pp. 49–62.

<sup>70</sup> In general, Methodists took a very positive view of marriage, very few making themselves 'Eunuchs for the Kingdom of heaven's sake'. Abelove, *Evangelist of Desire*, pp. 50, 52, 58, 49.

<sup>71</sup> Men will never 'undertake the encumbrance, expence, and restraint of married life, if they can gratify their passions at a cheaper price' complained Paley, 'and they will undertake anything rather than not gratify them.' *Principles*, p. 243.

pleasures exclusively for men, for we are told that God had 'provided, in the marriage of one man with one woman, an adequate gratification, for the propensities of their nature'.<sup>72</sup>

In taking this 'enlightened' view of sex, Paley was, yet again, swimming with the tide of educated opinion. According to one historian, Georgian England 'reconceptualised sexuality as an essential part of nature', leaving behind patterns of thought that associated sensuality with sin.<sup>73</sup> If he was at ease with human sexuality, however, this did not stop him from raging against the 'licentious celibacy . . . in fashion with men'. One bad effect of the deferral of marriage for lustful reasons was that daughters got left on the shelf for longer. But, worse than this, the libertine soon found that his resistance to vice in general waned. 'Criminal' sexual indulgences spawned lewd associations, which had the opposite effect to Godly ones, 'preparing an easy admission for every sin that seeks it' and condemning him thereby to a life of profligacy. When Paley described this dissolute disposition as 'one of the sorest maladies of human nature', the language of pathology was not being used figuratively. Sinfulness was 'a disease' of the mind, not a vestige of man's fall.<sup>74</sup> Because it was invited by the libertine's voluntary behaviour, however, the illness was nonetheless blameworthy.

Other vicious predilections were similarly explained as mental diseases brought on by unwholesome habits. Alcoholism began with seemingly harmless social drinking, the original motives being steadily supplanted by a physical compulsion 'which it exceeds the ordinary patience of human endurance to endure'.<sup>75</sup> As the consequences of his frequent tipping were foreseeable, however, the drunkard was fully responsible for his sorry condition. Whereas Ferguson and Rutherford had merely prescribed rules of right and wrong, Paley's *Principles* provided a full psychological analysis of the behaviour involved, charting each stage in the knave's moral descent, and tailoring the cure to the pathological profile. In most cases, prevention was the only hope, there being little chance of reforming the chronically dissolute. The potential alcoholic should 'arm himself with some peremptory rule, as to the time and quantities of his indulgences', and then 'rigidly abide' by it. Exception should never be made on special occasions, urged Paley shrewdly, because such events occur frequently.<sup>76</sup> Three psychological factors contrived to make the slope to degeneracy so slippery, and the subsequent ascent practically impossible. There was the

<sup>72</sup> My italics. *Principles*, p. 246.

<sup>73</sup> Roy Porter, 'Mixed feelings: the Enlightenment and Sexuality in Eighteenth-Century Britain' in Paul-Gabriel Boucè (ed.) *Sexuality in Eighteenth-Century Britain* (Manchester, 1982), p. 7.

<sup>74</sup> *Principles*, p. 245. <sup>75</sup> *Ibid.*, p. 321. <sup>76</sup> *Ibid.*, p. 322.

kind of semi-physical hold that alcohol gained over the drunkard or lasciviousness over the lecher. Secondly, associations, once engrafted on the imagination, were nigh on irremovable; hence Paley's anxiety about the atheists' use of unchaste imagery as 'a vehicle of infidelity'.<sup>77</sup> Thirdly, since violent affections of any kind deluded the mind, reasonable persuasion was lost on the malefactor in whom such passions were sovereign. Indeed, as all three causes made the mind resistant to the influence of rational argument, prevention was the best medicine.

This psychology of sin had a profound effect on the way in which theological utilitarians approached moral and intellectual problems, including the dispute with sceptical atheism, which, as [Chapter 5](#) explains, they conceived of, not merely as a philosophical debate, but also as a struggle against delinquency. Though obviously his moral philosophy lacked the metaphysical sophistication of Hume's and Kant's, in respect of didactic ethics, the *Principles* offered a more complex examination of motivation than the moral textbooks it was intended to replace. In the *Institutes*, Thomas Rutherford had condemned alcoholism on the grounds that 'the law of nature could not in any respect be binding upon man, if we suppose him to have such a right in his own person, that he may at any time by his own voluntary act, lawfully release himself from the whole obligation of it, or in any respect render himself incapable of performing it'.<sup>78</sup> A similar legalistic formula justified the proscription of suicide; nothing incapacitates a man for his duties like death. On the ethics of suicide, as on those of drunkenness, Paley took a more psychological approach. In his posthumously published essay 'On Suicide', Hume had averred that 'If it be no crime . . . both prudence and courage should engage us to rid ourselves at once of existence, when it becomes a burthen'.<sup>79</sup> It seemed to Paley, however, that such counsels failed to consider how the mental state of the victim affected their decision-making processes. A person whose mind was 'distempered' from 'grievous uneasiness' was hardly fit to weigh the moral pros and cons of taking their own life, especially as 'Melancholy minds are prone to think themselves useless, when they really are not so'. The general consequence of Hume's directive, therefore, was that those with 'hypochondriacal constitutions' would soon be dropping like flies.<sup>80</sup>

How far such observations actually influenced behaviour is extremely hard to gauge. Not having felt the same compulsion as their evangelical and

<sup>77</sup> *Ibid.*, p. 396. <sup>78</sup> Rutherford, *Institutes*, vol. 1, pp. 156–7.

<sup>79</sup> David Hume, 'On Suicide', in *Two Essays* (London, 1777), p. 22. Fearing ecclesiastical condemnation, Hume had omitted the essay from his *Four dissertations* (1757).

<sup>80</sup> *Principles*, pp. 324–5.

'orthodox' brethren either to shout their beliefs from the rooftops or diarise their religious experiences, eighteenth-century low churchmen and women have registered a less conspicuous presence in the historical record. It was not that latitude in the period, as represented by Paley, Watson and Hey, did not amount to a coherent body of ideas – there was clearly broad agreement on many issues – but its focus on the elements of belief that united Christians and its disdain (at least in the second half of the century) for 'party' mentalities, meant that it was never likely to engender the *esprit de corps* that characterised the evangelical and high-church traditions. Yet, if few actually identified themselves as 'Paleyans', he was unquestionably one of the most widely read writers in the period. The painter and diarist Joseph Farington recorded hearing Thomas Hughes, rector of St Paul's, remark that he 'had met with several persons as it might not be expected from who in conversation he found to have read much on religious points' and that he thought Paley's works, in particular, 'were very popular'. His inference from this that 'the people of this age are not worse, perhaps better than formerly' – as it implies that such reading was indicative of a spiritual commitment – may suggest the existence of a broad constituency of 'moderate' Christian readers.<sup>81</sup> But the books also had admirers outside of latitudinarian circles such as the evangelical Ralph Creyke, who in a letter of 1803, declared to Wilberforce that he had 'never read any part of his [Paley's] works' that did not make him feel afterwards 'a better man'. The *Evidences* and *Natural Theology* had confirmed his faith, while he emerged from reading the *Principles* with 'every duty and every exertion encouraged'.<sup>82</sup> Wilberforce was quick to pour cold water on such naïve enthusiasms for a religion which, as he later told Farington, 'carried readers to the threshold' of serious faith, 'but no farther'.<sup>83</sup> However, the fact that Wilberforce and More expended so much energy raging against theological mildness only serves to suggest that they shared Coleridge's view that Paleyan theological attitudes were widely adopted by the upper and middle layers of society.

The appeal of the *Principles* to respectable heads of households is not hard to fathom. It was strong on family values, and offered practical advice

<sup>81</sup> Farington himself read most of Paley's works, apparently with much pleasure. Joseph Farington, 17 November 1811, *The Diary of Joseph Farington*, January 1811–June 1812 (London, 1983), XI, p. 4032.

<sup>82</sup> Ralph Creyke to William Wilberforce, 3 January 1803, in Robert Isaac and Samuel Wilberforce (eds.), *The Correspondence of William Wilberforce*, 2 vols. (London, 1840), vol. 2, p. 247.

<sup>83</sup> *Diary of Joseph Farington Diary*, July 1806–December 1807, VII, p. 2823. For his response to Creyke see William Wilberforce to Ralph Creyke, 8 January 1803, *The Correspondence of Wilberforce*, vol. 2, p. 252.

on a range of moral conundrums, from how to dissuade a love-smitten daughter from marrying an unworthy, to what to do about unsightly poor relations. No doubt its wide circulation also owed much to the clarity of Paley's arguments and the arresting manner in which they were presented. In his later years, Charles Darwin remained convinced that studying Paley's *Principles* and *Evidences* for his BA examination had been the only part of his academic studies at Cambridge that improved his mind. His recollection that, haven taken their premises 'on trust', he was 'charmed and convinced' by the arguments of the *Evidences* and *Natural Theology* – though hardly an endorsement that would have pleased the author – echoes the testimonies of numerous dotting past pupils that Paley's methods were well chosen to leave a lasting impression on readers.<sup>84</sup> The next chapter takes a chronological leap to 1802 with a view to exploring the rhetorical strategies employed by Paley in the latter work to maximise the uptake of its teachings and, more importantly, its influence on behaviour.

<sup>84</sup> Charles Darwin, *The Autobiography of Charles Darwin*, ed., Nora Barlow (London, 1958), p. 59.



*Natural Theology as an Aid to Virtue*

Drawing on the latest scientific and technological expertise, Paley's *Natural Theology* (1802) sought to establish the wisdom of the Deity as manifest in His works. 'On the subject of Natural Theology, no one looks for originality, and no one pretends to discovery', sighed a critic from the *Edinburgh Review*, slightly perplexed by Paley's insistence on treading such a well-worn path.<sup>1</sup> His bemusement seems natural on the face of things, given that the shelves of eighteenth-century libraries were already crammed with natural theologies, and the fact that John Ray's *Wisdom of God Manifested in the Works of Creation* (1691), William Derham's *Physico Theology* (1713) and Bernard Nieuwentyt's *The Religious Philosopher* (1718) had already demonstrated the divine design of the universe to the satisfaction of most readers. So why had Paley felt the need to write yet another natural theology?

Probably in 1796, he set to work developing arguments briefly outlined in earlier sermons into a full-blown natural theology.<sup>2</sup> Nearing the end of an illustrious career in which his *Evidences* and *Principles* had both run into several editions as Cambridge textbooks, Paley claimed that his choice of subject was largely determined by thoughts of his intellectual legacy, such a work being all that was wanted to complete his philosophical system.<sup>3</sup> He insisted, in fact, that his works had 'been written in an order the very reverse of

<sup>1</sup> [F. Jeffrey.] 'Dr Paley's *Natural Theology*', *The Edinburgh Review*, 1(1802), 289. This chapter builds on arguments made in Niall O'Flaherty, 'The Rhetorical Strategy of William Paley's *Natural Theology* (1802): part 1, William Paley's *Natural Theology* in Context', *Studies in History and Philosophy of Science Part A* 41, 1 (2010), 19–25.

<sup>2</sup> A letter from John Law dated 1797 suggests that Paley had already begun researching the subject by this time, and in a sermon of 1785, he stated the main premise of *Natural Theology*. By 1779, he had also given sermons on divine benevolence. See J. Law to Paley, 1797, in E. Paley, *Life of Paley*, p. ccxl.

<sup>3</sup> In reward for his earlier theological successes, Shute Barrington, the Bishop of Durham, had presented him with the rectory of Bishop Wearmouth, where he took up residence in 1795. Subsequently, when ill health incapacitated him from properly carrying out his priestly duties, Barrington suggested he devote his energies to some scholarly labour instead. *Natural Theology*, p. iv.

that in which they ought to be read', suggesting that *Natural Theology*, being the last of his works, forms the bedrock of the entire system. While historians might find this chronological handstand disconcerting, philosophers may welcome it as providing a rough idea of how the parts of Paley's philosophy fit together. The existence of a divine mechanic had been integral to his defence of miracles in the *Evidences* from Hume's objections in the *Enquiry*. The credibility of any testimony depended on the consonance of the facts related with experience, observed Hume; and since a miracle was a breach of the laws of nature – i.e. the laws founded on long and invariable experience – the evidence against them from experience was ipso facto unassailable.<sup>4</sup> This might be the case, responded Paley, if it was presupposed that the world had no Creator. But if it was assumed that the world was product of divine contrivance, it made perfect sense to think that the maker of nature's laws might reserve the right to tweak them as His purposes required. Supposing that he had designed a future state for mankind, there could be no better way of advertising it to them than by displays of supernatural power. Viewed in this context, there was no contradiction in the idea of a miracle per se; and we were thus obliged at least to examine the testimony of those who claimed to have witnessed them.<sup>5</sup> As we know, in his moral philosophy, Paley had defined virtue as 'the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness'.<sup>6</sup> As God's will concerning any action was determined by examining its tendency to increase or reduce the general happiness, the presumption that the Deity wanted his creatures to be contented was indispensable to Paley's moral and political philosophy.<sup>7</sup> Much of *Natural Theology* was dedicated to establishing God's beneficence, and of course to the matter of proving his existence in the first place. In his influential biography, D. L. LeMahieu took Paley at his word, dealing with each of Paley's books in what, based upon the foregoing remark, appears to be their correct epistemological order: *Natural Theology* is considered first, followed by chapters on the *Evidences* and the *Principles*.<sup>8</sup> Giving reasons why it is helpful to read Paley's works in the correct chronological order, this chapter will reconstruct the theological and philosophical contexts of his *Natural Theology*.<sup>9</sup>

<sup>4</sup> Hume, 'Of Miracles', *Enquiry*, pp. 112–4. For Hume's attack on the 'religious hypothesis' see J. C. A. Gaskin, *Hume's Philosophy of Religion* (1978; 2nd edn. London, 1987).

<sup>5</sup> *Evidences*, vol 1, pp. 1–8. In his widely admired *Horae Paulinae* (1790), Paley argued that numerous examples of seemingly inadvertent agreement between the letters of St Paul and the account of him in the *Acts of the Apostles* proved the authenticity of both.

<sup>6</sup> *Principles*, p. 28. <sup>7</sup> *Ibid.*, p. 45. <sup>8</sup> LeMahieu, *Mind of Paley*.

<sup>9</sup> On the enduring interest in the work see G. Cole, 'William Paley's *Natural Theology*: An Anglican Classic?', *Journal of Anglican Studies*, 5 (2007), 209–25. For an attempt to dispel some common

In the wake of the French Revolution, believed by many to be the embodiment of an atheistic political credo, the refutation of the naturalistic biological theories of Buffon and Erasmus Darwin was naturally high on his agenda.<sup>10</sup> But Paley was also responding to challenges arising from his own moral philosophy, principally the psychological quandary of how men were to be kept in mind of the Creator. It is argued here that *Natural Theology* was the culmination of a complex rhetorical scheme for instilling religious impressions that would increase both the virtue and happiness of mankind. Philosophy was integral to this strategy. But equally vital were those purely rhetorical aspects of the discourse which, according to Paley, were more concerned with creating ‘impression’. The aim of this chapter is to reassess Paley’s intentions in *Natural Theology* in the light of this wider strategy of inculcation. Predictably, much of his thinking about rhetoric was derived from Tucker.<sup>11</sup> The first half of this chapter examines the psychology of persuasion delineated in the *Light of Nature Pursued*, and explores the historical and theological contexts in which Paley applied it to the task of instilling virtue. The second half reflects on the philosophical arguments of the book, focusing specifically on his response to the challenge of atheism. But here too, as we will see, the imperatives of moral politics defined his *modus operandi*.

### The Psychology of *Natural Theology*

From Robert Boyle in the mid-seventeenth century to Paley at the beginning of the nineteenth, the *raison d’être* of natural theology remained basically the same. Depending on the prevailing cultural climate, however, these reasons shifted places on the scale of immediacy. Crucial to the re-emergence of natural theology in Restoration Britain and its continued ascent in the years immediately following the ‘Glorious Revolution’ was the need to institute tenets of religion that would unify all Christians.<sup>12</sup> Hence, Ray’s *Wisdom of*

misinterpretations see John Hedley Brooke, ‘Did Paley Go Beyond Paley? Aspects of Natural Theology in Nineteenth-Century Britain’ (2011), Discussion Paper Series ‘Order: Gods, Mans and Nature’ online (*JSSN 2044–5577*), London: Centre for Philosophy of Natural and Social Science, LSE, 2013. See also Victor Nuovo, ‘Rethinking Paley’, *Synthese* 91 (1992), 29–51. Adam R. Shapiro, ‘William Paley’s Lost “Intelligent Design”’. *History and Philosophy of the Life Sciences*, 31 (2009), 55–77.

<sup>10</sup> See David Burbridge, ‘William Paley Confronts Erasmus Darwin: Natural Theology and Evolutionism in the Eighteenth Century’, *Science and Christian Belief*, 10 (1998) 49–71.

<sup>11</sup> For an account which emphasises the classical sources of Paley’s rhetoric see Matthew D. Eddy, ‘The Rhetoric and Science of William Paley’s *Natural Theology*’, *Literature and Theology*, 18 (2004), 1–22.

<sup>12</sup> John Hedley Brooke, ‘Natural Theology in Britain from Boyle to Paley’, in *New Interactions Between Theology and Natural Science* (Milton Keynes, 1974), p. 15.

*God* concerns itself mainly with the actual existence of the Creator, dealing only sketchily with doctrinal niceties. Most Protestants could agree that God was good and that he made the world. Natural theology also gave divine sanction to experimental philosophy. For as the Creator spoke directly to man through his works, what unfolded before the natural philosopher was nothing less than the mind of God. In the *History of the Royal Society of London* (1667) Thomas Sprat lauded the pacificatory influence that the study of natural philosophy and history might have on the nation. Disputes over the meaning of His word, as related by man in the Bible, had too often rent society asunder. Civil and religious animosities might be allayed, mused Sprat, if gentlemen could 'assemble about some calm, and indifferent things, especially experiments . . . In them they may agree, or dissent without faction, or fierceness'.<sup>13</sup>

Owing to its reliance on natural knowledge rather than the revealed word, natural theology was also seen as a preventive of errant religious emotion (enthusiasm), perceived to be the cause of so much enmity in the seventeenth century. In the early decades of the eighteenth century, deism replaced fanaticism as the church's *bête noire*. As Chapter 2 explained, however, latitudinarians like Tucker began to fret that Methodism represented an infectious strain of the seventeenth-century malady. What 'the rantings' of Wesley and Whitefield had in common with 'the treatises of all sectaries' was that they were 'thick stuck with texts'. Moravians, Quakers and Roman Catholics all supposed their own interpretations of scripture infallible, while decrying other readings as heretical. The only reliable way of choosing between them, reasoned Tucker, was to compare each with God's code as written in nature.<sup>14</sup> In Paley's *Principles*, scriptural injunctions, though examined at length, were treated as supplementary to natural law. 'Express declarations' of the divine will might guide us, but only in the rare instances when the light of nature was too dim. In both his sermons and *Natural Theology*, Paley re-endorsed this epistemological hierarchy. Scripture introduces 'the deity to human apprehension, under an idea more personal . . . than the theology of nature can do'.<sup>15</sup> But natural theology is 'the firm foundation to rest our foot upon'.<sup>16</sup>

If natural theology provided immunity from sectarian literalism, it was also inimical to other virulent forms of religious subjectivity. 'Quakers and

<sup>13</sup> Thomas Sprat, *The History of the Royal Society of London* (London, 1667), p. 426. See Brooke, 'Natural Theology in Britain', p. 13.

<sup>14</sup> Tucker, *Light of Nature*, vol. 2. 454.   <sup>15</sup> *Natural Theology*, pp. 307–8.

<sup>16</sup> William Paley, 'The Being of God Demonstrated in the Works of Creation (part I)', Sermon XXXI. *Works*, vol. 6, p. 402.

Methodists refer you for the proof of Christianity [to] the motions and witnessings of the spirit in your own breast. Now a man who hears this, and can feel no such motions has nothing left for it but to turn infidel'. Thus Paley warned the junior bachelors of Christ's College, Cambridge of the dangers of 'placing Christianity on wrong foundations'.<sup>17</sup> Occupying the mind with a soothing pursuit, one that advertised God's beneficent ingenuity; natural theology was clearly more conducive to equanimity than Methodist devotions. Moreover, the reading of natural theology was only a primer for the teleological investigation of nature itself, where, according to Paley, the Divinity is 'represented to the understanding by its own remarks, its own reflections and its own reasonings'. Direct congress with the divine mind was achieved but with none of the terrors associated with courting the knowable presence of the Holy Spirit. And as man was naturally more impressed by the evidence of his own senses than with second-hand testimony, belief imbibed through this interactive process produced a firmer and therefore more vital conviction than 'what is excited by any language that can be used by others'.<sup>18</sup>

Though few eighteenth-century thinkers questioned the validity and importance of natural theology, there was disagreement among churchmen as to its proper religious function. Wesley believed natural theology could awaken mankind to the wonders of God's creative power, while at the same time fostering humility, by exposing the extent of his ignorance as to the true 'Reasons of almost everything we see'. 'On the Doctrine concerning God and Spirits', however, natural philosophy and history were practically silent; for, 'whatsoever Men know, or can know, concerning them, must be drawn from the Oracles of God'.<sup>19</sup> So while the religious education of children might begin with simple lessons in teleology, the primal spiritual impulses awakened by such learning were only the first clumsy steps en route to that all-consuming scripture-based faith which Wesley favoured.<sup>20</sup> For latitudinarian divines natural theology was obviously more than a prelude to genuine religiosity. 'No knowledge can be more pleasant than this', exclaimed Ray, 'none that doth so satisfie and feed the soul; in comparison whereto that of words and phrases seems insipid and jejune'.<sup>21</sup>

<sup>17</sup> William Paley, Cambridge, Extracts from the Lectures on Divinity Delivered to the Junior Bachelors of Christ's College Cambridge ... in 1775, 1776, University of Cambridge, Christ's College, Old Library, MS36, fol. 10.

<sup>18</sup> *Natural Theology*, p. 375.

<sup>19</sup> John Wesley, *A Survey of the Wisdom of God in the Creation: or a Compendium of Natural Philosophy*, 2 vols. (Bristol, 1763), vol. 1, pp. vi, 15.

<sup>20</sup> Body, *Wesley and Education*, p. 49. <sup>21</sup> Ray, *Wisdom of God*, p. 123.

What was new about Paley's book, as we shall see, was that it integrated an advanced inculcatory psychology into natural theology in an attempt to further unlock its potential as an engine of morality. The key point is not simply that *Natural Theology* had a devotional function, as has frequently been observed, but that for Paley it represented piety in its purest form. Most importantly, he recognised that theological nature studies, if presented in a manner that gave due regard to the workings of the mind, might give rise to a substantially more virtuous disposition. In other words, natural theology could be harnessed to the goals of theological utilitarianism.

There are two schools of thought regarding what Paley sought to achieve by restating the teleological argument in 1802. LeMahieu argues that *Natural Theology* was 'only tangentially related to proving design'; its main function was homiletic. Aware that his readers already accepted the design thesis, Paley wanted to turn the study of nature into a form of spiritual meditation.<sup>22</sup> Peter Addinall questions LeMahieu's assumption that Paley never expected to convince sceptical atheists, arguing instead that he set out to deliver irrefutable arguments that would convince just about everybody.<sup>23</sup> To some extent the reading of *Natural Theology* advanced here accommodates both these views, but it also suggests that neither one on its own satisfactorily explains what Paley was trying to achieve in the book. Both Addinall and LeMahieu overlook a critical statement of intent in the conclusion of the book, where Paley felt the need to illustrate the benefits that could be 'gained by researches from which no new opinion is learnt, and upon which no new proofs were wanted'. Studies of this kind were recommended because they yielded 'stability and impression'. Stability referred to the cognitive side of the programme, the argument from design. Should the occasion arise when the Christian reader found reason to question his 'habitual opinions', *Natural Theology* provided reassuring proofs to put his mind at rest.<sup>24</sup>

It is true that Paley's *Natural Theology* stood out as being more argumentative than the theologies of his predecessors. It needed to be. Whereas works like Ralph Cudworth's *The True Intellectual System of the Universe* (1678) had raged against the odious doctrines of Lucretius and Democritus, atheism in the seventeenth century had few public

<sup>22</sup> LeMahieu, *Mind of Paley*, p. 89.

<sup>23</sup> Peter Addinall, *Philosophy and Biblical Interpretation: A Study in Nineteenth-Century Conflict* (Cambridge, 1991), pp. 41–2.

<sup>24</sup> *Natural Theology*, p. 373.

representatives.<sup>25</sup> But though, as Burke observed with satisfaction, the deism of the 1720s and 1730s had soon faded into oblivion, by the end of the 1790s anxiety about a revival of philosophical unbelief ran high in Anglican intellectual circles.<sup>26</sup> This was partly due to the widespread conviction that atheistic doctrines had been the keystone of a revolutionary ideology which had threatened to destroy civilisation itself in France. From the 1790s on magazines and journals denounced with increasing frequency and fury the so-called atheist philosophers. For 'the late rapid and alarming spread of Infidelity, and even Atheism', *The Weekly Register* pointed the finger at 'the Art of Printing', which had in recent years been 'perverted to most dangerous and destructive purpose'.<sup>27</sup> Rational divines were further troubled by a number of publications positing naturalistic explanations of the complex structures organic life, including Erasmus Darwin's *Zoonomia* (1794–1796) and Buffon's *Histoire naturelle* (1749–1788). Writing in around 1797, Paley's confidant John Law observed that while 'there were very few of that vermin' half a century ago, 'they have multiplied exceedingly, and swarm in all quarters'.<sup>28</sup> Paley's work, Law assured him, was 'infinitely wanting for the confutation of French and English atheism'.<sup>29</sup>

Before the publication of Hume's *Dialogues Concerning Natural Religion* (1779), natural theologians had not lingered long on the question of whether apparent design in nature proved the existence of a divine architect. As far as Ray was concerned, the argument was 'not to be denied or questioned by any', and his 'Proofs' of the design thesis amounted to little more than examples of 'admirable Contrivance'.<sup>30</sup> Paley, however, felt the need to place the argument under the microscope. Though the substance

<sup>25</sup> Though both Ray and Ralph Cudworth saw Descartes' 'mechanick theism' as reviving ancient systems of unbelief. See Ray, *Wisdom of God*, pp. 20, 24. Ralph Cudworth, *The True Intellectual System of the Universe* (London, 1678), pp. 603–4, 683. In the 1690s, rumours circulated that the taverns of England were heaving with Hobbists. See David Berman, *A History of Atheism in Britain from Hobbes to Russell* (London, 1998), pp. 49–50. As with Hobbes' materialism, Spinoza's pantheism was deemed atheistical by many divines.

<sup>26</sup> Burke was referring to Anthony Collins, John Toland and Matthew Tindal. Edmund Burke, *Reflections on the Revolution in France* (London, 1790), p. 133. There was a hiatus in the publication of expressly philosophical natural theologies between the 1730s and the 1780s owing to the perceived decline of deism. See Burbridge, 'William Paley Confronts Erasmus Darwin'.

<sup>27</sup> Anon, *Prospectus of the Weekly Register* (London, 1798) in *Prospectuses of Newspapers 1789–1813* British Library shelf mark 823/c.1/1–63.

<sup>28</sup> John Law to Paley, 179[?], in Edmund Paley, *Life of Paley*, p. ccl.

<sup>29</sup> Extracts from their correspondence around this time were published in Edmund's biography. John Law to Paley, 179[?], in Edmund Paley, *Life of Paley*, p. cclii.

<sup>30</sup> Ray, *Wisdom of God*, preface.



of the analogy did not change, there was no longer the complacent assumption that it was entirely beyond question. But the rational proofs that made for stability were only part of the scheme. The book was also carefully tailored to create *impression*, which, as something of a technical term in the Paleyan vocabulary, requires some explaining. As the telos of their religion was human happiness, theologians like Paley and Tucker saw it as the moralist's duty to squeeze as much virtue out of mankind as possible, thereby increasing the stock of human satisfaction; and this involved honing their methods of inculcation in the light of the science of the mind. Paley, the consummate moral politician, believed the moralist should impart moral rules in a manner that maximised the likelihood of their becoming principles of action. He identified two distinct types of discourse that might help the philosopher to achieve this goal. There was that which relied mainly on rational argument to persuade the reader, but there was also a level of discourse that was more concerned with ensuring that ideas became lodged in the psyche, or with creating impression.

Underlying this dual strategy was the more fundamental division between the cognitive and the purely rhetorical aspects of inculcation, explained by Tucker in terms of the difference between *conviction* and *persuasion*. A conviction is formed when reason judges a proposition to be valid. But to accept the reasonableness of a hypothesis is one thing, to adopt it as an active principle another. For that to happen, the train of ideas that constitutes the conviction (formed in the rational faculty) must become deeply impressed on the imagination, since that is where those ideas that form our motives – those comprising our tastes, opinions and acquired moral sense – reside. Obviously, the moral politician must disseminate sound opinions. To have any influence on behaviour, however, he must also ensure that such convictions become persuasions.<sup>31</sup> The successful translation of a conviction into a persuasion depends largely on how many times the demonstration of the proposition is repeated, but also on the strength of the original impression which it leaves on the imagination. However, it was strongly suggested that the relative vigour of this initial impression rested as much to the vividness of the exposition – on its ability of catch 'the mental eye' – as on its validity.<sup>32</sup> The implication of Tucker's anatomy was clear. Given that poisonous principles were as likely to seep into the imagination as salutary ones, the wise moralist would pay scrupulous attention to the presentation and transmission of ideas, as well as their truth. If the moral politician was sometimes justified in

<sup>31</sup> Tucker, *Light of Nature*, vol. 1, pp. 202–7.    <sup>32</sup> *Ibid.*, p. 143.



‘cheating his neighbours’ into adopting virtuous lifestyles,<sup>33</sup> he was clearly well within his rights to employ ‘engines of rhetoric’ to turn ‘important truths into habitual persuasions’.<sup>34</sup>

Throughout his career Paley paid meticulous attention to the rhetorical aspects of writing. He often employed what Ernest Barker aptly called ‘the method of the arresting paradox’ to grab his readers’ attention, most famously in the *Principles* when he likened landowners to parasitic pigeons in what turned out to be a defence of the institution of property.<sup>35</sup> Cambridge graduates frequently remarked that such images remained with them for life, much to the annoyance of critics like Thomas Gisborne, who struggled to stem the influence of his ethical thought.<sup>36</sup> That Tucker’s distinction between conviction and persuasion was foremost in Paley’s mind when writing *Natural Theology* is clear from his explanation of the psychological principles behind his scheme for creating impression.

Physicians tell us, that there is a great deal of difference between taking a medicine, and medicine getting into the constitution. A difference not unlike which, obtains with respect to those great moral propositions, which ought to form the directing principles of human conduct. It is one thing to assent to a proposition of this sort; another, and a very different thing, to have properly imbibed it.<sup>37</sup>

In *Natural Theology*, stability relates to convincing the reader of the truth of an argument; impression to fixing the proposition in the mind. No doubt the clarity of Paley’s exposition, celebrated in all the reviews, added to stability, but the vividness of his argument made it particularly persuasive.

Listed here are just a few of the strategies employed by Paley to create impression. Obviously, the tale of the heath-rambler, which established the central analogy, was memorable in itself. The narrative form and the conversational tone were not usually found in works of natural theology. ‘In crossing a heath, suppose I pitched my foot against a stone, and were asked how that stone came to be there; I might possibly answer, that, for anything I knew to the contrary, it had lain there forever’.<sup>38</sup> If the rambler should come upon a watch, however, he would hardly conclude that it had probably always been there, because, unlike the stone, ‘its several parts are framed and put together for a purpose, e.g. . . . they are so formed and adjusted as to produce motion’. In short, he would conclude that, because

<sup>33</sup> *Ibid.*, p. 272.    <sup>34</sup> Tucker, *Light of Nature*, vol. 2, p. 49–51.

<sup>35</sup> *Principles*, pp. 91–2. Ernest Barker, ‘Paley and His Political Philosophy’, in *Traditions of Civility* (Cambridge, 1948), p. 239.

<sup>36</sup> Gisborne, *The Principles Investigated*, pp. 4–6.    <sup>37</sup> *Natural Theology*, p. 374.    <sup>38</sup> *Ibid.*, p. 1.

the watch displayed marks of contrivance, it must have had an intelligent designer. 'Every manifestation of design, which existed in the watch, exists in the works of Nature', declares Paley. The parts of the eye, for example, are adjusted to produce 'a combination of actions and effects, the result of which is ultimately wanted'.<sup>39</sup> Where organic life displays 'mechanism', that is, where the structure and arrangement of its parts are seen to be conducive to useful ends, Paley concludes, it must have had an intelligent author. Though he stressed the point that 'for the purpose of strict argument' one single instance of contrivance in nature was enough to demonstrate the existence of a supreme architect, Paley proceeded, nonetheless, to reveal design in the lobster's shell, the woodpecker's tongue and the meat of a plum. Examples were multiplied partly to address 'different understandings', and partly, no doubt, in accordance with Tucker's injunction that sound principles had to be hammered into the imagination by repetition of the demonstration. Such examples helped to recondition the consciousness by facilitating a 'frequent or continued meditation on a subject, by placing a subject in different points of view, by induction of particulars, by variety of examples, by applying principles to the solution of phaenomena, by dwelling upon proofs and consequences'.<sup>40</sup>

A further reason for copiously cataloguing instances of design, as Paley explained, was that they excited admiration for the Deity, and for this purpose the comparisons with modern machinery which filled the pages of the book were especially effective. Paley frequently expressed puzzlement that the latest feats of engineering excited so much enthusiastic approval, while the mechanical genius evident in nature went virtually unsung. The only explanation for this he could offer was that the bodies of organic beings did not display the same 'sharp lines' or were not made of the hard materials that we associate with machinery. Many of the detailed anatomical descriptions in *Natural Theology* were therefore aimed at unveiling the complex machinery that lay hidden beneath the 'flabby' exteriors of animals.<sup>41</sup> 'What contrivance can be more mechanical than the following?' he enthuses, 'a slit in one tendon to let another tendon pass through it'. 'There is nothing, I believe, in a silk or cotton mill . . . that is more artificial'.<sup>42</sup> The hope was that such delineations would prompt readers to inspect God's engineering for themselves, and to marvel at it as they would at the latest feats of mechanical ingenuity. By tapping into the nation's

<sup>39</sup> *Ibid.*, pp. 1, 12, 19.    <sup>40</sup> *Ibid.*, pp. 374–5.    <sup>41</sup> *Ibid.*, pp. 101–2.    <sup>42</sup> *Ibid.*, pp. 99–100.

fascination with gadgets, Paley sought to revive that sense of wonder at the workings of nature that familiarity had rendered dormant.<sup>43</sup>

Using his evocative central metaphor to full effect, Paley depicted the Creator as a hands-on mechanic, the hero of the nascent industrial age. 'Since time immemorial, spinning had been carried out by a distaff and spindle method in which the spindle was dropped while the worker twisted the rovings of raw material and turned it into yarn'.<sup>44</sup> Before the 1770s a bottleneck in yarn supply drastically limited weavers' output. Hargreaves's spinning jenny (1765) improved matters by enabling fibres to be twisted into yarn as they spun on the wheel. Arkwright's water frame (1769) used two pairs of revolving rollers to 'mimic the human fingers'.<sup>45</sup> In 1779, three years before Paley became Archdeacon of Carlisle, the two were amalgamated to form Crompton's mule, completing a revolution in weaving that ensured an abundant supply of high quality yarn at a fraction of the previous cost. This made for dramatic increases in wages for the handloom weavers of Carlisle, and presumably, large profits for factory owners.<sup>46</sup> Though before 1800 macroeconomic growth did not increase dramatically, the folk of Carlisle and Bishop Wearmouth (where Paley lived after 1795) had more reason than most to raise a glass to Britain's practical geniuses. Paley's God is a mechanic who rises to technical challenges. In the way that Hargreaves must have problematised yarn production, Paley's divine contriver first takes stock of his available materials, then identifies in broad terms what is required to overcome the problem. 'This is the power we have to work with: the enquiry is, how the power is applied in the instance before us'. The available power in this instance was the 'reciprocal contraction and relaxation' of the heart; the challenge was to facilitate blood circulation.<sup>47</sup> Paley clearly wished to ally his divine inventor with the on-the-job machinists responsible for much of Britain's growing technological success, as opposed to the aloof, French academic chemists. No one doubted that He 'was an excellent chemist',<sup>48</sup> but God's innovative mind was more easily identified in those works that enabled the

<sup>43</sup> *Ibid.*, p. 210.

<sup>44</sup> Joel Mokyr, 'Editor's Introduction: the New Economic History and the Industrial Revolution' in Joel Mokyr (ed.) *The British Industrial Revolution: An Economic Perspective* (2nd edn. Oxford, 1999), p. 21.

<sup>45</sup> *Ibid.*

<sup>46</sup> Sydney Towill, *Georgian and Victorian Carlisle* (Preston, 1996), pp. 55–56; Idem, *A History of Carlisle* (Sussex, 1991), pp. 77–90.

<sup>47</sup> *Natural Theology*, p. 106. Problematically, such a model implies that the universe was the product of a sequential creative process rather than a single formative act.

<sup>48</sup> John Law to Paley, 1797, in Edmund Paley, *Life of Paley*, p. cclix.

observer to follow His thought process from technical problem to mechanical solution. Paley's God is more James Watt than Lavoisier.<sup>49</sup> It was through trial-and-error tinkering that Watt discovered the separate condenser; only afterwards did he learn the chemical principle on which it worked.<sup>50</sup> But the divine mechanic was equally adept at getting the most out of a single plan. 'Arkwright's mill was invented for the spinning of cotton', but 'we see it employed for the spinning of wool, flax and hemp, with such modifications of the original principle' as these different cloths require. Similarly, the close resemblance 'between all large terrestrial animals' was the result of God's economically putting the same basic plan to different practical uses.<sup>51</sup>

All this was punctuated with pithy sound bites. 'Contrivance must have had a contriver, design a designer'.<sup>52</sup> The net effect of this onslaught on the psyche, Paley hoped, was to fix the reader's 'train of spontaneous thought' so that he 'regards the phaenomena of nature with a constant reference to a supreme intelligent Author'.<sup>53</sup> Once viewed in this light, the world 'becomes a temple, and life itself a continued act of adoration'. That Paley had little time for adoration for its own sake, however, may be gathered from his assertion in the *Principles* that our obligation to pray depends on its tendency to relieve our wants, or 'upon its efficacy'.<sup>54</sup> So what was to be gained from instilling the devotional mindset described in *Natural Theology*? Again, there were strong clues in the *Principles*. Here Paley advised future heads of households that the most effective way to preserve the virtue of their children and servants was 'to accustom them to look forward to the consequences of their actions in another world'.<sup>55</sup> These salutary associations, when regularly reinforced, formed a protective barrier against temptation.<sup>56</sup> Among society's masters, moreover, thoughts of judgement had the vital effect of strengthening the charitable impulses; for whereas 'worldly prudence' could regulate our treatment of superiors, only deep-rooted humanity could elicit kindliness

<sup>49</sup> He even called on the arbitration of imaginary inspectors of patents to verify the ingeniousness of the fish's airbladder. *Natural Theology*, p. 170.

<sup>50</sup> Watt famously claimed to have 'stumbled upon one of the material facts by which that beautiful theory is supported', i.e. Black's latent theory of heat. He insisted, however, that he had approached the problem 'as a mere mechanician'. James Patrick Muirhead, *The Life of James Watt, with Selections From His Correspondence* (London, 1858), pp. 66, 79, 75.

<sup>51</sup> *Natural Theology*, p. 147. <sup>52</sup> See *Natural Theology*, pp. 8, 9, 10. <sup>53</sup> *Ibid.*, p. 374.

<sup>54</sup> *Principles*, p. 335. Nobody could be obliged to pray, reasoned Paley, 'without believing that it may avail to the relief of our wants'. (p. 344).

<sup>55</sup> *Principles*, p. 297.

<sup>56</sup> 'The point is to habituate ourselves to these reflections, till they rise up of their own accord, when they are wanted', advised Paley. *Principles*, p. 219.

towards inferiors, and Paley was adamant that such beneficence could only flourish where men were moved by heavenly ambitions.<sup>57</sup> Naturally, the efficacy of religion as a civilising force depended on how frequently ideas of God's benevolence, invisible presence and especially his judgement, arose in the mind of the moral agent to influence his motives. The great benefit of public worship, therefore, was that it reminded men that they would all be subject to the same judgement, thereby promoting humility among the higher orders.<sup>58</sup> Evidently, Paley believed that the associations produced by the contemplation of final causes were particularly effective in prompting this kind of reflection.

Ironically, what worried Paley's critics, not to mention some of his theological allies, was that the doctrine of expediency might be deleterious to just such associations. Having a universal rule for determining right actions, observed high churchman Edward Pearson, it was likely that in the hubbub of everyday life, the moral agent would focus on this as the ultimate criteria of morality, forgetting that it was really only a barometer of the divine will.<sup>59</sup> As the influence of religious motives declined, civilisation would follow it downhill. But clearly a mind which invariably associated nature's works with nature's God was unlikely to fall prey to such amnesia. For, by removing the middle men and allowing God to speak for himself, you increase 'the amount of veneration . . . with which the divinity is regarded'. 'Whereas God was seldom in our thoughts, we can now scarcely look upon anything without perceiving its relation to him'.<sup>60</sup>

In addition to responding to challenges thrown up by Paley's ethics, *Natural Theology* filled a void in latitudinarian devotion arising from its de-emphasis, or downright rejection, of many of the traditional methods for preserving Christian belief. That sense of sinfulness that was the fountain of Christian virtue for evangelicals was not a central part of their scheme. Second, belief in the 'knowable presence' – i.e. that the devotee could feel the Holy Spirit working through him – was viewed as a hallmark of enthusiasm by Paley and his predecessors. For who was to say that those claiming to be vessels of the Holy Spirit were not self-deluded, or merely hoaxers?<sup>61</sup> Third, the doctrines of the Trinity and Atonement were largely ignored in Paley's major works. Like his patron Edmund Law, he concentrated on reinforcing those precepts that united Protestants, eschewing 'contestable' and inessential doctrine. By placing less emphasis on ritual and mystical teachings, however, rational divines deprived themselves of

<sup>57</sup> *Principles*, p. 191.    <sup>58</sup> *Ibid.*, pp. 354–5.    <sup>59</sup> Pearson, *Remarks*, p. 36.

<sup>60</sup> *Natural Theology*, pp. 377, 375.    <sup>61</sup> Edmund Paley, *Life of Paley*, p. cccxiv.

the trove of symbolism and metaphorical language that had been the lifeblood of Christianity since its inception. The main theological quandary facing Paley was how to sustain 'religious' thought patterns with less help from these traditional ballasts of faith. In their stead, he offered readers the programme of mental exercises that was his *Natural Theology*.<sup>62</sup>

Lest it seem that this characterisation of his project paints Paley in an overly Machiavellian light, it should be emphasised that he openly endorsed this strategic approach to apologetics. According to the *Evidences*, indeed, Christ himself had taken the same pragmatic attitude to spreading the word. 'In the choice of his mode of teaching . . . the purpose by him to be consulted was impression'; and for this reason his moral instruction proceeded 'not by proof but upon authority, not by disquisition but by precept'.<sup>63</sup> It was testament to the Saviour's wisdom that his teachings were calibrated to suit his situation: the brevity of his time on earth, the size of his audiences and their varying levels of education. When it came to leaving a lasting impression, nothing 'would have so great a force as strong ponderous maxims, frequently urged, and frequently brought back to the thoughts of the readers'.<sup>64</sup> Moreover, Christ had recognised that this 'forcible and energetic' mode of discourse was 'the best possible method of improving the benevolence' of his followers.<sup>65</sup> That Paley adopted similar tactics in the *Principles* is hardly surprising then, especially when we consider that the task confronting him was not to convince a doubting public that charity was commendable, but to stimulate deeply engrained moral sensitivities.<sup>66</sup> A similar strategy suited his purposes in *Natural Theology*, which, as will be shown, was primarily designed to revitalise tired theism rather than to convince sceptical unbelievers.<sup>67</sup>

This attention to method was also justified, however, by the nature of the perceived threat to religion at the end of the eighteenth century. For never before had the church faced such tactically aware adversaries in the battle for hearts and minds. In the *Principles*, Paley had accused Gibbon and Hume of using their knowledge of the human mind to sow the seeds of doubt. When writing the *History of the Decline and Fall of the Roman Empire* (1776–89), Gibbon 'had contrived to weave into his narration one continued sneer upon the cause of Christianity'; and 'Who can refute

<sup>62</sup> This is not to say that he scorned the liturgy. See *Principles*, pp. 361–2.

<sup>63</sup> *Evidences*, vol. 2, pp. 29, 31.

<sup>64</sup> *Ibid.*, p. 29. Such maxims had the same function as private prayers, which 'revive and fasten upon the mind the general impressions of religion', *Principles*, p. 349.

<sup>65</sup> *Evidences*, vol. 2, p. 31. <sup>66</sup> See [Chapter 10](#). <sup>67</sup> See LeMahieu, *Mind of Paley*, p. 89.

a sneer?<sup>68</sup> This celebrated swipe made a serious point. With its captivating style, infidel literature engrossed the mind, disarming the reader's critical faculty; allowing sceptical notions to creep into the consciousness, often on the coat tails of crude and unusual images. Echoing Paley, Hannah More noted how, shirking rational debate, the modern sceptics were fond of weaving 'impure allusion' into 'the texture of some amusing history' to disseminate their poison.<sup>69</sup> If they were to avoid being outmanoeuvred in a battle increasingly being fought on the psychological as well as the philosophical front, theological utilitarians had to marshal the non-cognitive elements of persuasion. These psychological concerns had a strong bearing on how rational divines approached their encounters with 'atheism' at the turn of the eighteenth century.

Although, so far, this chapter has focused mainly on the rhetorical side of Paley's programme, it is worth reiterating that the forging of *stability*, by convincing readers of the cogency of the teleological argument, was equally integral to his broader plan. The perceived resurgence of philosophical unbelief at the turn of the eighteenth century prompted him to undertake a particularly analytical reworking of the argument from design. The crucial point is that the rhetorical and intellectual aspects of persuasion were deeply intertwined. As Tucker had observed, cogent arguments made a deeper impression on the imagination than weak ones. Equally, Paley's interventions in metaphysical and political debates were inevitably shaped by rhetorical concerns, not least by the psychological profiles he constructed of both his adversaries and his target audience, and can only be fully grasped therefore when also viewed as part of the programme of moral politics.

### Paley and the Challenge of Atheism

No doubt, the renewed focus on the actual premises of the thesis was partly elicited by Hume's critique of the teleological argument in his posthumously published *Dialogues*. On the question of Paley's response to these objections, historians are divided into camps that roughly correspond to the positions outlined earlier. LeMahieu, who highlighted the devotional nature of *Natural Theology*, feels that Paley basically ignored Hume's critique of the teleological argument.<sup>70</sup> Addinall, who insisted that Paley

<sup>68</sup> *Principles*, pp. 395–6. See Graham A. Cole, 'Who Can Refute a Sneer? Paley on Gibbon', *Tyndale Bulletin* 49 (1998), 57–70.

<sup>69</sup> More, *Religion of the Fashionable World*, p. 14.

<sup>70</sup> LeMahieu, *Mind of Paley*, p. 30. Nuovo takes a similar view. Victor Nuovo, 'Introduction' to Edmund Paley (ed.) *The Works of William Paley*, 6 vols. (Bristol, 1998), vol. 1, p. xl.



had meant to give irrefutable proofs of design, is confident that 'Paley does meet Hume head on'.<sup>71</sup> I suggest that neither of these views accurately describes what happens in the text. From the outset it must be acknowledged that assessing Paley's engagement with the *Dialogues* is no straightforward matter, most obviously because eighteenth-century debates about divine design were of ancient derivation. In the course of the debate, Philo, Hume's sceptical protagonist, advances a version of 'the old Epicurean hypothesis', a theory that Paley would have come across in his researches for his prize winning essay on Epicureanism and Stoicism in 1765.<sup>72</sup> While Philo might just as easily have drawn on Democritus or Lucretius, the design hypothesis had ancient antecedents in Plato's inference of a divine craftsman in *Timaeus*, the account of providential governance expounded in Cicero's *De Natura Deorum* and the fifth of Aquinas' five ways of proving the existence of God in the *Summa Theologica*. Considering then that both sides recycled age-old arguments, it is hard to say for certain that Paley had Hume in mind when rebutting atomistic theories.<sup>73</sup> The fact that (tellingly perhaps) he does not mention Hume by name when tackling such problems, as he had done when responding to his 'Of Miracles' in the *Evidences*, does not help either.<sup>74</sup> A further complicating factor, as I have observed elsewhere, is that Paley may only have known the *Dialogues* through Joseph Priestley's explicit refutation of them in *Letters to a Philosophical Unbeliever* (1780).<sup>75</sup> It is possible to build up a reasonably clear picture of how he dealt with the challenge of Hume nonetheless.

In the *Dialogues*, Hume has the sceptic Philo systematically expose the allegedly fragile epistemological foundations of the argument from design, and Paley certainly appears to tackle some of his objections. First, Philo targeted the analogy between the creation of machines and the making of worlds. If we find a watch, it would be reasonable to presume that it was the product of design, because in the past we have known that species of effect (machinery) to arise from that cause. Experience alone can tell us the true

<sup>71</sup> Addinall, *Philosophy and Biblical Interpretation*, p. 38. Hitchin contends that the book's primary aim was to refute Hume. Hitchin, 'The Life and Thought of William Paley', p. 305.

<sup>72</sup> His more profound objections were partially prefigured in Strato's critique of theism, as documented by Pierre Bayle. See 'Bayle on Strato's "Atheism"', Appendix B to David Hume, *Dialogues Concerning Natural Religion* (London, 1947), pp. 80–6.

<sup>73</sup> This is not to mention the overlaps between some of Hume's arguments and the theories of 'generation' advanced by Buffon and Erasmus Darwin.

<sup>74</sup> Though he mentions the *Dialogues* later in the book. *Natural Theology*, p. 357.

<sup>75</sup> Niall O'Flaherty, 'The Rhetorical Strategy of William Paley's *Natural Theology* (1802): Part 2, William Paley's Natural Theology and the Challenge of Atheism', *Studies In History and Philosophy of Science Part A* 41 (2010), 128–37.



cause of phenomena. But as we have no experience at all of how worlds come into being, we have no grounds for claiming that order in the universe has the same cause as order in a watch. The analogy has little foundation in experience.<sup>76</sup> This is the first objection that *Natural Theology* tackles. Noticeably, in Paley's watchmaker analogy, nothing is said about the origin of the universe. He insists only that design is present in the works of nature. The universe, he later tells us, is 'itself merely a collective name: its parts are all which are real; or which are things'.<sup>77</sup> Paley feels that it is enough for him to show that parts of the universe, particularly the organic parts, display marks of design. The fact that design is present where it is wanted is, he feels, sufficient proof that the whole system was the product of intelligence. In response to the problem of never having witnessed the creation of worlds, he argues that it would not 'weaken the conclusion, that we had never seen a watch made; that we had never known an artist capable of making one; that we were altogether incapable . . . of understanding in what manner it was performed; all this being no more than what is true of some exquisite remains of ancient art'.<sup>78</sup> This was a disappointing response. Nobody has seen how ancient works of art were produced, and yet everybody knows roughly how works of art in general come into being. The analogy between ancient and modern works of art is obviously much closer than that between watches and worlds, or between watches and eyes. According to the design thesis, no one has ever witnessed the genesis of order in organic beings. By Paley's own admission, the heath-rambler's conviction that the object was contrived was aided by his having had 'some previous knowledge of the subject'<sup>79</sup> – that is, an awareness that metal gadgets with springs and coils are made by clever chaps who tinker with springs and coils. Without this prior understanding, the heath-walker could infer little about its origin. But it was precisely Philo's point that having no 'previous knowledge' of the formation of worlds, we could only speculate as to their genesis. As we are no less ignorant about the origin of species, Paley's analogy buckles.

Another of Philo's objections takes the form of an alternative analogy. In short, he argues that matter may contain a principle of order within itself, or, at least, that this supposition is more in keeping with experience than the assumption that all economy begins with pure mind. Against the premise that physical order must have a cause outside itself, Philo argues

<sup>76</sup> 'Have worlds ever been formed under your eye?', mocks Philo. David Hume, *Dialogues Concerning Natural Religion*, Norman Kemp Smith (ed.) (1779; 2nd edn. London, 1947), p. 151.

<sup>77</sup> *Natural Theology*, p. 286. <sup>78</sup> *Ibid.*, p. 3. <sup>79</sup> *Ibid.*, p. 2.

that 'a mental world . . . of ideas requires a cause as much as does a material world . . . and if similar in its arrangements must require a similar cause'.<sup>80</sup> In other words, the search for first causes in the domain of ideas leads no less inevitably to an endless regression than it does in the world of objects. Why not simply cut our losses, and assume that the first cause lies in a principle of matter? As an explanation of order, ventures Philo, 'generation has some privileges above reason: For we see every day the latter arise from the former, never the former from the latter'.<sup>81</sup> Even leaving generation aside, in all experience 'thought has no influence upon matter, except where that matter is so conjoined with it, as to have an equal reciprocal influence upon it'.<sup>82</sup> Paley dealt more confidently with this alternative analogy. Generation, he argued, was not a principle, but a process like spinning or weaving. Spinning and weaving machines produce fabrics, but the pattern of the finished product, and indeed the design of the machines themselves, still required a designing mind. The parent animal bears some resemblance to a spinning machine, being necessary for the production of a new form, but is in no way responsible for its design.<sup>83</sup> Also, it could hardly be said that parent animals produce their like; butterflies, for example, produce hairy caterpillars. For Paley, the extreme complexity of generation suggested that the process itself could not be the product of blind necessity. It could only be the 'effect of economy, wisdom and design'.<sup>84</sup> Anyway, even if generation could bestow order upon animal bodies, it could not explain how 'things generated possess a clear relation to things not generated'.<sup>85</sup> Lungs were made to breathe air. If generation produced the lungs, it did not produce the air.

The objections tackled in *Natural Theology* clearly resemble some of those raised by Hume, but in order to gain an overview of this engagement, it is helpful to review Philo's critique in point form.<sup>86</sup> Premise 1 states that where we infer a hidden cause from a known effect, that cause must be proportional to the effect. 2. When trying to determine the likely cause of a known effect, experience is the only means by which we can measure the validity of one hypothesis against another. 3. As we have no experience of either worlds being made, or an initial ordering of organic matter, we have no right to give preference to one explanation (for example divine contrivance) over another (for example an internal principle of order in matter). 4. It cannot be shown a priori or by experience that order is

<sup>80</sup> Hume, *Dialogues*, p. 160.      <sup>81</sup> *Ibid.*, pp. 179–80.      <sup>82</sup> *Ibid.*, p. 186.

<sup>83</sup> *Natural Theology*, p. 293.

<sup>84</sup> *Ibid.*, p. 294.

<sup>85</sup> *Ibid.*

<sup>86</sup> This summary is not comprehensive but captures the thrust of his attack.

necessarily the product of something like the human mind. 5. When tracing the cause of the universe, therefore, there is no need to revert to an ideal cause: we might as well say that the cause lies in matter itself. 6. If we must infer a cause of order in the universe, ‘generation’ looks like the best bet, for it negates the need to resort to ideal causes, and we frequently see order emerge in this way, for example whenever an infant is born.

Whereas points 1–4 constitute a daunting metaphysical conundrum for the theists, points 5 and 6 are lesser postulates, advanced as plausible alternatives to design. In *Natural Theology* Paley set his sights on the softer targets. Point 5 made for prime shooting. Supposing matter to be finite, ‘A finite number of particles is only susceptible of finite transpositions: And it must happen, in an eternal duration, that every possible order or position must be tried’.<sup>87</sup> Thus Philo sketched the outlines of a revised Epicurean hypothesis, eschewing the search for a mental cause of organisation. The biological offshoot of Philo’s atomism – that ‘every organised body which we see, are only so many out of the possible varieties . . . of being, which the lapse of infinite ages has brought into existence’ – Paley scorns as groundless. Adamant that such theories merely resolved everything into chance, he begged to know: ‘What does chance ever do for us? In the human body . . . chance . . . may produce a wen, a wart, a mole, a pimple, but never an eye’.<sup>88</sup> Crucially, however, Philo advanced the Epicurean proposition not as an article of belief, but purely to demonstrate that evidentially it was on an equal footing with the argument from design. And given that Paley mostly replicated the solutions of the pre-*Dialogues* natural theologians, he can no more be credited with rising to the challenge of Hume than can Ray or Derham. Ray had already argued that generation was a process that required an explanatory principle. Parents expend no thought on the design of their progeny’s frame; hence it is inconceivable that they should contribute in any way to the biological organisation of their young.<sup>89</sup> Paley resumed the traditional tirade against the antiquated materialism represented by points 5 and 6, but apart from his brief and flimsy animadversion on point 3, he substantially ignored points 1 to 4, which made doubtful the assumption that order was necessarily the product of mind.

What is more – leaving aside the critique of the argument from design itself – he offered little by way of reply to the most damaging of all Philo’s

<sup>87</sup> Hume, *Dialogues*, p. 182.

<sup>88</sup> *Natural Theology*, p. 44.

<sup>89</sup> Ray, *Wisdom of God*, p. 218.

observations, the contention that the whole enterprise of natural theology was injurious to Christianity, since the infinite characteristics that Christians ascribed to God could not possibly be inferred from the finite productions observed in nature. Even if the theologians could prove that nature was designed, in other words, this fell far short of showing that the designer was the Almighty of Christian theology.

That the divinity may possibly be endowed with attributes, which we have never seen exerted; may be governed by principles of action, which we cannot discover to be satisfied: all this may be freely allowed. But still this is mere possibility and hypothesis. We can never have any reason to infer any attributes, or any principles of action in him, but so far as we know them to have been exerted and satisfied.<sup>90</sup>

Worse still, the theists' assertion that the divine mind was something like the flawed and finite mind of man only served to undermine any sense of its infinitude, for it suggested the possibility that His manufactures might resemble human productions in some other respects. Human contrivances were sometimes co-designed and often the product of trial and error. Having no other world to compare our own with, observes Philo, we have no way of knowing what standard it has been built to. The theist 'is able to assert . . . that the universe, sometime, arose from something like design: but beyond that position he cannot ascertain one single circumstance . . . This world for ought he knows, is very faulty and imperfect, compared with a superior standard; and the first rude essay of some infant deity'.<sup>91</sup>

Although, as a number of scholars have noted, Paley defined the divine attributes in ways that seemed to recognise the untenability of traditional notions of His infinitude – adopting, for example, Priestley's description of omnipotence as the power and knowledge requisite to create everything around us – for the main part he seemed oblivious to such difficulties.<sup>92</sup> He was adamant, indeed, that 'contrivance, if established, appears to me to prove everything we wish to prove'.<sup>93</sup> And, as the following analysis reveals, he frequently explained God's behaviour in ways that took the traditional

<sup>90</sup> Hume, *Enquiry*, p. 141.    <sup>91</sup> Hume, *Dialogues*, p. 169.

<sup>92</sup> *Natural Theology*, p. 306. Joseph Priestley, *Letters to a Philosophical Unbeliever. Part One. Containing an Examination of the Principle Objections to the Doctrines of Natural Religion, and Specially Those Contained in the Writings of Mr. Hume*, 2 vols. (1780; 2nd edn. 1787), vol. 1, p. 70. See M. A. Stewart, 'The Scottish Enlightenment' in Stuart Brown (ed.) *British Philosophy and the Age of Enlightenment* (London, 1995), p. 286; Burbridge, 'William Paley Confronts Erasmus Darwin', 64; Brooke, 'Did Paley Go Beyond Paley?', 5.

<sup>93</sup> *Natural Theology*, p. 284.

characterisation of his personality for granted. Although Paley was committed to conveying the sense that the Creator had personality, arguably this was principally a rhetorical rather than a philosophical exercise; certainly he did not offer anything like a systematic response to Hume's critique of standard accounts of the divine attributes.<sup>94</sup> While Paley did not ignore Hume altogether, his engagement with Philo was nothing like the full frontal attack described by Addinall. He added little of philosophical substance to the body of arguments that Philo's flustered adversary Cleanthes had rehearsed in the *Dialogues*. Thus the *Edinburgh Review*, in praising Paley's spirited stand against 'the atheistical philosophers', noted that their 'metaphysical objections ... are not perhaps sufficiently weighted and refuted'.<sup>95</sup> It needs to be asked why Paley avoided such a head-on encounter.

The obvious reason why eighteenth-century theologians ignored such questions was that they simply had no answers.<sup>96</sup> When responding to Hume, Priestley, too, had resumed the age-old diatribe against atomism, while largely sidestepping his more profound charges. Whatever successes they had in refuting 'Of Miracles', indeed, their responses to the *Dialogues* were uniformly toothless.<sup>97</sup> But there were also strategic reasons for omitting such 'cavils'. Francis Jeffrey conjectured that Paley probably deemed such weighty deliberations 'less necessary in a work intended for general

<sup>94</sup> See pp. 166–167.

<sup>95</sup> [Jeffrey.] 'Dr Paley's *Natural Theology*', p. 304. A number of scholars have argued that Paley's thesis represented a major revision of the traditional argument from design, in that it did not depend on analogical reasoning. See, for example, Neal C. Gillespie, 'Divine Design and the Industrial Revolution: William Paley's Abortive Reform of Natural Theology', *Isis*, 81 (1990), 214–29. Murdith McLean, 'Did Paley Ignore Hume on the Argument from Design', in Derek Hum (ed.) *Faith, Reason and Economics: Essays in Honour of Anthony Waterman* (Manitoba, 2003), pp. 169–87. Yet contemporary reviewers were unanimous that *Natural Theology* added nothing to the age-old argument. See, for example, Anon., *The Monthly Review*, XLII (1803), 262; [Jeffrey.] 'Dr Paley's *Natural Theology*', pp. 288, 295. Paley was explicit about the analogical character of his argument. From early in the book, he talks about human and divine works using 'instruments of the same kind', being put together 'upon the self-same principles'; we repeatedly hear of the 'similitude', 'resemblance' and 'analogy' between them. *Natural Theology*, pp. 15, 13–15; See also, p.29. He insists 'most strenuously on the correctness of the comparison' between the watch and the works of nature. (p.35). When he talks about 'the mechanical parts of our frame', he means 'those in which this comparison is most complete'; these, he is clear, 'are the most proper to be alleged as proofs and specimens of design' (p. 63). By contrast, the notion that mechanism arose from 'a principle of order' had 'no analogy to sustain it' (pp. 49–50), while the theory that it sprung from 'generation' was 'confirmed by no analogy' (p. 296).

<sup>96</sup> For a sensible philosophical perspective see Thomas McPherson, *The Argument from Design* (London, 1972).

<sup>97</sup> See John Valdimir Price, 'Introduction' to *Remarks on Mr. Hume's Dialogues Concerning Natural Religion* by Thomas Hayter (Bristol, 1992). See also the replies to the *Dialogues* in Stanley Tweyman (ed.) *Hume on Natural Religion* (Bristol, 1996), pp. 39–93.

perusal'.<sup>98</sup> Even if they had been able to come to grips with the objections, presenting such problematic material to a general readership was hazardous. Priestley advised readers 'not used to metaphysical speculations' to skip certain chapters, lest they 'should hastily conclude that the whole is a business of subtle disputation' and neglect it all.<sup>99</sup> Many readers would have found early editions of *Natural Theology* too pricey, but given the success of his earlier works, Paley had every reason to expect its wide diffusion.<sup>100</sup> Reviewers unanimously predicted its popularity. A potted version was available by 1804, hurriedly put together, perhaps under the misapprehension that it would join the *Evidences* on the Cambridge syllabus.<sup>101</sup> Like Priestley, Paley was not going to risk derailing his admirers' faith by introducing doubts where there had been none. 'A large tribe of your infidels . . . take up infidelity all of a sudden upon the first difficulty they meet with', observed Paley, in a lecture to the junior bachelors of Christ's College. As a single faulty impression could initiate a catastrophic succession of ideas, a book destined to be read often and by many might do untold damage. 'A trifling objection by being frequently urged . . . makes such a considerable impression upon the person himself, that though at first he did not believe it, afterwards he will not be able to [dispossess] himself of it'.<sup>102</sup> Simply routing a sceptical opponent, as it was generally agreed Paley had done to Hume in the *Evidences*, gave the reader the impression that Christianity had a monopoly on right reason.<sup>103</sup> But why risk exposing them to material that might unsettle their belief? There is strong evidence that throughout his career, Paley carefully sorted those disputations that helped fortify doctrines 'we had taken up upon authority' from potentially pollutant philosophical problems.<sup>104</sup> If Hume's 'sophistry' was fair game in the *Evidences*, Tom Paine's 'impudence' required

<sup>98</sup> [Jeffrey], 'Dr Paley's *Natural Theology*', 304.    <sup>99</sup> Priestley, *Letters*, vol. 1, pp. xx–xxi.

<sup>100</sup> Aileen Fyfe estimates the original price at 10s, a whole week's wages for many agricultural and even skilled industrial labourers. See Aileen Fyfe, 'Publishing and the Classics: Paley's "*Natural Theology*" and the Nineteenth-Century Scientific Canon', *Studies in the History and Philosophy of Science Part A*, 33 (December, 2002), 736. In 1805, the year of Paley's death, *Natural Theology* went into its tenth edition. Fyfe computes that an impressive 15,000 copies were sold in its first fifteen years in print. Idem, 'The Reception of William Paley's *Natural Theology* in the University of Cambridge', *The British Journal for the History of Science*, 30 (1997), 324.

<sup>101</sup> Jeremiah Joyce, *A Full and Complete Analysis, of Dr Paley's Natural Theology* (London, 1804). It did not become required reading at Cambridge, however. See Fyfe 'The Reception of William Paley's *Natural Theology*', 321–35.

<sup>102</sup> William Paley, 'Lectures to Junior Bachelors', fol. 5.

<sup>103</sup> In the period of six to eight months after the publication of the *Evidences* (1794), a tide 'of substantial and disinterested patronage from different quarters . . . flowed in'. Edmund Paley, *Life of Paley*, pp. cci–cciii. See p. 127 n. 3.

<sup>104</sup> *Natural Theology*, p. 373.

another tack. 'I think no good is done by a reply, which would only unavoidably disseminate his poison', wrote Paley.<sup>105</sup>

But there were other reasons why this kind of paternalistic censorship made strategic sense. There is no reason to believe that Paley and Priestley differed from their predecessors by accepting atheism as an opinion that could be arrived at by honest, healthy ratiocination. Atheism was a symptom of profligacy, according to Ray, its adherents 'vile miscreants and rebels'.<sup>106</sup> Citing Hume's autobiographical essay, Priestley wondered if the author had been lured into scepticism by his desire for literary fame, and 'not the pursuit of truth'.<sup>107</sup> Paley put the malady down to a kind of intellectual hedonism, an inability to be 'content with common reason'.<sup>108</sup> Its chief causes were vice, vanity and rashness.<sup>109</sup> It was even suggested that this intellectual rebelliousness might be a type of madness, a 'debility of mind, which can trust to its own reasonings in nothing'.<sup>110</sup> Thus Addinall's claim that Paley considered his work to be 'a cast-iron demonstration guaranteed to win the approval of unprejudiced reflection', and even to convince sceptics, is only half right.<sup>111</sup> The reader never gets the impression that the author is addressing anyone other than theists. He believed that contemplating God's works was often 'the very first thing that leads to a religious disposition', and it was suggested in *Natural Theology* that a hunger for revelation might accompany nascent theism.<sup>112</sup> But that Paley has in mind the progress from nominal to practical belief, rather than the conversion of philosophical unbelievers, is clear from his concerted effort to reassure his readers that natural theology was not corrosive to scriptural faith. 'The true theist will be the first to listen to any credible communication of Divine knowledge . . . Nothing which he has learnt from Natural Theology will diminish his desire for further instruction'. For Paley, nominal belief was based on a tired assent to verbal propositions, a hackneyed biblical faith practised more from habit than conviction.<sup>113</sup> He

<sup>105</sup> Edmund Paley, *Life of Paley*, p. clxxx. Tucker was of the same view. *Light of Nature*, vol. 2, p. 396.

<sup>106</sup> Ray, *Wisdom of God*, p. 248.

<sup>107</sup> Priestley, *Letters*, vol. 1, p. 125. He was alluding to Hume's remark that 'Even my love of literary fame, my ruling passion, never soured my temper.' David Hume, 'My Own Life' in Norman Kemp Smith (ed.) *Dialogues Concerning Natural Religion* (1779; London, 1947), p. 239. *Natural Theology*, p. 296.

<sup>108</sup> *Natural Theology*, p. 296.

<sup>109</sup> Paley, 'Lectures to Junior Bachelors', fol. 3. On infidelity, John Law believed 'the grand cause of it is vice, and an unwillingness to submit to the restraints which religion imposes'. John Law to William Paley, 1797, Edmund Paley, *Life of Paley*, p. ccl.

<sup>110</sup> *Natural Theology*, p. 65. See also Priestley, *Letters*, vol. 1, p. xxxi.

<sup>111</sup> Addinall, *Philosophy*, p. 41.

<sup>112</sup> Paley 'The Being of God Part 1', p. 402. *Natural Theology*, p. 377.

<sup>113</sup> *Natural Theology*, pp. 377, 375.



clearly concurred with Priestley, however, that 'Nothing but reflection is wanting to reclaim such a person'. This was in stark contrast to the natural theologians' pessimism regarding the conversion of sceptics. Priestley had never heard of a single speculative atheist who had been won over even to serious deism.<sup>114</sup> Their realism about what might be achieved, however, in no way contradicted their belief that the design thesis would convince anyone who gave it proper consideration. For, as they saw it, the infidel harboured an 'invincible bias . . . against religion' that meant he could never give the theist a fair hearing. Hooked on high delights, he naturally recoiled from principles that might curtail his self-indulgence.<sup>115</sup>

Furthermore, the aggregate effect of such vicious diversions was 'to confuse and debilitate' the mind, rendering it impervious to rational argument.<sup>116</sup> 'On such minds, not even the demonstration by which every page of Dr Paley's work is distinguished, will be sufficient to produce a conviction of truth', observed one reviewer. The same commentator was in no doubt that the author's target reader was none other than 'the thoughtless theist', whose belief in design needed to be 'confirmed and invigorated'.<sup>117</sup> Paley gives no 'apology', as Addinall suggests, for offering 'pointless proofs' to those who are already convinced, which would suggest that the arguments were meant for unbelievers.<sup>118</sup> Rather, he explains why, when 'no proofs were wanted', he gives them nonetheless.<sup>119</sup> The reason, we know, was to foster 'stability and impression' in the mind of the theist, who had previously taken his faith merely on authority. It is easy to see how his treatment of atheism helped in this regard. Choice objections to the argument from design were debunked as relics of ancient sophistry, fortifying the principal argument that design needs a designer. Natural theology bated the sceptical infidel so as to bolster the practical atheist's confidence in his faith; as it were, sacrificing the incurable to save the unwell.

### Evolutionism and 'The Ever-present Regulating Power'

Eighteenth-century divines dismissed sceptical arguments as intellectual games devised by minds that were addicted to abstruseness. In the second

<sup>114</sup> Priestley, *Letters*, vol. 1, pp. ix, xiii.

<sup>115</sup> Paley, 'Lectures to Junior Bachelors', fol. 3. Ray had similarly argued that the infidel takes sanctuary from his conscience in atheism 'because it imports him highly there should be no God'. *Wisdom of God*, p. 247.

<sup>116</sup> Paley, 'Lectures to Junior Bachelors', fol. 3.

<sup>117</sup> Anon, 'Evidences of Natural and Revealed Religion', *The Annual Review and History of Literature for 1802* (London, 1803), pp. 150, 151.

<sup>118</sup> Addinall, *Philosophy*, p. 41. <sup>119</sup> *Natural Theology*, p. 373.



half of the century, however, the design thesis came under fire from a more reputable quarter, natural history. Their analysis of empirical data led Buffon and Erasmus Darwin to conclude that mechanism as we see it in the universe was not the product of a single act of creation but had evolved over aeons. Darwin's *Zoonomia* (1794–6) contains perhaps the first clear and comprehensive statement of the modern theory of the transmutation of species.<sup>120</sup>

From thus meditating on the great similarity of the structure of the warm blooded animals, and . . . of the great changes they undergo both before and after their nativity, and by considering in how minute a portion of time many of these changes of animals . . . have been produced, would it be too bold to imagine, that in the great length of time, since the earth began to exist, perhaps millions of ages before the commencement of the history of mankind . . . that all warm blooded animals have arisen from one living filament, which THE GREAT FIRST CAUSE endued with animality, with the power of acquiring new parts, attended with new propensities, directed by irritations, sensations, volitions, and associations; and thus possessing the facility of continuing to improve by its own inherent activity, and of delivering down those improvements by generation, world without end!<sup>121</sup>

Foreshadowing Charles Darwin's refutation of Lamarckian evolution in *On the Origin of Species* (1859), Paley pointed out that all the evidence goes against the idea of animal parts arising from their uses. The heart valves, for example, could not have come into being via their own action, since blood flowing normally has no tendency to produce them, and abnormal blood currents tend to work against their construction.<sup>122</sup> These were among an extensive catalogue of parts that exist in spite of forces apparently militating against them. In short, Erasmus Darwin's scheme suffered from 'a total defect of evidence'. 'All the changes in Ovid's *Metamorphoses* might have been effected by these appetencies, if the theory were true; yet not an example . . . is offered of a single change been known to have taken place'.<sup>123</sup> Because Darwin ultimately attributed generation to God – in the

<sup>120</sup> Although Buffon believed in the fixity of species, he explained 'generation' – i.e. the manner in which animals and plants acquired the characteristics of their parents – in terms of biological inheritance. See George Louis-Leclerc, Comte de Buffon, *Natural History, Containing a History of the Earth, a General History of Man, of the Brute Creation and of Vegetables, Minerals &c*, 10 vols. (London, 1797), vol. 3. Paley derided the notion of 'internal moulds' – invoked by Buffon to explain generation – as vacuous, as well as attacking his naturalistic cosmology. *Natural Theology*, pp. 297, 298, 299, 280. See Jacques Roger, *Buffon: A Life in Natural Science*, trans. Sarah Lucille Bonnefoi, L. Pearce Williams (ed.) (London, 1997).

<sup>121</sup> Erasmus Darwin, *Zoonomia, or the Laws of Organic Life*, 2 vols. (Dublin, 1794–96), vol. 1, pp. 552–3.

<sup>122</sup> *Natural Theology*, pp. 112–13. For similar examples, see pp. 100–1, 105, 114, 157–66.

<sup>123</sup> *Ibid.*, p. 301.

sense that the 'first link' in 'the perpetual chain of causes and effects' that brought it about was said to be 'riveted to the throne of God' – Paley recognised that his theory was not necessarily atheistic.<sup>124</sup> Yet he took a relatively hard line against evolutionism.<sup>125</sup> Although his admission that much of what went on in the universe was produced by 'what are called secondary causes' (i.e. chains of cause and effect between the first cause and the final effect) prompted T. H. Huxley to declare that Paley 'proleptically accepted the modern doctrine of evolution', this was clearly a misunderstanding.<sup>126</sup> For Paley was unyielding in his conviction that secondary causes were nothing more than 'trains of mechanical dispositions, fixed beforehand by intelligent appointment'.

They were merely parts of mechanism whose use was as yet unknown. If we were privy to the secrets of chemistry and astrology, there would be no part of nature we could not compare to a machine. The fact that there sometimes appears to be a sequence of undesigned links in the chain from which order is seen to arise is merely an illusion.

If in tracing these causes, it be said that we find certain general properties of matter which have nothing in them that bespeaks intelligence, I answer, that still, the managing of these properties, the pointing and directing of them to the uses which we see made of them, demands intelligence in the highest degree.<sup>127</sup>

Supposing 'animal secretions to be elective attractions', the only difference between them and the muscles in the arm, urged Paley, was that in the latter our senses can perceive the full apparatus. The free play of matter cannot produce mechanism in organisms. Matter is not free to play; God directs every particle.<sup>128</sup>

The crucial point, as far as Paley was concerned, was that matter in motion by itself never produced any new organic form. That he entertained no concept of organic progress on a generational time scale is also evidenced by his defence of the doctrine of instincts. Locke's epistemology, while rejecting innate ideas, allowed for inborn appetites. It suited Paley's notion of mechanism well to categorise useful animal propensities as innate drives. The doctrine of instincts argued, therefore, that female birds sat on their eggs because they had been pre-programmed to do so. They were not

<sup>124</sup> *Natural Theology*, pp. 300–1. Darwin, *Zoonomia*, vol. 1, p. 584.

<sup>125</sup> Priestley was less insistent than Paley about defining the exact means of divine production. See his response to d'Holbach's *Système de la nature* (1770). *Letters*, p. 173.

<sup>126</sup> Clarke, *Evidences for the Man*, p. 98. See Francis Darwin (ed.) *Life and Letters of Charles Darwin*, 3 vols. (London, 1887), vol. 2, p. 202.

<sup>127</sup> *Natural Theology*, pp. 292, 220, 291. <sup>128</sup> *Ibid.*, pp. 291, 292.

simply responding to pleasant sensations received from the warm egg. Indeed, as Paley noted, brooding was often a rather harrowing experience for the mother bird.<sup>129</sup> Neither were maternal instincts learned, for sparrows brought up in total isolation never failed to build nests and tend to their eggs.<sup>130</sup> The strategy here as elsewhere was to insist that useful attributes were all in the original programming of the organism. No external triggers were required. Such assertions were always accompanied by the back-up premise, however, that if environmental stimuli did in fact produce some wanted reaction, this was merely evidence a more circuitous, and hence more complex, contrivance. Even if the hen was encouraged to brood by pleasant sensations associated with the task, the question remained: 'How comes this extraordinary heat or itching . . . which you suppose to be the cause of the bird's inclination, to be felt, just at the time when the inclination itself is wanted?'<sup>131</sup> When the plumule of a plant that had been pointing downwards changed its course in response to the stimulation of air, Darwin called it adaptation. If the individual can respond to the challenges of its environment, so could the species change to cope with the pressures of survival. For Paley, the stimulation itself, and the framing of the plant's connate parts to be susceptible to it, was further proof of divine design.<sup>132</sup> Moreover, the organism's ability to adapt in its own lifetime was not projected into the history of the species, the life of each creature being completely compartmentalised in that respect. But his insistence that animal instincts were produced on the same mechanical principles as the lungs and heart left Paley with a problem, one that had exercised the minds of theist natural philosophers since the inception of mechanical science. If the universe worked like clockwork, was there any further need for the clockmaker? How could one square the hypothesis that all events in the universe could be explained in terms of mechanical laws with the idea of a continued divine care, of an agency that had not ceased at the moment of creation? Such difficulties highlight the strains that could emerge between the philosophical and rhetorical side of Paley's scheme.

Ever since Leslie Stephen advanced the view in 1876, there has been a consensus among scholars that Paley fostered a spiritually sterile conception of the deity, a watchmaker-God who had remained a mere spectator of worldly affairs since the Creation.<sup>133</sup> But it is based on a fundamental

<sup>129</sup> *Ibid.*, p. 221.    <sup>130</sup> *Ibid.*, p. 211.    <sup>131</sup> *Ibid.*, p. 219.    <sup>132</sup> *Ibid.*, p. 250.

<sup>133</sup> Paley's theology, claims Stephen, 'is essentially a belief in God as the contriver, not as the ever-present regulating power of the universe.' Stephen, *English Thought*, vol. 2. p. 124. Horton Davies remarks of latitudinarian divinity that 'Paley admirably defined their mechanical Deity as a clockmaker God, active in creation, but inactive ever since.' H. Davies, *Worship and Theology*,

misconception. For like so many writers in the natural theological tradition, Paley went to great lengths to preserve the idea of a personal Deity, who meddles, albeit imperceptibly, in human affairs. The significance of the doctrine for theological utilitarians and for all Christians was captured well by Edmund Law:

Were the laws of nature absolutely fix'd and unalterable . . . what room would there be left for the particular duties of faith, hope, and trust in God . . . in short, for any kind of duty and devotion towards him, – unless we really believe that he has the disposal of events, and that he will direct them for our benefit?<sup>134</sup>

Because it is crucial to a proper understanding of the theological utilitarian mindset, this chapter concludes with a brief description of Paley's attempts to characterise the divine craftsman as a God that was worth praying to. Through a mixture of assertion, assumption and hypothesis, the reader was left with the impression that the divine mechanic was still on hand to adjust His mechanism when necessary, be it in response to the supplications of the faithful or to overturn the most flagrant human injustices.

While, in theory, natural theology involved inferring the characteristics of God from his creation, in practice religious philosophers often slipped into the habit of taking the traditional set of divine attributes – omnipotence, omnipresence and personality – for granted (as Hume so pointedly observed). This explains why in some sense the narrative of *Natural Theology* begins and ends with an all-powerful Creator. Before enumerating the watchmaker's attributes, Paley had to explain why an omnipotent God had needed to resort to contrivance at all. His solution was tried and tested. 'To have recourse to expedients', like the circuitous but efficient muscular configurations of the eye, where 'a simple volition of the Creator' could have done the trick, 'implies defect of power', admitted Paley.<sup>135</sup> Indeed, going by appearances, anyone would think that having fixed the rules and 'provided certain materials', the Almighty had contracted the work of creation out to lesser agents.<sup>136</sup> There was method to this arrangement, however, for it was through his mechanisms that God directly revealed himself to mankind. Take away these demonstrations of

p. 53. 'Without the *Evidences* his philosophy could easily be construed as deistic', observes LeMahieu, *Mind of Paley*, p. 91.

<sup>134</sup> Edmund Law, *The Grounds of a Particular Providence: A Sermon Preached before the Lords Spiritual and Temporal . . .* (1771), p. 8.

<sup>135</sup> *Natural Theology*, p. 27.

<sup>136</sup> He would not advance this as a philosophical doctrine, but felt that it 'does not convey a false idea'. *Natural Theology*, p. 29.

his wisdom, and ‘you take away every . . . ground of reasoning’.<sup>137</sup> Reasoning from nature, contrivance ‘proves the personality of the Deity, as distinguished from what is sometimes called . . . a principle’. The capacities required to ‘perceive an end’ and organise the means of achieving it imply ‘consciousness and thought’, in other words, mind; and that in which mind resides is a person.<sup>138</sup> But, on their own, such capabilities hardly amounted to personality as we normally conceive of it. And the more emphatically Paley asserted the sovereignty of mechanism (in response to the challenge of transmutational biology), the more his supreme inventor could seem to resemble the disinterested creator of the deists. He employed three arguments to convey the sense that, on the contrary, God remained deeply involved in the universe.<sup>139</sup>

As one would expect, given his Cambridge education, Paley upheld Newton’s view that matter, being inert, required the constant agency of the Deity to keep it in motion, and that the laws of nature were therefore emanations of the divine will – as opposed to the view, increasingly gaining sway at the end of the eighteenth century, that motion was intrinsic to matter.<sup>140</sup> With a view to proving that a mechanistic description of the world was not incompatible with divine ubiquity, first of all, Paley attempted to establish His continued agency – on the grounds that ‘Where he acts, he is’.<sup>141</sup> The universe did not operate like a chain reaction set in motion at the Creation, for ‘mechanism, without power, can do nothing’. ‘If I saw a hand-mill at rest, I should see contrivance: but if I saw it grinding, I should be assured that a hand was at the windlass, though in another room’.<sup>142</sup> Having compared the supposedly single act of creation to the sequential adaptation of machinery, Paley now removed vital steam power from the mill: God could not leave his post. According to this model, what happens in the universe depends on ‘mechanical dispositions, fixed beforehand by an intelligent appointment’. But divine agency is continual, for the machine is ‘kept in action by a power at the centre’.<sup>143</sup> To emphasise the need for the constant operation of the deity, Paley returned to his core analogy. Whereas the evident utility of its arrangement would force the heath-walker to conclude that the watch had a designer,

<sup>137</sup> *Ibid.*, pp. 29, 28.

<sup>138</sup> *Ibid.*, p. 284. Paley attributes this definition to Priestley, *Letters*, vol. 1, 284.

<sup>139</sup> ‘Because God is pleased, in his general operations, to act regularly, shall we think that he does not act at all?’ Paley, ‘The Being of God as Demonstrated in the Works of His Creation (Part 2)’, Sermon XXXII, in *Works*, vol. 6, p. 410.

<sup>140</sup> See P. M. Heimann, ‘Voluntarism and Immanence: Conceptions of Nature in Eighteenth-Century Thought’, *Journal of the History of Ideas*, 39 (1978), 271–83.

<sup>141</sup> *Natural Theology*, p. 309. <sup>142</sup> *Ibid.*, pp. 289, 291. <sup>143</sup> *Ibid.*, p. 292.

the fact that it was *going* would just as certainly convince him that a 'power, *distinct from mechanism*, is, at this present time, acting upon it', since it was obvious that a 'living, acting, moving, productive nature' required the same kind of perpetual force.<sup>144</sup>

Paley insisted, however, that as well as turning the windlass of nature, the Almighty gave direction to its operations. As Cudworth and Ray had understood it, design was a constant process. Seeing that 'stupid matter' was by itself incapable of observing external laws and sustaining motion, there must be 'some external intelligent Agent, either God himself immediately, or some Plastick Nature' which not only keeps it in motion but governs its movement throughout the generative process. Considering the number of 'Errors and Bungles' that were evident in the fabric of nature, however, it was more likely that He had left this mundane labour to 'the subordinate Ministry' of inferior agents, opined Ray.<sup>145</sup> Cudworth contrasted his notion of a perpetual divine maintainer with the 'idle Spectator' of the Mechanic Theists (Cartesians), who created matter, set it in motion according to laws, then stood back to watch all the world and the creatures within it emerge.<sup>146</sup> Prompted by the same concerns, Paley espoused the same doctrine of subordinate agents, observing that when 'taking their station' unconscious particles of matter, if not governed by 'a train of preordained secondary causes', may be guided by 'particular intelligent beings'.<sup>147</sup> Though unwilling to advance the doctrine as 'an object of philosophy', he proceeded to involve a veritable menagerie of such inferior agents in the operations of nature.<sup>148</sup> Having laboured on the initial creation, these conscientious contractors had remained on-site to ensure proper maintenance, acting all the time 'under a presiding, a controlling will'.<sup>149</sup> Whether through 'the ministry of subordinate agents' or by his turning the windlass, God was active in the world.<sup>150</sup> When Paley spoke of an 'invisible hand' that prevented starving mother birds from deserting their nest-bound young, or of a 'superior agent' who continually suspended the planets in their correct cosmic loci, it was with the strong sense that such favours were expressions of ongoing agency, and not purely

<sup>144</sup> My italics. *Ibid.*, pp. 290–1.

<sup>145</sup> He had in mind 'those errors which are committed when matter is inept or contumacious, as in monsters, &c. which argue the agent not to be irresistible'. However, the Almighty condescended to execute those tasks that were beyond the capabilities of subordinate ministers. Ray, *Wisdom of God*, pp. 34–6. See also Cudworth, *True Intellectual System*, p. 149.

<sup>146</sup> Cudworth, *True Intellectual System*, p. 683. See also Ray, *Wisdom of God*, p. 24.

<sup>147</sup> *Natural Theology*, p. 292.

<sup>148</sup> *Ibid.*, pp. 29, 363. See also, pp. 29, 240, 272, 286, 292, 314, 363. <sup>149</sup> *Ibid.*, p. 315.

<sup>150</sup> *Ibid.*, p. 314.

the product of ancient engineering.<sup>151</sup> God was ‘about our path and about our bed, not far from everyone of us’.<sup>152</sup>

Having demonstrated that general providence involved continuous agency, finally, Paley was but a small step away from establishing the operation of a particular providence – no small matter, given his assurances in the *Principles* that the Almighty intervened on behalf of the prayerful and to counteract inhumanity on a global-historical level. Habitual supernatural interventions, or ‘express miracles’ on man’s behalf, would render the species negligent and slothful. For all practical purposes the laws of nature had to be treated as uniform and universal, insisted Paley. But the need for constancy did not preclude ‘secret direction’. The Deity certainly had ‘the power of winding and turning as he pleases, the course of causes which issue from himself’. And though He ‘may have made a reserve with respect to the manifestation of his interference’ so as not to upset the rhythms of human life, Paley was clear that the Almighty did ‘in fact interpose to alter or intercept effects’. This was ‘not only . . . a creative, but . . . a continuing care’.<sup>153</sup> But while there was ‘ample province’ for the ‘interruption of laws’, this was not ‘capricious’ interference, as one historian has called it.<sup>154</sup> Indeed despotic intervention would void the argument from design altogether, since mechanism or apparent design was nothing more than a visible congruity with the laws of nature. The architecture of the eye was admirable only because it dovetailed with the laws of optics. Belief in an imperceptible providence did not impinge on the mechanical explanation of nature, being, as Paley admitted, ‘a doctrine of sentiment and piety, not (immediately at least) of action or conduct’.<sup>155</sup> But having no truck with the piety for its own sake, in the same breath he identified the social utility of the teaching, observing how it engendered patience, and strengthened the motives for trying to please God.<sup>156</sup> This echoed his peroration in the *Principles* that ‘a conflux of awful ideas’ concerning the divine agency and presence had a profound influence on the behaviour of the believer, making him mindful of his fate in the afterlife.<sup>157</sup> While Paley’s *Natural Theology* emphasised divine creativity, the Deity he

<sup>151</sup> *Ibid.*, pp. 221, 283. <sup>152</sup> Paley, ‘The being of God Part 2’, p. 406. *Natural Theology*, p. 381.

<sup>153</sup> *Natural Theology*, pp. 364–6. A sermon penned in his final weeks restated the doctrine. See Edmund Paley, *Life of Paley*, pp. cclxxvii–cclxxviii.

<sup>154</sup> *Natural Theology*, p. 364. Adrian Desmond, *The Politics of Evolution: Morphology, Medicine, and Reform in Radical London* (Chicago, 1989), p. 199. This view has been discredited by Boyd Hilton, ‘The Politics of Anatomy and an Anatomy of Politics, c. 1825–50’ in Stefan Collini, Richard Whatmore and Brian Young (eds.) *History, Religion, and Culture: British Intellectual History 1750–1950* (Cambridge, 2000), pp. 179–98.

<sup>155</sup> *Natural Theology*, p. 364. <sup>156</sup> *Ibid.*, p. 365. <sup>157</sup> *Principles*, p. 349.

worshipped was the omnipresent caretaker who had seen fit to impose limits on his own power so that men might know him, and on his benevolence that they might be tried.

John Hedley Brooke has chronicled the development of voluntarist models of divine intervention in the seventeenth century, as natural philosophers sought to square a mechanistic view of nature with Christian beliefs. Implicit in such schema was the understanding that the laws of nature did not represent the full extent of the Deity's powers, but only His preferred *modus operandi*. For Robert Boyle and likeminded researchers, this distinction made particular providence possible in a clockwork universe.<sup>158</sup> But the regular and discreet intercession posited by Paley must also be seen in the light of a specifically latitudinarian agenda. In one lecture, Paley contrasted this idea of a hidden intercession with the Methodist's belief in a more explicit agency.<sup>159</sup> The doctrine of secret interference instilled a sense of God's immanence that was both comforting and awe inspiring, while engendering none of the spiritual turbulence associated with belief in the perceptible movements of the Holy Spirit. Spiritual agency was preserved in the mechanical universe, but it was also regularised, divested of enthusiastic potential. The scheme of divine intervention, as delineated in Paley's theology, was perfectly suited to the human character. Whereas conspicuous interventions had been wanted to kick-start the spread of Christianity, these had later given way to a subtler engagement, one more conducive to equanimity.

### The Problem of Evil

By the time he came to address the question of the divine character explicitly in the last three chapters of the book, then, Paley had already done much to evoke a sense of His benevolent personality: the great inventor was also a kindly steward. In tackling the question head-on, however, he was forced to confront what was perhaps the weightiest difficulty for Christian natural theology, and therefore a favourite motif of its assailants, the so-called problem of evil: the paradox of the existence of evil in a world created by a God who was supposedly both omnipotent and infinitely benevolent. Although the overarching aim of such arguments was to remove one of the principal challenges to religious belief,

<sup>158</sup> John Hedley Brooke, *Science and Religion: Some Historical Perspectives* (Cambridge, 1991), p. 134.

<sup>159</sup> William Paley, 'Extracts from College Lectures', Appendix to Edmund Paley, *Life of Paley*, p. cccxiv.



however, it is evident that in answering the question, Paley was also intent on both reaffirming the deeply man-centred religious attitudes that characterised his broad agenda and advancing the programme of moral improvement at its core.

To appreciate what was at stake for Paley and his allies in this debate, we must recall that trust in the benevolence of God was the cornerstone of latitudinarian theology. In his *Reasonableness of Christianity* (1695), a founding text in the tradition, Locke argued that the only thing essential to salvation was belief that Christ was the saviour, which ultimately came down to the 'reliance on the goodness and the faithfulness of God'.<sup>160</sup> This faith underpinned the emphasis that latitudinarians placed on the benefits of religion for the true believer in this life and the next. Moreover, it was integral to their belief that morality was the substance of religion. It was entailed, for example, in the widely held view that to cultivate virtue was to nurture the divine part of our nature, 'the seeds of ingenuity, of equity, of pity, of benignity', being 'Features resembling God, and Relicks of the divine original', as Barrow put it.<sup>161</sup> Such commitments help to explain why demonstrating the divine benevolence was a core preoccupation for religious writers of this ilk throughout the eighteenth century, and why it was one of the express objectives of the Newtonian natural philosophy which became so prominent on the Cambridge syllabus in the eighteenth century.<sup>162</sup> Theological utilitarians were particularly invested in showing that the appearances of nature revealed the goodness of the Creator of course, as this was the first premise of their definition of virtue. When we consider, furthermore, that the formative essays in the Anglican development of Lockean moral thought were attached to Edmund Law's translation of William King's *De Origine Mali* (1702) and that some of Law's crucial early contributions were literally footnotes to King's elaboration of the divine attributes, it is no exaggeration to say that the doctrine was an offshoot of 'theodicy'. That the enquiry into the cause of evil should yield insights into morality was inevitable, by Law's thinking, since it endeavoured 'to discover the true intent of the Deity in creating Beings at all, without which we could have no understanding of how to 'answer the End of his Creation'.<sup>163</sup>

<sup>160</sup> John Locke, *The Reasonableness of Christianity, as Delivered in the Scriptures* (1695; 7th edn. 1764), pp. 206–7.

<sup>161</sup> Isaac Barrow, 'Of the Love of Our Neighbour', Sermon XXV, *The Works of the Learned Isaac Barrow, D.D . . . Published by His Grace Dr. John Tillotson, Late Archbishop of Canterbury*, 3 vols. (1700), p. 319.

<sup>162</sup> See Waterman, *Revolution, Economics and Religion*, p. 88.

<sup>163</sup> Edmund Law, 'Translator's Preface to *An Essay on the Origin of Evil* by William King (London, 1731; 4th edn. London, 1758), p. vii.

A brief sketch of some of the core arguments employed by eighteenth-century writers to justify the ways of God to man will help us to characterise Paley's contribution to the debate. In response to Pierre Bayle's contention in the *Dictionnaire historique et critique* (1697) that the mixture of good and evil in the world could not be reconciled with our usual ideas of the divine attributes by the light of nature, King responded that this duality was precisely what one ought to expect from an all-powerful and infinitely good Creator.<sup>164</sup> It was logically impossible even for an omnipotent God to create an '*absolutely perfect*' being, for a created being was necessarily less perfect than the agent which created it. Rather than remain alone in his perfection, however, God had been impelled by his benevolence to create other beings, even though it meant introducing imperfection into the universe.<sup>165</sup> In terms of explaining the proximate cause of the natural evil arising from this state of affairs, King argued that the pains suffered by God's creatures arose from their relation to or origin from matter.<sup>166</sup> King's brand of theodicy – a variant of the Augustinian model that became the backbone of the so-called 'doctrine of optimism', as later developed in Leibniz' *Théodicée* (1710) and Pope's *Essay on Man* (1733–4) – has been insightfully described by Hick as an aesthetic justification of evil, presenting the Creator as 'the Artist enjoying the products of creativity, rather than the Person seeking to bring about personal relationships with created persons'.<sup>167</sup> Asking the reader to observe the tableau of existence from a detached standpoint in order to appreciate the necessity of the dark shades for the harmony of the whole, it shows relatively little concern with the actual suffering of the creation, except to say that it should be borne stoically. Because of its capacity to nullify all evils in a metaphysical sense, there is relatively little need to downplay the actual pains of existence. Thus King felt no uneasiness about dwelling on the countless diseases suffered by animals and the endless warring of the species due to their tendency to multiply beyond the food supply.<sup>168</sup>

The later Lockean latitudinarians embraced a very different approach to the problem of evil, however, one which placed far more emphasis on the actual happiness of God's creation. Typifying this tradition, Tucker

<sup>164</sup> Pierre Bayle, *An Historical and Critical Dictionary . . . Translated into English, with many Additions and Corrections, made by the Author himself; that are not in the French Edition*, 4 vols. (London, 1710), vol. 3, pp. 1151–3.

<sup>165</sup> King, *Origin of Evil*, pp. 130–1. <sup>166</sup> *Ibid.*, pp. 131–4, 134.

<sup>167</sup> John Hick, *Evil and the Love of God* (London, 1966), p. 53. For the Augustinian origins, see pp. 38–93.

<sup>168</sup> King, *Origin of Evil*, p. 172.

opened his discussion of divine ‘Goodness’ with a searching critique of previous solutions to the problem of evil. Those who ascribed evil to ‘our immersion into matter’ failed to explain why the Creator had chosen such a shoddy building material in the first place.<sup>169</sup> King’s theodicy raised the question of why metaphysical imperfection had necessarily entailed suffering. A child was less perfect than a man, but the child’s diseases arose from the faultiness of his organs, not from his relative imperfection. Why should creatures with lesser capacities not be exempted from pain?<sup>170</sup> It was hardly surprising that we had such a poor grasp of these things, in Tucker’s view, since not only had we no experience of the quality of ‘pure disinterested bounty’ such as the deity must possess, but there was a problem in conceiving how limitless benevolence and omnipotence could exist in the same being, ‘for infinite goodness, according to our apprehension, requires that it should exhaust omnipotence, that it should give capacities of enjoyment and confer blessings until there were no more to be conferred; but our idea of omnipotence requires that it should be inexhaustible, that nothing should limit its operations so that it could do more than it has done’.<sup>171</sup> Assuming that God’s attributes must be infinite, it had to be conceded that a vital piece of the puzzle was missing. The only way forward was to ‘acknowledge evil to be unaccountable’, and focus on assessing whether the appearances of nature were consonant with our ideas of benevolence per se. Tucker concentrated therefore on demonstrating that there was far more good in the universe than evil, and that the evil that did exist invariably promoted the general good overall. Much came down to the outlook of the beholder. Those of a splenetic disposition saw inconvenience everywhere, whereas men of good nature perceived the benevolence of the Creator in ‘the flies in a summer evening dancing together in wanton mazes, the little pucerons in water frisking nimbly about, as if delighted with their existence’.<sup>172</sup>

In his *Divine Benevolence Asserted* (1781), another theologian with utilitarian sympathies, Thomas Balguy, similarly confined himself to demonstrating the goodness of the deity. Having shown that the ultimate end of divine design was to produce perception, he set out to determine whether it was ‘pleasant, or painful, or both’.<sup>173</sup> If it seemed that he had wanted to produce both pleasure and pain, God was capricious. If he only meant to cause pain, he was malevolent. But if his goal was to produce pleasure, and

<sup>169</sup> *Light of Nature*, vol. 2, p. 9.   <sup>170</sup> *Ibid.*, p. 10.   <sup>171</sup> *Ibid.*, pp. 12–3.   <sup>172</sup> *Ibid.*, pp. 18, 21, 17.

<sup>173</sup> Thomas Balguy, *Divine Benevolence Asserted; and Vindicated from the Objections of Ancient and Modern Sceptics* (1781), p. 11.

pains were 'accidental consequences' of his efforts, then he was benevolent.<sup>174</sup> Because nature operated according to general principles, it was improbable that God was a capricious being. The balance of evidence suggested he was good, but as with human agents acting on benevolent intentions, produced evil accidentally: 'For the production of good requires uniform conduct: and he who acts by rule will of course produce effects not intended'.<sup>175</sup> What further indicated the benevolent intention behind the creation was the fact that design promoted the happiness of the species as well as their mere preservation. While the business of animal existence might have been carried on through the gratification of appetites alone, understood as 'the removal of an uneasy sensation', the Creator had seen fit to append pleasures to their satisfaction.<sup>176</sup> A crucial difference between this type of explanation, and the more aesthetic 'theodicy' endorsed by Law, was that it placed a strong onus on the advocate to show that there was an overbalance of pleasure over pain in the world.

Although Paley did not provide a systematic account of evil in the *Principles*, his brief proof of the divine benevolence – that pain was never the object of God's contrivance – was clearly of the hedonistic kind advanced by Tucker and Balguy.<sup>177</sup> When he did get round to developing a substantial vindication of the divine character in *Natural Theology*, he naturally turned to the same style of argument. In other words, he focused on merely establishing the benevolence of the Almighty, bypassing the problem of evil. His case was based on two arguments (borrowed from Balguy): first, that 'in the vast plurality of instances . . . contrivance is beneficial', and second, that 'the deity has superadded pleasure to animal sensations, beyond what was necessary for other purposes'.<sup>178</sup>

In support of his second proposition, Paley lingered long on the many delights attached to animal existence that were superfluous to biological needs, including the pleasures of eating and of 'all secretion'.<sup>179</sup> The more challenging task of establishing the first point came down to conveying the felicitousness of 'the instruments of perception', the limbs and senses of living creatures, according to Paley; and he achieved this with the help of evocative pastorals very similar to those invoked by Tucker.

It is a happy world after all. The air, the earth, the water, teem with delighted existence. In a spring noon, or a summer evening, on whichever side I turn my eyes, myriads of happy beings crowd upon my view. 'The insect youth are on the wing.' Swarms of new-born *flies* are trying their

<sup>174</sup> *Ibid.*, p. 12.    <sup>175</sup> *Ibid.*, pp. 13, 14.    <sup>176</sup> *Ibid.*, p. 20.    <sup>177</sup> *Principles*, book two, ch. five.

<sup>178</sup> *Natural Theology*, p. 316.    <sup>179</sup> *Ibid.*, pp. 335, 340.

pinions in the air. Their sportive motions, their wanton mazes, their gratuitous activity, their continual change of place without use or purpose, testify their joy . . . <sup>180</sup>

From our post-Darwinian perspective, this view of nature seems preposterously anthropomorphic and idyllic. But as was observed earlier, Paley believed he was removing the prejudices that prevented people from seeing nature in its true light. They failed to appreciate the mechanical nature of the organs because they assumed that machinery had straight lines and sharp edges. What prevented many from acknowledging the felicity of nature was our selfish tendency to undervalue those benefits that we shared with others. <sup>181</sup> Pain existed of course. But no contrivance was designed to cause pain; and if there were some afflictions that could not be explained in terms of benevolent purposes, the verdict on the disposition of the contriver ought to be determined by the great preponderance of favourable contrivances. To illustrate these points, Paley transcribed the section from the *Principles* in which he explained that teeth were made for chewing and not to cause toothache. <sup>182</sup> The most problematic anomaly in respect of this characterisation – the ubiquity of animal predation – could be explained in terms of the ‘compensatory system’ that calibrated the number of each species in a geographical region in accordance with the prevailing conditions. Because, in order to maintain the stocks of each species and to fill any gaps that occurred in the economy of nature, ‘the system of fecundity’ was necessarily profuse; a ‘system of destruction’ was required to ensure that species did not overrun each other. Proof that the system as a whole was successful was that nature’s ‘species never fail’ <sup>183</sup>

Having set out the arguments for the goodness of God, he turned to the question of the origin of evil. Because he felt that it went beyond the compass of his present enquiry, he did not engage with King’s theodicy, concentrating instead on reconciling the various evils that plagued mankind with the rosy picture he had just painted. Again, this was a matter of explaining how they were ultimately necessary to human happiness. Bodily pain taught vigilance, and generally stimulated the development of salutary habits. <sup>184</sup> So-called external evils, on the other hand, were the mainspring of that ‘rational occupation’ which formed the very ‘material of contented existence’. He concluded that ‘a world furnished with advantages on one

<sup>180</sup> *Ibid.*, p. 317.    <sup>181</sup> *Ibid.*, pp. 322–3.    <sup>182</sup> *Ibid.*, pp. 323–5.

<sup>183</sup> *Natural Theology*, p. 334. This was obviously before Cuvier convinced the scientific world of the occurrence of extinction.

<sup>184</sup> Paley himself was from ‘a violent nephralgic complaint’ while writing the book. Clarke, *Evidences for the Man*, p. 54.

side, and beset with difficulties, wants, and inconveniences on the other, is the proper abode of free, rational and active natures, being the fittest to stimulate and exercise their faculties'.<sup>185</sup> Evil, in other words, was the mother of *engagement*.

The fact that Paley's discussion of evil culminated in an explication of the doctrine of trial has sometimes been read as an attempt to reassert doctrinal orthodoxy in the face of Malthus's rejection of the teaching in the *Essay* of 1798.<sup>186</sup> In the last two chapters of the book, Malthus had embarked on the formidable task of reconciling the seemingly dismal picture of human life evinced by the principle of population with the notion of divine benevolence. Whereas Christian writers had frequently done this by representing man's situation on earth as a state of moral trial 'preparatory to a superior state of happiness', it seemed to Malthus to be more 'consistent with the various phenomena of nature' 'to consider the world and this life as the mighty process, not for the trial, but for the creation and formation of mind; a process necessary to awaken inert, chaotic matter into spirit'.<sup>187</sup> Evil was wanted to stimulate activity, and activity was necessary to the creation of mind. Although his mind-formation thesis was undoubtedly heterodox (even by the relaxed and erudite standards of latitudinarians), there is little evidence that such speculations were uppermost in Paley's mind when constructing his argument. It is hard to believe, for a start, that he was especially troubled about theological speculations that had cut so little ice in learned circles. Although it had prompted lively discussions among his friends at Jesus College, Cambridge, the theory of mind-formation was dismissed by reviewers as fanciful where it was not ignored altogether.<sup>188</sup> Moreover, aside from the short discussion of population, most of what Paley had to say on the divine character had been rehearsed in the *Principles* and in three earlier sermons on the Goodness of God.<sup>189</sup> All in all, it is hard to think that his vindication of providence would have been substantially different if he had never come across the *Essay*.

<sup>185</sup> *Natural Theology*, pp. 345, 349, 350.

<sup>186</sup> Waterman, *Revolution, Economics and Religion*, p. 134. <sup>187</sup> Malthus, *First Essay*, pp. 349, 353.

<sup>188</sup> 'In the latter part of his work the author advances certain notions which many will pronounce to be no less fanciful than the hypotheses of his opponents', wrote one critic. *New Annual Register . . . for the Year 1798* (1799), 229. For the discussion at Jesus see Edward Clarke to Malthus, 20 August 1798, in John Pullen and Trevor Hughes Parry (eds.) *T. R. Malthus: The Unpublished Papers in the Collection of Kanto Gakuen University*, 2 Vols. (Cambridge, 2004), vol. 1, pp. 73–8.

<sup>189</sup> See 'The Goodness of God Proved from the Light of Nature and Revelation', *Parts 1 and 2*; 'The Ills of Life Do Not Contradict the Goodness of God', Sermons XXXIV, XXXV, XXXVI, in *Works*, vol. 6.

The specific role of the trial doctrine in Paley's account of evil was to remove any doubts about the divine benevolence that his previous arguments had failed to dispel. For the idea of a future state 'alone rectifies all disorders'.<sup>190</sup> At the same time, however, his characterisation of the trial vehemently affirmed the anthropocentric creed of 'moderate' Anglicans. By the end of the eighteenth century, the so-called evangelical revival was beginning to gain momentum, including at Cambridge where Isaac Milner and his clique had acquired considerable influence in college politics.<sup>191</sup> Though 'militant and entrenched', however, they were far from dominant.<sup>192</sup> At Bishop Wearmouth, Paley continued to adopt a conciliatory attitude towards evangelicalism, liaising with the Methodists to set up a missionary society, and even occasionally attending their worship.<sup>193</sup> But accommodation was not capitulation. Although his distaste for altercation had prevented him from retaliating against Thomas Gisborne's vituperative attack on the *Principles*, his pointed emphasis on the benevolent over the judicial aspects of probation shows that he was not taking the drive to displace latitudinarianism lying down. He was emphatic that a probationary state was 'not a state of retribution . . . not a state of punishment'.<sup>194</sup> What is more, the dispensation that the inconveniences of human life were said to facilitate had a strikingly latitudinarian feel. The emphasis throughout was on the desirability of having the maximum scope for moral agency. Virtue (and not piety) was 'probably the greatest of all ends', insisted Paley; and our present level of happiness was highly favourable to its advancement, there being 'no situation in which a rational being is placed, from that of the best-instructed Christian, down to the condition of the rudest barbarian, which affords not room for moral agency'.<sup>195</sup>

Moreover, though expounded for the purpose of explaining the existence of moral evil, his account of moral agency also strongly reaffirmed the theological utilitarian characterisation of morality as the wise government of desires. 'Human passions are either necessary to human welfare, or capable of being made . . . conducive to its happiness', declared Paley. To answer their purpose, passions are strong and general; 'but strength and generality, where it is expedient that particular circumstances should be respected, become, if left to themselves, excess and misdirection'. The beauty of this account, concluded Paley, was that it showed 'the principle of vice' and 'the province of reason and self governing . . . without

<sup>190</sup> *Natural Theology*, p. 366.   <sup>191</sup> See Gascoigne, *Cambridge*, pp. 225–34.

<sup>192</sup> As late as 1811, Milner saw himself as 'the only evangelical in high-church position'. Ford K. Brown, *Fathers of The Victorians: the Age of Wilberforce* (Cambridge, 1961), pp. 295–6.

<sup>193</sup> Meadley, *Memoirs* (1809), p. 161.   <sup>194</sup> *Natural Theology*, p. 366.   <sup>195</sup> *Ibid.*, pp. 371, 367.



having recourse to any native gratuitous malignity in the human constitution'.<sup>196</sup> It was precisely his failure to recognise this original malignity that convinced Wilberforce of the spiritual shallowness of the whole enterprise.<sup>197</sup> The overarching concern throughout these chapters, then, was to promote the enlightened religious mentality expounded by Tucker.

It is worth asking, finally, how far Paley's explanation of evil addressed the objections raised by Hume in the *Dialogues* to such arguments. Having meditated at length on the utter misery of animal life, in comic counterpoint with his Christian sceptic ally Demea, the 'careless sceptic' Philo reiterates the paradox raised by Bayle in the *Dictionnaire historique* about the presence of evil in a world supposedly created by an infinitely good and powerful God. The natural theologian Cleanthes rejects Demea's answer – based on a mixture of King's theodicy and the doctrine of trial – that 'The present evil phenomena, therefore, are rectified in other regions, and in some future period of existence', on the grounds that there is no basis for it in experience. His preferred answer is very close to the types of explanation offered by Tucker and Balguy.

If we preserve human analogy, we must for ever find it impossible to reconcile any mixture of evil in the universe with infinite attributes; much less can we ever prove the latter from the former. But supposing the Author of Nature to be finitely perfect, though far exceeding mankind, a satisfactory account may then be given of natural and moral evil, and every untoward phenomenon be explained and adjusted. A less evil may then be chosen, in order to avoid a greater; inconveniences be submitted to, in order to reach a desirable end; and in a word, benevolence, regulated by wisdom, and limited by necessity, may produce just such a world as the present.<sup>198</sup>

Philo responds that such an inference about the character of the Creator could only occur to someone who already believed in a 'supreme intelligence', and proceeds to point out four ways in which the world differs from what an observer who was not antecedently convinced of the existence of such a being would 'expect from a very powerful, wise, and benevolent Deity', none of which 'appear to human reason in the least degree necessary or unavoidable'. There was the fact, for example, that pain as well as pleasure was used to stimulate action, when this could have been achieved through pleasure alone.<sup>199</sup> There was no apparent reason, furthermore,

<sup>196</sup> *Ibid.*, pp. 355–6.   <sup>197</sup> See above, p. 19.

<sup>198</sup> Hume, *Dialogues*, p. 203. Hume may have had in mind Thomas Bayes' *Divine Benevolence: Or an Attempt to Prove That the Principal End of the Divine Providence and Government Is the Happiness of His Creatures* (1731).

<sup>199</sup> *Ibid.*, p. 205.



why nature had to be governed so rigidly by general laws when the Deity might remove the ills arising from them through the exercise of ‘particular volitions’. If, as the theologians argued, this manner of conducting things would remove the basis of human reason by constantly interrupting the laws of nature, could not the Creator by ‘other particular volitions remedy this inconvenience’.<sup>200</sup> To Balguy’s three hypotheses about the character of the first cause – that it is good, bad or capricious – Philo adds a fourth possibility, that it is neither good nor bad.<sup>201</sup> The first two are disproved because of the mixture of good and evil in the world, the third by the uniform operation of the laws of nature; the fourth option seems the most probable then; who or whatever created the world was wholly indifferent to the wellbeing of its inhabitants.<sup>202</sup> Obviously, if this was the case, it was absurd to try to develop a meaningful relationship with it. While it might be philosophically pleasing on some level to show that the cause of order in the world bore ‘some remote analogy to human intelligence’, if natural theology was unable to establish anything substantive about the ‘qualities of the mind’ involved in giving rise to this order that might afford inferences about human behaviour, it was ultimately destructive to Christianity and religion itself.<sup>203</sup> Paley basically repeated the argument that Philo set out to undermine in this section of the *Dialogues*, ignoring the objections. And this tells decisively against the contention that *Natural Theology* represented a systematic rebuttal of Hume’s attack, since, arguably, this was the climax of his skeptical critique of rational religion.

To account for natural theology’s continued hold over the minds of Englishmen long after the supposed demolition of its first principles in the *Dialogues*, LeMahieu argues that ‘Hume gravely underestimated the emotional underpinnings of natural theology’.<sup>204</sup> But this misses the point that it was precisely Hume’s central thesis about natural theology that it derived the attributes of God, not from analogical inference, but from widespread preconceptions of what the deity ought to be like. Interweaving highly speculative hypotheses with inductive arguments, Paley had remedied few of natural theology’s philosophical failings. He succeeded, however, in developing a devotional scheme whose forensic focus on the psychology of belief made other works in the genre seem positively naïve. Widely credited with having exposed the absurdity of transmutational biology, the book

<sup>200</sup> *Ibid.*, p. 206.

<sup>201</sup> It is more accurate to say that Balguy ignored this fourth hypothesis, since his work was written in response to the *Dialogues*. See Francis Kilvert, *Memoirs of the Life and Writings of the Right Rev. Richard Hurd* (1860), pp. 135–7.

<sup>202</sup> Hume, *Dialogues*, p. 212. <sup>203</sup> *Ibid.*, p. 227. <sup>204</sup> Le Mahieu, *Mind of Paley*, p. 31.

was not 'merely popular', as Paley put it. But its arguments were only one part of a rhetorical scheme by which 'mental exercise is drawn into . . . [a] particular channel'.<sup>205</sup> It could be argued, indeed, that the work was the genuine embodiment of that deep spirituality which LeMahieu thought was largely confined to Paley's pulpit eloquence.<sup>206</sup> Indeed, evangelicals might have been forgiven for thinking that Paley was advocating a much more extensive role for natural theology. Echoing Wesley, the *Christian Observer* fretted that too many readers of *Natural Theology* would 'take credit to themselves for the possession of all which is essential to religion', forgetting that such learning was 'but a small step towards that knowledge of him, which is connected with salvation'.<sup>207</sup> Earlier in his career, Paley had warned his colleagues not to tamper with the ceremonies and usages of the populace, lest by trying to divest belief of its absurdities they dispel religious sentiment altogether.<sup>208</sup> But this was less a eulogy on the 'sober pomp'<sup>209</sup> of church ritual than a recognition that English folk were not yet ready for the slimmed-down creed favoured by many rational divines. Such pragmatism did not entail the abandonment of long-term latitudinarian goals, as it remained Paley's main objective to promulgate a more rational creed. Because it engaged the mind with an innocent pursuit; because it fostered a mindset that was impervious to both enthusiasm and atheism; because it facilitated an intimate communication with God that offered a devotional alternative to high-church ceremonialism and the intemperate zeal of Methodism; and critically, because it left religious impressions indelibly engrafted on the imagination, thereby ensuring that these ideas became principles of action; the psychological programme at the centre of *Natural Theology* was the apotheosis of latitudinarian spirituality, spiritual, for Paley, being a synonym for mental.<sup>210</sup>

<sup>205</sup> *Natural Theology*, pp. 373, 374. <sup>206</sup> LeMahieu, *Mind of Paley*, p. 23. But see also p. 31.

<sup>207</sup> [William Wilberforce], 'Review of Paley's *Natural Theology*', *The Christian Observer*, 2 (1803), 373. The reviewer rebuked Paley for claiming that his works amounted to a complete theological system when many of the fundamental doctrines of Christianity, including those relating to 'the corruption and guilt of man' and 'the unspeakable mercy of God through Christ', were neglected. p. 374. Boyd Hilton attributes the review to Wilberforce. *Age of Atonement*, p. 178.

<sup>208</sup> Paley, 'Use and Propriety of Local and Occasional Preaching' (1790), Charge VII in *Works*, vol. 6. p. 47.

<sup>209</sup> Burke, *Reflections*, p. 146.

<sup>210</sup> In the *Evidences*, he spoke of 'the value of spiritual, that is, of mental worship'. *Evidences*, vol. 2, pp. 45–6.

PART III

*Paley's Politics*



*Utility and the Science of Politics*

While it has aroused much scholarly hostility, Jonathan Clark's *English Society* (1985) has unquestionably played an important role in restoring religion to its central place in eighteenth-century political discourse. The secularisation narrative that had discounted the importance of religious belief in the period, or simply ignored it, was one of a host of anachronisms endemic to the 'Whig interpretation' which, according to Clark, continued to frame the historical study of eighteenth-century England in the 1980s, having been 'slickly' repackaged in the 1960s.<sup>1</sup> His alternative vision of eighteenth-century intellectual culture, as defined by the confrontation between a stridently orthodox and monarchist Anglicanism and an increasingly disaffected heterodox dissent, has been widely influential, and has clearly coloured recent interpretations of Paley's thought.<sup>2</sup> Anthony Waterman, for example, sees the 'causal connection between anti-trinitarian heterodoxy and political "radicalism"' as pivotal to Paley's intellectual formation, since it meant that moderate latitudinarians like John Law, John Hey, Richard Watson and himself 'were gradually compelled to commit themselves one way or the other' in the increasingly polarised political climate of the last quarter of the century. The parting of the ways among Cambridge churchmen came in the aftermath of the Feathers Tavern Petition of 1772, as one-by-one, advanced latitudinarians like Jebb, John Disney, William Frend and Gilbert Wakefield 'gave up the struggle to reconcile mind and conscience to Anglican orthodoxy' and resigned their livings, having failed to secure the abolition of subscription. While the defectors adopted the radical politics allegedly 'entailed' in their now overtly Unitarian credo – becoming spokesmen for the extreme wing the reform movement – 'the men in

<sup>1</sup> J. C. D. Clark, *English Society 1688–1832: Ideology, Social Structure and Political Practice During the Ancien Régime* (Cambridge, 1985), p. 1. Among those he accused of inheriting the 'Whig' mindset were Christopher Hill, E. J. Hobsbawm, Lawrence Stone and J. H. Plumb. pp. 1–3.

<sup>2</sup> Clark, *English Society*, 2nd edn., p. 315.

the middle' were 'inexorably drawn towards theological orthodoxy and political conservatism' – allying themselves with militant enemies of innovation like Isaac Milner, George Pretyman Tomline and Richard Beadon in the defence of political and religious establishments.<sup>3</sup> James Crimmins sees the evolution of anti-reformist thought as mirroring more precisely that of its opposite, asserting that the cast of Paley's political views were determined by a 'period of orthodoxy' which he allegedly entered after the Feathers Tavern Petition; for 'just as heretical theology tended to foster political radicalism, so theological orthodoxy was the seed bed of political conservatism'.<sup>4</sup>

No doubt the fallout from the petition meant that relations between the chief protagonists would never again be as cordial as they had been at the Hyson club, a fraternity of 'Cambridge literary men' (including Jebb, Paley, Milner and Pretyman) who gathered to drink tea and let off intellectual steam in the less politically fraught atmosphere of the late 1760s and early 1770s.<sup>5</sup> However, although the apparent disappointment and surprise with which Paley's defence of subscription in the *Principles* was met by petitioners suggests that he may have given them reason to expect a more favourable verdict, there is little evidence that Paley's political views underwent any significant change from the mid-1770s, and none at all that they were determined by his putative religious orthodoxy. In the light of the preceding account of his moral and religious thought, the description of Paley as orthodox, in the sense of sharing the preoccupation of high churchmen with doctrinal correctness, scarcely seems credible – indeed, the damning verdict of self-proclaimed 'orthodox' churchmen on theological utility belies it conclusively.<sup>6</sup> This is not to say, of course, that Paley's political theory can be abstracted from his religion; the application of utility to politics served the distinctly religious aim of increasing the happiness of mankind in accordance with the will of God. But since determinations of expediency in politics were especially reliant on general rules, that is, on the careful computation of all collateral as well as immediate consequences, what this involved in practice was a systematic psychological, sociological and historical analysis of governance. The political philosophy that emerged was expressly presented as a corrective of both high-church political theology and 'radical' political

<sup>3</sup> Waterman, *Revolution, Economics and Religion*, p. 116.

<sup>4</sup> James E. Crimmins, 'Religion, Utility and Politics: Bentham versus Paley', in James E. Crimmins (ed.) *Religion, Secularisation and Political Thought: Thomas Hobbes to J. S. Mill* (London, 1989), pp. 135, 137.

<sup>5</sup> Clarke, *Evidences for the Man*, p. 26. <sup>6</sup> A notable example was Edward Pearson's *Remarks*.

theory; not just of their doctrines, but of the mentalities they engendered, which were deemed unfavourable respectively to the gradual improvement of the constitution and to civil peace. In grounding political allegiance and the right to resistance on expediency, Paley sought to nurture an enlightened mode of political reasoning that would counteract these tendencies. *Enlightened* here refers not to some process of modernisation culminating in the nineteenth or twentieth centuries – the idea of which Clark sees as framing so much of the new Whig interpretation of history – but to Paley’s perception that he was contributing to ongoing attempts to render the science of politics more consonant with experience and – through his lessons in political reasoning – to the improvement of the empire at large. When we consider the pervasiveness of Paley’s influence on the one hand, and his talent for articulating conventional wisdom on the other, this agenda must raise doubts about the binary vision of eighteenth century intellectual culture articulated by Clark, if we are serious, that is, about recovering ‘what was typical’ of the intellectual culture in the period.<sup>7</sup>

Commentators have been divided on the question of where to situate Paley on the political spectrum. His companion and first biographer, George Meadley, for instance, frequently referred to Paley as ‘a liberal’, a view echoed in the middle of the twentieth century by Ernest Barker, who argued that a catalogue of ‘liberal elements’ in Paley’s philosophy proved that he ‘belonged, if not to the Left, at any rate to the Left Centre’.<sup>8</sup> Notwithstanding the anachronistic terminology, this assessment is not without some foundation. It is clear, in the first place, that important members of the political establishment remained suspicious of his credentials as a friend of the existing constitution, most notably, the King, who, it was rumoured, had denied Paley a bishopric because of his unflattering portrayals of the political and landed classes.<sup>9</sup> As it turned out, his representations of landowners as guzzling pigeons and monarchs as dribbling incompetents were merely rhetorical moves, paradoxes designed to grab the attention of young minds, compelling them to continue reading what turned out to be illustrations of the utility of such institutions. But he was also explicit that where it was possible to make the laws more conducive to human happiness, it was our duty to do so; and the *Principles* contained

<sup>7</sup> Clark, *English Society*, p. 3.      <sup>8</sup> Ernest Barker, ‘Paley and His Political Philosophy’, p. 252.

<sup>9</sup> The *Anti-Jacobin Review* of 1802 begged readers to consider whether ‘Jacobinism could have a more able advocate than Dr. Paley’. *The Anti-Jacobin Review and Magazine*, vol. xi, (1802), 529. In response to the suggestion that Paley succeed Edmund Law to the see of Carlisle, the King reportedly replied: ‘What? pigeon Paley? . . . Not orthodox, not orthodox’. Clarke, *Evidences for the Man*, p. 43.

a substantial agenda of reforms, including calls for the repeal of the Game laws, the abolition of the system of tithes and the overhaul of the poor laws. He even recommended the adoption of a graduated system of income tax along the lines proposed by Paine.<sup>10</sup> Finally, Paley was among the foremost critics of the slave trade, condemning it unreservedly in the *Principles* and, despite his grave misgivings about out-of-doors politics, even addressing a public meeting in Carlisle called to raise a petition to parliament in support of abolition.<sup>11</sup>

For the main part, however, contemporaries were far less impressed than Meadley or Barker by the 'reformist' aspects of Paley's thought. One, otherwise laudatory, reviewer of the *Principles* perceived 'so strong a conviction of the utility of establishments, that we fear, in some eyes it may detract from the merit of his work'.<sup>12</sup> Radical critics were less circumspect, accusing him of peddling the doctrine of passive obedience disguised as Whiggery.<sup>13</sup> These verdicts can only be understood in the context of Paley's responses to political developments after 1760, and particularly to the emergence of something like a popular reform movement. Reform politics were born out of disenchantment with the state of political affairs in the reign of George III, particularly the behaviour of the King himself, who stood accused of using his extensive patronage – greatly swollen by the burgeoning of the empire – to augment the power of the Crown, thereby upsetting the balance of the constitution.<sup>14</sup> It was the effect of such influence on the operation of parliament that raised most alarm. The promise of Crown offices or pensions could be used either to curry electoral favour from patrons with seats at their disposal, thus swelling the numbers of partisans of the Crown in the Commons; or as a means of sustaining support for the government over the course of the parliament. Critics complained that deals of this nature greatly compromised the independence of parliament, depriving the mass of the people of proper representation. Two sorts of redress were proposed: economical reform, which aimed to diminish royal influence by reducing its patronage; and parliamentary reform, which included a variety of proposals designed to make the Commons more accountable to the nation at large, including calls for shorter parliaments, a more equal distribution of seats and (at the most radical end of the spectrum) an expansion of suffrage. At the forefront

<sup>10</sup> Beste, 'Conversations of Paley', p. 185. See *Principles*, p. 511.    <sup>11</sup> See below, p. 291.

<sup>12</sup> Anon., 'Paley's Principles of Philosophy', *The Critical Review or, Annals of Literature* LX (1785), 208.

<sup>13</sup> See the remarks of 'Padilla', below, pp. 213–4.

<sup>14</sup> H. T. Dickinson, 'Radicals and Reformers in the Age of Wilkes and Wyvill' in Jeremy Black (ed.) *British Politics and Society from Walpole to Pitt* (London, 1990), p. 125.



of parliamentary opposition to the court and of the campaign for economical reform were the Rockingham Whigs who blamed the discontents of the nation on the intrigues of a secret cabinet – a cabal of the King and his retainers allegedly pulling ministerial strings from behind the curtain.<sup>15</sup> As some anti-ministerial critics saw it, however, parliament itself was too deeply complicit in the system of corruption to be trusted to put its own house in order. Hence, by the time Paley set to work on ‘the Elements’ in the early 1780s, an exuberant out-of-doors reform movement had emerged, seeking extensive changes of the parliamentary system.

The birth of the reform movement needs to be viewed in the context of a number of developments in the 1760s and 1770s which combined to inflame hostility to the Crown and government. Carrying the high-political fight were the great Whig families who, having been given a free hand to govern the country by the first two Hanoverian monarchs, took great umbrage at the third for attempting to exercise his prerogatives. The beginning of the end of the Whig monopoly was marked, first, by the cessation of Tory proscription, and then, in traumatic fashion, by the ‘massacre of the Pelhamite innocents’ in 1762, as the newly appointed first minister the Earl of Bute took the opportunity to strip placeholders loyal to the Duke of Newcastle of office, following the latter’s enforced resignation. The extra-parliamentary reform movement took its initial impetus from the Wilkite agitation (beginning in 1763), as mass rallies became a common occurrence.<sup>16</sup> But it was the conflict in America that really sent ideological temperatures soaring, reaching a high point in 1775, which saw a flood of petitions to parliament against the war, but also a vigorous campaign of support for the Crown and Parliament, of which the church was in the vanguard. Cambridge was in the thick of things, as ever. Despite strenuous opposition from Richard Watson (egged on by Rockingham and the Duke of Grafton), the University followed the example of Oxford in presenting a loyal address to the King, condemning the ‘unnatural rebellion’ in the colonies.<sup>17</sup> As a student and then a tutor at Cambridge, Paley thus had

<sup>15</sup> See Edmund Burke, *Thoughts on the Cause of the Present Discontents* (London, 1770), pp. 37, 53, 55, 58.

<sup>16</sup> The campaign began when Wilkes was arrested for seditious libel in 1763 under a general warrant. Such warrants were widely considered to be legally dubious. Later the dispute centred on his expulsion from parliament following his victory in the Middlesex election of 1768.

<sup>17</sup> The brainchild of anti-reformer, Richard Farmer, the address expressed the University’s ‘warmest Loyalty and Affection for your Royal Person and Government’. Quoted in John Gascoigne, *Cambridge*, p. 207. See also, pp. 205–9. Rockingham wrote to Watson that ‘I have much reliance that although Whig principles may lie as it were dormant, yet the occasion will bring them out’. Richard Watson, *Anecdotes of the Life of Richard Watson* (London, 1817), pp. 54–5.

a ringside seat in one of the key ideological battlefields. What is more, he enjoyed a particularly privileged vantage point from which to observe opposition politics; for while his close friendship with the Law family (who, as we have seen, enjoyed strong ties with Newcastle and Grafton) would have attuned him to the anxieties and resentments of the Whig magnates and their beneficiaries, his friendship with the radical luminary John Jebb at Cambridge in the mid-1760s meant he was also privy to the thoughts of a future leader of the most extreme wing of outdoor reform movement.<sup>18</sup>

Constitutional and ecclesiastical innovators counted Paley as an adversary for the simple reason that he rejected the main reform agendas of the day, the abolition of mandatory subscription to the articles of the church for clergymen and constitutional reform. On examining his arguments, however, it soon becomes clear that understanding the rationale behind this opposition is just as vital to a correct historical characterisation of Paley's political thought as situating him on the ideological spectrum. Certainly, the philosopher himself did not view his position on reform as the defining feature of his political thought. However sceptical he was about schemes for constitutional innovation in the *Principles*, Paley was equally disparaging of 'that puerile admiration, which sees no fault, and can endure no change'.<sup>19</sup> In letters to John Law in the 1770s, he lampooned the behaviour of Cambridge 'Tories' like Richard Farmer, who seemed to view intransigent opposition to all institutional reform as the cardinal political virtue.<sup>20</sup> His problem with this standpoint was not simply that it obstructed measures that were obviously beneficial (like Jebb's proposed examination reforms, for example); he also dismissed what he saw as the superstitious modes of political reasoning employed by its advocates in defending established institutions, even where he believed the institutions worth conserving. Edmund Law had shown how the expunging of 'occult causes' from moral sense theory had removed its tendency to degenerate into superstition and enthusiasm; Paley now used the doctrine of utility to purge political theory of its dangerous chimeras, cutting through both Whig and Tory mythologies. The overarching agenda of the 'Elements of Political Knowledge', then, was to advance an enlightened political methodology, extinguishing the spirit of faction through the cool and detached application of expediency. While they were unquestionably integral to the

<sup>18</sup> On Jebb's political thought see Anthony Page, *John Jebb and the Enlightenment Origins of British Radicalism* (Westport, Connecticut, 2003), pp. 166–216.

<sup>19</sup> *Principles*, p. 467. <sup>20</sup> See below, pp. 179–80.

identities of the thinkers themselves, intellectual objectives of this kind fade into the background when English political thought is described in terms of simple binaries like conservative and 'radical', orthodox and heterodox. Restoring such aims to their central role in Paley's political thought will therefore add an important layer of complexity to our understanding of 'the behaviour and beliefs of the ordinary, the normal, the established'.<sup>21</sup>

Paley's theoretical agenda was partly an expression of the theological commitments explored in the preceding chapters, but it also needs to be understood in the context of his self-image as an impartial observer of political affairs, whose vision was immune to the distorting influence of party passions. Readers were warned 'not to look for those occasional controversies' which current events or 'any temporary situation of, public affairs may excite'. Rather, his aim was to communicate 'universal principles' and 'to exhibit a mode and train of reasoning in politics, by the due application of which every man might be enabled to attain to just conclusions of his own'. In response to those who doubted whether political philosophy had any effect on political practice, Paley observed that some distinguished eyewitnesses believed they had detected the strong influence of Rousseau's philosophy in the recent upheavals in Geneva; and who did not discern the strains of Locke in the language of agitators during in the recent commotions in the American colonies?<sup>22</sup> It was evident, then, that in moments of political crisis, the logic imbibed in calmer times could determine men in their choice of side, and those who had not been primed with 'scientific principles' were liable to be led astray by 'cant phrases and unmeaning terms'. The very survival of the commonwealth might therefore depend on whether or not men possessed a correct understanding of the 'obligations of social union, and the extent of civil obedience'.<sup>23</sup> The 'correct understanding' of the duty of submission he had in mind was the utilitarian explanation advanced in [chapter three](#) of book six, which, together with his theory of liberty in [chapter five](#), forms the theoretical core of Paley's political thought. This chapter focuses on his foundational analysis of political obedience, while the next examines his application of these principles to the practical issues of constitutional and administrative reform. It will be shown how the utilitarian political theory which emerges from Paley's account of political obligation and liberty gives

<sup>21</sup> Clark, *English Society*, p. 6.

<sup>22</sup> *Principles*, p. xviii, xix. He is referring to the ill-fated popular revolution in Geneva of 1782.

<sup>23</sup> *Principles*, pp. xix–xx.

rise to a highly psychological and sociological analysis of political reality, an approach epitomised by his celebrated account of the British Constitution. Before examining the text itself, however, it will be helpful to summarise what we know about the development of Paley's political ideas.

Many of the arguments of 'the Elements' had no doubt been rehearsed in the good-natured disputations with Jebb at the Hyson Club in the 1760s. According to Beste, Paley later recalled how he had always been an advocate of 'bribery and corruption' in such encounters, a droll way of saying that he had defended the system of emoluments that greased the wheels of British politics, no doubt much to Jebb's indignation.<sup>24</sup> If trustworthy, this reminiscence testifies to a large degree of continuity in Paley's political thought between his fellowship years and the 1780s, as do his lecture notes from the early 1770s, which show that the theoretical core of his political philosophy – his account of political obedience and his explication of liberty – had already been worked out in his teaching days.<sup>25</sup> This means he had already begun to integrate some of the arguments of Hume's *Essays Moral and Political* (1741–2) – a vital plank of his analysis in the *Principles* – into the Christian utilitarian theory adapted from Tucker, Law and Gay. Rather than revealing his 'increasingly conservative convictions', then, it appears that the book merely restated his long-held political credo.<sup>26</sup> That said, the remarks of a former student that 'not a single idea has since been advanced in his writings, which these manuscripts [lecture notes] did not contain', must be treated as an exaggeration.<sup>27</sup> In a letter of February 1782, Paley expressed his concern to John Law that the Bishop (Edmund) 'expects more of the politics than I intend them to be or am capable of making them', since 'everything that can be advanced on the subject appears . . . so uncertain that the more I think about it the less I write' – not the remark of someone engaged in the straightforward exercise of fleshing out a blueprint.<sup>28</sup> The fact that he worked almost exclusively on 'the Elements' between February 1782

<sup>24</sup> Beste, 'Conversations of Paley', p. 184.

<sup>25</sup> 'Original Notes, or Rough Sketch of Lectures on Moral Philosophy, by the Rev. William Paley', British Library Add MSS 12078, fols. 44–65; 'Enlarged Outline of Paley's Lectures on Moral Philosophy, British Library Add MSS 12079, fols. 83–85.

<sup>26</sup> In 1771, he opposed the granting of an M.A. to the radical firebrand John Horne-Tooke because of 'some violent passages' in his correspondence with Wilkes. See Alexander Stephens, *Memoirs of John Horne Tooke*, 2 vols. (London, 1813), vol. 1, pp. 320–1.

<sup>27</sup> Meadley, *Memoirs* (1809), p. 44.

<sup>28</sup> The Bishop was expecting two volumes on the subject. William Paley to John Law, 19 Feb. 1782, PRO/30/12/28/1/122.

and December 1784 demonstrates beyond doubt, indeed, that there was plenty to be done.<sup>29</sup> As they do not appear in the lecture notes, the two chapters on the judicial system and the concluding one on military establishments must have been written from scratch during this period. Developing the bullet points on political economy and religious establishments in the lecture books into viable chapters would also have required substantial work. Regarding the parts of the book relating strictly to governance (roughly speaking the first half), it appears – from its prominence in Paley’s correspondence in the 1780s and its absence in the notebooks – that the influential chapter on the British Constitution was written in its entirety around this time.<sup>30</sup>

Paley’s political thought thus developed in two contexts. The political circumstances of the first half of the 1780s – including the emergence of the reform movement and constitutional crises of 1783–4 – appear to have been foremost in his thoughts when considering the nature of the constitution and the arguments for its reform.<sup>31</sup> However, the political mentality framing his responses to such issues had already been formed by the time he came to write up ‘the Elements’ between 1782 and 1785. By the mid-1770s he had already subscribed to Hume’s conception of government as the paradoxical obedience of the many to the few, precariously supported by prescription – and was already predisposed, therefore, to great caution in matters of political practice.<sup>32</sup> It also seems that by this time he had already adopted the self-image of an objective arbiter, above the ideological fray. This attitude was plainly in evidence in his aloof and sarcastic commentaries on the heated debates surrounding Jebb’s proposals for reform of the examination system at Cambridge. In defending the graces, Richard Watson was ‘pompous, clear and clever’, according to Paley, whereas his

<sup>29</sup> See below, pp. 208–9.

<sup>30</sup> We can say for certain that his discussion of reform was written entirely in this period, since the agenda he considers in the book only really took shape in 1779–80. But as he undoubtedly expanded extemporaneously on the notes and may well have supplemented the notebook with loose sheets, we cannot discount entirely the possibility that some of the chapter was prefigured in the lectures. It does not help that much of the ‘Rough Sketch’ of the lectures (Add MSS 12078, fols. 44–65) is indecipherable.

<sup>31</sup> The crises began when a stand-off between George III and the Portland Whigs over the question of who had the right to appoint ministers left Britain without government for six weeks. After Shelburne’s resignation in February, the Portland Whigs insisted that Portland be made First Lord of the Treasury and that he reserve the right to appoint ministers. George stood firm against Fox and Portland, but was outmanoeuvred by the former who scandalously formed a coalition with his long-time nemesis Lord North, taking office in March 1783. As they had a majority, the King had little option but to accept the coalition, but by Christmas he had engineered their downfall and Pitt’s ascendancy to the Treasury.

<sup>32</sup> British Library Add MSS 12079, fol. 83.

nemesis Richard Farmer warned the audience to 'Fear God [and] the King and meddle not with those who delight in change'.<sup>33</sup> In this light, it is easy to see why the political pieces in Hume's *Essays Moral and Political* held such appeal, since they had been designed as a philosophical mediation between the court and opposition factions of the 1740s, offering a detached and balanced critique of their respective ideologies.<sup>34</sup> It also suited Paley, moreover, that Hume's analysis was, on balance, more deleterious to the arguments of the disgruntled than to the ministerial position, at least as those agendas materialised in the 1780s.

The cornerstone of Paley's political theory is his utilitarian explanation of the duty and limits of submission to government in [chapter three](#) of book six, questions that had returned to the fore of political debate in the wake of the American Revolution. But the groundwork for this argument was laid in the two preceding chapters, which focused on what, he insisted, was an entirely separate question: why do men actually obey their rulers? Accounting for the origins of government, first of all, Paley declared that 'a family contains the rudiments of an empire'.<sup>35</sup> According to this conjecture, in pre-social families, something of the father's authority over his children must have remained after they had left home and started their own families, and this dominion eventually extended to all his adult descendants. A group formed in this way would continue to feel kinship after the patriarch's death, and if the ancestor did not appoint a successor, the problems resulting from a lack of authority would induce them to choose one: thus began the tribe. Clans themselves merged through marriage and for reasons of common defence, while the conquests of the most militarily advanced tribes gave rise to empires.<sup>36</sup>

More pertinent to Paley's practical recommendations, however, was his analysis of how subjection to government was maintained, adapted from Hume's 'Of the First Principles of Government'. There was nothing more astonishing about the human character, it seemed to him, 'than the almost

<sup>33</sup> Paley to Jon Law, 1775, PRO 30/12/28/1/82–84. The date of the letter suggests it was the proposals he made in March 1775 for improvements to the syllabus. Paley supported him in his main aim of introducing compulsory yearly exams for all students. John Disney, *Memoirs of the Life of the Author, in the Works Theological, Medical, Political, and Miscellaneous of John Jebb MD FRS*, 3 vols. (London, 1787) vol. 1, p. 89.

<sup>34</sup> Forbes, *Hume's Philosophical Politics*, pp. 219–23. For an overview of these ideologies, see J. G. A. Pocock, 'The Varieties of Whiggism from Exclusion to Reform: A History of Ideology and Discourse', in Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History Mainly in the Eighteenth Century* (Cambridge, 1985), pp. 215–310; idem, 'Machiavelli, Harrington, and English Political Ideologies in the Eighteenth Century', *William and Mary Quarterly*, 3rd ser. 22.4 (1965), 549–83.

<sup>35</sup> *Principles*, p. 400. <sup>36</sup> *Ibid.*, pp. 400–5.

universal subjugation of strength to weakness; – than to see many millions perhaps of robust men . . . waiting upon the will of a child, a woman, a driveller, or a lunatic'.<sup>37</sup> His explanation echoed strongly the account of moral sentiments offered in book one. Although the principles which produced obedience varied according to the character of the individual, subjects could basically be divided into three types: 'those who obeyed from prejudice; those who obeyed from reason; and those who obey from self-interest'.<sup>38</sup> Most belonged to the first category, complying from an opinion of right in their governors founded in prescription. Seeing how prescription was the source of our acquiescence in most social institutions, from the right to property to primogeniture, it was small wonder, reflected Paley, that our attachment to government should arise from the same. A second group obeyed from a conviction, produced by independent deliberation, of the need for 'some government or other', and of the dangers of subverting the current constitution in the hope of reconfiguring it for the better. As with obedience to divine commands, however, this type of submission was ultimately a function of the acquired moral sentiments, issuing, as it did, '*from conscience*' instructed by reason.<sup>39</sup> Among those who adhered to government from self-interest, finally, the greatest number were held in check by the '*opinion of power*' – that is, the fear that resistance was bound to fail, bringing ruin upon the perpetrators. From this analysis, Paley drew two fundamental maxims of statecraft. First: 'As ignorance of union, and want of communication, appear almost the principal preservatives of civil authority, it behoves every state to keep its subjects in this want and ignorance' – hence his anxiety about 'confederacies and combinations' of tradesmen and sailors, or anything that might give the populace a sense of their strength vis-à-vis their leaders.<sup>40</sup> Second: since their rule was based on the fear and prejudice of the governed, it was critical for governors to manage public opinion 'with delicacy and circumspection'. But as these opinions always adhered to the custom, it followed that 'every innovation' in the conventions of governing 'diminishes the stability of government', and it was therefore better to tolerate 'small inconveniences' and even 'absurdities' than to allow 'the course of public affairs' to be 'diverted from their old and smooth channel'.<sup>41</sup>

<sup>37</sup> *Ibid.*, p. 406. 'NOTHING appears more surprizing to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers,' writes Hume. David Hume, 'Of the First Principles of Government' in *Essays Moral Political and Literary*, ed. Eugene F. Miller. (1777; Revised edn. Indianapolis, 1985), p. 32.

<sup>38</sup> *Principles*, p. 407. <sup>39</sup> My italics. *Principles*, p. 410. <sup>40</sup> *Principles*, pp. 410, 412.

<sup>41</sup> *Ibid.*, p. 411.



This understanding of obedience was vital in shaping Paley's response to proposals for constitutional reform, as we shall see, but it was also central to his critique of so-called Tory political theory. Although he assumed that the first governments were monarchical, there was no suggestion that this lent monarchy any special claim to legitimacy;<sup>42</sup> indeed, the point of these chapters was to show that there was nothing in the natural history of government that afforded a moral foundation for obedience. Though princes had often exploited 'that sacredness which men are wont to ascribe' to their persons, by claiming a 'peculiar delegation from the supreme being', the true source of compliance was prejudice, and superstitious notions of kingship themselves were merely symptoms of the excessive prejudice that arose where the custom of government had become too deeply entrenched. The evolution of the hereditary principle, too, owed much to the 'influence of association', according to Paley; being linked in the imagination with the father, the son would command 'the same respect'. This explanation of allegiance was unmistakably a continuation of the process of demystification initiated by John Gay, for it proved that the 'rule of conscience' that enjoined political obedience was simply another culturally constructed determination of the moral sense, lacking obligatory force.<sup>43</sup>

The most likely reason why Paley saw the need to dispel political theories that had been so widely discredited since the Glorious Revolution was that he shared the perception of some of his Whig associates at Cambridge that 'Tory' principles were enjoying a revival.<sup>44</sup> On 30 January 1775, at a sermon to commemorate the anniversary of the 'martyrdom of Charles I', Paley listened with a mixture of amusement and alarm as the preacher exhorted the congregation to avenge 'the sacred blood of a righteous and royal martyr' and to 'banish those schismatic and damnable doctrines that princes depraved by Papal or fanatic authority may be deposed and murdered, [and] that all government proceeds from the people and may revert to em'.<sup>45</sup> Paley deemed such principles 'much too high flown for the enlightened times', but he would have been aware that a more sophisticated version of 'orthodox' political theology was increasingly gaining respectability. The ending of Tory proscription in 1760 greatly improved the career prospects of Oxford Churchmen,

<sup>42</sup> This is intimated by Clark as part of his narrative of growing monarchism. *English Society*, p. 57.

<sup>43</sup> *Principles*, pp. 408, 402–3, 408.

<sup>44</sup> See Disney, *Memoirs of John Jebb*, p. 109. Richard Watson, *Anecdotes*, pp. 43, 50, 382; Edmund Law, 'Preface' to *The Works of John Locke* (8th edn. London, 1777), vol. 1, p. xi.

<sup>45</sup> Paley to John Law, 30 January 1775[?], PRO 30/12/28/1/ 93–95.



signalling the end of the unrivalled ascendancy that Cambridge enjoyed in the previous reign. Taking advantage of this change in political climate, Oxford high churchmen began to assert their religious and political identities.

An assize sermon preached at Oxford on 2 March 1769 by the foremost spokesman for this tradition, George Horne, encapsulates the political credo perfectly. No one could observe how all the parts of nature work in harmony for the good of the whole, observed Horne, without wondering how and by whom they were created and integrated, and without ultimately concluding that this perpetual order had been imposed on lifeless matter by divine law. On viewing how the civil polity conduces to the harmony of the 'moral world', it seems equally natural to enquire when and by whom 'a machine was constructed, capable, by a variety of well-adjusted springs and movements, of controlling the irregularities of depraved [human] nature'.<sup>46</sup> He dismissed the possibility that an original compact, as posited by Locke and William Warburton, could give rise to such constraints. In the first place, it was hard to credit Warburton's conjecture that man had been persuaded of the need to institute a common arbiter or sovereign, for who could believe that beings so 'possessed by self-interest' would consent to be bound by the vote of the majority?<sup>47</sup> On the other hand, to claim, as Locke did, that no man could submit to be governed by the absolute rule of another was to deny the possibility of civil government altogether, since the rule of the legislator was necessarily absolute. However, (presumably because of his natural resentment of restraint and the faultiness of his reason) it seemed inconceivable to Horne that man could have arrived at a system of government capable of establishing and preserving peace and order among men without the aid of divine interposition. Mercifully, then, God had intervened, 'ordaining, first in the case of Adam, and then again in that of Noah, that the human race should spring from one common parent'. 'Lesser governments', ruled by chiefs of families or tribes, grew into great states through conquest, but having descended originally from the sons of Noah,

<sup>46</sup> George Horne, 'Of the Origins of Government', Discourse XXIV, in *The Works of the Right Reverend George Horne*, 6 vols. (1818), vol. 2, p. 436.

<sup>47</sup> Warburton's version of the civil compact is very close to Locke's. Although man in the state of nature 'ran into violent excesses', 'a restraining principle of religion' prevented him from descending into a Hobbesian state of war. A civil magistrate was appointed 'by mutual consent' to remedy the injustice that occurred for want of a 'common arbiter' to apply and enforce the rules of justice impartially. William Warburton, *The Alliance Between Church and State, or the Necessity and Equity of an Established Religion and Test-Law Demonstrated* (London, 1736), pp. 7–9. On his intellectual career see Young, *Religion and Enlightenment*, ch. 5.

they were all 'founded in the *patria polestas*'.<sup>48</sup> Horne did not hesitate to draw the explicitly Filmerite conclusion that since monarchy had been instituted by God as the only legitimate form of government, resistance to the monarch was a flagrant defiance of the divine will.<sup>49</sup> It was thus revealed that the *he* in the scriptural verse that prefaced the sermon – *He is the minister of God to thee for good* . . . (Rom xiii. 4) – was none other than the civil magistrate.

Paley made his attitude to this line of argument clear, when in his chapter on 'The Duty of Civil Obedience, as Stated in the Christian Scripture', he identified verse seven from the same chapter of Romans – 'that the powers that be are ordained by God. Whosoever resisteth the power resisteth the ordinance of God' – as a prescript 'by so many interpreted as to authorise the most exalted and superstitious ideas of the regal character'.<sup>50</sup> As he saw it, such inferences were based on a double misinterpretation. It was clear, in the first place, that St Paul's exhortation on resisting divine ordinances did not apply exclusively to any particular kind of polity; submission was just as much a duty in republics as in monarchies. Neither, moreover, was it his intention to enjoin unconditional obedience to the sovereign, as Horne had implied. This misreading stemmed from a failure to appreciate that the normal *modus operandi* of moral teaching in the bible was to stipulate duties in absolute form, while remaining silent on the extent of them – a mode of instruction suited to the aim of leaving a lasting impression on largely uneducated audiences in a brief sojourn. Similarly pithy maxims bid servants to 'be subject to your masters' and wives to submit 'unto your own husbands', yet no one would deny that resistance was justified to cruel or immoral commands. The main point was that, since scripture had left us none the wiser as to the limits of obedience, we had to rely on the light of nature – in other words, on expediency – to establish God's will on the matter. But a further and profound implication of this argument was that the textualist readings of scripture used to support superstitious notions of princely power were deeply unsound. Following Hoadly and Law, Paley held that recovering the true meaning of the scriptures consisted in understanding the intentions of both the author and the historical actors in the light of their wider motives and historical circumstances.<sup>51</sup> Lifting from

<sup>48</sup> Horne, 'Of the Origins of Government', pp. 439, 441.

<sup>49</sup> He described aristocracy and democracy as 'illegitimate forms of government', of relatively recent origin, and arising from usurpation. Horne, 'Origins of Government', p. 441.

<sup>50</sup> *Principles*, pp. 439–40.

<sup>51</sup> See, for example, Paley's view on subscription to the Articles of the Church, as discussed in Chapter 9.

Hume, once again, he concluded that ‘The divine right of *Kings*, is, like the divine right of *Constables*, the law of the land, or even actual and quiet possession of their office, a right ratified . . . by the divine approbation, so long as obedience to the authority appears to be necessary, or conducive to the common welfare’.<sup>52</sup>

More troubling, however, than the revival of political superstition was the resurfacing of its radical counterpart. According to Paley, no one could fail to notice in the language of party . . . in the general strain of those fugitive and diurnal addresses to the public’ called forth by recent political disputes in Great Britain and the Colonies, ‘the prevalence of those ideas of civil authority which are displayed in the works of Mr. Locke’.<sup>53</sup> But in one important respect, those who invoked the idea of an original compact in this period frequently deviated from the version of the theory set out in the *Second Treatise*. They tended to trace the origins of government to an original contract *between* the sovereign power and the people, whereas Locke’s original compact was the agreement of men in the state of nature to form a body politic by submitting to the majority decision. He quite deliberately avoided calling the ensuing agreement between this newly incorporated society and the governing power a contract, preferring to describe it in terms of trust.<sup>54</sup> Yet much of the virulence of the theory, as Paley described it, lay in this contractual aspect; for it encouraged the legalistic attitude that he thought so highly destructive to political stability.<sup>55</sup> Some of his concerns related to its potentially being used by despotic rulers to exact ‘the most rigorous servitude’, by enabling them to denounce every attempt to limit their power as a breach of the compact. But what he found most disquieting was the provocative manner in which it was regularly applied to contemporary politics. Among such ‘diurnal addresses’ was a sermon by Richard Watson to the University in 1776 on the principles of Glorious Revolution, widely interpreted as a show of support for the American rebels.<sup>56</sup> Because ‘antecedent to all voluntary compact, every individual is equal to every other; it follows . . . that the just

<sup>52</sup> *Principles* p. 440. See David Hume, ‘Of the Original Contract’, in *Essays Moral Political and Literary*, p. 467.

<sup>53</sup> *Principles*, pp. xviii–xix.

<sup>54</sup> John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, 1988), pp. 342, 350, 351. As Laslett explains, such a construction would have diluted his notion of popular sovereignty. Peter Laslett, ‘Introduction’ to John Locke, *Two Treatises of Government* (Cambridge, 1988), pp. 113–17.

<sup>55</sup> Arguably Locke’s theory was less conducive to this mindset, for it allowed the exercise of prerogative to be judged in utilitarian (and thus relative) terms. See Locke, *Two Treatises*, p. 393.

<sup>56</sup> *ODNB*.

superiority of any one man, or any order or succession of men in any community, over the other members which compose it, must spring from their express appointment and free consent'. It was a natural corollary of the principles of equality, concluded Watson, that when a Governor violates his compact with the governed, 'he forfeits all title to distinction'.<sup>57</sup> Watson was attached to the parliamentary opposition. But campaigners at the more radical end of the Whig spectrum were also eager to lay claim to the Lockean inheritance. In the preface to the fifth edition of his *Observations on the Nature of Civil Liberty*, Richard Price was keen to point out that the principles of free government he had sought to promote were 'the same with those taught by Mr. Locke', and he lambasted those who denied that government was 'the creature of the people, or the result of a convention between them and their rulers'.<sup>58</sup>

Of course, in insisting that this trust implied the actual governance of the people rather than an agreement to be governed, and, more concretely, that anything less than equal representation in parliament constituted an abuse of the powers of delegation, Price was setting the bar much higher than Locke had done in the *Second Treatise*. This variety of opinions about what rights exactly were enshrined in the initial compact was a symptom of its lack of historicity, according to Paley. There was no evidence that a convention to settle the terms of the constitution had ever taken place, and it defied common sense to believe that savages could have deliberated on questions of such complexity. The establishment of the United States may have resembled a form of original compact, but since critical parts of the constitution were assumed 'to be already settled' – such as qualifications for voting in the elections of members of Congress – it lacked 'that which alone makes the resolutions of the society the act of the individual, the unconstrained consent of all to be bound by the decision of the majority'.<sup>59</sup> Nor were present-day subjects aware of ever having exercised any choice over whether they wished to be ruled by the legislature or not, either by accepting the possession of property or by any other means. Since

<sup>57</sup> Richard Watson, *The Principles of the Revolution Vindicated in a Sermon Preached before the University of Cambridge on Wednesday, May 29, 1776*. (2nd edn. Cambridge, 1776), pp. 10–11. It was awkward for Paley that his patron Edmund Law had defended Locke's principles as the 'universal and unvariable truths whereon all just government is ultimately founded'. Edmund Law, 'Preface' to *The Works of John Locke*, vol. 1, p. xi. It may well have been his treatment of Locke that prompted John Law to ask Paley to delay publication until after the Bishop's death. Edmund Paley, *Life of Paley*, p. c.

<sup>58</sup> Richard Price, *Observations on the Nature of Civil Liberty, the Principles of Government and the Justice and Policy of the War with America* (5th edn. London 1776), preface, p. 16.

<sup>59</sup> *Principles*, p. 417.

the compact was a fiction, then, it could hardly provide a moral basis for political allegiance. What was worse, the Lockean theory of allegiance led ‘to conclusions unfavourable to the improvement, and to the peace, of human society’. Its adherents insisted, for example, that government was bound to comply with certain rules and limitations drawn up by the primitive assembly from whose resolutions it derived its authority. But as there was no way of knowing what these ‘fundamentals of the constitution’ were, this expectation created a pretence for constant complaint against the legislature and for questioning the authority of the laws.<sup>60</sup> Moreover, if the civil compact was analogous to private contacts – in which the violation of one party released the other from his obligation – every perceived infraction of rights or irregularity of legislative procedure became a grounds for withdrawing obedience and creating the state anew.<sup>61</sup> And this was a recipe for political bedlam. For in carrying out the vast and multifarious business of administering the empire, the government would be constantly open to the charge of breaching terms which, being nowhere expressed, must be entirely a matter of conjecture; it was small wonder, then, that this conception of government had ‘always supplied the disaffected with a topic of seditious declamation’.<sup>62</sup>

Relative to the Filmerite and Lockean alternatives, utility offered a sound foundation for political obedience and a clear formula for establishing its limits. The duty to obey the legislature, like all moral obligations, was founded on the will of God as collected from expediency. Since civil society was essential to human happiness, each member was duty-bound to obey the laws which upheld it ‘so long as the interest of the whole society requires it’.<sup>63</sup> The moral merit of every attempt to resist the sovereign therefore rested on a calculation of the weight of the grievance being suffered relative to the likelihood and cost of remedying it through disobedience, and it was up to each man to make such a judgement for himself.<sup>64</sup> That calculations of utility were subject to error was no objection to the rule, for the same could be said of any practical moral system – besides, Paley was intent on ensuring they were made with the utmost circumspection. He had advised readers in the preface that the foundation

<sup>60</sup> Once again Paley raised the spectre of seventeenth-century turmoil, observing that it was this kind of reasoning that caused so much consternation in the reign of Charles II by creating doubt over whether parliament had the right to alter the succession of the Crown. *Principles*, pp. 420–1.

<sup>61</sup> Paley dedicated no less than nine chapters to the ethics of private contracts in book three.

<sup>62</sup> *Principles*, p. 423. <sup>63</sup> *Ibid.*, p. 424.

<sup>64</sup> As long as he chose freely, however, each subject could elect to abide by the decisions of others. *Principles*, pp. 424–5.

of his political philosophy was to be found in his explanation of the theory of general rules in the opening chapters of book one, and he therefore expected that they would approach his political thought, having already imbibed the habit of weighing the remote and collateral consequences of prospective actions. It became clear, when Paley came to point out the implications of replacing 'implied contracts' with public expediency that questions relating to the justice of civil disobedience called for such discretion in abundance. On contemplating resistance, it was especially important to take full stock of the losses likely to be incurred from the struggle, warned Paley; hence, the probability of success was a vital consideration. The Glorious Revolution was justified, therefore, because the 'little mischief or bloodshed' that was likely to occur was a reasonable price to pay for the advantages accrued. By the same token, however, the Frenchman was obliged to endure infringements of his liberty that Englishmen would not be expected to suffer, since resistance was unlikely to gain sufficient support to succeed where the people were so inured to their sufferings.<sup>65</sup> In this sense, 'the subjects of different states have different civil rights', since 'the point of justifiable resistance [was] placed at different parts of the scale of suffering'.<sup>66</sup>

Though it offered a robust justification for resistance, Paley was keen to point out that his doctrine encouraged none of that pestilent litigiousness intrinsic to its Lockean counterpart. For disobedience was warranted only where violations of liberty were so endemic to the legislature that it no longer conduced to the general good. But this was not the only way in which the utilitarian theory of obedience helped to reduce the occasions of political contestation, since it also had the happy effect of laying to rest the ghosts of past conflicts. In the first place, it allowed the particulars of the legislature – who was the rightful prince or what was the correct form of government – to be determined by the habits of the imagination that lent authority to 'those exertions of power, which have long been exercised and acquiesced in', so long, again, as the totality promoted the public welfare.<sup>67</sup> A similar implication of the Paleyan model was that 'irregularity in the first foundation of a state, or subsequent violence, fraud, or injustice in getting possession of the supreme power, are not sufficient reasons for resistance, after the government is once peaceably settled in' – which, considering that all states were founded in conquest, and few dynasties enjoyed uncontested

<sup>65</sup> Sure enough, in early 1790, when the French Revolution appeared to have succeeded with relatively little bloodshed, Paley expressed his approval (though in private).

<sup>66</sup> *Principles*, p. 428. <sup>67</sup> *Ibid.*, p. 408. See Hume, 'Of the Original Contract', p. 486.

legitimacy from their inception, was a great boon to civil accord.<sup>68</sup> By wiping the slate clean in this way, expediency had the same stabilising effect on private property, validating ownership rights originating in prescription or illegal appropriation, as long as they were upheld by the current law of the land.<sup>69</sup> Though radical critics naturally viewed this as an exercise in ideological whitewashing, Paley saw the political mentality he was advancing as a moderate alternative both to the stultifying doctrines of high churchmen and to the destabilising legalism of agitators.

Paley's utilitarian definition of liberty was similarly offered as an alternative to the excessively exacting theoretical standards for political life embodied in prevalent formulations. Civil liberty was '*the not being restrained by any Law, but what conduces in greater degree to the public welfare*'; in essence, the fewer useless laws in any country, the more liberty it enjoyed. By this definition, liberty was a measure of the *relative* exemption from government interference enjoyed by any people, and not to be understood in absolute terms, as something that could be gained or lost though any particular law, innovation or incident. It made little sense therefore to speak of 'a free people' or a 'nation of slaves', as some notable political writers had done. As Paley saw it, this all-or-nothing view of political freedom stemmed from a fundamental error of political reasoning, the tendency to rest 'liberty in security', that is, in being free from the *danger* of arbitrary impositions of the state, and not merely in the '*actual exemption*' from such restraint.<sup>70</sup> Thus mistaking the various securities of liberty for liberty proper: 'One political writer makes . . . Liberty to consist in [a subject] . . . being governed by no laws but those to which he hath actually consented; another is satisfied with an indirect and virtual consent; . . . [another] in the freedom and purity of elections of representatives'.<sup>71</sup> This same misconception explained why it was widely believed that the sweeping away of constitutional checks to prerogative in the Swedish *coup d'état* of 1772 had brought an end to liberty, despite the fact that the civil laws had hardly changed at all.<sup>72</sup> He was far from denying, of course, that some constitutions (and Britain's in particular) were more conducive to liberty than others; his point was that no particular

<sup>68</sup> *Principles*, p. 425. Paley may have been targeting the historical muckraking carried on by anti-government propagandists in the American struggle to undermine the legitimacy of British Crown. See, for example, Paine's remarks in *Common Sense* about the usurpatory origins of the British monarchy. Thomas Paine, *Common Sense; Addressed to the Inhabitants of America* (Philadelphia, 1776), pp. 19–20. On the context of Hume's argument see Forbes, *Hume's Philosophical Politics*, ch. 3.

<sup>69</sup> See see below, pp. 259–64. <sup>70</sup> *Principles*, pp. 441, 443, 444. <sup>71</sup> *Ibid.*, pp. 446.

<sup>72</sup> *Ibid.*, pp. 444–5. Gustaf III restored absolute monarchy in a bloodless coup on 19 August 1772, ending half a century of mixed government.



configuration of powers and interests was intrinsically constitutive of liberty. However unlikely in practice, there was no reason in theory why a people living under an absolute ruler should not enjoy as much liberty as those inhabiting the 'purest democracy', as would be the case where the welfare of the people was 'as studiously . . . consulted in the edicts of a despotic prince, as by the resolutions of a popular assembly'.<sup>73</sup> The true test of any legislature, in terms of liberty, was whether it produced expedient laws in the long run; on this alone would depend the sense of security that comprised freedom from the perspective of the citizen.<sup>74</sup>

There were strong echoes in these passages (particularly in the list of erroneous definitions previously cited) of Montesquieu's complaint in *De l'esprit des lois* (1748) about the widespread tendency to confound 'the power of the people' with their liberty.<sup>75</sup> This was precisely the conflation insisted upon by Richard Price in 1776 when he defined liberty as 'the power of a civil society or state to govern itself by its own discretion; or by laws of its own making'. Likewise, it was Jebb's conviction that this power could only be secured by an equal and proper representation of the people that spurred his political activism in the early 1780s.<sup>76</sup> It appears, however, that Paley's original source for descriptions of the 'free state' were the writings of the Commonwealth theorists Algernon Sidney and Marchamont Nedham. In December 1769, he borrowed Sidney's *Discourse Concerning Government* (1698) and Nedham's *Excellencie of a Free State* (1656), alongside a work by Livy (unnamed in the borrowers book), from the library at Christ's College.<sup>77</sup> Such works were clearly in vogue among the radically minded at Cambridge in the 1760s, having been republished in 1750s and 1760s by radical Whig publishers like Thomas

<sup>73</sup> *Principles*, p. 445. Interestingly, Paley was developing a point made by Joseph Priestley in *An Essay on the First Principles of Government; and on the Nature of Political, Civil, and Religious Liberty* (Dublin, 1768), pp. 58–9.

<sup>74</sup> The deeper underlying assumption, which, according to Quentin Skinner, was embodied in such definitions – that not to be free from the danger of being coerced was itself a form of constraint – does not seem to have registered with Paley. Quentin Skinner, *Liberty Before Liberalism* (Cambridge, 1998), p. 84.

<sup>75</sup> Montesquieu, *The Spirit of the Laws*, trans. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge, 1989), p. 155.

<sup>76</sup> Price, *Observations*, p. 3. Price repudiated William Markham's definition of liberty as 'a freedom from all restraints except such as established law imposes for THE GOOD OF THE COMMUNITY' for failing to specify 'where the power is lodged of judging what laws are for the good of the community'. Richard Price, *Two Tracts on Civil Liberty* (London, 1778), p. viii. See William Markham, *A Sermon Preached before the Incorporated Society for the Propagation of the Gospel in Foreign Parts, February 21, 1777* (London, 1777), p. 19.

<sup>77</sup> Christ's College Library Borrowing Register, 1758–1806, Christ's College Old Library, BR2.



Hollis and Richard Baron.<sup>78</sup> Jebb, indeed, explicitly identified himself with the Commonwealth tradition, recommending Sidney's works to all his students as the last word on government.<sup>79</sup> For Nedham, 'the life of liberty' consisted in 'keeping people in power from all occasions of [tyranny]', which could only happen in those states 'where all men are brought to taste subjection as well as rule, and the government settled by a due succession of authority, by consent of the people'.<sup>80</sup> While he set out several features of the 'free' constitution, he emphasised the necessity of regular 'Revolutions of authority' – i.e. opportunities for the citizens to choose their representatives – as the best means of insuring that the powers of the state remained accountable.<sup>81</sup> Likewise, Sidney defined political liberty as an exemption from all human laws to which we have not given our consent, and slavery as the condition of enjoying all our rights by 'the grace of the Prince' alone 'which he may revoke whensoever he pleaseth'.<sup>82</sup>

Paley singled out the right to be ruled by no laws but those one has consented to as a prime example of a safeguard to civil liberty that was regularly mistaken for liberty itself, observing that it was essential to liberty only insofar as it provided 'security against the dictation of laws, imposing arbitrary and superfluous restrictions upon his [the citizen's] private will'.<sup>83</sup> Naturally, this manner of thinking spawned as many definitions of liberty as there were provisions for protecting it; and it did not inspire confidence in such designations, he believed, that they were all 'sufficiently consistent with truth and with each other'. But truth could not be offended by definitions – only propriety could; and he urged readers to reject those formulations which, 'by making that essential to civil freedom which is unattainable in experience, inflame expectations that can never be gratified, and disturb the public content with complaints, which no wisdom or benevolence of government can remove'.<sup>84</sup> For Paley, this was the same as saying that they should reject demands that were not achievable within the framework of the current constitution. Schemes requiring a major overhaul of the constitution were unachievable in experience, most obviously, because the political nation would not countenance their implementation

<sup>78</sup> The classic treatment of the tradition is Caroline Robbins, *The Eighteenth Century Commonwealthman: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II Until the War with the Thirteen Colonies* (Cambridge, MA, 1959).

<sup>79</sup> Page, *John Jebb*, pp. 194–5.

<sup>80</sup> Marchamont Nedham, *Excellencie of a Free State* (1656; London, 1767), pp. 44–5.

<sup>81</sup> *Ibid.*, pp. 34, 42–3.

<sup>82</sup> Algernon Sidney, *Discourses Concerning Government* (1698; London, 1763), pp. 8, 12.

<sup>83</sup> *Principles*, p. 447. <sup>84</sup> *Ibid.*

(an observation borne out by the conclusive defeat of the movement for parliamentary reform in the 1780s). The only way of increasing the scope of political possibility in this regard would be to unleash the physical power of the lower orders, an option Paley never contemplated, since in his view it would have spelt the end of government itself. There was nothing wrong with proposing ideal standards to which government might aspire. Paley's concern was specifically with definitions and their role in political rhetoric. The idea of liberty as security enabled captious political commentators to present every alleged shortcoming of the constitution in absolute terms, as a mark of *slavery* pure and simple – a prime example of the type of unmeaning but inflammatory *sounds*, which according to Paley, worked miracles on the ignorance of the multitude, and which by unravelling the prejudice which held them in subjection to government, might potentially extinguish political liberty altogether.

If we apply Jonathan Israel's schema of eighteenth-century intellectual life, the political thought of the 'Elements' ought to be seen as part of the moderate counterpart to the radical enlightenment, of which Price, Priestley and Jebb were in the English vanguard.<sup>85</sup> In Paley's eyes, however, *he* was the moderniser, divesting political thought of the archaic idioms of seventeenth-century politics and the factious spirit they embodied. Although he never explicitly made the comparison, in terms of both their psychological causes and effects, there were very close resemblances between the legalistic and theoretical models of allegiance and liberty, as he presented them, and the evangelical notions of spiritual perfectionism so mercilessly decried by Tucker. Both were symptomatic of agitated mental states brought on by a morally culpable surrender to the violent passions. Just as Tucker had traced Christian perfectionism to an intemperate zeal for piety, Paley now expressed a lack of surprise that descriptions of liberty which occur 'oftener as the subject of panegyric, and careless declamation, than of just reasoning, or correct knowledge, should be attended with uncertainty and confusion'.<sup>86</sup> Because the ideals produced from such mental ferment were so unrealistic, furthermore, they were a constant source of disgruntlement. What Paley offered in their stead, then, was not so much an alternative set of doctrines as a healthier political mind-set. It should be clear from the account given above that in politics, as in morals, the *Principles* aimed at equipping the public to make reasoned decisions of their own. It was implied, for example, that political principles ought to be settled in tranquil times, to minimise the distortion from party

<sup>85</sup> Israel, *A Revolution of the Mind*, pp. 15, 31, 59, 163.      <sup>86</sup> *Principles*, p. 447.

acrimony. Moreover, the doctrine of utility itself was shown to engender a moderate approach to practical political questions. As it encouraged readers to assess the health of political life, and to seek improvements where necessary, expediency was incompatible with the kind of supine obedience that created constitutional stasis; but by enabling them to evaluate its well-being in relative and comparative terms, rather than by the absolute standards of Whig theory, it discouraged 'that distempered sensibility' which saw inconveniences everywhere.<sup>87</sup>

<sup>87</sup> *Ibid.*, p. 375.

*Utility and the Constitution*

How far Paley lived up to his self-image as an impartial spectator of politics is best assessed in the light of his responses to the controversies of the day. To judge by his correspondence, he could fairly claim to have remained aloof from the domestic ideological battles surrounding the American war. The partisan language that had begun to resurface after 1760 reached fever pitch in this period, not least in the broadsides of churchmen on the frontline of the struggle. Jebb naturally declared his support for the cause of ‘suffering humanity’ (as Disney put it), asserting that Locke had shown him who were ‘the real rebels, in a contest of this kind’.<sup>1</sup> More in tune with the mood of the vast majority of clergymen, however, was the Archbishop of York, William Markham, who, scorning the ‘specious fallacies’ employed in its defence, decried the revolution as an act of ‘wickedness only’.<sup>2</sup> There were no signs in Paley’s letters at this time of him getting caught up in the maelstrom. A letter of 1779 finds him expressing admiration for the wily military strategies of the Americans, but at an evening soirée at Appleby in the previous year, he had pleased the company with an apology for the Ministry, on the grounds that war was by its nature uncertain and thus frequently lost through misfortune.<sup>3</sup> It is hard to think, moreover, that either side would have read the comments on the war, unsystematically dispersed throughout the *Principles*, as a retrospective endorsement of their position. Remarks made in passing about the ‘too vigorous’ restrictions imposed upon the colonies appeared to imply that mismanagement was largely to blame for the conflict. On the other hand, he questioned the revolutionaries’ grounds for pursuing secession, claiming that, had he been an American, he would have

<sup>1</sup> Disney, *Memoirs of John Jebb*, p. 86.

<sup>2</sup> Markham, *A Sermon Preached before the Incorporated Society for the Propagation of the Gospel in Foreign Parts*, p. 23.

<sup>3</sup> Paley to John Law, 8 June 1779[9]?, PRO 30/12/28/1/98; Paley to John Law, 1778; PRO 30/12/28/1/104–6.

thought it necessary to demonstrate not just that the colonies would benefit from becoming independent, but also that 'what *Great Britain* would lose by the separation, was likely to be compensated to the joint stock of happiness, by the advantages which *America* would receive from it'.<sup>4</sup>

This appearance of neutrality owed much to the fact that the revolution was explored purely for the purposes of illustrating the broader principles of the book. Paley only drew attention to the failings of the ministry in America to show that the catastrophe did not controvert the general expediency of colonisation – his point being that the source of the troubles lay 'not so much in the original formation' of the colonies, 'as in the subsequent management'.<sup>5</sup> Similarly, the Americans' justification for rebellion came under scrutiny for the purpose of illustrating the precept that 'the interest of the whole of society is binding on every part of it', one of the key implications of the utilitarian theory of political right. Such examples were employed not to score ideological points, but as a means of inculcating a more scientific approach to political decision making. It is true that Paley appears to have signed the loyal address to the King from the University in 1775, condemning 'the unnatural rebellion' in the colonies (whether out of conviction, or for the sake of his career, we do not know).<sup>6</sup> But such behaviour will not seem inconsistent with the ethos of 'the Elements', if we remember that its chief aim was to enable readers to make informed decisions about which party to support. Being under no illusions that politics would cease to be characterised by party struggles anytime soon, Paley understood that this was the most important political choice they made. Political principles should be worked out in cool detachment, but political action involved taking sides. However, if the end of hostilities in September 1783 spared Paley the awkward necessity of nailing his colours to the mast on the revolution, the question of constitutional reform did not afford the same luxury.

It was Burke who took up the cause of administrative reform, bidding both to bring the Crown's civil list under parliamentary scrutiny and to weed out its archaic regional administrative posts,

<sup>4</sup> *Principles*, p. 430. He accused those who had taken the oath of allegiance while planning to overthrow the monarch of 'perfidy'. *Principles*, p. 171.

<sup>5</sup> *Principles*, p. 618. Elsewhere he mentions the 'unseasonable provocations' of the government. p. 494.

<sup>6</sup> There is no record of this. But it would surely not have gone unnoticed by contemporaries if he had refused to sign it.

efforts which culminated in The Civil List and Secret Service Money Act of 1782. Crucially, however, the Rockinghams were opposed only to those offices they saw as giving undue influence to the Crown, and not, like some of the out-of-doors agitators, to the system of patronage per se. And while they believed such measures would improve the ability of parliament to represent the country as a whole (by rendering it more independent of the Crown), they flatly denied that this capability would be further enhanced by parliamentary reform.<sup>7</sup> Although it had its champions in parliament – most notably Shelburne and Pitt – the driving force of the campaign for reform of the parliamentary system came from extra-parliamentary groups. The chief instigators, John Wilkes in the 1760s and Christopher Wyvill in the 1770s and 1780s, broke the mould of eighteenth-century oppositional politics by making concerted efforts to enlist the support of the wider public. Wilkes organised the first nationwide petitioning campaign in 1769, and while the bulk of the petitions themselves were focused on local grievances or on the allegedly tyrannical treatment of Wilkes himself, the movement also mooted proposals for shortening the duration of parliaments and for the transferring of seats from decayed boroughs to more populous districts.<sup>8</sup> The high watermark for this first wave of parliamentary reformism came at the beginning of the 1780s, when the emergence of the County Associations (formed on the example of the Yorkshire Association, set up by Wyvill in 1779) gave unprecedented coherence to the organisation and objectives of the campaign. Taking their lead from northern country gentlemen, the Associations lent the reform movement a respectability that had been distinctly lacking in the Wilkite campaign. Convinced that economical reform could not by itself restore the independence of parliament, Wyvill also sought the introduction of shorter parliaments and an increase in the representation of the counties. Anxious, however, to seize the opportunity to stir the discontented country gentlemen into political action, in 1779–80 he threw the weight of the Yorkshire Association behind the parliamentary campaign for economy, hoping to eventually mobilise supporters behind his more far-reaching objectives.<sup>9</sup> The priority for now was to

<sup>7</sup> Many of the proposed reforms would have severely damaged their strategic interests. For example, not a few of the pocket boroughs which Wyvill wanted to expunge in 1781 had been under their control for decades. Ian R. Christie, *Wilkes, Wyvill and Reform: The Parliamentary Reform Movement in British Politics 1760–1785* (London, 1962), pp. 132, 102.

<sup>8</sup> Langford, *A Polite and Commercial People*, p. 386.     <sup>9</sup> Christie, *Wilkes, Wyvill and Reform*, p. 72.

establish extra-parliamentary association as a legitimate part of political life, a notion that many among the political classes found deeply unsettling.<sup>10</sup>

But Paley's position on reform was also shaped by his close familiarity with the arguments of the more extreme elements of reformism, including the radical metropolitan groups like Westminster and Middlesex, with whom the County Associations maintained an uneasy and sometimes fraught relationship. As the Report of the sub-committee of Westminster of April 1780 (largely composed by Jebb) explained, this more radical programme was born out of impatience with the aims and methods of the broader reform movement.<sup>11</sup> Since, by this stage, the Commons was little more than 'a desperate faction' serving the interests of the Crown, it would take more than economical reforms or a moderate redrawing of constituencies to redeem it; indeed, nothing short of a review of 'the whole plan of delegation' could re-establish the constitution 'upon its ancient foundations of equity and just reason'.<sup>12</sup> Equal representation was the best remedy for the current constitutional ailments, according to the Report, since it was the only means of ensuring that members who put the interests of the Crown before those of the nation paid the political price.<sup>13</sup> As well as calling for annual parliaments (again with a view to keeping members mindful of their constituents), therefore, the sub-committee proposed two radical changes to the representation: first, a root-and-branch redrawing of constituencies to apportion seats according to population; and second, the introduction of universal manhood suffrage, which, remarkably, was to include the poor, since they, too, had interests that might be invaded by unrestrained prerogative. Just as sinister to the political mainstream as these relatively extreme demands, however, was the increasing disenchantment of advanced reformers with the prevailing methods of protest. As a body of men so deeply in the thrall of the Crown could not be expected to respond to appeals to restore the rights of the people, according to the

<sup>10</sup> Wyvill saw associations as pressure groups that would petition parliament and canvass for reform candidates. Wishing to preserve their independence from parliament, he did not favour the direct participation of opposition politicians; though he realised that their approval of the idea of association was necessary to the movement's success. Christie, *Wilkes, Wyvill and Reform*, p. 116.

<sup>11</sup> While the Association movement was still in its infancy, many of those on the radical fringes were veterans of the Wilkite campaigns.

<sup>12</sup> 'Report of the Sub-Committee of Westminster, Appointed April 12, 1780, to Take into Consideration All Such Matters Relative to the Election of Members of Parliament . . .' (London, 1780), p. 1.

<sup>13</sup> The root cause of the problem, as they saw it, was that, as constituencies were currently organised, there were far too many seats in which powerful property owners could dictate to freeholders who they must return.

Report, they must pin their faith on 'the interposition of the great collective body of the nation'.<sup>14</sup> How exactly the body of the people should intervene was not explained. But Jebb's *Address to the Freeholders of Middlesex* (1779), delivered five months earlier, gives a sense of the radical turn such ideas were taking. Jebb followed the influential Whig theorist James Burgh in arguing that the only way of ensuring that parliament was responsive to the needs of 'the kingdom at large' was to make them answerable to a delegation representing the views of 'the majority of the landed and commercial interest', as determined by a national commission comprising representatives of county committees: each county being represented according to the extent of its population and property. In the event of the commons refusing to yield to their demands, the committees would have the right to elect officials with the power to dissolve the House of Commons.<sup>15</sup> The Lords and Monarch, who would retain their independence, would be likely to give their assent to such a bill, conjectured Jebb, and if not, they could be prevailed upon to do so through the withholding of supplies.<sup>16</sup>

Eager to deny the accusations of the government and its supporters that out-of-doors associations were intrinsically insurrectionary, as well as to allay the fears of moderate supporters, Wyvill emphatically disclaimed the idea that such bodies could claim supremacy over the Commons.<sup>17</sup> In late 1779, however, the extra-parliamentary groups set aside their differences (and put their more far-reaching objectives on hold) to form a tactical alliance with the two main opposition parties, the Rockinghams and Chatamites (under Shelburne), in pursuit of the shared objective of economical reform.<sup>18</sup> Thus when Dunning presented his famous resolution in

<sup>14</sup> 'Report of the Sub-Committee of Westminster', pp. 2–3. Presumably the appeals in question were the 40 or so petitions submitted early in 1780 calling for economical reform.

<sup>15</sup> Jebb, *Address*, pp. 12, 16. The argument for a national association to restore the independence of parliament was set out in James Burgh, *Political Disquisitions*, 3 vols. (London, 1774), vol. 3, pp. 428–60. Jebb's close ally John Cartwright had also taken up the cause in *Take Your Choice* (London, 1776), pp. 89–97.

<sup>16</sup> Jebb, *Address*, p. 17. One critic believed that the model for Jebb's Patriotic Congress was none other than the Congress of North America, which had continued to swear their loyalty to the King until he rejected their 'temperate claims and wishes', at which point they 'renounced and abjured' him, declaring themselves independent. Anon, *Observations on an Address to the Freeholders of Middlesex, assembled at Freemason's Tavern . . . December 20 1779 with a Clear Exposition of the Design and Plan therein Proposed, for New Modelling the Constitution* (London, 1779), pp. 17, 18, 19.

<sup>17</sup> He was more equivocal about the idea in his correspondence however. Christie, *Wilkes, Wyvill and Reform*, p. 73; John Cannon, *Parliamentary Reform 1640–1832* (Cambridge, 1973), pp. 78–9; H. Butterfield, *George III, Lord North and the people, 1779–80* (London, 1949), pp. 256–9.

<sup>18</sup> H. Butterfield, 'The Yorkshire Association and the Crises of 1779–80', *Transactions of the Royal Historical Society*, 29 (December, 1947), 75; Idem, *George III, Lord North and the People, 1779–80*, pp. 168, 198.



the Commons on April 6, 1780, that 'that the influence of the Crown has increased, is increasing, and ought to be diminished', he could claim to be reiterating 'the fundamental point' on which over forty petitions hinged.<sup>19</sup> As it turned out, the protests did not herald the 'revolution' that Fox and others fantasised about. If anything, Dunning's Resolution took the wind from the sails of the association movement, as it reassured country gentlemen that parliament was committed to setting its affairs straight.<sup>20</sup> The Gordon Riots of the following June persuaded many moderates of the innately violent tendencies of popular combinations. Others were scared off the movement by the increasingly extreme pronouncements of ultras like Jebb, John Cartwright and Thomas Brand-Hollis, who, in April 1780, stepped out of the shadows of the London metropolitan groups to form the Society for Constitutional Information, with the aim of animating people of all ranks 'to assert their rights' to a proper representation, including 'universal manhood suffrage, equal constituencies, annual elections, the secret ballot, the abolition of property qualifications for parliamentary candidates and the payment of MPs'.<sup>21</sup> Momentum behind the parliamentary campaign for constitutional reform also faltered, as the united opposition of the Rockinghams and Chatamites, in which Wyvill had placed much hope, split within months of securing office in 1782.<sup>22</sup> The coup de grâce came in February 1783, however, when Fox entered coalition with the Northites – an extremely bitter blow to the reformers, for whom the North ministry had represented the epitome of the system of secret influence and royal cronyism they detested and which Fox had so often vowed to expel.<sup>23</sup> Even the promising levels of support for Pitt's defeated reform motions of 1782 and 1783 only went to show that parliament was 'in advance' of public opinion on the question;<sup>24</sup> for the fact that only 12 counties signed the petition for political reform in 1783, compared to the 26 that had supported

<sup>19</sup> John Dunning in House of Commons, 6 April 1780, *The Parliamentary History of England from the Earliest Period to the Year 1803* (London, 1814), XXI, cols. 347, 340.

<sup>20</sup> Christie, *Wilkes, Wyvill and Reform*, p. 101.

<sup>21</sup> John Jebb to Christopher Wyvill, 1781, quoted in Disney, *Memoirs of John Jebb*, p. 160; Dickinson, 'Radicals and Reformers', p. 131.

<sup>22</sup> Wyvill saw the support of the Rockinghams as essential to his chances of securing change to the parliamentary system, and continued to hold out hope that they would come round to the idea despite their repeated refusals to support it. Shelburne, on the other hand, consistently voiced his support for some measure of constitutional change.

<sup>23</sup> Having proposed Fox's candidature for Westminster, Jebb saw the move as an unforgivable betrayal. Fox had been the parliamentary scourge of the Northites while in opposition, and only in July 1782 had resigned from the coalition on the grounds that Shelburne was the new North. Disney, *Memoirs of John Jebb*, pp. 181–5, 195, 197.

<sup>24</sup> Christie, *Wilkes, Wyvill and Reform*, p. 184.

the appeal for economical reform, demonstrated – what the opponents of the programme frequently observed – that it had little support outside Yorkshire and the metropolitan districts.<sup>25</sup> Yet Paley was clearly convinced that reform would remain an important political platform in the coming decades, and a vital consideration therefore for the young men on whose political choices the wellbeing of the empire depended. Foremost in his thoughts when considering the various proposals, as we shall see, was his sense that the cooperation between parliament and its more clamorous out-of-doors cousins which characterised the movement threatened to alter the dynamic of political life in Britain irrevocably, with unsettling implications for the constitution.

As it was based on the perils of innovation for the state, Paley's case against political reform only makes sense in the light of his view of the benefits of the existing constitution. He primed his readers for this appraisal by setting out three preliminary considerations that would enable them to consider the constitution in a philosophical light. An important aim, once more, was too disabuse them of certain ideas that bred an unhealthy obsession with the shortcomings of government. He alerted them, in the first place, to the fallacious proclivity among some writers to condemn as *unconstitutional* measures which they deemed harmful. The constitution was simply a 'code of public laws' regulating the structure, rights and functions of the legislative and judicial bodies; *constitutional* was thus a byword for *legal*. Because the British constitution was 'made up of acts of parliament, of decisions of courts of law, and of immemorial uses', legislation could never be unconstitutional in this proper sense, but only in the lesser sense of contradicting the spirit of the existent laws concerning the form of government.<sup>26</sup> Readers would surely have interpreted this as a criticism of the widespread tendency among critics of the regime to condemn the Crown's abuse of influence as a subversion of the constitution. The 'model of perfection' by which Jebb impugned the constitutionality of the administration – and by which he affirmed that of his proposals for establishing popular sovereignty – was none other than 'the ancient constitution and customs of the realm'.<sup>27</sup> While after 1760, many Whigs

<sup>25</sup> The motion of 1782, moving to set up a committee to explore the state of the representation, was defeated by 161–141; that of 1783, calling for the addition of 100 representatives elected by the counties and the metropolis, lost by 293–149.

<sup>26</sup> *Principles*, p. 463.

<sup>27</sup> Jebb, *Address*, p. 15. On this tradition in English political thought see J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: English Historical Thought in the Seventeenth Century* (Cambridge, 1957).

began to abandon the idea of the ancient constitution, alongside Lockean contract theory, the motif continued to frame much country rhetoric in this period.<sup>28</sup> Again, Paley was eager to debunk a theory which set up unrealistic, not to say arbitrary, standards for government, and which lent a spurious legal air to complaints about it. Those who spoke of restoring the constitution to its 'primitive model' laboured under the misconception that a charter setting out the fundamental principles of the government had been framed by some particular individual or assembly at a precise date in history – which had never happened in England. The British constitution, like that of most other European countries, had grown out of the vicissitudes of politics over the ages, including the shifting policy of successive generations and of political struggles between 'different orders and parties of men in the community'. For this reason it was not characterised by that 'external symmetry' found in the products of planning and contrivance, which, in any case, bore an uncertain relation to their utility.<sup>29</sup> Finally, Paley drew attention to the wide discrepancy between the theory and the reality of government in Britain. Whereas in theory, the monarch enjoyed discretionary powers that were bordering on the despotic – including the right to veto laws that had been passed by both houses of parliament – in reality, these prerogatives had become merely ceremonial. They had been replaced by the powerful influence arising from the vast patronage which imperial expansion had put at his disposal, on which the constitution remained silent.<sup>30</sup> Here was one further reason, then, why the legalistic mentality encouraged by Jebb was an unsuitable compass for political action.

By thus clearing away the rubbish from knowledge of the constitution, Paley hoped to facilitate a clear-headed assessment of proposals for its reform. Such reflections, he concluded, ought to be governed by 'a sober comparison of the constitution under which we live – not with models of speculative perfection, but with our chance of obtaining a better one'. They ought to be guided, in other words, by the doctrine of expediency, informed by general rules. Once more, then, utility was being presented as encouraging a particularly level-headed political mentality. Because it entailed a commitment to weighing all the variables, such a disposition was

<sup>28</sup> H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977), p. 140.

<sup>29</sup> *Principles*, pp. 465, 466. This follows closely an argument made in an anonymous pamphlet which Paley read in late March 1783 entitled *A Dialogue on the Actual State of Parliament* (London, 1783), attributed to Powis and Thomas Pitt, Baron Camelford.

<sup>30</sup> *Principles*, pp. 466–7.

obviously more likely to secure the public good in the long term than the temperament which was 'too impatient to be delivered from its present uneasiness, to compute either the peril, or the expence of the remedy'.<sup>31</sup> However, in the light of his response to contemporary reform proposals, it is hard to credit his conclusion that this disposition was just as averse to the fetishisation of present establishments as it was to the hypocritical political attitude of malcontents.

Paley adopted the standard position that the excellence of the constitution was largely a consequence of its tripartite structure, which united the advantages of monarchy, aristocracy, and democracy, while remedying many of the inconveniences of each of the simple forms. However, like many English commentators in this period, he superimposed Montesquieu's separation of powers hypothesis on top of the more traditional theory of the mixed constitution.<sup>32</sup> Paley divided this paradigm into two parts, first showing how the constitution provides for 'the interests of its subjects', then how it has provided 'for its own preservation'. The first demonstration focused on the benefits accruing from the separate parts of government, the second on the advantages of the amalgamation.<sup>33</sup> But since Paley took it as understood that he was appraising the Crown, Lords and Commons as they functioned within the tripartite structure, it is helpful to begin by examining his analysis of how this arrangement was preserved, or how 'each part of the legislature is secured in the exercise of the powers assigned to it, from the encroachments of the other parts'.<sup>34</sup> For the answer, he turned to a commonplace of eighteenth-century political thought, the so-called '*balance of the constitution*'. This referred, first of all, to a balance of interests arising from the circumstance that whenever one section of the government encroached on another, the third party were bound to unite with the non-aggressor. In the case of an attack by the Commons on the prerogative of the Crown, for example, their natural attachment to the power 'from which they derive their own distinction' would compel peers to protect the Monarch.<sup>35</sup> Happily, the balance of interests coincided with a balance of power, such 'that there is no power possessed by one part of the legislature, whose abuse, or excess, is not checked by some antagonistic power, residing in another part'.<sup>36</sup> For example, the king's negative checks the power of the Lords and

<sup>31</sup> *Ibid.*, p. 467.

<sup>32</sup> David Lieberman, 'The Mixed Constitution and the Common Law' in Mark Goldie and Robert Wokler (eds.) *The Cambridge History of Eighteenth-Century Political Thought* (Cambridge, 2006), p. 336.

<sup>33</sup> *Principles*, p. 471. <sup>34</sup> *Ibid.*, p. 478. <sup>35</sup> *Ibid.*, pp. 478, 481. <sup>36</sup> *Ibid.*, p. 478.

Commons to make laws, while this negative itself is checked by parliament's control over the king's purse.

Without the perspective of this framework, it would be easy to overestimate the democratic bent of Paley's account of the advantages of the constitution, since he explains its tendency to make beneficial public laws largely in terms of the representative function of the commons. He had already ascribed considerable advantages to democratic (or, as he styled it, 'Republican') government in his chapter on the different forms of constitution, including its conduciveness to liberty and public spirit, and its general propensity to make laws suitable to the needs and situation of the people. Paley had also observed that popular elections played a crucial part in softening the iniquities accompanying inequality, since they forced those seeking office to treat their inferiors with dignity.<sup>37</sup> He now painted a glowing picture of the House of Commons. Because the political success of its representatives depended so much on the public favour; because every district in the empire could choose representatives who were familiar with their situation; because any (male) citizen might play a role in framing the laws by entering parliament and because the variety of voting qualifications in different places ensured that 'each order and profession of men become virtually represented'; the House of Commons could be relied upon to promote the welfare of the governed. But, as Paley stressed, this tendency was greatly enhanced by the particular demographic of its membership. As the 'influence of landed property', or that of money and station, invariably prevailed in elections, the Commons was always peopled with men of sufficient fortune to enable them to resist any financial inducements which might be offered to sway their judgements, and muscle enough to fend off incursions from the Crown and Lords. Yet members were nonetheless 'so intermixed with the constituents, and the constituents with the rest of the people' that they must share in both the burdens and advantages deriving from the laws they enacted.<sup>38</sup> Here was another addition, then, to the already considerable safeguards against members of parliament sacrificing the public interest to their own.

However, as Paley repeatedly stressed, this intermixture with the masses also made them a potential menace to the constitution. To understand why, we need to examine his view of crowd psychology as outlined in the crucial chapter on the moral sense at the beginning of the book. In support of his contention that moral sentiments might be imbibed through 'the

<sup>37</sup> *Ibid.*, pp. 457–8.

<sup>38</sup> *Ibid.*, p. 473. This is why it was important that they, and not the monarch, had powers of taxation.

*process of association*', Paley observed how 'a society of men, touched in the feeblest degree with the same passion, soon communicate to one other a great degree of it', and how it was by this means that 'the most ungovernable disorders are raised . . . from the slightest and most frivolous occasions'.<sup>39</sup> Expanding on this account in 'the Elements', he noted how ideas could spread through a crowd like wildfire, gaining credence, not thorough critical scrutiny, but merely by being relayed from person to person; and the passions ignited by such opinions were diffused with such irresistible rapidity and force that they might throw a country into civil convulsions. Multitudes were thus psychologically predisposed to being 'led away by sounds' – including, of course, by fallacious theories of allegiance and liberty – and wide open therefore to manipulation by crafty leaders (à la John Wilkes or Lord Gordon). This explained why the government of the nation could not be dictated – as in theory it ought to be – exclusively by the opinion of the 'great majority' of its people as represented by the Commons; for, being connected to the masses 'by a society of interests and passions', the Lower House was also susceptible to their 'folly and violence'.<sup>40</sup> It was the main function of peers to provide the constitutional counterweight to popular riotousness, according to Paley, not because they were unprejudiced, but because their prejudices were generally opposed to those which animated the thinking of the vulgar.<sup>41</sup> Occasions might arise when the constitution was saved merely by their reluctance to 'adopt the caprices . . . of the common people'.<sup>42</sup>

This conviction that the considerable benefits produced by the Commons were conditional upon the buffers provided by the other parts of the constitution against its inherent tumultuous tendencies was foremost in his mind when he set out the ground rules for assessing contemporary schemes of reform.<sup>43</sup> In his earlier chapter on liberty, Paley had insisted that inexpedient or useless laws should not be preserved merely because of their antiquity. Having no time either for what he saw as the superstitious worship of the 'ancient constitution', he now asserted that those parts of government which were instrumental to its own preservation, but made little direct contribution to the provision of good laws,

<sup>39</sup> *Principles*, pp. 13–14, 13n. This example was taken word for word from Hume's *Enquiry*, p. 224.

<sup>40</sup> *Principles*, pp. xx, 490, 483. <sup>41</sup> *Ibid.*, pp. 482–3. <sup>42</sup> *Ibid.*, p. 484.

<sup>43</sup> Similarly, Britain derived the advantages one would expect from a pure monarchy – including efficiency and decisiveness in military matters – while also maintaining rigorous safeguards against the abuse of executive authority, most importantly by imposing strict limits on its power to inflict punishment and placing the right to levy money in the hands of the Commons. *Principles*, pp. 450, 475–6.

ought to be maintained only ‘whilst the constitution is worth preserving – that is, until it can be exchanged for a better’.<sup>44</sup> But whereas he identified a number of laws that were ripe for remodelling – including the poor laws and the system of tithes – he offered no suggestions as to how to fine-tune the mechanism of government. This silence will not seem surprising, however, when we consider the narrow scope for manoeuvre which his analysis allowed. When considering reform, the attitude to be adopted by the statesman was that of a general in the field, who never forgets that his enterprises put the lives and livelihoods of a multitude on the line, along with his own. His guiding principle, therefore, should be that ‘changes ought not to be adventured upon without a *comprehensive* discernment of the consequences’.<sup>45</sup> The problem for the would-be reformer was that even very minor innovations might have profound unintended effects that not even the most wide-ranging assessment could forecast. Little did Elizabeth I guess, for example, that her attempts to regulate trade would diffuse a permanent spirit of independence among the nobility that evolved into a general intolerance of arbitrary princes. For Paley, such instances appeared to confirm it as a law of history that ‘the greatest revolutions take their rise’ from ‘the obscure progress of causes set at work for different purposes’.<sup>46</sup> So delicate was the mechanism of the constitution, in other words, that the slightest adjustment to one part could alter or even rupture the whole.

Notwithstanding his declared objective of equipping young gentlemen to make up their own minds on political issues, there can be little question about the moral Paley expected readers to draw from his anatomy of government regarding current reform proposals; i.e. that, in various ways, they exposed the constitution to the caprice of the demos. This was true, for example, of calls for changes to the system of representation. To those like Jebb who believed that ‘the people of England have, and always had, a clear, unalienable, indefeasible right . . . to an adequate and equal representation’,<sup>47</sup> Paley retorted that it is ‘only . . . a right at all, as it conduces to public utility’.<sup>48</sup> In assessing the existing set up, he freely admitted that a system which allowed a single inhabitant of one part of the country to nominate two members of parliament, while voters in another

<sup>44</sup> *Principles*, p. 470.    <sup>45</sup> *Ibid.*, p. 469.    <sup>46</sup> *Ibid.*, p. 467.

<sup>47</sup> This was a resolution of the Westminster Committee on 6 April 1780 reprinted in John Jebb, ‘*An Address to the Freeholders of Middlesex . . . upon Monday the 20th of December 1779* (4th edn. 1780) in John Disney (ed.) *The Works Theological, Medical, Political, and Miscellaneous of John Jebb MD FRS with Memoirs of the Life of the Author by John Disney D.D. F.S.A.*, 3 vols. (London, 1787), vol. 2, p. 488. See Disney, *Memoirs of John Jebb*, pp. 150–1.

<sup>48</sup> *Principles*, p. 487. A footnote on the same page suggests that Paley was familiar with the Westminster resolution.

had power over only 'the ten thousandth part of a single representative', was highly irregular. It was a 'flagrant incongruity', likewise, that half the seats in the Commons were elected while half were bought or acquired by the nomination of the owners of great estates. However, the key question was whether a parliament returned by a more equal representation would be more likely to make better laws than the Commons as then constituted, and this would depend entirely on its capacity to 'produce wiser or better representatives'.<sup>49</sup> Boasting the most knowledgeable and eloquent men in the country, the Commons could not be improved upon in respect of talent, in Paley's estimation. The biggest worry about purely popular elections, however, was that they could not be relied upon to return candidates of sufficient property and importance to defend the rights of the Commons against the other parts of the legislature; for in times of political discord, the voters would inevitably succumb to those rash motives which so often prevailed among the multitude.

Interestingly, Paley conceded that these arguments did not engage with those who sought to dispense with the Crown and the Lords altogether. It was quite consistent for such men to call for electoral reform, in his view, because the disproportionate system of representation would soon reduce a pure democracy to a disordered oligarchy. This is a revealing admission, as it enables us to distinguish the sociological aspects of Paley's analysis (i.e. those that applied only to the British Constitution) from the universal (i.e. those relating to all states) – and this is vital if we are to understand his response to the other main plank of the agenda for change, economical reform. As with the campaign for modifying the representation, proposals for economical reform covered a broad spectrum, from calls for the abolition of pensioners and placemen (by the likes of Jebb and Thomas Brand Hollis), to the measures championed by Burke to abolish redundant offices and reduce expenditure in the royal household.<sup>50</sup> According to Paley, the latter approach was unquestionably the 'most apt and natural, as well as the more safe and quiet way' of curtailing the influence of the Crown, which he took to be the goal of all reform schemes. What was less clear

<sup>49</sup> *Principles*, pp. 486, 488. A crucial assumption here was that an MP's primary duty was to promote the prosperity of the whole nation, even before that of his constituents (the position so ably defended by Burke); whereas, for Jebb, representatives were merely proxies for their constituents. See Edmund Burke, 'Speech on a Motion Made in the House of Commons, the 7th of May 1782, for a Committee to Inquire into the State of the Representation of the Commons in Parliament' in David Bromwich (ed.) *On Empire, Liberty and Reform: Speeches and Letters* (Yale, 2000), p. 277; Bourke, *The Political Life of Edmund Burke*, ch 8; Page, *John Jebb*, p. 201.

<sup>50</sup> Langford, *A Polite and Commercial People*, p. 558.



was whether the end itself was expedient. Although he agreed with the reformers that the single most important development in the recent history of the constitution had been the great increase in the number and value of offices at the Crown's disposal afforded by the burgeoning riches of the empire, he endorsed the verdict of the 'many wise and virtuous politicians' who deemed a substantial amount of it to be an integral part of the constitution, 'that, indeed, which gives cohesion and solidity to the whole'.<sup>51</sup> Such influence would not be justified, admitted Paley, if the opposition to government was always directed by principle, but since it was more often driven by the love of power, accompanied by a variety of 'private designs and resentments' – all passions that were greatly inflamed in popular assemblies – government needed to have some force simply to balance out such motives. Paley turned to English history to illustrate his point, highlighting, once more, how the reform agenda threatened to reverse the gains of recent modernisation. Before James I came to the throne, the Crown had simply forced its measures through parliament by extortion. But since the Glorious Revolution, this end had been achieved by the more effective means of *influence*, a transformation that had begun in the Restoration.<sup>52</sup> The calamity that took place in the interim occurred because of the King's inability to exact the subjection of parliament, following the decline in the old system of intimidation under James I at the start of Charles' reign. Recent events in the kingdom pointed to the same prognosis. It was because the Crown had no patronage, and therefore no means of creating bonds of interest and gratitude, that they had been unable to stem the 'arrogating spirit' of the popular assemblies in America. As things stood, the Commons of Britain already possessed a great share of power, including the ability to hold government to ransom by refusing to grant supplies. Without the counterbalance of royal influence, there was every chance that a majority of its number, pumped up by the applause of the multitude, would usurp the constitution. Hence, Paley subscribed unequivocally to 'that important, but much-decried apophthegm, "that an independent parliament is incompatible with the existence of monarchy."<sup>53</sup>

Despite Paley's insistence that his politics were detached from the political wrangling of the day – and their obvious reliance, in this instance, on the constitutional analysis of Hume and Blackstone – readers would surely have interpreted these reflections as a comment on the prolonged

<sup>51</sup> *Principles*, pp. 491, 492.

<sup>52</sup> *Ibid.*, pp. 492–3.

<sup>53</sup> *Ibid.*, pp. 493, 496.

political crises that followed the fall of the North ministry in 1782, and particularly on the behaviour of Charles J. Fox and his supporters.<sup>54</sup> And with the help of a recently discovered cache letters written by Paley (supplemented by others in the public domain), it can be shown beyond doubt that this, indeed, is how they ought to be understood. His correspondence reveals that the lion's share of 'the Elements' was completed between the beginning of 1782 and the end of 1784, and that he focused almost exclusively on the political chapters in this two-year period. In general Paley drafted the sections in the order in which they appear in the book, revising the proofs in the light of criticism from John Law, his sounding board throughout his career; but also, it seems, in response to political developments.<sup>55</sup> With the aid of his letters, it is possible to trace a rough chronology of the chapters dealing specifically with governance (the first seven of the twelve chapters). The first time we hear mention of the subject in his correspondence is in February 1782, when he sent John Law 'some politics to be doing with', promising more anon. By the end of March 1783 he appears to have completed these sections in draft form. He told Law that that he should have liked to engage with an 'interesting' pamphlet entitled *A Dialogue on the Actual State of Parliament* (1783), if his chapter (on the British Constitution) 'had not been locked up in cryptic'.<sup>56</sup> However, in October of the same year, he posted the chapter on the constitution to Law, presumably for critical scrutiny; and as late as April 1784, he was still working on it.<sup>57</sup> Much of the politics was therefore written in the context of the extraordinary events between North's resignation on 20 March 1782 and the turbulent early months of the Pitt ministry in

<sup>54</sup> See David Hume, 'On the Independency of Parliament' in *Essays Moral Political and Literary*, pp. 42–46. William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Oxford, [1765]–9), vol. 1, pp. 322–6.

<sup>55</sup> Six days prior to sending John Law 'some politics', he had enclosed the conclusion of the chapter on reverencing the Deity, which immediately precedes 'the Elements' in the book. (Paley to John Law, 19 February 1782; 13 February 1782). Having sent Law a printed draft of the chapter on the British Constitution in October 1783, Paley went to work on the succeeding chapters, on 'the courts of justice' (Paley to John Law, 17 November 1783) and 'crimes and punishments' (Paley to Edward Law, 22 December 1783) respectively. Three months later, he promised John Law the chapter on religious establishments (Paley to John Law, 29 March 1784). We soon after find him 'busy upon population and provision' (Paley to John Law, 11 May 1784, Carlisle), before moving on to 'War and Military Establishments' (Paley to John Law, 9 November 1784), the *final chapter* of the book and the last he completed before turning to the preface (Paley to John Law, 10 December 1784, Carlisle). All letters in the Collection of David Smith, The Museum of the Book.

<sup>56</sup> Paley to John Law, 31 March 1783, in the Collection of David Smith, The Museum of the Book. On the pamphlet see above, p. 201 n. 29.

<sup>57</sup> Paley to John Law, 21 October 1783; Paley to John Law, circa April 1784, in the Collection of David Smith, The Museum of the Book.

1784.<sup>58</sup> We know from his letters that Paley followed political affairs in this period with avidity.<sup>59</sup> But to understand his anxiety about the Commons trying to increase its already considerable powers, we need to explore the developments leading up to the crises.

In calling for a principled alliance between opposition groupings (principally those of Chatham and Rockingham) in 1770 to counter the machinations of the 'double cabinet', Burke had sought to overturn the orthodoxy that 'all political connexions are in their nature factious'.<sup>60</sup> But critics of the move, including many clergymen, continued to view the idea of a formed opposition as intrinsically factional. They saw the Rockinghams as 'disappointed courtiers' trying to cloak their jealousy and ambition in the language of patriotism, and accused them of weakening the ties of government by stirring up disaffection at home and abroad.<sup>61</sup> Before Paley began writing 'the Elements', they were already 'universally suspected of wishing to substitute a Venetian-type oligarchy for the monarchy they affected to fear'<sup>62</sup> – and their behaviour in office in 1782–4 only seemed to confirm such misgivings. In return for taking up office in March 1782, the short-lived second Rockingham ministry imposed severe terms on the King, demanding an end to the war in America, significant economical reforms and the right to exclude 'obnoxious minsters' (i.e. the King's alleged flunkies) from the government.<sup>63</sup> Although the conditions themselves were not entirely new, they included the unprecedented requirement that the King consent in advance to the introduction of certain bills to parliament, thus implying a limitation on his power of veto.<sup>64</sup> Fox's insistence, in the aftermath of Rockingham's death, on the right of the cabinet to elect its first minister, looked to opponents like yet

<sup>58</sup> The standard account is John Cannon, *The Fox-North Coalition: Crises of the Constitution 1782–84* (Cambridge, 1969).

<sup>59</sup> John Law departed for Ireland in April 1782 to serve as chaplain to the lord lieutenant, and Paley appears to have promised to keep him abreast of developments. In a letter of May 1782, for example, he forecast the imminent split of the second Rockingham ministry, remarking that 'they agree in nothing but grinding the Kings nose'. Paley to John Law, 22 May 1782, PRO30/12/28/1/133.

<sup>60</sup> Burke, *Present Discontents*, p. 70. See John Brewer, 'Party and the Double Cabinet: Two Facets of Burke's Thoughts', *The Historical Journal*, XIV, 3 (1971), pp. 479–501.

<sup>61</sup> James E. Bradley, 'The Anglican Pulpit, the Social Order, and the Resurgence of Toryism during the American Revolution', *Albion: A Quarterly Journal Concerned with British Studies* 21 (1989), 382.

<sup>62</sup> L. G. Mitchell, *Charles James Fox and the Disintegration of the Whig Party 1782–1794* (Oxford, 1971), p. 4.

<sup>63</sup> Ehrman, *The Years of Acclaim*, pp. 78–9.

<sup>64</sup> Richard Pares, *King George III and the Politicians* (Oxford, 1953), p. 121. As Pares explains: 'The politicians of his grandfather's reign had been used to making their own arrangements about offices and having them ratified by the king; when the king himself began to make the arrangements once more, they felt that there was something wrong'. Pares, *King George*, p. 114.

another attempt 'of the Opposition Whigs to impose a Ministry upon the king', and part of a plan to subordinate the monarchy to the aristocracy.<sup>65</sup> Nor did Fox help to allay such suspicions when, in April 1783, he set aside war-time animosities to form the infamous coalition with Lord North.<sup>66</sup> Unable to enlist an alternative minister, the King was forced to accept the ministry. In a letter of abdication, addressed (but never presented) to parliament, he expressed despair that his attempts to unite all parties had been thwarted by a powerful faction intent on assuming exclusive control of national affairs. Fox's behaviour in office appeared to bear this analysis out, for he was determined to monopolise control of policy and patronage, reducing the King, as he put it, to the 'mere appearance of power'.<sup>67</sup> Thus while the India Bill of 1783 – ostensibly aimed at regulating the operations of the East India Company by making it accountable to parliament – was presented by the Rockinghams, among other things, as a means of ensuring that the patronage of the Company was not put at the disposal of the Crown, many observers saw it merely as an attempt to swell their own sources of influence. When the King engineered its defeat in the Lords – a move widely viewed as an unconstitutional interference in the legislature – Fox began to assert rights for the Commons 'which were just as new and controversial as those he imputed to the Crown', including that of nullifying the King's prerogative to dissolve parliament.<sup>68</sup> Of course, for much of this time he was also enmeshed with metropolitan radicals like the sub-committee of Westminster. Sharing a platform with Jebb in February 1780, he roused the electors with precisely the kind of histrionic idioms that Paley thought so toxic, warning them, for example, that the 'country will be enslaved' if they did not stem the growing influence of the Crown, and inciting them to act as 'ministers of their own deliverance' as 'their brethren in America, their brethren in Ireland' had done.<sup>69</sup>

Remarks in his correspondence prove conclusively that Paley's nightmare vision of a Commons faction carried on a wave of popular fury was related closely to these events on the ground. In February and March 1784, he gave Law a blow-by-blow account of the struggle between the King and

<sup>65</sup> Pares, *King George*, p. 122.

<sup>66</sup> Despite the scathing abuse it received, it was widely understood among members at the time that coalition was the only way of resolving the political situation. Its infamy was largely a product of ministerial rhetoric in the election campaign of 1784. Cannon, *The Fox-North Coalition*, p. 61. Mitchell, *Charles James Fox*, p. 52.

<sup>67</sup> John Brooke, *King George III* (London, 1972), pp. 238–240.

<sup>68</sup> Mitchell, *Charles James Fox*, p. 78.

<sup>69</sup> *The Speech of the Hon. Charles James Fox; delivered at Westminster, On Wednesday, February, 2, 1780; On the Reduction of Sinicure Places, and Unmerited Pensions* (London, 1780), pp. 17, 16.

the opposition in the wake of Pitt's controversial instalment.<sup>70</sup> Fox attempted to force the resignation of the ministry, condemning both the means by which it had come to power and its continuance in office without majority support in the Commons as constitutional aberrations. George, in turn, believing that his political existence was on the line, put up a stubborn resistance, using every opportunity to appeal for public support.<sup>71</sup> As Paley revised his manuscript at the end of March 1784, it is clear that the quarrels were beginning to colour his thinking about government. Reminding Law that he had been 'in the midst of [the] chapter upon the British Constitution' when they last conversed, he now wondered 'whether the constitution will last till it be finished'. Moreover, he confessed that while it was 'beneath so philosophical a [wish?] as ours to advert to the political controversies of the day, my politics is that an independent parliament is incompatible with the monarchy'.<sup>72</sup>

What has not been recognised about Paley's stance is that it encapsulated an emergent mood in the country that was reshaping the political landscape. Already, at the beginning of the crises in 1782, the influential Anglican political writer Josiah Tucker was warning the newly incumbent Shelburne that his patriotic allies would not be content until economical reform had so eroded the powers of the monarch that they could declare it a superfluous and burdensome part of the constitution.<sup>73</sup> But it was only as the events of 1783–4 unfolded that the prognosis gained widespread credence. Whereas Fox portrayed the ousting of the coalition as the culmination of a systematic campaign to undermine the authority of the Commons, there was a growing sense among the political classes that the activities of the Foxites – their radical claims about the powers of the Commons, their obstructionist tactics in parliament, added to the coalition with North and the India Bill itself – betrayed their long-held oligarchical designs.<sup>74</sup> Needless to say the ministry capitalised on these

<sup>70</sup> Whereas Law rejoiced at seeing the Duke of Portland, for whom he had served as chaplain in Ireland, become the titular head of the Fox-North ministry, Paley found the rapprochement perplexing. (Paley to John Law, 22 February 1783, in the Collection of David Smith, The Museum of the Book.) He clearly held the Rockinghams in low regard, declaring, on the eve of their installation in 1782, that whereas 'Burke . . . will do some good. The rest I hope nothing from'. 'Paley to John Law, 24 March 1782, PRO 30/12/ 28/1/127–28.

<sup>71</sup> Brooke, *King George III*, pp. 256, 255.

<sup>72</sup> Paley to John Law, [n.d.] circa 31 March 1784, in the Collection of David Smith, The Museum of the Book. The letter is not dated, but has been placed between a letter dated 29 March and one of 2 April 1784.

<sup>73</sup> Josiah Tucker, *Four Letters on Important National Subjects, Addressed to the Right Honourable the Earl of Shelburne* (London, 1783), p. 40.

<sup>74</sup> Mitchell, *Charles James Fox*, pp. 84–5.

fears to the full in the general election campaign of March–April, painting Fox as a modern day Oliver Cromwell.<sup>75</sup> But even the gentlemen reformers who had supported Wyvill's campaign increasingly felt that they had more to fear from aristocracy in the existing climate than from the Crown. Wyvill himself was convinced that the India Bill would have introduced levels of corruption into British politics that would have 'changed our limited Monarchy into a mere Aristocratical Republic'.<sup>76</sup> In terms of Paley's analysis in the *Principles*, it would have handed a substantial part of the monarch's sole means of mollifying the disruptive tempers of the popular assembly, to the very men who needed to be tamed; thus rendering government, as normally carried on in Britain, impossible. That it was eventually the Lords who rescued the King from the coalition's clutches (by answering his pleas to reject the India Bill) added force to his depiction of peers as the constitutional bulwark against the innate tumultuousness of the Commons.<sup>77</sup> Add to these standpoints his prediction that 'in the vicissitudes of political interests and passions' the power of the Commons 'to extort a compliance with its resolutions' and to refuse 'annual grants of money' for government might be turned 'against the executive magistrate' – admonitions that must have read like a thinly veiled attack on the obstructive behaviour of the Coalition in the Commons – and a coherent picture emerges.<sup>78</sup> If the use of political theory was, as Paley argued, to provide philosophical principles that would enable the political nation to choose the right party in times of political commotion, early readers of 'the Elements' must certainly have interpreted it as an endorsement of the notions of prerogative defended by Pitt and the Crown in the crises of early 1784, ideas that were crucial to the dramatic and pivotal turning of the political tide against the Foxites in the general election.<sup>79</sup>

<sup>75</sup> Brooke, *King George III*, p. 259. As one handbill put it, ministerial candidates were pledging to rescue the nation from a coalition that 'would establish the power of a corrupt and ambitious ARISTOCRACY upon the ruins of that equal Government which has hitherto been established'. 'To the Freeholders of Yorkshire', 25 March 1784, British Library General Reference Collection CUP. 21. G. 30. f. 1.

<sup>76</sup> Quoted in Mitchell, *Charles James Fox*, p. 95.

<sup>77</sup> Though the move was clearly unconstitutional in the minor sense that Paley allowed.

<sup>78</sup> *Principles*, p. 496.

<sup>79</sup> Fox's resolution of 12 January condemning the Crown's 'unconstitutional' appeal to the Lords over the heads of the Commons had gained a majority of 54. Pitt was elected with a majority of about 120. Cannon, *The Fox-North Coalition*, pp. 165–6. A strong case has been made that public opinion played a crucial role in determining the outcome of the election. See Mitchell, *Charles James Fox*, pp. 92–9. That there was over 200 petitions in support of the government demonstrates that Paley was articulating the mood of large sections of the political nation. Cannon, *The Fox-North Coalition*, p. 187.

A final question remains about Paley's position on monarchical influence, however, that has important implications for the way we view the relationship between his political and moral thought: what about the corrupting effects of patronage on the politicians themselves? How could they be trusted to represent the national interest when their votes could be bought? Not only was patronage perfectly reconcilable with proper representation, according to Paley, but it actually improved the efficiency of parliament by helping politicians make up their minds in the numerous instances where they had no strong opinion. 'According as the disposition of parliament is friendly or adverse to the recommendation of the Crown, in matters which are really or apparently indifferent . . . the business of empire will be transacted with ease and convenience, or embarrassed with endless contention and difficulties'.<sup>80</sup> He stressed, however, that his apology applied 'solely to that influence, which results from the acceptance or expectation of public preferments', and not to covert bribery, which was indeed reprehensible.<sup>81</sup> Radical critics saw the distinction as tenuous. 'What is a place with a salary but a standing bribe?' probed 'Padilla' in the *Gentleman's Magazine*.<sup>82</sup> The poor man whose 'poverty but not his will, consents' to take a bribe for his suffrage' was, by Paley's logic, more blameworthy than the rich man who 'vilely betrays his trust, and barter his venal voice in our senate for the emoluments of a place, to enable him to riot in luxury and extravagance'.<sup>83</sup> On the vital question of whether 'influence' was liable to sway members to vote against the interests of those they represented, Paley adopted the standard line that, as MPs could not hurt their constituents' interests without damaging their own, such betrayals were unlikely.<sup>84</sup> Padilla, on the other hand, thought it common knowledge that members were regularly 'induced to support the Minister by their votes in those measures within doors, which they condemned and reprobated without'.<sup>85</sup> She begged to know, furthermore, what were the so-called 'indifferent' questions that Paley thought comprised so much parliamentary business; did they include, for example, votes on the

<sup>80</sup> *Principles*, p. 495.      <sup>81</sup> *Ibid.*, p. 494.

<sup>82</sup> 'Padilla's Concluding Letter to Mr Paley', *Gentleman's Magazine*, 57 (July–December, 1787), 762. Many suspected Ann Jebb (wife of John) of writing the letters on account of her having adopted the name Priscilla in letters in the *London Chronicle* skilfully dissecting Samuel Halifax' *Three Sermons Preached before the University of Cambridge, Occasioned by an Attempt to Abolish Subscription to the XXXIX Articles of Religion* (1772). Paley jibed that 'the Lord had sold Sisera into the hand of a woman.' (*Judges* 4: 9). Meadley, *Memoirs* (1809), p. 90.

<sup>83</sup> 'Padilla's Concluding Letter to Mr Paley', 762.      <sup>84</sup> *Principles*, p. 473.

<sup>85</sup> He was citing Dunning's pre-resolution speech to the House on 6 April 1780. 'Padilla's Concluding Letter to Mr Paley', 764.



continuance of the vicious and catastrophic war in America? Lastly, it defied credulity, in Padilla's view, that the sages whom Paley claimed occupied the benches of the Commons were unable to decide on such crucial issues.<sup>86</sup> More damaging than the actual criticisms, however, was the insinuation – which would resonate in radical responses to Paley for decades to come – that his apparent obliviousness to parliamentary corruption was symptomatic of his general insouciance on questions of public virtue.<sup>87</sup>

However, although Paley unquestionably saw parliamentary practice through rose-tinted glasses, his seemingly relaxed attitude to its moral shortcomings takes on a different colour when viewed in the context of his broader moral theory. Obviously, the exclusive focus of his political philosophy on consequences marked a departure from utility as a theory of individual morality, which, as we have seen, placed much emphasis on the motives and intentions behind actions, that is, on whether or not they aimed at securing salvation by promoting human happiness. Far from being unconcerned about the moral character of political actors, however, he was explicit that political behaviour was 'as much a question of personal duty, as much concerns the conscience of the individual, who deliberates, as the determination of any doubt which relates to the conduct of private life'.<sup>88</sup> Paley assumed, furthermore, that whatever humanising effects the theory of utility might have on the governing classes – for example, by supplanting the code of honour – would eventually filter through to their mode of governance.<sup>89</sup> But he was bound by the doctrine of general rules to assume that the purest motives would rarely prevail in the political arena. In politics as in ethics, the right calculation of consequences necessary for the formation of expedient rules required a proper appreciation of the psychology of the agents involved, and hence of their capabilities and limitations. Just as the moralist was forced to acknowledge that 'there was more of the brute than the angel in our composition',<sup>90</sup> the political philosopher had to accept that men in political life were largely moved by selfish motives, particularly the love of power – impulses that intensified in assemblies.<sup>91</sup> The obvious implication was that schemes which banked on

<sup>86</sup> 'Padilla's Concluding Letter to Mr Paley', 763.

<sup>87</sup> See Padilla's Concluding Letter to Mr Paley', 762.

<sup>88</sup> *Principles*, p. xv. Hence, much guidance was offered on the ethics of voting. See pp. 49–50, 113, 116, 118, 173–4.

<sup>89</sup> See below, p. 276. <sup>90</sup> Tucker, *Light of Nature*, vol. 4, p. 493.

<sup>91</sup> According to Hume, this assumption was an established maxim of British political theory. David Hume, 'Of the Independency of Parliament', p. 43.



the widespread operation of principle raised expectations that would inevitably be dashed, causing untold political instability in the process. Behind Paley's mischievous acclamations of 'bribery and corruption' to the Hyson club, therefore, lay a serious conviction that by cutting his coat according to his cloth, he promoted the nation's happiness more effectively than those intent on making a constitutional silk purse out of a psychological sow's ear. There was therefore a divine imperative behind his pragmatism. In the sense that it set aside high ideals in favour of feasible objectives, this outlook was an extension of the ultra-pragmatic theological ethos inaugurated by Tucker and embodied in Paley's programme of moral education.

*Paley on Crimes and Punishments*

No part of his political writings better exemplified the philosophy of the possible just described than chapters eight and nine of ‘the Elements’ – ‘Of the Administration of Justice’ and ‘Of Crimes and Punishments’ – in which Paley famously justified the defining feature of the English penal system, the application of capital sentences to a wide range of crimes.<sup>1</sup> The argument was to exercise ‘a potent influence on the trend of English criminal legislation’ for many years, observes Radzinowicz, becoming ‘the credo of all opponents of the movement for the reform of criminal law’. He is surely right, also, to attribute this success to the clarity and concision of Paley’s exposition and to his sound understanding of prevailing social and political conditions;<sup>2</sup> though it also helped, no doubt, that his arguments were essentially a crystallisation of popular attitudes on the subject, as we will see. How Paley managed to produce a treatise authoritative enough to gain recognition from eminent statesmen and leading members of the legal fraternity, despite not being part of the profession, is harder to explain.<sup>3</sup> His correspondence suggests he composed the two chapters between October 1783 and March 1784, completing the first drafts

<sup>1</sup> The best accounts are Clarke, *Evidences for the Man*, pp. 79–88; Leon Radzinowicz, *A History of English Criminal Law and Its Administration from 1750*, 4 vols. (London, 1948), vol. 1, pp. 248–59. G. Glover Alexander, ‘Archdeacon Paley as a Jurist’, *Journal of Comparative Legislation and International Law, New Series*, 18 (1918), 66–89.

<sup>2</sup> Radzinowicz, *A History of English Criminal Law*, vol. 1, pp. 248–9, 257. I am indebted to Michael Lobban for a most helpful critique of an earlier draft of this chapter.

<sup>3</sup> Debating Samuel Romilly’s bills for the repeal of capital punishments annexed to certain types of theft in 1811, Lord Ellenborough told the House of Lords that he deemed Paley’s judgement on the question of more value than even that of Blackstone. See Basil Montagu (ed.) *The Opinions of Different Authors upon the Punishment of Death*, 3 vols. (1813), III, p. 272. When the bills were debated in the Commons two years earlier, William Windham urged the House to ‘read, before we meet again, the excellent observations upon criminal law made by this celebrated divine’. vol. 2, p. 247. As late as 1836, the Commissioners drafting the Second Report on the Criminal Law prefaced their recommendations with a detailed exposition of Paley’s views, as ‘all that could be said’ for eighteenth-century practice ‘by an eminently acute and skilful reasoner’. ‘The Second Report from His Majesty’s Commissioners on Criminal Law’ (1836), 343, 29; in *Parl. Papers* (1836), vol. 36, p. 183 at p. 215. c.

immediately after that of the chapter on the constitution; and as he seems not to have tackled the subject in his lectures, it is probable he wrote them from scratch.<sup>4</sup> But we know little about their composition beyond this. A volume of Blackstone's *Commentaries on the Laws of England* (1765–9) and three volumes of *Statutes at Large* were among his library borrowings while teaching at Christ's, and evidently he had read Richard Burn's *Justice of the Peace and Parish Officer* (1755), for he recommended it warmly in the *Principles*; but this is all we know about his reading in the law.<sup>5</sup> What is well documented, however, is Paley's life-long fascination with criminal justice. Meadley relates how an outing to the assizes at Lancaster as a young boy inspired him to conduct mock trials with his schoolfellows. His passion for the subject was further inflamed when, on 3 August 1759, aged just 16, he was in the courtroom at York to hear the philologist Eugene Aram condemned for a murder committed some fourteen years earlier, an experience that later became a favourite conversation piece of his.<sup>6</sup> In this light, it was surely no small consolation for the drudgeries of life at the Greenwich Academy in the mid-1760s that he was able to sit in regularly on trials at the various courts of justice in London, particularly the Old Bailey.<sup>7</sup> Before beginning work on the chapters on justice, then, he had observed at close quarters the workings of the penal justice system at both central and local levels, and across the full range of jurisdictions.<sup>8</sup> Furthermore, he had had the benefit of frequent conversations with two eminent legal men, his tutor Sir John Wilson, a future judge of the common pleas, and his friend Edward Law (Edmund's sixth son) who later became the Lord Chief Justice.<sup>9</sup>

Extrapolating from his mission statement, it is clear that Paley's discussion of law and order ought to be read as a continuation of the programme of political education launched at the beginning of the politics. This

<sup>4</sup> He promised to send John Law 'the courts of justice' (chapter eight) on 21 October 1783 and again on 17 November, having finished the first draft of 'On the Constitution' in March of that year. The draft of 'crimes and punishments' was ready by late December (Paley to John Law, 22 December), and he completed it by the end of March 1784 (Paley to John Law, 25 March 1784). All letters in the Collection of David Smith, The Museum of the Book.

<sup>5</sup> Christ's College Borrowing Register, Bb.3.18. *Principles*, pp. 159–60.

<sup>6</sup> Meadley, *Memoirs* (1809), pp. 4, 6. <sup>7</sup> *Ibid.*, p. 24.

<sup>8</sup> This is assuming that quarter sessions were among those he attended. Paley was not made a commissioner of the peace until 1795, but given the importance he attaches to the role in the book (pp. 159–60), and that he socialised with Richard Burn, author of *Justice of the Peace* (1755), it is certain that he was well-informed about summary justice when writing.

<sup>9</sup> Wilson coached Paley for the Mathematical tripos. Edward Law, first Baron Ellenborough, accompanied Paley on a trip to Scotland in 1775, and they clearly enjoyed each other's company. He was called to the bar in June 1780.

implies, of course, that they fulfilled some function in relation to the ideological aims of the book, a question we will return to in due course; but their primary aim was to furnish readers with a proper understanding of the English judicial system and particularly of the rationale behind the penal code, so they would take a considered stance on proposals for its improvement, eschewing knee-jerk reactions to the occasional crises that might shake public confidence in it. It so happened that at the precise moment when Paley was working on his manuscript, the administration of justice was in the grip of a 'crises of unprecedented proportions'.<sup>10</sup> A dramatic surge in crime levels after 1767 had prompted an escalation in the rate of executions, as judges granted fewer pardons, rising to a terrible crescendo in the half decade following the Gordon Riots in 1780. The riots themselves continued to loom large in the memory of the propertied classes well into the 1780s. Having initially unleashed their fury on targets associated with Catholicism, the rioters had turned their attention to some of the bastions of penal justice such as New Gate prison, the Old Bailey Sessions House and the house of Lord Mansfield, the Lord Chief justice; small wonder then that the disturbances were widely viewed as an attack on law and order itself.<sup>11</sup> Because they raised manifold doubts about the efficiency of the penal code, these developments dramatically upped the ante for Paley in his bid to vindicate English justice.<sup>12</sup> While he generally spurned the type of momentary controversies arising from such events, furthermore, he could not ignore the more systematic critique of English justice that was beginning to emerge from some of the most eminent legal experts in the country, including some grandees of the magistracy itself.

There had been a dramatic increase in the number of offences carrying the death penalty since the seventeenth century, largely to cover crimes against new types of property associated with the development of commerce. In the second half of the century, however, a growing chorus of reformers condemned as cruel and ineffective a system which penalised

<sup>10</sup> Simon Devereaux, 'Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual', *Past and Present*, 202 (2009), 134. See also Douglas Hay, 'The Laws of God and the Laws of Man: Lord Gordon and the Death Penalty' in John Rule and Robert Malcolmson (eds.) *Protest and Survival: The Historical Experience* (London, 1993), p. 61; Tim Hitchcock, 'Renegotiating the Bloody Code: The Gordon Riots and the Transformation of Popular Attitudes to the Criminal Justice System' in Ian Haywood and John Seed (eds.) *The Gordon Riots and the Criminal Justice System* (Cambridge, 2012), p. 193.

<sup>11</sup> Hitchcock, 'Renegotiating the Bloody Code', p. 189.

<sup>12</sup> Such anxieties forced London officials to consider ways of revamping the spectacle and ritual of execution so as to improve its deterrent effects, according to Devereaux, 'Recasting the Theatre of Execution', 127–74.

sheep rustling and murder with equal severity. Critics of the English penal code like William Eden (1744–62) and Samuel Romilly (1757–1818) drew heavily on the arguments of the Milanese jurist Cesare Beccaria (1738–1794), as expounded in his ground-breaking *On Crimes and Punishments* (1764).<sup>13</sup> But Beccaria's theory in turn built on general principles set out by Montesquieu in the *De l'esprit des lois*. 'It is the triumph of liberty', wrote Montesquieu, 'when criminal laws draw each penalty from the particular nature of the crime. All arbitrariness ends; the penalty does not ensue from the legislator's capriciousness but from the nature of the thing'.<sup>14</sup> According to Beccaria, such criteria could only be met where there was 'a fixed proportion between crimes and punishments'.<sup>15</sup> By fixing the penalties for each crime, you tied the hands of judges, precluding those arbitrary decisions which enabled them to act as both legislator and judiciary. The call for proportionality between crimes and punishments reflected two further convictions which reformers shared about what constituted rational and humane punishment: that its aim was prevention rather than retribution and that it ought to be as mild as possible, principles synthesised in Beccaria's maxim that 'a punishment, to be just, should only have that degree of severity which is sufficient to deter others'.<sup>16</sup> By this measure, the death penalty was only justified where an individual represented a clear and immediate danger to the security and freedom of the state. Life imprisonment was the most severe penalty that could be justly inflicted for all other serious crimes. Because the thought of prolonged suffering was more terrible to the imagination than that of momentary agony, it was actually a more effective deterrent than execution, insisted Beccaria; yet because the pain of perpetual slavery was spread out over the course of the prisoner's life, it was much less awful to the sufferer than it was to the spectator and certainly less cruel than the throes of sudden death.<sup>17</sup>

As Lieberman observes, the fact that some of his doctrines, such as the conviction that punishment should aim at deterrence rather than requit,

<sup>13</sup> As an MP, Eden helped to advance the Hulks Act of 1771 and the Penitentiary Act of 1779. His *Principles of Penal Law* (London, 1771) was influential at home and on the continent. Romilly was a leading campaigner for the restriction of the death penalty. His most important publications were *Observations on a Late Publication, entitled, 'Thoughts on Executive Justice,' by Martin Madan* (London, 1786) and *Observations on the Criminal Law of England as It Relates to Capital Punishments* (London, 1810). Hereafter *Observations* and *on the Criminal Law* respectively.

<sup>14</sup> Montesquieu, *Spirit of the Laws*, p. 189.

<sup>15</sup> Cesare, Marchese di Beccaria, *An Essay on Crimes and Punishments, Translated from the Italian; with a Commentary, Attributed to Mons. De Voltaire* (London, 1767), p. 21.

<sup>16</sup> *Ibid.*, p. 107. <sup>17</sup> *Ibid.*, pp. 103–09.

were already part of English legal orthodoxy helps to explain the ready assimilation of Beccarian principles into reformist thought.<sup>18</sup> If we are to gain a handle on the debate in England, however, it is important to identify which aspects of his programme they embraced, since they were far from adopting it wholesale. While Eden and Blackstone were the most prominent advocates of reform in print when Paley was composing the *Principles*, it is useful to include in our survey some of the proposals published around the same time, both for the sake of comparison and because Paley had probably come across them in conversations with Edward Law. Reform-minded commentators attributed the ills of the English penal system to what they saw as the haphazard character of penal legislation since the end of the seventeenth century, and particularly to the indiscriminate extension of the death penalty to 'every case of difficulty'.<sup>19</sup> As a means of redressing the resultant disproportionality and unnecessary severity of the system, Eden called for a significant reduction in the number of capital offences and Romilly for the penalty to be removed entirely from property crimes;<sup>20</sup> yet neither favoured abolishing altogether this 'last melancholy resource' against the inveterate enemies of public safety.<sup>21</sup> And whereas the power invested in English judges to recommend mercy in capital cases in the form of a lesser punishment, where the circumstances of the crime merited it, went entirely against the Beccarian ideal of fixed punishments; notwithstanding Blackstone's complaints that the flood of capital statutes rendered the law less effective by diminishing the certainty of punishment, there was no appetite as yet among reformers for restricting judicial discretion.<sup>22</sup> Ironically, given the broader aims of Beccaria's programme, the most vocal critic of the King's mercy at this point was the hard-liner Martin Madan, who complained that the abuse of discretionary powers by the judiciary encouraged a sense of 'safety and impunity' which emboldened offenders.

<sup>18</sup> David Lieberman, *The Province of Legislation Determined: Legal Theory in Eighteenth-Century Britain* (Cambridge, 1989), p. 207.

<sup>19</sup> William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Oxford, [1765]-9), vol. 4, p. 17. For an insightful account of Blackstone's project see Lieberman, *The Province of Legislation Determined*, pp. 29-69.

<sup>20</sup> For a summary of Eden's proposals see Radzinowicz, *A History of English Criminal Law*, vol. 1, pp. 303-11. 'Between a sum of money and the life of an individual, there is no proportion', observed Romilly, *Observations*, p. 25.

<sup>21</sup> Eden, *Principles of Penal Law*, p. 22. Romilly, *Observations*, pp. 24-5; Samuel Romilly, *Memoirs of the Life of Samuel Romilly*, 3 vols. (2nd edn. London, 1840), vol. 1, p. 278.

<sup>22</sup> Punishment was rendered uncertain, Blackstone argued, because juries and prosecutors were liable to exercise discretion themselves in capital cases 'through compassion', the first by acquitting the suspect or mitigating the offence, the latter by dropping charges, notwithstanding the guilt of the accused. This uncertainty encouraged criminals by increasing their chances of escaping punishment. Blackstone, *Commentaries*, vol. 4, pp. 18-19.

Appealing to Beccaria's strictures on the certainty of the laws, he called for the rigid enforcement of the death penalty as the only means of reducing the number of capital crimes and punishments.<sup>23</sup> Earlier, Eden had confessed that, in theory, clemency ought to reside entirely 'in the code of law', but felt that the complexity of circumstances in many cases made discretionary power necessary even in 'the mildest of systems'.<sup>24</sup> Though Romilly's statistical studies eventually persuaded him that there were unacceptably wide discrepancies in the practice of judicial discretion, responding to Madan in 1786 he defended it as a humane mitigation of excessively harsh penalties.<sup>25</sup> Where the early critics of the criminal code departed most radically from Beccaria, however, was in their apparent reluctance to trace the inequities of the law to structural causes, that is, to its having been created and maintained by the rich and powerful to serve their own wants; they shied away, in other words, from what was unquestionably his most profound and explosive claim about the penal systems of Europe.<sup>26</sup>

This pattern of analysis has featured prominently, however, in modern historical accounts of eighteenth-century penal theory and practice, specifically in an influential characterisation which emerged in the 1970s and which continues to shape the interpretative debate. In describing the origins of Enlightenment judicial theory, Peter Gay observed how, in moving to make punishments proportionate to crimes, Montesquieu inaugurated a profound 'trans-valuation'. Whereas the judicial codes of Europe had hitherto existed exclusively for the protection of private property, employing gratuitous terror to that end, Montesquieu dared 'to place a higher value on life than on property'.<sup>27</sup> By implication, then, to defend disproportionate punishments, as Paley did, was to put the sanctity of property above that of human life, class interest before the common good. The plot thickens, however, when we hone in on English law as described in Douglas Hay's influential account. In observing that Paley's defence of the English penal system 'was cited by almost every subsequent opponent of reform', Hay placed him at the heart of a 'ruling class conspiracy' to co-opt the law not merely as a safeguard of property, but as an instrument for instilling

<sup>23</sup> Martin Madan, *Thoughts on Executive Justice, with respect to our Criminal Laws* (London, 1785), pp. v, 71, 132.

<sup>24</sup> Eden, *Principles of Penal Law*, p. 294. <sup>25</sup> Romilly. *Observations*, pp. 136–7.

<sup>26</sup> Beccaria, *On Crimes and Punishments*, p. 2.

<sup>27</sup> Peter Gay, *The Science of Freedom*, vol. 2 of *The Enlightenment: An Interpretation*, 2. Vols. (London, 1977), p. 430.

deference in the lower orders.<sup>28</sup> Elements of discretion in the judicial system, particularly the use of pardons, enabled gentlemen to exploit the law for their own purposes. As prosecutors, for example, they could 'terrorise the petty thief and then command his gratitude' along with 'the approval of his neighbourhood', thus forging 'a spirit of consent and submission'.<sup>29</sup> That 'the number of the condemned who actually died on the gallows was relatively constant over much of the century' is taken by Hay to reveal how terror was deployed in a highly strategic fashion: there were enough hangings to instil fear in the lower orders, but not so many as to make them question the justice of the system.<sup>30</sup> The frequency of pardons, the occasional execution of gentlemen and the widespread notion that the jury system guaranteed a trial by one's peers perpetuated the myth that a law designed to protect property and the social order was the guardian of all Englishmen. Hay denies that the conspirators were implementing anything like a *theory* of justice; the ideological structures emerged from 'countless short-term decisions', informed by convictions that were largely unspoken. Yet he clearly sees theory – and, by implication, Paley – as playing a vital role in reinforcing hegemony, alleging, for instance, that only their fear of a breakdown in authority can explain the paradox of why 'conservatives' resisted the introduction of 'a fixed code of laws, which must be observed to the letter' after 'a good case had been made that capital statutes allowed theft to increase by making prosecutions uncertain'.<sup>31</sup> It is not clear whether he is suggesting that Paley and his followers made the case for retaining capital statutes and judicial discretion in the full knowledge that a more effective deterrent existed, or that that they were blinded by class-interest from seeing the glaringly obvious truth of the matter; but the overriding impression, whichever is the case, is of a struggle between heartfelt humanitarianism and the disingenuous 'rhetoric of the death-sentence'.<sup>32</sup>

Histories of both legal theory in the Enlightenment and the English penal system have since appeared which undercut this Manichaeism.<sup>33</sup> But as it

<sup>28</sup> Douglas Hay, 'Property, Authority and the Criminal Law', in Douglas Hay, et al. eds. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 26, 52.

<sup>29</sup> *Ibid.*, pp. 49–50. <sup>30</sup> *Ibid.*, p. 57.

<sup>31</sup> Hay, 'Property, Authority and the Criminal Law', p. 57. He explores this function at length in 'The Laws of God and the Laws of Man'.

<sup>32</sup> Hay, 'Property, Authority and the Criminal Law', p. 63.

<sup>33</sup> On penal theory see, for example, Lieberman, *The Province of Legislation Determined*; Michael Lobban, *The Common Law and English Jurisprudence, 1760–1850* (Oxford, 1991); Frederick Rosen, 'Utilitarianism and the Reform of the Criminal Law' in Mark Goldie and Robert Wokler (eds.) *The Cambridge History*



raises important questions about the ideological status of Paley's contribution to the discussion and about its location in relation to the wider European Enlightenment that have only been partially addressed in later works, it is worth engaging with this binary view here. It must be stressed from the outset, however, that this chapter is not a contribution to the debate about the social meaning of the practice of criminal justice as carried on by Hay, Langbein, King and others, but a case study of the battle of ideas that raged from the 1770s on about the rights and wrongs of the English criminal justice system.<sup>34</sup> The main objective is to further undermine some of the unhelpful dichotomies that have framed much historical interpretation of British and European political thought in the eighteenth century.

A serious shortcoming of Hay's interpretation with respect to theory, as Rosen has observed, is that it elides crucial intellectual and methodological commitments that cut across the dichotomy of 'conservatives' and 'reformers'.<sup>35</sup> For it is only in the light of this broad philosophical overlap that we can hope to grasp the very real differences between the Paleyan and Beccarian approaches to penal justice. Centring on four such areas of agreement, what the following discussion reveals is that this was substantially a debate about the relative utility of various approaches to the prevention of crime – as determined by their effectiveness on the one hand, but equally by their effects on liberty – their being substantial agreement about the broad objectives of criminal justice. Much came down, therefore, to conflicting psychological and sociological analyses. Armed with a clear view of what was at issue, we can begin to ascertain the political significance of Paley's theory and its place in wider European thought. In Paley's case, the philosophical intersection was due in large part to the common intellectual heritage he shared with currents of thought emerging from the continent, of which Montesquieu was unquestionably the main source. It was this fidelity to the spirit of Montesquieu's jurisprudence, as we shall see, that exonerates him from the charge of complicity in any bid to hijack the law for venal or ideological purposes. At the same time, the account given here must raise further doubts about claims that England was so far out of step with developments in Scotland and mainland Europe as to constitute a separate species from rather than

*of Eighteenth-Century Political Thought* (Cambridge, 2006), pp. 547–572. On institutional developments see Peter King, *Crime, Justice, and Discretion in England, 1740–1820*. (Oxford, 2000); idem, *Crime and Law in England, 1750–1840: Remaking Justice from the Margins* (Cambridge, 2006).

<sup>34</sup> Indeed, to suggest that Paley had no intention of conspiring against the poor is not to pronounce either way on whether the criminal justice system did so.

<sup>35</sup> Rosen, 'Utilitarianism and the Reform of the Criminal Law', pp. 571–2.

a mere variety of Enlightenment intellectual culture, partly because it paints English thought in an uncouth cosmopolitan light, but more importantly because it shows that his apology for the 'bloody code' typified the same 'philosophical' political mentality exhibited in his chapters on allegiance and the balance of the constitution; in this sense, it was no less 'enlightened' than the crusade for proportionality.

To begin with, then, the belief that the aim of judicial punishment was not to satisfy justice but to reduce future offences was no less germane to Paley's analysis than it was to Beccaria's.<sup>36</sup> But Paley had different ideas about how it could best succeed in this. As the sole end of punishment was deterrence, both of the criminal himself and would-be future offenders, crimes were punished not 'in proportion to their guilt', but entirely 'in proportion to the difficulty and the necessity of preventing them'.<sup>37</sup> Thus robbery of shops met with harsher punishment than that of houses, not because it was more morally reprehensible, but because it was harder to prevent. Likewise, the exposed nature of the property meant that sheep stealing was a capital offence, though no more heinous than other misdemeanours punished by imprisonment and transportation. Conversely, since the widespread weighing of money had made the counterfeiting of gold coin so much easier to detect, the harsh laws against it were seldom executed. Having demonstrated that the English penal system was primarily designed to deter crime, Paley launched a defence of this approach. He needed to explain, in the first place, why the penal system did not attempt to imitate the perfect justice of the deity by proportioning the pain of the punishment to the guilt of the crime. After all, his confident surmise in the opening chapters of the *Principles* that divine sanctions were administered in precise ratio to moral merit was based on the assumption that this was the most just and effective dispensation.<sup>38</sup> The Deity could administer penalties on those terms, observed Paley, because 'A being whose knowledge penetrates every concealment' could guarantee that each crime got its just deserts. Lacking omniscience, man achieved relatively poor detection rates, and therefore had to compensate for 'the uncertainty of punishment . . . by the severity'.<sup>39</sup> As his chances of being caught were small, nothing less than the terror of the

<sup>36</sup> As Beccaria put it: 'The end of punishment . . . is to prevent others from committing the like offence.' Beccaria, *On Crimes and Punishments*, p. 43.

<sup>37</sup> *Principles*, p. 527.

<sup>38</sup> Leon Radzinowicz, *A History of English Criminal Law* vol. 1, p. 250 f. For Paley's eschatology see *Principles*, pp. 40–2; 'Different Degrees of Future Rewards and Punishments', Sermon XXX, *Works*, vol. 6, pp. 388–95.

<sup>39</sup> *Principles*, p. 531.

rope could dissuade the prospective lawbreaker. Paley shared the widespread lack of confidence in the value of imprisonment and transportation, the obvious alternatives to the death penalty, as they had functioned to date. Either because he deemed it too mild or because the institution was in such disrepute, he gave no consideration at this point in the discussion to imprisonment as a substitute for hanging (though he kept an open mind, as will be shown, on new ideas for unlocking its reformatory potential).<sup>40</sup> Transportation, 'the sentence second in order of severity', was deficient not only because it was 'in reality a slight punishment to those who have neither property, nor friends, nor reputation, nor regular means of subsistence, at home', but also because whatever misery the convict did suffer was unseen by his countrymen, and therefore no deterrent to them.<sup>41</sup> Where Paley departed from Beccaria and his followers, then, was in denying that a more graduated system of punishments would provide an effective deterrent, without which government would be unable to fulfil one of its main functions, ensuring the security of the governed.

The second overlap between Paley's vision and that of the reformers (or at least of Beccaria) was their shared conception of the moral foundations of penal justice. Narrow self-interest compelled the rich and powerful 'to reject the best and wisest institutions', alleged Beccaria, in favour of laws designed to preserve their privileges; whereas his only wish in calling for a system of graduated punishments was to advance '*the greatest happiness of the greatest number*'.<sup>42</sup> But (leaving aside theological differences) this was also the grounds on which Paley preferred a system which 'assigns capital punishment to many kinds of offence, but inflicts it only upon a few examples of each' (i.e. the English code) over, what he asserted to be the only alternative, a system with few hanging offences but which always carried out the punishment. The preference was based on the consideration that

the selection of proper objects for capital punishment principally depends upon circumstances, which, however easy to perceive in each particular case,

<sup>40</sup> As Radzinowicz observes: 'It was generally admitted that prisons were centres of corruption, in need of very thorough reform'. Radzinowicz, *A History of English Criminal Law*, vol. 1, p. 32. On the campaign to improve prisons see Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York, 1978). Paley later suggested ways of improving the effectiveness of incarceration. See below, p. 236.

<sup>41</sup> *Principles*, p. 543. Again, this view was widely shared. Eden thought that transportation might even operate 'as a temptation to the offence'. *Principles of Penal Law*, p. 28. Lord Ellenborough famously described it as a summer holiday. Radzinowicz, *A History of English Criminal Law*, vol. 1, p. 31. It would have looked particularly unpromising in the early 1780s when, owing to the American war, Britain no longer had a regular outlet for the mass transportation of convicts.

<sup>42</sup> Beccaria, *On Crimes and Punishments*, p. 2.

after the crime is committed, it is impossible to enumerate or define beforehand, or to ascertain however with that exactness, which is requisite in legal descriptions. Hence, although it be necessary to fix the boundary on one side, that is, the limit to which the punishment may be extended, by precise rules of law . . . yet, the mitigation of punishment, the exercise of lenity, may, without danger, be intrusted to the executive magistrate, whose discretion will operate upon those numerous, unforeseen, mutable, and indefinite circumstances, both of the crime and the criminal, which constitute or qualify the malignity of each offence.

By removing this discretion to consider all the aggravating and mitigating factors, you increased the likelihood 'either that some offenders would escape capital punishment, whom the public safety required to suffer; or some would undergo this punishment, where it was neither deserved nor necessary'.<sup>43</sup> Worse still, the criminal would be assured that he could commit certain crimes without fear of losing his life. By making every crime capital which might in some circumstances deserve execution, but inflicting the punishment in only a small proportion of cases of each class of crime, the law of England maximised deterrence, and therefore security, from the least amount of pain; and, as the [previous chapter](#) explained, Paley considered the security of citizens to be the fundamental variable when measuring the utility of state institutions. It mattered, however, that this propitious discrepancy arose by design and not, as with the political constitution, from some fortuitous confluence of unintended consequences; for what answered the charge of cruelty, according to Paley, was that capital statutes had always been enacted on the understanding that they would be executed only in the small proportion of cases where the aggravating circumstances warranted it. Clearly, a different set of ground rules were in play here from those which governed the application of utility to politics. According to the logic of Paley's constitutional theory, a code which relied on the courts subverting the sanguinary designs of the legislator was no less defensible on the grounds of expediency than a systematic divergence, providing it produced the same results. But Paley assumed that the legal system had to embody purer intentions than those which held sway in the political arena; it could not be based on a balance of power between competing interests, less still on bribery and corruption.<sup>44</sup>

His rejection of calls for the death sentence to be removed from many non-violent felonies – which might be construed as prioritising property over human life – was presented by Paley as a clear dictate of the doctrine of

<sup>43</sup> *Principles*, pp. 531, 532.

<sup>44</sup> Though the justice system also had its checks and balances. See below, pp. 232–3.

general rules. Although crimes like forgery, counterfeiting and the theft of letters ‘seem to affect property alone’, if treated too leniently they could ultimately ‘render the use of money, the circulation of bills, or the public conveyance of letters’ so unsafe as to make commerce itself unviable. The resulting decline in employment and subsistence would bring extreme hardship to ‘the industrious and valuable part of the existing community’, eventually causing population to go into rapid decline ‘until a desolation similar to what obtains in many countries of Asia, which were once the most civilised and frequented parts of the world, succeed in place of crowded cities, cultivated fields, or happy and well peopled regions’. In fine, the punishment was proportioned not to the relatively insignificant loss incurred by the victim of this kind of crime, but to the devastating long-term effects that it must have on human existence if not punished with sufficient severity. The assumption that crimes relating to *persons* were fundamentally more pernicious than those relating to *property* was thus based on a false antithesis.<sup>45</sup>

A third area of underlying agreement between critics and defenders of the penal code was their basic conception of the relationship between law and liberty. In this context, it is important to be clear, first of all, that Paley did not reject ‘Montesquieu’s idea of liberty as the security of the individual’, as Rosen has argued.<sup>46</sup> By the security of the individual, Montesquieu meant the tranquillity arising where the government was ‘such that one citizen cannot fear another citizen’.<sup>47</sup> Paley’s objection, on the other hand, was to the concept of liberty as security in the sense of being free from the *danger* and not just the reality of arbitrary interference.<sup>48</sup> His conclusion that certain constitutional safeguards might be lost but freedom remain undiminished if the laws remained the same merely reiterated Montesquieu’s claim that ‘the citizen can be free and the constitution not’, that is, ‘free in fact and not by right’.<sup>49</sup> Indeed, if anything, Paley went further, asserting that only liberty ‘in fact’ – defined by Montesquieu as security – could rightly be viewed as freedom at all. Montesquieu, it is true, had not defined this idea of the liberty of the citizen in the explicitly utilitarian terms employed in the *Principles*. But the thrust of Paley’s argument was that the idea of liberty must, above all, refer to the experience of the citizen rather than the arrangement of

<sup>45</sup> *Principles*, p. 539. The distinction was vital to the reformers’ arguments for graduated punishments.

See, Beccaria, *Crimes and Punishments*, p. 79; Romilly, *Observations*, pp. 18, 43, 97.

<sup>46</sup> Rosen, ‘Utilitarianism and the Reform of the Criminal Law’, p. 565.

<sup>47</sup> Montesquieu, *Spirit of the Laws*, p. 157. <sup>48</sup> See above, pp. 189–92.

<sup>49</sup> Montesquieu, *Spirit of the Laws*, p. 187.

constitutional powers; and, secondly, that it was a relative quality depending chiefly 'on the goodness of the criminal laws' – the defining features of freedom in relation to the citizen, as described by Montesquieu.<sup>50</sup> The citizens' sense of their liberty was invariably described in the *Principles* as a feeling of tranquillity arising from the enjoyment of their rights over time, and far from spurning it, Paley treated this equanimity as the main measure of utility throughout much of the discussion of justice.

This idea of safety framed his treatment of the penal code in three respects, each relating to different safeguards of individual security. First, it was implied by his dire predictions of what would occur if capital punishment was removed from certain crimes that severity was integral to the rule of law itself in England, the lynchpin of those restraints on so-called natural liberty (the right always to do as we please) which – according to the fairly standard description of civil society offered in the *Principles* – enabled the 'safe, exclusive, and unmolested enjoyment' of life and property in the state. But, as has been noted, he also upheld Montesquieu's position that, given the rule of law, liberty must depend on the quality and quantity of the laws, and had already laid down strict ground rules for the imposition of legal restraints in his discussion of civil liberty. His definition of freedom implied that restraint was 'itself . . . an evil' that 'ought to be overbalanced by some public advantage', and it was therefore incumbent upon the legislator to prove this advantage and to repeal laws that were found to have none.<sup>51</sup> As the following account illustrates, finally, the vital question of protection from potential threats to individual security from the state itself was foremost in his mind when assessing the internal workings of the judicial system and one of the main factors determining his rejection of proposals for a more graduated system of penalties.

Beccaria saw Montesquieu's observation of a symbiosis between harsh punishments and despotism on the one hand, mildness and liberty on the other, as revealing both a moral and sociological framework for the reformation of Europe's tyrannical penal codes.<sup>52</sup> But Paley denied any such straightforward proportionality between lenity and liberty, insisting, indeed, that the frequency of executions was the price Englishmen were prepared to pay to *preserve* their liberties, since it was in large part a consequence of their hostility to that 'inspection, scrutiny and control' which as they 'render the commission or concealment of crimes more

<sup>50</sup> *Principles*, p. 448. Montesquieu, *Spirit of the Laws*, pp. 187, 188.     <sup>51</sup> *Principles*, p. 442.

<sup>52</sup> Beccaria, *On Crimes and Punishments*, p. 99.

difficult . . . subtract from the necessity of severe punishment'. 'Neither the spirit of the laws, nor the people' would endure the detention of suspects without proof of their guilt, the arrest of suspected vagrants, or, worst of all, the presence of military force on the streets, as effective as such measures surely were in preventing and detecting crime. English readers would have readily identified these arbitrary 'precautions and restraints' with the invasive style of policing and inquisitorial methods of prosecution employed on the continent, to which there was widespread aversion. Suspicions that a regular police force might be employed by government for despotic purposes meant the idea had few supporters at this time, even among reformers; thus Paley's audience would have accepted his assertion that the relatively high levels of execution in England were necessitated in part by rising crime rates in the burgeoning urban centres, despite their understanding that the increase was largely owing to 'the refuge' towns afforded 'to villany, in the means of concealment', and presumably amenable therefore to improved policing.<sup>53</sup> The implication was clear. Because a system of graduated punishments on the model of Beccaria was viable only where citizens were willing to submit to the arbitrary intrusions that would make detection more certain, it would never gain acceptance among freedom-loving Englishmen. In demonstrating that the relative leniency of continental governments, in terms of their lower rates of execution, was actually a function of their absolute power, he inverted in devastating fashion the guiding logic of Beccaria's proposals.

That Paley was relatively untroubled about the remarkable arbitrariness of the criminal justice system – the bugbear of critics like Madan and Romilly – owed much to his confidence in the safeguards against magisterial caprice built into the process, securities which he bid readers guard with the utmost jealousy. He was particularly insistent on the necessity of continuing to require judges to conform to precedent, except where there was a 'manifest error' or evidence of corruption in the original determination.<sup>54</sup> To release them from this obligation was to allow them a latitude of judgment with which no set of men should

<sup>53</sup> *Principles*, p. 542.

<sup>54</sup> There is general agreement among scholars that judicial decisions were considered to be law making by the second half of the eighteenth century, notwithstanding that the three courts functioned independently. Sir William Holdsworth, *A History of English Law*, 16 vols. (1938; Reprinted London, 2009), vol. 12, p. 146. Although the so-called Twelve Judges were an advisory body rather than a court, their determinations on questions referred to them by trial judges or counsels for defence were assumed to establish precedents, as were decisions made in the courts of appeal (i.e. the Court of Exchequer Chamber and the House of Lords). John H. Langbein, *The Origins of Adversary Criminal Trial* (Oxford, 2003), pp. 212–3; James Oldham, 'Informal Lawmaking in England by the



be entrusted, for even the judiciary of England had their 'concealed partialities' which 'ought to be confined by boundaries and land marks'. Moreover, frequent deviations from precedent undermined the subject's belief that he could expect the same decision in his case that others had received in similar cases, thus entailing upon him 'the worst property of slavery – to have no assurance of his rights, or knowledge of his duty'.<sup>55</sup> They had the same effect, in other words, as excessive constitutional innovation, undermining the general sense of security. Whereas Paley assumed that the assurance of rights was largely derived from prescription, a main plank of Beccaria's critique was that such confidence was only well founded where rights were protected by fixed laws – and here, certainly, was an important fault line between the two camps. Yet in the sense that it remained fundamentally a disagreement about what type of penal system best promoted this 'opinion of security', this was very much a debate *within* the tradition of *De l'esprit des lois*.

An appreciation of this alignment facilitates a clearer understanding of the ideological import of eighteenth-century arguments about crime and punishment. Although Paley was not explicit about the relationship, says Hay, he saw the English criminal law as a vital part of the machinery for instilling obedience.<sup>56</sup> Seeing, however, that Paley had actually drawn attention to the quasi-conspiratorial nature of government itself – warning the political classes not to break the spell of irrational impulses that made the many compliant to the few – it is hard to believe that he would have been reticent about a connection he believed to be so critical to maintaining allegiance. Nor, we can safely say, was this understanding of the law implicit in his analysis. To enquire into the ideological aims of Paley's judicial theory is the same as asking how it related to the anti-reform agenda advanced in the expressly political chapters. Although, as Ignatieff observes, many of the leaders of the movement for constitutional change became involved in the campaign to rationalise judicial punishments, the protagonists did not necessarily divide along the same ideological lines.<sup>57</sup> While Jebb, Bentham, Romilly and Burke favoured reform (variously conceived) in both spheres, neither Eden nor Blackstone were friends of political innovation, whereas Joseph Priestley endorsed the Paleyan account of the legal code as unreservedly as he condemned bribery and

Twelve Judges in the Late Eighteenth and Early Nineteenth Centuries', *Law and History Review*, 29 (2011), 181–220; Holdsworth, *Op. cit.*, p. 147.

<sup>55</sup> *Principles*, p. 509. <sup>56</sup> Hay, 'Property, Authority and the Criminal Law', p. 26.

<sup>57</sup> Ignatieff, *A Just Measure*, ch. 3.



corruption.<sup>58</sup> Nor was it only pro-establishment theorists who eulogised England's jury system, for it was frequently held up by radicals as the embodiment of the constitutional principles that parliament, in its corruption, had abandoned.<sup>59</sup> It is an oversimplification, therefore, to treat the legal debate as merely another front in the political struggles of the period.

Yet there was a clear sense in which the political and judicial theories of 'the Elements' were mutually reinforcing. Paley followed Montesquieu once again in asserting that it was 'the first maxim of a free state, that the laws be made by one set of men, and administered by another; in other words, that the legislative and judicial characters be kept separate'; and he argued forcefully that 'nothing but the most manifest and immediate peril of the commonwealth' could justify the enactment of emergency laws in which 'parliament exercises the double office of legislature and judge'.<sup>60</sup> But to advertise the independence of the judicial system in relation to the execution of justice was simultaneously to highlight the constraints on the executive and legislative powers arising from their subjection to law – a theme at the heart of his laudatory depiction of British governance in [chapter 7](#) – and thus to further dampen enthusiasm for meddling with the complex constitutional architecture preserving English liberties. In the context of the political developments of the 1780s, it also served to remind readers what they might stand to lose should the erosion of monarchical power cause government to subside into parliamentary despotism. It goes without saying that any attempt to promote the tactical use of the penal code, or even the faintest hint that he condoned such practices, would scupper such objectives entirely. Indeed, because it flies in the face of everything he says about English justice, the only way of sustaining such an interpretation would be to expose Paley's apology for English justice as a supreme act of Machiavellian dissimulation. But there is little evidence of such chicanery.

<sup>58</sup> Joseph Priestley, *Lectures on History and General Policy* (Dublin, 1788), pp. 294–8. For his cure for political corruption see Joseph Priestley, *The Present State of Liberty in Great Britain and Her Colonies* (London, 1769), pp. 23–4. Undoubtedly, however, the debate about judicial punishments became more deeply enmeshed with political struggles after the French Revolution. Debating in the Commons in 1813, William Windham confessed that his views on Romilly's campaign may have been 'infected with the horror' he had imbibed from events in France. Basil Montagu, ed., *The Opinions of Different Authors upon the Punishment of Death*, II, pp. 271–2. In the 1810s, Ellenborough was increasingly viewed by as an agent of an oppressive government. *ODNB*.

<sup>59</sup> See John Brewer, 'The Wilkites and the Law, 1763–1764' in John Brewer and John Styles (eds.) *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), pp. 153–7.

<sup>60</sup> *Principles*, p. 499. Montesquieu, *Spirit of the Laws*, p. 157.

His endorsement of the legal system was based almost entirely on its provisions for ensuring impartiality, many of which arose from the arrangements by which it united 'the wisdom of a fixed with the integrity of a casual judicature'. The fact that the circuit judge (in the Assizes) came from outside the district in which the crime had taken place, for example, ensured his detachment from local disputes and biases, while any 'corrupt partialities which previous application may have produced in the judge' – prejudices which, it was hinted, might favour the party with 'superior interest' – were checked by the disinterestedness of the jury.<sup>61</sup> It further vouchsafed the integrity of proceedings that they were conducted in full view of the general public and the law profession, not least by making judges accountable for their decisions. In view of their expertise and objectivity, Paley thought it probable that 'more exact justice would, in many instances, be rendered to the suitors, if the determinations were left entirely to the judges', since juries were liable to allow parochial prejudice – partialities or antipathies towards the family, profession or religious affiliation of the parties involved – to influence their verdicts. If suitors were generally from the higher echelons, as Hay argues, then Paley's readers might have welcomed a move that increased their chances of successful prosecution (not to mention the scope for hegemonic manipulation).<sup>62</sup> But he counselled strongly against experimentation with such a system, thinking it doubtful that judges could maintain the same 'purity of conduct' when their powers were enlarged as they demonstrated when acting as part of 'a mixed and restrained authority'.<sup>63</sup>

Furthermore, if his aim was to disguise the class interest of the system it seems odd that he should have problematised precisely those aspects of the law which left it open to the manipulation of interested parties. In cases where local prejudices and interests had infected a jury, and particularly 'where a particular order of men advance claims upon the rest of the community', he recommended that the trial be moved to a distant county.<sup>64</sup> Among the situations he had in mind were suits by the clergy to recover tithes, or trials that pitted landlords against tenants. Interestingly, his observation that the common people who usually comprised juries were particularly susceptible to such prejudices suggests that

<sup>61</sup> *Principles*, p. 504.

<sup>62</sup> Langbein disputes Hay's assumption that prosecutors were generally well-to-do, claiming that, in general, they were not much better off than the accused. John H. Langbein, 'Albion's Fatal Flaws', *Past and Present*, 98 (1983), 101. King argues convincingly, however, that it was the middling sorts who 'dominated the prosecution process'. King, *Crime, Justice, and Discretion*, p. 40 and passim.

<sup>63</sup> *Principles*, p. 506. <sup>64</sup> *Ibid.*, p. 505.

he did not believe that the propertied orders normally held the advantage in such contests. But the point stands that he was alert to anything which jeopardised the impartiality of the system. Significantly, in the present context, he was particularly adamant that the exercise of pardon 'ought to be regarded, not as the gift of a favour, to be yielded to solicitation, granted to friendship, or, least of all, to be made subservient to the conciliating or gratifying of political attachments, but as a judicial act', a deliberation to be conducted with the same rigour and detachment that was expected from the jurors when reaching their verdict.<sup>65</sup> And it was precisely because 'the reputation and authority of government' and therefore 'the good order of society' was at stake that it had to be '*known* and believed to be the case [my emphasis]' that convictions depended entirely on proof of guilt and sentences on the 'quality and circumstances' of the crime. This injunction (and indeed the discussion at large) is sharply odds with 'the argument about the assumptions of legislators' which Hay ascribes to Paley: that 'crimes were punishable by death . . . so that if circumstances required, they could be'.<sup>66</sup> If there was unspoken conviction among the well-to-do about the rectitude of bending 'the statute and common law to their own purposes' (i.e. 'to rule'), by this thinking, it was utterly misconceived; for few things were more likely to unsettle the 'opinion of right in their governors' which held the governed in subjection than a sense that the criminal law was a creature of sectional interests.<sup>67</sup>

What might raise suspicions of conspiratorial intent, perhaps, is that Paley's chapters on jurisprudence focused almost exclusively on criminal trials as conducted in the central London courts and the assizes. In these he found a system of checks and balances that preserved the independence of judges, as we have seen, but also a network that facilitated the dissemination of law from the superior courts to the local; for the presiding magistrate and the advocates who accompanied them at the circuit or itinerant courts applied 'rules of adjudication' which they had 'applied or learned' at 'the supreme tribunals of the kingdom', and thereby maintained 'a principal perfection of civil government, one law of the land in every part and district of the empire'.<sup>68</sup> One would not guess from reading this eulogy that only a small proportion of cases (around 15% in London) actually

<sup>65</sup> *Principles*, p. 535. This suggests that he believed that such machinations went on.

<sup>66</sup> Hay, 'The Laws of God and the Laws of Man', p. 63.

<sup>67</sup> Hay, 'Property, Authority and the Criminal Law', pp. 52–3. *Principles*, p. 407.

<sup>68</sup> *Principles*, pp. 507–8. Another important unifying factor in this regard was the fact that appeals from the different courts ultimately terminated in the same judicature, and thus judgements on appeals helped to reduce the inconsistencies between them. *Principles*, pp. 502–3.

made it to this stage of adjudication, most being settled at the summary level where few of the safeguards that constrained the practice of circuit judges and juries were in operation and where justice frequently deviated from statute law.<sup>69</sup> Sometimes the summary proceeding was 'but the beginning of a long journey through the criminal justice system', observes Gray, 'but for most it was where justice was done and "seen to be done"'.<sup>70</sup> Nor were the poor under any illusions that the scales of justice were equally balanced between them and their propertied neighbours in the magistrate's parlour room.<sup>71</sup> As it happened, however, Paley was not uncritical of magisterial justice. Echoing Blackstone, he urged readers to watch with particular vigilance those areas of judicial practice which deviated from the procedures of jury trial, including 'summary convictions before justices of the peace, especially for offences against the game laws'.<sup>72</sup> Perhaps to avoid stirring up levelling impulses among his readers, he did not follow Blackstone in singling out the powerful and the wealthy as those who were most likely to exploit burgeoning discretionary powers.<sup>73</sup> But he was unequivocal throughout in criticising practices that exposed the system to self-interested or 'party' manipulation where he saw them. What is more, by highlighting part of criminal law which even the severest critic of the class-conspiracy thesis describes as 'uniquely class-based and arbitrary' (i.e. the game laws), Paley made it obvious who he believed were the winners and losers from increasing magisterial discretion, and where his sympathies lay.<sup>74</sup> It is significant on this score that three out of only four laws which Paley explicitly identified as wanting revision – the game laws, the poor laws and the tithes – were those he deemed oppressive to the poor. In relation to the poor laws, indeed, the chief role of the justice, as he described it, was to defend the rights of the labouring people against the tyranny of miserly petty officials.<sup>75</sup> There was little in all this to justify his readers in treating the criminal law as 'but another part of the system' of influence.<sup>76</sup>

<sup>69</sup> King, *Crime and Law in England*, p. 8. The statistic is from Drew D. Gray, *Crime, Prosecution and Social Relations: The Summary Courts of the City of London in the Late Eighteenth Century* (Basingstoke, 2009), p. 28.

<sup>70</sup> Gray, *Crime, Prosecution and Social Relations*, p. 3. <sup>71</sup> King, *Crime and Law in England*, p. 56.

<sup>72</sup> *Principles*, pp. 504–5. A series of statutes between 1663 and 1776 had trebled the number of crimes under summary jurisdiction. Norma Landau, *The Justices of the Peace, 1679–1760* (Berkeley, 1984), p. 346. Blackstone worried that if the increase was not soon checked, it would 'threaten the disuse of our admirable and truly English trial by jury, unless in capital cases'. William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Oxford, [1765]–9), vol. 4, pp. 277–8.

<sup>73</sup> Blackstone, *Commentaries*, vol. 3, p. 380. <sup>74</sup> Langbein, 'Albion's Fatal Flaws', 108.

<sup>75</sup> In other words, the 'farmer-dominated vestries'. King, *Crime and Law in England*, p. 56.

<sup>76</sup> Hay, 'Property, Authority and the Criminal Law', p. 47.

What such attitudes also remind us, of course, is that far from viewing society in terms of class – in the Marxist sense of antagonistic socio-economic groups, politically organised to struggle against each other for their competing interests – time and again, he emphasised the interdependence of rich and poor with a view to fostering mutual cooperation and respect. To this end, his analysis frequently undercut the rigid defence of property. Hay records how the so-called right of necessity, the right to take the property of another when it was the only means of preserving my life, came under increasing attack from legal writers in the eighteenth century, as Christian conceptions of justice steadily gave way to ‘the justice of the law of property’.<sup>77</sup> But, as [chapter 10](#) shows, Paley vigorously defended both the right of necessity and the right of the poor to subsistence, insisting that to uphold the division of property against the claims of dire need was to contradict the ends for which God had permitted private ownership. Even if these commitments are interpreted as merely a cynical ploy to protect the hegemony of the rich, the principle and reality of equality before the law were a vital pillar of the whole edifice on which the rule of the few rested, as we have seen. Given that he was prone to naïve and self-congratulatory optimism when characterising the relations between rich and poor, it would be no surprise if Paley’s encomium to English justice underestimated the degree to which the system was subject to the influence of the wealthy and well-connected. Yet King’s pioneering study of how property crime was handled in the English justice system goes a long way to corroborating his insistence that the courts offered redress to all levels of society on an equitable basis, albeit that this equality seems to have owed more to ‘the interaction between’ the ‘values and interests’ of the parties involved in the trial than to the unimpeachable character of the process itself.<sup>78</sup>

A fourth feature common to Paley and the reformers was their commitment to founding penal theory on a systematic understanding of human motives. This was particularly evident in his reflections on how to improve the system of punishments. Though Paley’s chapters on justice unquestionably amounted to an ‘apology’ for ‘the established system’,<sup>79</sup> he was noticeably more open to experiment and reform in the judicial part of the constitution than in the legislative and executive; and he even identified a few offences from which the capital sentence might be safely removed, including forgeries which did not seriously endanger the operation of commerce and ‘privately stealing from the person’, crimes he believed

<sup>77</sup> *Ibid.*, p. 35.      <sup>78</sup> King, *Crime, Justice, and Discretion*, ch. 2, pp. 356, 257–8.

<sup>79</sup> Radzinowicz, *A History of English Criminal Law*, vol. 1, pp. 254–5.

could generally be avoided with due diligence on the part of potential victims.<sup>80</sup> While this was a tiny fraction of the myriad capital statutes, the recommendation was important, according to Radzinowicz, in being the first time a prominent defender of the existing code had called for such a relaxation.<sup>81</sup> Paley was also open to investigating ways of increasing the effectiveness of the criminal law as an agent of both *amendment* and *example*, questions that had assumed much urgency in the mid-1780s as crime rates soared. Little had been achieved or was practicable in respect to the reformation of criminals, in his view, because all extant punishments, short of execution, tended only to harden the offender or train him in the criminal arts. Although, evidently, the Penitentiary Act (1779) had not borne sufficient fruit by 1783–4 to convince Paley that incarceration might provide a viable secondary alternative to capital punishment, he clearly saw potential in some of the methods set out by John Howard, Jonas Hanway and others for turning prisons into places of rehabilitation.<sup>82</sup> Of the punishments that had not been tried, Paley thought solitary confinement the most promising, because it disposed the mind of the criminal to ‘such b[e]tter and continued penitence, as may produce a lasting alteration in the principles of his conduct’.<sup>83</sup> But he felt that punishments must further aim to combat the underlying psychological cause of most criminal behaviour, ‘an aversion to labour’.<sup>84</sup> One way of encouraging industrious tendencies was by proportioning the criminal’s subsistence to his productivity, so he might ‘taste the advantage of industry together with the toil’; while his sentence on the other hand might be made inversely proportional to the amount of work done.<sup>85</sup> But the problem remained of what to do with offenders after release, since employers were invariably unwilling to take on ex-convicts. Paley was clear that it was the duty of the state to give them work, though in a manner that precluded their congress, and he therefore recommended that, on release, they be ‘distributed in the country, detained within certain limits, and employed upon the public roads’.<sup>86</sup>

<sup>80</sup> *Principles*, pp. 539, 564. <sup>81</sup> Radzinowicz, *History of English Criminal Law*, vol. 1, p. 256.

<sup>82</sup> The initial plans to build new prisons under the Act were abandoned. It was not until the late 1780s that Howard’s ideas began to gain significant traction among magistrates. Ignatieff, *A Just Measure*, pp. 93–7.

<sup>83</sup> *Principles*, p. 544. ‘Solitude and silence’ were at the heart of Howard’s proposed improvements. See *The State of the Prisons of England and Wales* (1777), pp. 43, 46, 152.

<sup>84</sup> *Principles*, p. 544. Though he would later speculate that this love of ease might be ‘the chief foundation of social tranquillity’. *Natural Theology*, p. 356.

<sup>85</sup> *Principles*, p. 545. He clearly had in mind the proposals outlined by Jonas Hanway in *Solitude in Imprisonment with Profitable Labour and a Spare Diet* (1776).

<sup>86</sup> *Principles*, p. 546.

It is notable that despite his apparent awareness of a strong correlation between hardship and law-breaking – implied, for example, by his observation that transportation left most offenders no worse off than before – Paley did not include the social conditions of offenders in his diagnosis of the causes of crime. This lack of joined-up thinking on questions relating to poverty stemmed in part from the primacy attached to psychological over structural explanation in the theological utilitarian tradition (at least, before Malthus's crusade to reverse it), though a deeper cause perhaps was that such an account would have amounted to a dangerous insinuation against the social order (which may also explain why Beccaria's early English disciples did not follow him in emphasising the socio-economic dimensions of justice). Yet Paley's general approach to crime and punishment shows that he was no less intent than Beccaria on founding the principles of the penal system on human nature.<sup>87</sup> In tracing its origin to a single underlying psychological flaw, his explanation of criminality echoed closely his analysis of moral degeneration in [chapter two](#) of book three, where it was observed how the unrestrained indulgence of the sexual passions might precipitate a downward spiral into vice.<sup>88</sup> Such reductionism was the practical expression of the Newtonian impulse, characteristic of the tradition from its inception, and which it shared with Scottish moral thought, to explain human nature in terms of a few essential principles. The prescription of remunerated labour on the other hand – adopted from Hanway – exemplified perfectly the kind of moral 'statesmanship' advocated by Abraham Tucker, in that it aimed at steadily weaning the malefactor off a harmful ruling passion through the shrewd deployment of association.<sup>89</sup> Although he was warming to some of the general ideas of the prison reformers, therefore, he did so on the basis of Christian hedonism, rather than the asceticism that drove evangelicals like John Howard.<sup>90</sup>

Paley brought the same close analysis of motives to bear on the question of how punishments might be made to provide a more effective example to the general public, an issue that, for reasons we have seen, was foremost on the minds of legislators in this period. The discussion was preceded by a brief interlude explaining why *The question by torture* had been 'properly

<sup>87</sup> 'No advantage in moral policy can be lasting', says Beccaria, 'which is not founded on the indelible sentiments of the heart of man'. Beccaria, *On Crimes and Punishments*, p. 8.

<sup>88</sup> See p. 123.

<sup>89</sup> See ch. 2. The ground rule for moral politics was that you could only get a man to like something disagreeable by bringing him to associate it with something he presently found pleasure in. Tucker, *Light of Nature*, vol. 1, p. 112.

<sup>90</sup> No doubt his thinking on punishment was closer to that of the so-called 'associationists' in terms of its psychology. See Ignatieff, *A Just Measure*, ch 3.



exploded from the mild and cautious system of penal jurisprudence, established in this country'. Confessions extracted in this way were a travesty of justice, observed Paley, since the overwhelming desire for relief from the torment compelled the innocent to confess just as readily as it did the guilty. Nor would he countenance 'Barbarous spectacles of human agony', for not only did they 'counteract in some measure their own design, by sinking men's abhorrence of the crime in their consideration of the criminal', but such punishments tended to 'harden and deprave the public feelings, and to destroy that sympathy with which the sufferings of our fellow-creatures are beheld' – which was to say that they defeated the whole object of moral policy and of religion itself. Yet if a way could be found 'to augment the horror of the punishment, without offending or impairing the public sensibility', Paley would welcome it, as a way of mitigating the anomaly that the punishment for patricide was no more severe than that which might be inflicted in a case of simple theft.<sup>91</sup> A recent proposal 'of casting murderers into a den of wild beasts, where they would perish in a manner dreadful to the imagination, yet concealed from the view', appeared to fit the bill.<sup>92</sup> Needless to say, when the reformers championed more proportional sanctions, they did not include enlarging the scale of *capital* punishments. Cruel punishments were counterproductive in the long run, according to Beccaria, because they infected the populace with a spirit of brutality, which was the handmaiden of delinquency.<sup>93</sup> Punishments were deemed cruel, by this thinking, which employed more rigour than was necessary for prevention of the offence in question. Thus, for Romilly, if the flagrant disproportion of punishments in England proved anything, it was the need to remove capital sentences from crimes relating to the invasion of property.<sup>94</sup> On Paley's part, it is hard to escape the conclusion that his endorsement of such grisly measures was an uncharacteristically dogmatic compliance with the principle, expounded in the chapter on civil liberty, that it was the inexpediency and not the rigour of penal acts that made them tyrannical;<sup>95</sup> as this surely counts as one of those instances when the wider and long-term consequences of the measure outweighed the particular good arising from it. If unobserved horrors could strike terror into the hearts of potential offenders, it is hard to see how they would not also inure them to violence and deaden their sympathy for sufferings unseen. Moreover, given the emphasis he placed on the nurturing of such feelings, Paley was remarkably

<sup>91</sup> *Principles*, p. 547.    <sup>92</sup> *Ibid.*, p. 548.    <sup>93</sup> Beccaria, *On Crimes and Punishments*, p. 114.

<sup>94</sup> Romilly, *Observations*, pp. 18–19, 25–7.    <sup>95</sup> *Principles*, p. 444.



clinical in his treatment of the condemned, sparing little thought for their pain and despair, and offering nothing by way of consolation. Hay is undoubtedly right that this aloofness from the grim realities of public execution was characteristic of the writings on the theory of punishment in this period.<sup>96</sup>

Paley used the conclusion of this exploratory section to set out ways of improving ‘the *certainty* of punishment’, which, he agreed with Beccaria, was ‘of more consequence than the severity’.<sup>97</sup> This was basically a matter of removing, where possible, those parts of the system which offered encouragement to villains by increasing the likelihood that they would escape punishment. Highly culpable in this regard were those juries who by their ‘over-strained scrupulousness, or weak timidity’ demand ‘such proof of a prisoners guilt, as the nature and secrecy of his crime scarce possibly admit of; and which holds it part of a *safe* conscience not to condemn any man, whilst there exists the minutest possibility of his innocence’. Paley attributed this pusillanimity to a distrust of circumstantial evidence, the misguided nature of which he laid bare with characteristic perspicuity, observing that

when the preponderation of evidence is so manifest, as to persuade every private understanding of the prisoner’s guilt, when it furnishes that degree of credibility, upon which men decide and act in all other doubts, and which experience hath shown that they may decide and act upon with sufficient safety; to reject such proof, from an insinuation of uncertainty that belongs to all human affairs, and a general dread, lest the charge of innocent blood should lie at their doors, is a conduct, which, however natural to a mind studious of its own quiet, is authorised by no considerations of rectitude or utility. It counteracts the care, and damps the activity of government: it holds out public encouragement to villainy, by confessing the impossibility of bringing villains to justice; and that species of encouragement, which . . . the minds of such men are most apt to entertain and dwell upon.<sup>98</sup>

Sensing that this apprehension arose in part from stories they had heard of past miscarriages of justice, Paley recommended that wrongful executions, on the rare occasions when they did occur, be treated as instances patriotic sacrifice, for the victims suffered under a system whose general tendency was to preserve the wellbeing of the community.<sup>99</sup> While, undoubtedly, the mentality exemplified by such calculations accords less well with our

<sup>96</sup> Hay, ‘The Laws of God and the Laws of Man’, p. 64.

<sup>97</sup> *Principles*, p. 549. Beccaria, *On Crimes and Punishments*, p. 98. <sup>98</sup> *Principles*, p. 551.

<sup>99</sup> *Ibid.*, pp. 542–3. This reversed Blackstone’s adage that ‘the law holds, that it is better that ten guilty persons escape, than that one innocent suffer’. Blackstone, *Commentaries*, vol. 4, p. 358.

own notions of justice and humanity than do the sentiments of the reformers, Paley would have resented the suggestion that he was repelling a 'humanitarian' critique of the 'bloody code', since, for him, the *humanity* of the various standpoints was precisely what was in question – what was *humane* policy, if not expedient policy, as determined by the doctrine of general rules?

It is important, in this regard, not to have an inflated sense of the choices on offer to Paley and his readers when they considered the future of the penal system. In suggesting that the ruling classes clung to the Paleyan paradigm despite the existence of a more efficient and humane alternative, Hay surely overstates the extent to which the critics of English justice were able to offer a comprehensive and workable scheme of reform before 1810. Romilly, it is true, insisted on 'a total revision and reformation of our penal laws' in his pamphlet of 1786, but aimed primarily at exposing the folly of Madan's rigourism, his arguments hardly amounted to a thoroughgoing critique of existing practice, let alone a blueprint for its replacement.<sup>100</sup> In crucial ways, indeed, the assault on Madan involved reinforcing Paleyan orthodoxy, most importantly, the claim that the discrepancy between law and practice with regard to capital offences was a product of legislative design; and he even invoked Paley's authority to drive the point home.<sup>101</sup> Bearing in mind the poor state of secondary punishments and the widespread hostility to the idea of a regular police force, it would have been surprising if the political classes felt inclined to dispense with a tried and tested system of deterrence on the strength of such a sketchy and equivocal programme.

It was only on presenting a systematic critique of Paleyan shibboleths based on a wealth of empirical data that Romilly began to turn the tide of educated opinion. Summarising a speech delivered in the Commons on 9 February, 1810, in support of his Bills for abolishing the death penalty for certain types of theft, his *Observations on the Criminal Law of England as It Relates to Capital Punishments* (1810) was heralded by all but the most obdurate anti-reformist reviewers as a devastating refutation of Paley's apology, which by this stage was universally acknowledged as official doctrine.<sup>102</sup> The consensus was that he cast the subject in a whole new

<sup>100</sup> Romilly, *Observations*, p. 105. His basic proposition was that property crimes be punished with imprisonment, along the lines set out by the Penitentiary Act of 1779 (drawn up by Blackstone, Eden and Howard). pp. 59–61. See Simon Devereaux, 'The Making of the Penitentiary Act. 1775–1779', *The Historical Journal*, 42 (1999), 405–33.

<sup>101</sup> Indeed, he cited the relevant passages of the *Principles* at length in rebuttal of Madan's assertion that justices acted outside the law when issuing pardons. Romilly, *Observations*, pp. 72–8, 80–2.

<sup>102</sup> 'No refutation was ever more decisive', according to the *Monthly Review*, vol. 61 (1810), 311. Glowing reviews also appeared in *The European Magazine and London Review*, 57 (1810), 211–212.

light. A brief examination of three of his main points will suffice to communicate the searching nature of Romilly's mature critique. He opened with an emphatic retraction of his earlier views on the ethos behind criminal legislation. The dramatic decline in the proportion of capital sentences executed, even since the accession of George III, demonstrated 'that the present method of administering the law is not . . . a system maturely formed and deliberately established, but that it is a practice which has gradually prevailed, as the laws have become less adapted to the state of society in which we live'.<sup>103</sup> This was a double blow for the Paleyan position because it implied not only that the majority of capital statutes had been enacted in anger rather than as part of some rational scheme whose humane ends might justify its severity, but also that the spirit of the laws was out of kilter with the manners of the people. The latter point was a powerful counterweight to Paley's insistence that the policing arrangements required to make a more graduated system of punishments viable was incompatible with the Englishman's love of liberty. On the separate question of whether or not the existing *modus operandi* was beneficial to society, Romilly pointed to strong evidence that the system was failing in its primary objective of deterring crime. While no one doubted that in exercising discretion justices were actuated by a spirit of benevolence and fairness, in pursuing 'the same object, they frequently do, and of necessity must, from the variety of opinions which must be found in different men, pursue very different courses'.<sup>104</sup> Because the evaluation of extenuating and aggravating circumstances was deeply subjective, there was a great inconsistency in sentencing, such that the criminally disposed viewed justice as a lottery in which they stood a reasonable chance of getting off lightly, depending on which judge was presiding.<sup>105</sup> Finally, Romilly repudiated the assertion – vital to Paley's argument – that the circumstances which determined whether or not the accused was to hang could not be set out in written laws, for if they were 'easily perceived after the act has been done, it cannot be difficult to express them in words before the act is committed'.<sup>106</sup> Such a system would substantially increase the certainty of punishment both by guaranteeing

and *The Edinburgh Review*, 19 (1811–12), 389–415. Predictably enough *The Antijacobin Review*, vol. 38 (1811), 222–3 took a dimmer view of Romilly's efforts. For an overview of the reception see Radzinowicz, *History of English Criminal Law*, vol. 1, pp. 331–6.

<sup>103</sup> Romilly, *On the Criminal Law*, p. 9.

<sup>104</sup> *Ibid.*, p. 17. This also exploded Paley's boast about the uniformity of the law throughout the empire.

<sup>105</sup> Judges reputedly grew more severe with experience, for example.

<sup>106</sup> Romilly, *On the Criminal Law*, p. 32.

the consistency of sentencing and by ensuring that discretion was only exercised by judges and not by prosecutors and jurors.<sup>107</sup> Whereas in 1786 Romilly had expressed strong opposition (for the usual libertarian reasons) to the idea of a police force appointed by the Crown, he now recognised the need for a 'vigilant and enlightened police' to enforce his proposed code.<sup>108</sup>

Confronted by such 'remarkable evidence', even the staunchly Tory *Quarterly Review* set aside its 'salutary mistrust of innovation' to join the chorus – led by reforming Whigs like Lord Brougham and Francis Horner – calling for the discretionary powers of the courts to be curbed, in favour of fixed laws.<sup>109</sup> By all appearances, then, a substantial section of the intellectual vanguard on both sides of the political divide (where they were not already believers) converted to Romilly's mild reformism as soon as he was able to elaborate a cogent rebuttal of Paley. It is not unthinkable, indeed, that Paley himself might have shifted ground in the light of these revelations, considering that his argument appeared to imply that the system was only defensible if it was assumed to arise from legislative design.<sup>110</sup> After all, he was receptive to new ideas about the uses of confinement, even if he was not yet convinced that it could provide a long-term alternative to the death penalty. The key point is that while he was undoubtedly *au fait* with the piecemeal criticisms levelled by Blackstone and Eden, and with the broad thrust of the Beccarian position, Paley was not in possession of anything like such a full-blown exposé; and this makes it harder to accuse him of digging in his heels against amelioration for ideological reasons.

As part of my attempt to establish the 'enlightened' credentials of Paley's legal theory – in the sense in which the term was used in the period – I have highlighted the ways in which his ideas about criminal justice were informed by his moral psychology. But there were also important ways in which modes of legal thought and argument pervaded Paley's wider

<sup>107</sup> *Ibid.*, p. 22. According to Romilly, it would also ensure that the jury had to reach a verdict not just on the offence of which the accused was charged, but also on the aggravating circumstances that might render it capital, which, in truth, constituted the crime for which he was on trial. p. 58.

<sup>108</sup> Romilly, *Observations*, pp. 100–5; *On the Criminal Law*, p. 22. In 1786, he had floated the idea of a police 'founded on the principles of our ancient constitution' – i.e. in which officers were nominated by 'the people themselves' (100–1) – but strongly opposed that of a force appointed by the Crown. *Observations*, pp. 100–5. It seems his anxieties resurfaced, however, in parliamentary debates about policing in the capital in 1812. Radzinowicz, *History of English Criminal Law*, vol. 1, p. 331.

<sup>109</sup> [John Davison], 'Article IX', *Quarterly Review*, 7 (1812), 165, 166, 172, 179. Davison was part of the early Noetics at Oriel College Oxford, high-church critics of evangelicalism, wedded to rational religion. The *Quarterly Review* was an organ of liberal-Toryism.

<sup>110</sup> Davison thought it clear that he would have supported repeal. *Ibid.*, 171.

philosophy. To begin with the most obvious point, a good deal of the first part of the book was dedicated to setting out a code of Christian behaviour for the mundane legal dealings of the propertied classes, including no less than nine chapters on contracts and six on oaths. As was observed in [Chapter 3](#), moreover, theological utility imagined the divine law to operate by the same basic mechanics as the civil laws, creating obligation, in the sense of ‘violent motives’, through sanctions. There was nothing coincidental, it seems, about the close resemblance between Paley’s description of obligation as emanating from ‘the command of a superior’ and Blackstone’s definition of law as ‘a rule of action . . . prescribed by some superior’.<sup>131</sup> Legal formulations of this kind offered clarity and concision, but also a means of reifying abstract theological concepts in terms of the commerce of everyday life. We may further speculate that the zeal with which he vindicated circumstantial evidence in the conclusion of [chapter 9](#) flowed partly from the heavy intellectual investment he had in the credibility of inferential reasoning, bearing in mind that the case for human resurrection which he was making in his divinity lectures, and on which his moral philosophy ultimately relied, essentially involved establishing the credibility of witness testimony on circumstantial grounds. While his published exposition of the Christian evidences would meet with universal acclaim among Christians, however, his equally forensic apology for compulsory subscription to the Thirty-nine articles was condemned by both Anglican and Dissenting opponents as the worst kind of lawyerly casuistry; with how much reason, we shall see in the [next chapter](#).

<sup>131</sup> Blackstone, *Commentaries*, vol. 1, p. 38.

*Utility and Toleration*

The position that Paley adopted towards toleration in the *Principles* can only be understood in the context of the debate about whether the state could legitimately impose religious tests on Protestants, which had flared up again in the 1760s after thirty years of relative quiet on the issue. The controversy was reignited by the publication of Francis Blackburne's *The Confessional* (1766), which made a cogent case against the law requiring clergymen to subscribe to the Thirty-nine Articles of the Church.<sup>1</sup> The standard latitudinarian position – famously expounded by Bishop Burnet in 1699 – was that while subscription required assent to each article, an article could be ‘conceived in such general words’ that it admitted ‘different Literal and Grammatical Senses’, so that ‘even when the Senses given are plainly contrary one to another, both sides may Subscribe the Article with a good Conscience’.<sup>2</sup> Conversely, Rational Dissenters and their Anglican allies held in common with orthodox churchmen the view that religious articles should be understood in their literal sense.<sup>3</sup> Orthodox clergymen like Daniel Waterland feared that interpretive latitude opened the doors of the Church to Arians and other heretics, but naturally resisted any dilution of the existing tests.<sup>4</sup> The complaint of Blackburne and his followers, on the other hand, was that by demanding assent to so many propositions interpretive of scripture, subscription interfered with the Protestant's right of private judgement.<sup>5</sup> For those of them who had come to reject the doctrine of the Trinity in favour of Arianism or Socinianism, subscription meant that to pursue their vocations in their church they had to be willing to prevaricate. Initiated by Blackburne in the *Confessional*, the libertarian campaign for reform came to the boil in 1771 when a clerical society formed in the Feathers Tavern in the Strand,

<sup>1</sup> The question was hotly debated in the first quarter of the century.   <sup>2</sup> Burnet, *Exposition*, p. 8.

<sup>3</sup> On Rational Dissent see Knud Haakonssen (ed.) *Enlightenment and Religion: Rational Dissent in Eighteenth-Century Britain* (Cambridge, 1996).

<sup>4</sup> Young, *Religion and Enlightenment*, pp. 35–6.   <sup>5</sup> *Ibid.*, pp. 47–53, 29.

London, decided to petition parliament on the question.<sup>6</sup> Submitted in 1772, the petition called for an end to mandatory subscription as required on entering the clergy, graduating from Cambridge or matriculating at Oxford. Several Cambridge latitudinarians were at the forefront of the campaign, including Jebb, Wyvill, John Disney and Theophilus Lindsey. When the petition was defeated in the Commons (in February 1772 and May 1774), some of the most prominent clerical signatories resigned their benefices, Lindsey and Disney in 1774, Jebb two years later.<sup>7</sup>

Whereas Paley's politics changed little throughout his adult life, he seems, on the face of things, to have vacillated dramatically on the issue of subscription. There is no getting away from the fact, indeed, that he maintained two contradictory positions in the first half of the 1770s. In 1774, when the Professor of Divinity at Oxford Thomas Randolph attacked an anti-subscription tract written by Edmund Law, Paley responded with an anonymous pamphlet echoing the Bishop's view that 'annexing emoluments to the profession of particular opinions' – 'dubious and obscure' ones at that – was 'a strong and dangerous inducement to prevarication'.<sup>8</sup> Yet he did not sign the Feathers Tavern Petition, infamously joking to Jebb that he could 'not afford to keep a conscience'.<sup>9</sup> And in his college lectures, he adopted the standard latitudinarian stance that the Thirty-nine Articles ought to be considered as articles of peace, having been framed to exclude Catholics and other enemies of the state from positions of political and ecclesiastical power; and that clergymen could subscribe in good conscience therefore without believing in every article.<sup>10</sup> This was exactly the position he later adopted in the *Principles*. Although there is simply no reconciling the positions, the preponderance of the evidence suggests that the anti-subscription leaflet was a one-off outburst prompted by his loyalty to the Law family.<sup>11</sup> Although Law undoubtedly

<sup>6</sup> On Blackburne's argument and its impact on latitudinarianism see M. Fitzpatrick, 'Latitudinarianism at the Parting of the Ways: A Suggestion', in J. Walsh, C. Haydon and S. Taylor (eds.) *The Church of England c.1689–c.1833: From Toleration to Tractarianism*, (Cambridge, 1993), pp. 209–27.

<sup>7</sup> Lindsey and Disney founded the first Unitarian Chapel in Essex Street, London in 1774.

<sup>8</sup> [William Paley], *A Defence of the Considerations on the Propriety of Requiring a Subscription to Articles of Faith by Edmund Lord Bishop of Carlisle in Reply to a Late Answer by Thomas Randolph, D. D.* Appendix to *Memoirs of William Paley D. D.* by George Wilson Meadley (Sunderland, 1809), pp. 21, 24; Edmund Law, *Considerations of the Propriety of Requiring Subscriptions to Articles of Faith* (1774); Thomas Randolph, *An Answer to a Pamphlet, Entitled, Considerations of the Propriety of Requiring Subscriptions to Articles of Faith* (Oxford, 1774).

<sup>9</sup> Meadley, *Memoirs* (1809), p. 48.

<sup>10</sup> He believed that it 'could not be the intention of the imposer . . . to require belief in every proposition contained in the articles and liturgy'. British Library Add. MSS 12078, fol. 13a.

<sup>11</sup> This is hinted by Edmund Paley, *Life of Paley*, p. lxii.

knew who the author was, it does not seem as if the pamphlet was widely attributed to Paley (initially at least): otherwise, it would surely have been used as a stick to beat him with when he came down in favour of subscription in 1785. As will become clear, moreover, everything he had to say on the matter, apart from the pamphlet, was of a piece with the latitudinarian position set out in his lectures.

The latitudinarian character of Paley's contribution to the debate must be emphasised, since the effect of much scholarship on the issue has been to exaggerate the speed at which such traditions declined in these decades. It is well established that anti-Trinitarianism was an important driving force for some of the intellectual leaders of the campaign to abolish subscription and secure legal parity for Dissenters in this period; while ardent Trinitarian high churchmen increasingly formed the vanguard of the campaign to stop them. It has been suggested, furthermore, that after the defection of the petitioners, latitudinarians who remained in the fold (i.e. the vast majority) were later unable 'to resist the tendency . . . to regard reformers as dangerous enemies to the church and state'.<sup>12</sup> An overview of Paley's arguments reveals that 'moderate' establishmentarianism still had a powerful voice in the controversies over the relationship between church and state.

This was at bottom a question of civil liberty. According to the Socinian Joseph Priestley, there was no more important question 'concerning the extent of civil government' than 'whether the civil magistrate ought to extend his authority to matters of religion'; and it was therefore incumbent on supporters of church establishments to explain why the magistrates of England should 'interfere with my conduct, with respect to a state, to which their power does not extend'.<sup>13</sup> Paley did not shirk the challenge. If, as Priestley agreed, the magistrate may interfere with the conduct of his subjects for the common good, there was 'nothing in the nature of religion . . . which exempts it' from this. Given, indeed, that religion was supposed to influence every aspect of our existence, it would be folly for the magistrate to grant it such immunity. Religious liberty, like civil liberty, did not consist in being free from all restraint, but in only being restrained by laws that were favourable to the general good. Paley agreed with Priestley that truth flowered best in conditions of toleration, and that

<sup>12</sup> i.e. in the 1790s. Fitzpatrick, 'Latitudinarianism', p. 210.

<sup>13</sup> Joseph Priestley, *An Essay on the First Principles of Government, and the Nature of Political, Civil and Religious Liberty* (2nd edn. London, 1771), pp. 110, 112–3. Jebb was not opposed to the idea of a state-funded body of religious ministers, but only to its requiring members to subscribe to human formularies. John Jebb, 'A Sermon Preached before the University of Cambridge, Sunday, December 27, 1772', *The Works of John Jebb*, vol. 2, pp. 122, 124.



religious persecution often begot 'secret infidelity'.<sup>14</sup> But there were other social and psychological realities to take into account when considering the desirability of imposing religious tests for various offices. Before describing these, however, Paley needed to explain the rationale behind having an established church in the first place. He began by rejecting unceremoniously the notion that the institution had been founded by Christ, there being no evidence in scripture to support the view that Jesus favoured any particular kind of Church government. This clearly meant that high-church notions that the Church retained a quasi-divine character through the apostolic succession of its ministers held no water.<sup>15</sup> A church establishment could only be justified therefore on the grounds of utility. When considering the merit of any particular church establishment, the sole consideration, concluded Paley, was how far it advanced the end of preserving and communicating religious knowledge.<sup>16</sup> It was incumbent upon the state to provide a body of men qualified to teach religion to the people, and without some test to ensure that the priest's beliefs accorded with those of his congregation, there would be constant wrangling in the localities. Were elections held in parishes to decide the denomination of the pastor, for example, sectarian division would ensue, as each denomination came to view the others as competitors.<sup>17</sup>

According to Paley, the magistrate was duty bound to do whatever he could to ensure his subjects' salvation, on the grounds that nothing was more conducive to their happiness.<sup>18</sup> When framing the ecclesiastical constitution most likely to further this objective, he would do well to cast aside determinations concerning 'speculative rights and abstract properties', and focus instead on adapting his scheme 'to real life, and to the actual state of religion in the country'.<sup>19</sup> So while it might appear just in theory to scrap state funding in favour of private contributions, in reality, English Christianity was in no fit state to embark on such an experiment.

If, by dissenting from the national religion, they could be excused from contributing to the support of the ministers of religion, it is to be feared that many would take advantage of the option . . . and that this liberty might

<sup>14</sup> *Principles*, pp. 571, 580.

<sup>15</sup> *Ibid.*, pp. 554–5. According to Samuel Horsley, for example, the priesthood possessed a character 'somewhat more divine than may belong to the meer hired servants of the State'. 'The Charge of Samuel, Lord Bishop of St. David's, to the Clergy of His Diocese (1790), pp. 35–6. See also William Jones, *An Essay on the Church* (1787).

<sup>16</sup> *Principles*, p. 555. <sup>17</sup> *Ibid.*, pp. 573–4. <sup>18</sup> *Ibid.*, pp. 573–7. <sup>19</sup> *Ibid.*, p. 563.

finally operate to the decay of virtue, and an irrecoverable forgetfulness of all religion in the country.<sup>20</sup>

In the immediate term, the preservation of Christianity had to take priority over progressive enquiry. This argument chimed with his warnings to the clergy about the dangers of attempting to purge the less rational beliefs of their parishioners at a time when religion needed all the supports it could muster.<sup>21</sup>

Jebb accused Paley of contradiction in calling for *complete* religious toleration while at the same time insisting on the necessity of religious tests. That Paley never saw the two views as inconsistent was owing to his particular understanding of what it meant to subscribe to articles of faith.

They who contend that nothing less can justify subscription to the thirty-nine articles, than the actual belief of each and every separate proposition they contain, must suppose, that the legislature expected the consent of ten thousand men, and that in perpetual succession, not to one controverted position, but to many hundreds. It is hard to conceive how this could be expected by any, who observed the incurable diversity of human opinion upon all subjects short of demonstration.<sup>22</sup>

Subscription had been introduced by the Elizabethan legislature with a view to excluding enemies of the Episcopal constitution, principally Papists, Anabaptists and Puritans; therefore, a modern-day signatory to the Articles only had to be sure that he was satisfying that intention. To Jebb, this reeked of sophistry, as Queen and Parliament had clearly intended that signatories should agree to every article 'in the plain and full meaning thereof, in the literal and grammatical sense'. The aim had been to 'avoid diversity of opinion', which was hardly consistent with full toleration.<sup>23</sup> The Anglican clergyman Robert Lynam agreed that it made little sense to ignore the stated intention of the framer of the articles if subscription was a matter of satisfying the *animus imponentis*.<sup>24</sup> In his short biography of Paley, Lynam recorded how in 1786, Paley had received a letter from a Dissenter (Mr Percival of Manchester) asking him to elaborate on the arguments of the *Principles* concerning subscription for the benefit of his son who, having decided to join the church, was anxious

<sup>20</sup> *Ibid.*, pp. 560–1.   <sup>21</sup> See above, p. III.

<sup>22</sup> *Principles*, p. 181. This was taking liberality of interpretation further than Burnet, who had insisted that subscribers must assent to every article.

<sup>23</sup> Jebb, 'Sermon Preached before the University of Cambridge . . . 1772', in *The Works of John Jebb*, vol. 2, pp. 125–6. This response to Paley's chapter on subscription was added as a footnote to the sermon after 1785.

<sup>24</sup> The *animus imponentis* refers to the intention of the original imposer of a law.

about signing.<sup>25</sup> Paley replied that the terms of subscription appeared to demand assent to every single proposition, but reiterated his view that where a signatory believed most but not all of them, he might sign with a clear conscience if he felt he was complying with the original intention of the legislature. Much to Lynam's disapproval, Percival decided shortly afterwards to enter the church, 'notwithstanding he had been educated in the Arian tenets'.<sup>26</sup> The *Principles* did not explicitly identify any particular tenet as being inconsistent with clerical membership, and Paley even recommended relaxing subscription and 'dropping any or all of the articles to be subscribed' where no 'present necessity' required such strictness.<sup>27</sup> Professions of belief ought to be limited to such core teachings as that a benevolent being had created the world, that he was active in human affairs, and that the existence of a future state had been proven by Christ's resurrection. But if, as Paley claimed, the point of subscription was to ensure that benefices went only to those whose beliefs accorded with those of the people at large, subscribers surely had to do more than merely accept the basic Christian precepts. The rites and ceremonies which the priest presided over were replete with affirmations of the so-called non-essential doctrines. As Lynam observed, an Arian proceeding on Paleyan principles might possibly sign the Articles without scruples, but if he were a man of conscience the Nicene Creed must surely stick in his throat, having been written as a condemnatory response to the Arian heresy.<sup>28</sup>

Paley acknowledged that extra stipulations were necessary for clergymen, but here too ambiguity was the cardinal virtue. 'If . . . promises of conformity to the rites, liturgy and offices of the church, be sufficient to prevent confusion and disorder in the celebration of divine worship, then such promises ought to be accepted in the place of stricter subscriptions'. Because his pronouncements on the subject were formulated as universally applicable rules, it is not clear to what degree he thought religious tests in England met this criterion, but he clearly believed that non-Trinitarian clergy could 'conform' to church rites without creating 'confusion' among worshippers, Edmund Law being a prime example. Paley advocated subscriptions that engaged clergymen to refrain from preaching certain

<sup>25</sup> Robert Lynam, *Memoirs of the Author*, in Robert Lynam (ed.) *The Complete Works of William Paley D.D.*, 5 vols. (London, 1825), vol. 1, 24. The letter is published in full in *The Monthly Repository*, 3 (1808), 66–68.

<sup>26</sup> Lynam, *Memoirs of the Author*, p. 27.   <sup>27</sup> *Principles*, p. 569.

<sup>28</sup> Lynam, *Memoirs of the Author*, p. 27. In his lectures Paley had extended the rule of *animus imponentis* to the liturgy, but remained silent on the issue in the *Principles*. British Library Add. MSS 12078, fol. 113a.

doctrines, not because he held the niceties of orthodox Anglicanism dear, but because he wished to 'exclude indecent altercations amongst the national clergy, as well as secure to the public teaching of religion as much of uniformity and quiet as is necessary to edification'.<sup>29</sup> The benefit of Paley's stance from the latitudinarian point of view was that it enabled an intellectual elite which disagreed on a range of theological points to form a united front against spiritual decline. By allowing for an extremely broad interpretation of creeds and confessions, furthermore, the rule of the *animus imponentis* permitted the scholarly vanguard to cater for the spiritual needs of the ordinary folk who, as Paley admitted, took their faith on authority. Candour did not require them to risk undermining the faith of their parishioners by trying to render their religious practices more rational. The epitome of this attitude was Paley's best friend John Law, who on recognising the impossibility of converting his parishioners in the West of Ireland (Killala) to Protestantism, resolved to endeavour to turn them into better Catholics, by distributing among them, at his own expense, the works of Catholic priest and writer John Goter (Gother).<sup>30</sup>

According to Waterman, Paley's assertion that test laws were defensible only in cases where religious doctrine disposed men towards a militant opposition to the constitution was 'a significant statement in the middle eighties, for it was just then that doubts were being raised about the "dispositions" of Dissent'.<sup>31</sup> Although it may well have been read in this way, there is no evidence that the author had Dissenters in mind when writing the chapter. Belief in transubstantiation as a mark of Jacobitism was the example he gave, and it is fair to assume that the general rule was framed with this in mind.<sup>32</sup> Nowhere did he suggest that the heterodoxy of Jebb and Priestley entailed a seditious political credo. Indeed, among 'the sects of Christianity which actually prevail in the world' he could find 'no

<sup>29</sup> *Principles*, p. 569.

<sup>30</sup> 'Memoir of the Life and Character of Dr. John Law', *Select Reviews of Literature, and Spirit of Foreign Magazines*, XXII, vol. 4 (1810), 282. Viewed alongside Paley's expressions of support for the establishment of the Catholic Church in Ireland, such behaviour testifies to the sincerity of their belief in the utility of teaching the people their own religion, as well as showing that they did not share the rabid anti-Catholicism of Blackburne and some of his supporters. See Beste, 'Conversations of Paley', p. 192.

<sup>31</sup> *Principles*, pp. 583–4. Waterman, *Revolution, Economics and Religion*, p. 119. He is drawing on John Ehrman, *The Younger Pitt: the Reluctant Transition* (London, 1983), p. 63.

<sup>32</sup> In his lectures he argued that the legislator's intention had been 'to exclude Papists, Presbyterians and members of such other established churches as might overthrow our own'. British Library, Add MSS 12078, fol. 113a. *Principles*, p. 584. Of course, some of his flock in Carlisle had witnessed the siege and capture of the city by the Jacobites in 1745.

tenet in any of them which incapacitates men for service of the state', with the single exception of the refusal to bear arms.<sup>33</sup> What is more, his private reflections on the matter are entirely consistent with the position adopted in the *Principles*. Commenting on the Dissenters Bill of 1779, which sought to exempt Dissenting ministers and schoolmasters from subscription, he applauded the insertion of Lord North's clause requiring them to make some profession of Christian principles, on the grounds that, without it, the legislation might have offered a platform to the enemies of Christianity, and hoped it might eventually become 'the pattern for other subscriptions'.<sup>34</sup> In public and private, he supported as much toleration as he deemed consistent with the goal of preserving Christianity in inauspicious times.

Needless to say, the rancour that characterised high-church discourse on questions relating to toleration was alien to Paley. It says much about the spirit in which the debate was carried on that when Jebb's works were published a year after his death, Paley and John Law allowed their names to appear among the list of subscribers in the preface.<sup>35</sup> Nor should we overlook the strong sense of shared purpose between latitude and Rational Dissent. It is worth remembering, first of all, that a solid political entente between latitude men and non-conformists had endured for three quarters of a century. For whereas latitudinarians were 'the immediate ecclesiastical beneficiaries of the Williamite settlement in church and state', the majority of Dissenters supported the regime as a bulwark against the Stuarts, despite their grievances about religious exclusion.<sup>36</sup> Latitudinarians and Rational Dissenters both emphasised the simplicity of the Gospel message, and disliked manmade ordinances (subscription, for Paley, being a necessary evil). Their shared disdain for religious externalities set them on a collision course with high-church Anglicans, while the man-centredness of their theology set them apart from both Anglican and Dissenting evangelicals. Despite the differences that emerged between

<sup>33</sup> *Principles*, p. 582.

<sup>34</sup> William Paley to John Law, June 1779[?], PRO/30/12/28/98/1/97-9. The transcript is dated June 1777, but clearly refers to the events of 1779, for Paley was echoing Lord North's complaint – related to him by Richard Burn (then Chancellor of Carlisle) – that as it stood before the amendment, 'the Turk, the heathen, the idolator, might, by virtue of the Act, think themselves tolerated in propagating their tenets, and overturning the established religion'. Lord North in House of Commons, 20 April 1779, *Parliamentary History*, XX, col. 308. Championed by Edmund Law, the Bill was passed in the same year.

<sup>35</sup> See *Works of John Jebb*, vol. 1, pp. xxi, xxiv. Paley and Jebb remained on good terms until the latter's death in 1786.

<sup>36</sup> Young, *Religion and Enlightenment*, p. 32.

them on political and ecclesiastical matters in the reign of George III, it was still Rational Dissenters like Priestley – discussed with affection and reverence in their correspondence – whom Paley and John Law saw as their main allies in the battle against their true *bête noire*, atheism practical and philosophical.<sup>37</sup> Defending theism from deism in the 1720s and 1730s, and then from Humean scepticism and evolutionary theory, was in some sense a joint effort. Paley admitted that the *Evidences* was heavily dependent on the heterodox Dissenter Nathaniel Lardner's voluminous *The Credibility of the Gospel History* (1729–55), widely regarded as the definitive defence of Christ's miracles. As Paley toiled on *Natural Theology*, Law enthusiastically recommended Priestley's *Heads of Lectures on a Course of Experimental Philosophy* (1794) to him, and he appears to have drawn liberally on Priestley's response to Hume's attack on rational religion.<sup>38</sup> Writing to Lindsey soon after the publication of the *Evidences*, Priestley expressed confidence that he would have 'much satisfaction in reading Mr. Paley's work' though his son and daughter-in-law had 'requested the first reading of it'.<sup>39</sup> This is not to mention the fact that many of the main exponents of theological utility in the half century after the publication of the *Principles* were Unitarians.<sup>40</sup> All of this raises yet more doubt, of course, about the wisdom of viewing the controversy over the Trinity as the defining dichotomy in debates about the future of Church and State in this period.

Nor do the sparse remarks on Christology in Paley's sermons reveal any sort of theological rapprochement between Paley and his 'orthodox' colleagues.

We speak of the Trinity. We read of "Father, Son, and Holy Ghost." . . . What is the union that subsists in the divine nature; of what kind is that relation by which the divine persons of the Trinity are connected, we know little – perhaps

<sup>37</sup> In October 1794, the year of Priestley's forced departure for America, Paley assured John Law that he had not been in any great danger, and John even sent him an anonymous gift of £100. 'Considering his domestic misfortunes, how he is to be pitied', wrote Law on another occasion. William Paley to John Law, Carlisle, 17 May 1794, Cambridge University, King's College Archive Centre, The papers of John Maynard Keynes, JMK/PP/87/54/1. M. L. Clarke, *Evidences for the Man*, p. 31. Law to Paley, Oct 1802, in Edmund Paley, *Life of Paley*, p. ccliii.

<sup>38</sup> John Law to William Paley, in Edmund Paley, *Life of Paley*, p. ccxlix. See O'Flaherty, 'William Paley's *Natural Theology* and the Challenge of Atheism', 131.

<sup>39</sup> Joseph Priestley to Theophilus Lindsey, November 1794 (Northumberland), *Life and Correspondence of Priestley*, vol. 2, p. 283. Naturally, however, he was better disposed towards those who resigned from the Church for conscience's sake, and dedicated his *Doctrine of Philosophical Necessity* (1777) to Jebb. Disney, *Memoirs of John Jebb*, p. 130.

<sup>40</sup> Including Thomas Cogan, Thomas Belsham, William Jevons, Southwood Smith and W. J. Fox. See Schneewind, *Sidgwick's Ethics*, pp. 127–9.

it is not possible that we should know more: but this we seem to know . . . that neither man nor angel bears the same relation to God the Father as that which is attributed to his only-begotten son, our Lord Jesus Christ.<sup>41</sup>

These remarks are taken by Waterman to indicate Paley's willingness to adopt orthodox forms of language when the occasion demanded it; yet Clarke is surely right in observing that the utterance 'might not satisfy the orthodox Trinitarian', for such churchmen would hardly be satisfied with affirming merely that Christ was closer to the Father than were the angels.<sup>42</sup> In general, the sermons acknowledge Christ's exalted status, and refer to him as a 'divine person', but nowhere is he asserted to be 'of one substance, power, and eternity' with the Father, as the first Article of the Church declares.<sup>43</sup> What is more, his pronouncements on the Trinity and the mystical doctrines of the Church take on a new meaning when read in the context of his broader theological objectives. On wider inspection of the sermons, a pattern emerges in which such mystical teachings form the prelude to expositions of broader and more practical doctrine. Having admitted, for example, that the Trinity was largely incomprehensible, Paley insisted that the 'very thing does not break in upon the fundamental truth of religion, that there is "only one supreme God," who reigneth and dwelleth in heaven and on earth'.<sup>44</sup> Similarly, the concession, in another sermon, that 'the sacrificial' nature of Christ's death is somewhat beyond our understanding sets up the wider point that we ought 'to make up for the deficiency of our knowledge by the sincerity of our practice; in other words, to act up to what we do know'.<sup>45</sup> Addressing an audience that believed in the divinity of Christ and the mystical consequences of his death, Paley's objective was to convince them that, in the present state of human knowledge, it made sense to concentrate on the comprehensible practical and moral consequences of his coming. It is no surprise, then, that the one mystical teaching that he did emphasise was the belief in the agency of Christ since the resurrection, given, as we saw, that Paley and his circle deemed the idea of a personal and active God vital to the sustenance of virtue.<sup>46</sup>

<sup>41</sup> William Paley, 'Unity of God', Sermon XXXIII, in *Works*, VI, p. 417.

<sup>42</sup> Clarke, *Evidences for the Man*, p. 112.

<sup>43</sup> Paley, 'The Agency of Christ since His Ascension', Sermon VIII, in *Works*, VI, p. 208; 'Good Friday', Sermon V, in *Works*, VI, p. 182.

<sup>44</sup> Paley, 'Unity of God', Sermon XXXIII, in *Works*, VI, p. 417.

<sup>45</sup> Paley, 'The Agency of Christ', p. 217. The same point is made in 'Good Friday', Sermon IV, *Works*, VI, p. 169.

<sup>46</sup> He gave three sermons under the heading 'The Efficacy of the Death of Christ Consistent with the Necessity of a Good Life: The One Being the Cause, the Other the Condition, of Salvation'. See *Works* V, pp. 190–234.

On a related point, it is arguable that this doctrine may be a more fruitful place to look for the religious dimensions of Paley's political thought than in his putative religious orthodoxy. The first thing that needs to be acknowledged if we are to get a handle on this question is that Paley's analysis of government was framed largely by the secular imperatives arising from the debates about the political, judicial and ecclesiastical functions of the constitution that raged in the 1770s and 1780s. His response to these challenges was guided not by religious doctrine per se, but by the science of man (albeit that the moral foundations of that science were explicitly religious). The thesis that describes Paley's politics as the 'conservative and theocratic' antipode to Bentham's 'universe of radical secularisation' is therefore clearly untenable. The logic behind this assessment echoes Bentham himself in seeing the theological version of utility as giving 'priority to future possibilities in a life to come' over 'fleeting and inconsequential temporal interests'.<sup>47</sup> But it has been demonstrated here that far from treating temporal interests as insignificant, the theological utilitarians made them the very compass of all human behaviour.

To recognise the worldliness of Paley's theory, however, is not to question the sincerity of his commitment to grounding political philosophy in religion, as Robert Hole does. Echoing Leslie Stephen, Hole contends that 'Paley disguised (probably to himself as well as others) the secular nature of utilitarianism'; and was thus happy to jettison 'the religious accretions he superimposed upon it' when it led to conclusions that conflicted with 'his pragmatic, secular judgement'.<sup>48</sup> The sole example he cites was Paley's remark that his theory that the legislator was obliged to adopt any scheme that promoted man's salvation 'ought to be given up' if it implied that the magistrate was justified in persecuting heretics to this end.<sup>49</sup> In view of his clarification, however, that the inference did not in fact follow from his argument, and the vehement defence of religious morals that runs throughout the *Principles*, this one-off hypothetical remark is slender grounds for assuming that the theological aspects of expediency were 'cosmetic'.<sup>50</sup> All he wished to say was that it was essential for him to prove the invalidity of this inference because it would raise doubts about his contention that the magistrate had the right to interfere with civil affairs when it augmented human happiness, the first premise of all his reasoning on church

<sup>47</sup> Crimmins, 'Religion, Utility and Politics', pp. 143, 142.

<sup>48</sup> Hole, *Pulpits, Politics and Public Order*, pp. 80, 81. <sup>49</sup> *Principles*, p. 574.

<sup>50</sup> Hole, *Pulpits, Politics and Public Order*, p. 74.



establishments.<sup>51</sup> Furthermore, although neither Paley's opposition to recent proposals for constitutional reform nor his defence of subscription were necessary concomitants of particular doctrinal positions, this is not to argue that his practical political reasoning was untouched by religious considerations. As we have seen, there was a two-way flow of influence between the statesmanlike approach to religion that he imbibed from Tucker and his sociological approach to politics. In terms of concrete examples of how moral politics shaped his constitutional thought, it could be argued that his insistence that the most productive way for the state to promote the salvation of the people was by ensuring that they were instructed in their own religion was a clear dictate of the temporising religious philosophy advanced in the *Light of Nature Pursued*. Moreover, there was a sense in which his belief in the Divinity's constant stewardship of the world was central to his vision of society and politics, as it underpinned his conviction that history was at bottom the progressive unfolding of His benevolent will. As is now explained, this conception of Christian Enlightenment provides the key to understanding how his social, political and religious agendas cohere.

<sup>51</sup> He did so by showing that whatever its outcome in particular cases, the general tendency of a policy of persecution was to hinder salvation. *Principles*, pp. 575–6.



PART IV

*Property and Poverty*



*The Problem of Poverty*

If some of Christianity's most cherished teachings were accorded a peripheral place in Paleyan philosophy – e.g., holiness as traditionally conceived and the doctrine of the Trinity – others acquired a new prominence, particularly those related to caring for the poor. Of course, this was a concern shared by all shades of Protestantism in the eighteenth century, not least by evangelicals. But whereas, for Wesley, charitableness was one of the 'heavenly tempers' enjoyed by the faithful, it was still merely a tributary of the true source of redemption, 'trust in the blood of Christ'.<sup>1</sup> For Paley, on the other hand, charity, defined as the '*promoting the happiness of our inferiors*', was nothing less than 'the principal province of virtue and religion'.<sup>2</sup> In asserting this, he was reaffirming the long-held latitudinarian understanding of devoutness as consisting largely in virtue. It is argued here, however, that Paley's discussion of charity, including his advocacy of 'bounty' and the humane treatment of domestics on utilitarian grounds, ought to be read more specifically as the embodiment of the theological utilitarian ethos defined by Tucker, that is, as a sophisticated scheme for instilling charitable feelings. By way of both substantiating this interpretation and lending it precision, an important aim of this chapter is to situate Paley's chapters on bounty in relation to broader currents of Anglican thinking about charity in the eighteenth century.

As Paley's defence of the rights of the poor was an extension of his explanation of property rights, we must begin our analysis there. The chapter 'Of Property' famously began with Paley asking his readers to imagine looking upon 'a flock of pigeons in a field of corn', and seeing the vast majority labouring unceasingly to gather corn, only to hand it over to 'the weakest, perhaps worst, pigeon of the flock', saving only the chaff for themselves, and being punished severely should hunger prompt them

<sup>1</sup> John Wesley, *A Sermon on Salvation by Faith* (10th edn. London, 1778), p. 7.

<sup>2</sup> *Principles*, p. 191.

to touch the stores of their lazy and wasteful beneficiary in the winter months. 'If you should see this', says Paley,

you would see nothing more, than what is every day practised and established among men. Among men, you see the ninety and nine, toiling and scraping together a heap of superfluities for one; getting nothing for themselves all the while, but a little of the coarsest of the provision, which their own labour produces; and this one too, oft times the feeblest and worst of the whole set, a child, a woman, a madman, or a fool; looking quietly on, while they see the fruits of all their labour spent or spoiled; and if one of the number take or touch a particle of it, the others joining against him, and hang him for the theft.

On the face of things, the existing system of private property, like the institution of government, flew in the face of all our ideas of justice. Also like government, however, it had decided advantages which justified its continuance: it was, in short, the most effective means of increasing the produce of the earth in accordance with the Deity's wishes. Paley's apology for the institution of property on these purely utilitarian grounds marked an important departure from natural law justifications of ownership.<sup>3</sup> According to Rutherford's account in the *Institutes*, property rights originated in two stages.<sup>4</sup> In the early ages of history, property was divided by compact, all the inhabitants of a given territory having convened to apportion land that had previously been held in common. The right to ownership was derived from the consent given at the convention, when everyone willingly gave up their rights in common. But later, when population growth made such gatherings impracticable, the right was acquired by occupation. By occupying a piece of common land the settler advertised his intention of possessing it, and if none of his neighbours objected, he could assume their tacit consent. Thereafter, as inheritance became the usual mode of acquiring property, consent ceased to be the basis of ownership rights. Such transference was consonant with justice, argued Rutherford, because property was inherently alienable; it was the owner's privilege to dispose of it as he saw fit. But where no will had been made, the state was forced to ensure that his children got what was due to them. Without such laws the land would revert to common ownership on the father's death. It followed that the general right to property arose from positive institution.

<sup>3</sup> *Ibid.*, pp. 92, 92–5. See T. A. Horne, 'The Poor Have a Claim Founded in the Law of Nature': William Paley and the Rights of the Poor', *Journal of the History of Philosophy*, 23 (1985), 51–70.

<sup>4</sup> Rutherford, *Institutes*, vol. 1, 79–125.

Although Paley borrowed extensively from the chapters on property in the *Institutes*, he dismissed Rutherforth's suggestion that property derived from occupation was acquired with the permission of the community, for 'consent can never be presumed from silence'.<sup>5</sup> Unless the settler could prove 'that the thing cannot be enjoyed at all, or enjoyed with the same advantage, while it continues in common, as when appropriated', it was 'an arbitrary usurpation of the rights of mankind, to confine the use of it to any'.<sup>6</sup> The same argument was decisive against Locke's theory of property rights. A man might rightly assume ownership of a tool he has fashioned, because the value of his work exceeds that of the raw materials. 'But this will hardly hold, in the manner it has been applied, of taking a ceremonious possession of a tract of land' by hedging it off from the common or by allowing one's cattle to graze on it, since in such instances the value eventually redounding to the occupant dwarfs that which his labour added. The true foundation of the right to property, according to the *Principles*, was 'the law of the land'.<sup>7</sup> It was God's will that 'the produce of the earth be applied to the use of man', and as private property was the best-known means of achieving this, it followed that the laws which regulated its division and on which its existence therefore depended must also have divine sanction.<sup>8</sup> The four main ways in which property facilitated distribution were, first, that it 'increases the produce of the earth', for no man would cultivate the soil if the fruits of his toil were to be distributed equally among his neighbours.<sup>9</sup> Second, property laws ensured that produce was allowed to reach its full maturity. Where there was a free-for-all, men would be inclined to eat whatever food came their way, however unripe or unready, mindful that whatever they failed to consume would be devoured by the next person who came along. Third, private ownership prevented war and waste, outcomes that always accompanied scarcity wherever there was no legal protection of property. Finally, without possessions there could be no trade, and hence no division of labour. From the point of view of preserving civil peace, Paley's account had the happy effect of nullifying attempts to impeach a proprietor's right to his estate on the grounds of its having been unjustly or illegally

<sup>5</sup> *Principles*, p. 99.    <sup>6</sup> *Ibid.*, p. 87.

<sup>7</sup> *Ibid.*, pp. 100, 101. Rutherforth had similarly argued that 'the claim of inheritance, being under the regulations of the civil law of each community is not the effect of universal agreement, but of civil law only'. But the implication of his theory was that prior to the institution of property laws, there had been a long line of consensual transference stretching back to the first proprietor. Property had originated through civil consent, even though such agreement was no longer the basis of property rights. Rutherforth, *Institutes*, vol. 1, 109.

<sup>8</sup> *Principles*, p. 102.    <sup>9</sup> *Ibid.*, pp. 92–3.

appropriated at some point in the past, for the right depended neither on the justice of the original acquisition nor of subsequent transferrals of ownership.<sup>10</sup> In his theory of property as in his theory of political resistance, utility wiped from the historical slate wrongs that might be cited against the current state of things.

At the same time, however, as Horne rightly observes, this utilitarian justification of property provided Paley with a solid basis for his claim that 'the poor have a claim founded in the law of nature'.<sup>11</sup> The foundation of the claim could be explained as follows. Mankind had agreed to the original 'separation' of commonly owned land, and God had ratified the agreement.

But this separation was made and consented to, upon the expectation and condition, that every one should have left a sufficiency for his subsistence, or the means of procuring it; and as no fixed laws for the regulation of property can be so contrived, as to provide for the relief of every case and distress which may arise, these cases and distresses, when their right and share in the common stock were given up or taken from them, were supposed to be left to the voluntary bounty of those, who might be acquainted with the exigencies of their situation, and in the way of affording assistance. And therefore, when the partition of property is rigidly maintained against the claims of indigence and distress, it is maintained in opposition to the intention of those who made it, and to *his*, who is the Supreme Proprietor of every thing, and who has filled the world with plenteousness for the sustentation and comfort of all whom he sends into it.<sup>12</sup>

The importance of this argument, according to Horne, was that it 'placed welfare rights above property rights', since it asserted that the former were sanctioned by natural law, while the latter were 'based only on positive law'; and this explains why Paley's ideas on poverty were frequently 'put to . . . radical use' in the nineteenth century and why they were frequently cited by anti-abolitionists in early nineteenth-century debates about the future of the poor law.<sup>13</sup> Notwithstanding the radical afterlife of Paley's analysis, however, it is hard to square this interpretation with either his justification of private property or his wider social and political philosophy. Property rights were *based* on 'positive law' only in the sense that the law of the land had the last word on questions of ownership. But the moral basis for allowing ownership to be determined in this manner – and hence the true foundation of property rights – was utility, which, as Paley repeatedly emphasised, was the most direct and exact way of divining God's wishes.

<sup>10</sup> *Ibid.*, p. 102. Rutherford's theory was more vulnerable to such attacks. <sup>11</sup> *Principles*, p. 203.

<sup>12</sup> *Ibid.*, pp. 203–4. <sup>13</sup> Horne, 'Paley and the Rights of the Poor', 60, 66.



The right of property was no less divinely favoured, therefore, for its being based on positive law. As we have just seen, furthermore, the whole point of explaining property rights in this way was that it placed them on a more defensible foundation than theories based on consent, which were liable to the same objections as the contract theory of government. If anything, then, the rights of the poor were placed on less solid grounds than those of property, since by appealing to an imagined agreement between the first proprietors and those who had willingly given up their claim to land held in common, Paley appeared to invoke precisely the kind of quasi-historical theory which he flatly rejected as the basis of either property or political allegiance.<sup>14</sup>

But it is hard to believe that it was Paley's intention to place the right to relief on such grounds. Given, in the first place, his categorical denial that property arose from consent, we must assume that he was not asserting the historicity of such a convention. And, as we have seen, he derided the idea that rights and duties could arise from some fictitious contract. The appeal to such an argument will appear less paradoxical, however, when viewed in the light of Paley's broader intentions in these chapters. The assertion that the poor had a claim to subsistence as a natural right was the second of three observations aimed at establishing '*the obligation to bestow relief upon the poor*'. The first was that the Almighty had clearly promulgated the duty by imbuing man with a sense of pity.

Whether it be an instinct or a habit, it is in fact a property of our nature, which God appointed: and the final cause, for which it was appointed, is to afford the miserable, in the compassion of their fellow-creatures, a remedy for those inequalities and distresses, which God foresaw that many must be exposed to, under every general rule for the distribution of property.<sup>15</sup>

The conviction that all human passions were indicative in some sense of God's intention for man was a mainstay of Anglican natural theology. Thus Paley inferred from the existence of man's sexual appetites that God intended him to indulge them.<sup>16</sup> What benevolence exhorts man to do is

<sup>14</sup> The argument seems to have been modelled on Rutherford's defence of the right of extreme necessity. 'When mankind first agreed to divide the common stock amongst them . . . if they had been asked, whether they consented so effectively to exclude themselves from what they agreed to appropriate, as never to claim any use of it, even though it should be absolutely necessary to their preservation . . . It is most likely they would have answered, that they intended no such thing, but agreed to the introduction of property for the convenience of all, and not for the destruction of any'. Because Rutherford, unlike Paley, had insisted on the necessity of civil agreement to the origin of property, he could argue quite consistently that 'the claim which the proprietor has to it depends on the consent of mankind'. Rutherford, *Institutes*, vol. 1, p. 81.

<sup>15</sup> *Principles*, pp. 220, 202–3. <sup>16</sup> *Ibid.*, p. 245.

relieve the poverty that inevitably arises from any scheme of property distribution. The source of the obligation both here and in the speculations on the law of nature is the conditional nature of property rights as implied by their utilitarian justification. They had divine approval only so long as they served their function of supplying subsistence to all, and it was thus ungodly to rigidly uphold private property ‘against the claims of indigence and distress’.<sup>17</sup> Such a reading chimes with the stress he lays throughout his discussion of the rights of mankind and of the foundation of property rights on the need to abide by the design and intention of both human and divine laws. If this was the thrust of his position, it seems likely that ‘the law of nature’ in which the rights of the poor were allegedly founded was none other than expediency, and that Paley employed the idea of an original promise (borrowed from Rutherford) merely as an evocative way of evincing the corresponding obligation of property owners. For he had stated quite emphatically in chapter nine of book one that to say one has a *right* to something meant merely that ‘it is “consistent with the will of God,” that such a one should have it’, that will be revealed in all cases by the rule of expediency – his clear intention being to discredit other formulations of natural right.<sup>18</sup>

In view of what was said earlier about the broader aims of the book, however, it may be a mistake to lay too much emphasis on the philosophical import of such reflections. Part of the task of refashioning utility into a practical system, as we have seen, was to translate it into a clear set of instructions on how to evaluate any particular action or institution morally. To reduce the burden of moral calculation on the young reader, the *Principles* also offered ready-made utilitarian directions on a host of quotidian ethical questions. As was explained in relation to *Natural Theology*, however, Paley inherited from Tucker a strong sense that it was the moralist’s duty to use all his know-how (and cunning) to make men more virtuous, a task that in practice boiled down to facilitating the cultivation and sustenance of the (acquired) moral sense and benevolence – affections which, while they could not be trusted as compasses for an objective moral standard, nonetheless functioned (respectively) as the main source of moral judgement and virtuous motives in everyday life. It was not enough, by this thinking, merely to impart rules of right action; the moralist also had to strive to ensure that moral precepts became principles of action, i.e. that they were imbibed into customary morality. To this end, in the *Principles* Paley blended parable, scriptural injunction

<sup>17</sup> *Ibid.*, p. 203.    <sup>18</sup> *Ibid.*, p. 74.

and utilitarian calculation in a heady rhetorical cocktail that was designed to nurture charitable feelings among his well-to-do readers. Viewed, then, principally as an attempt to stimulate deeply engrained moral sensitivities rather than convince a doubting public that charity was enjoined by natural law, his appeal to an original agreement overseen by God seems less incongruous. A strong circumstantial case can be made for reading Paley's four chapters on charity in this way.

It is noteworthy, in the first place, that the narrative of the original separation of property itself bears a close resemblance to some of the engaging examples employed by Paley to make duties (i.e. expedient modes of behaviour) comprehensible to his young readers, most notably the tale with which he opens the chapter on the treatment of domestics, of a party of friends setting out on a journey, who decide to divide responsibilities among themselves. One rides ahead to sort out accommodation, another cares for the horses, while a third leads the way, 'not forgetting however, that as they were equal and independent when they set out, so they are all to return to a level again at their journey's end'. The moral of the story was that our inferiors ought to be treated with the same respect and reserve that the traveller charged with directing the others 'would in common decency think himself bound to observe towards them'.<sup>19</sup> Given that no pretension is made in either narrative to historicity, it seems sensible to read them as allegories or parables, appealing as much to sentiment, to a sense of 'common decency', as to utility or natural law. They mirrored the style of discourse therefore that Christ himself had employed, according to Paley, to nurture kindness in his followers.<sup>20</sup> They elicit such affections, to a large degree, by placing existing power and property relations in the context of the cosmological hierarchy, helping to instil that which had been the vital catalyst for the humanisation of master-servant relations in Christian countries, the habit of 'contemplating mankind under the common relation in which they stand to their Creator, and with respect to their interest in another existence'.<sup>21</sup> Thus his reference to God as 'the Supreme Proprietor of everything' drove home the point that all property was held in trust for *Him*. The tale of the journey makes clear that the master's authority over his servants was similarly a matter of stewardship, for when their journey was over, parity would be restored among the travellers who had divided their labours for the duration of their mortal existence. The only thing capable of making the patrician classes mindful of their essential oneness with the poor, however, was a sense of

<sup>19</sup> *Ibid.*, pp. 192–3.   <sup>20</sup> *Evidences*, vol. 2, p. 231.   <sup>21</sup> *Principles*, p. 143.

‘their own subjection and accountableness’, arising from the assurance of judgment in the afterlife – a reckoning which, as Tucker and Paley envisioned it, would reward each in precise accordance with his just deserts.<sup>22</sup> When Paley eventually turned to the pronouncements on charity in scripture, a duty on which it was ‘more copious and explicit than upon almost any other’, he homed in on those passages that illustrated the effect that bounty has on a man’s final judgement. Christ had left his followers in no doubt as to whom would inherit the kingdom of heaven: ‘For I was hungered, and ye gave me meat: I was thirsty, and ye gave me drink . . . And inasmuch as ye have done it to the least of my brethren, ye have done it unto me’.<sup>23</sup> In the language of Tucker, the appeal was a piece of moral statesmanship *par excellence*, employing weapons of rhetoric as well as those of logic, to inculcate charity on the basis of self-interest.

It is important not to underestimate the extent to which this enterprise embodied the traditions of latitudinarian Anglicanism that had emerged since the Restoration. The classic statement of latitudinarian principles with regard to charity, and, arguably, of their religious mind-set per se, was Isaac Barrow’s sermon on ‘The Duty and Reward of Bounty to the Poor’, preached and first published in 1671, but frequently reprinted in the first half of the eighteenth century and widely read. It rehearsed many of the idioms employed by Paley in his chapters on bounty. ‘Liberal bounty’ to the poor constitutes ‘the main point of religion’, according to Barrow: it is the ‘special touchstone of piety’, ‘the chief act of faith’, the ‘sum and substance’ of Jesus’ practice, without which all our other observances are ‘but presumptuous dallyings’.<sup>24</sup> In accordance with the scriptural injunction which it explicates – He hath dispersed, he hath given to the poor; his righteousness endureth for ever; his horn shall be exalted with honour Psal. cxii. 9. – the aim of the sermon was not just to affirm the duty, but also to inculcate the obligation. It thus interspersed the ‘reasons obliging us’ to aid the needy with the ‘motives inducing us’ to do so.<sup>25</sup> Among the truths that appeared to dictate the duty to relieve the poor was the fact that we were strongly directed by natural sympathy to do so. Although, by this account, the unequal distribution of property first arose from man’s sinful nature – which was not something that came into Paley’s explanation – its continuance was said to be countenanced by God because it promoted human

<sup>22</sup> *Ibid.*, p. 144.    <sup>23</sup> *Ibid.*, p. 204.

<sup>24</sup> Isaac Barrow, ‘The Duty and Reward of Bounty to the Poor’ in *The Sermons of Learned Dr. Isaac Barrow, Late Master of Trinity-College, in Cambridge*, 6 Vols. (Edinburgh, 1751), vol. 2, pp. 308, 313, 359, 322.

<sup>25</sup> *Ibid.*, p. 314.

welfare in various ways. But it was an error to think that this distribution removed ‘that natural equality and community’ among man, insisted Barrow, because it could hardly have been God’s intention that a small minority should engross all the fruits of the earth while others were ‘pinched with extreme want’.<sup>26</sup> He was insistent, indeed, that all our possessions were ‘committed to us as stewards’, deposited ‘in trust’ by ‘the true and absolute proprietary of them’. Thinking of the poor as our equals before God in this way ‘will dispose us to the practice of these duties’ and help us ‘to breed . . . charitable dispositions’. Like Paley, Barrow laid particular stress on the motives for complying with the obligation.<sup>27</sup> To give alms was to store up credit in heaven at a high interest rate, for no other activity would carry as much weight with the Creator when he came to separate the sheep from the goats.<sup>28</sup>

In terms of explaining what Paley was trying to achieve in reviving such tropes, however, it should be noted that the attitudes towards charity and the poor embodied in Barrow’s sermon appear to have been in decline in the period in which the *Principles* were written. Such, at least, is the implication of Andrew’s survey of charity sermons over the course of the eighteenth century.<sup>29</sup> Whereas sermons in the first half of the century tended to stress ‘the importance of giving, especially for the donors themselves’ – to the extent of holding that it was better to risk being deceived by an unworthy supplicant than to do violence to one’s charitable instincts – by the time Paley came to write his lectures in the early 1770s, sermonisers were more likely to highlight the dangers of indiscriminate giving. Emphasis was now placed on the civilising and pacifying effects that charity had on the poor themselves rather than on its edifying effects on the giver.<sup>30</sup> On a similar note, Deborah Valenze observes how commentators on poverty and crime in the same period were increasingly inclined to portray the poor in a negative light, viewing them as a social menace rather than a welcome means of exercising the benevolent affections.<sup>31</sup> This shift in attitudes is attributable to four main causes: the mushrooming of social unrest in this period arising from increasingly fluctuating food prices; the growing tendency to explain the shortcomings of the English Poor Laws in

<sup>26</sup> *Ibid.*, pp. 333–4.   <sup>27</sup> *Ibid.*, pp. 316, 348.   <sup>28</sup> *Ibid.*, p. 307.

<sup>29</sup> Donna T. Andrew, ‘On Reading Charity Sermons: Eighteenth-Century Anglican Solicitation and Exhortation’, *Journal of Ecclesiastical History*, 43 (1992), 581–591.

<sup>30</sup> *Ibid.*, pp. 587, 588.

<sup>31</sup> Deborah Valenze, ‘Charity, Custom, and Humanity: Changing Attitudes towards the Poor in Eighteenth-Century England’ in Jane Garnett and Colin Matthew (ed.), *Revival and Religion since 1700: Essays for John Walsh* (London, 1993), p. 65.

terms of the degenerate character of the recipients; fears of the alleged demoralising effects of the nation's commercial success on the labouring part of the community, particularly their increasing appetite for luxury; and finally, anxieties about rising crime, particularly robbery. No publication better exemplifies the emerging view, according to Valenze, than Henry Fielding's *An Enquiry Into the Causes of the Late Increase of Robbers* (1751), in which he argued that it was not desperation that drove increasing numbers of the poor to steal and beg, as some had alleged, but the moral contagion occasioned by their growing taste for luxury. Unable to satisfy such tastes by the wages they might expect from their labour, the crafty turn to theft, the simple to beggary. Having run through the disastrous consequences of this degeneration among the poor – including drunkenness and gaming – Fielding turned his attention to the English Poor Laws, highlighting the paradox that would come to exercise so many of their critics in the second half of the eighteenth century: the apparent fact 'that in a Country where the Poor are, beyond all comparison, more liberally provided for than in any other Part of the habitable Globe, there should be found more Beggars, more distress and more miserable Objects than are to be seen throughout all the states of Europe'.<sup>32</sup> In the course of his attempts to get to the bottom of the problem, Fielding observed how the widespread tendency to give alms indiscriminately meant the wealthy were easily taken in by unscrupulous beggars affecting distress, a charge that reflected his underlying assumption that the vast majority of the poor were 'able to work, but not willing'.<sup>33</sup> In emphasising their equal status with the rich in the providential scheme, Paley was thus reasserting a set of assumptions about the poor that were increasingly contested in the period. This was a theological orientation more in keeping with traditional conceptions of the reciprocal rights and obligations governing relations between the haves and have-nots than with the increasingly individualistic understanding of them that was beginning to take hold.

As Paley saw it, the arguments raised against charity were at bottom nothing more than excuses invented by the rich for shirking it. A particularly lame excuse, in his view, was that they had nothing left to spare, for what they usually meant by this was that they had not made charity part of their spending plans as they ought to have done. To the

<sup>32</sup> Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers & c. with Some Proposals for Remediating This Growing Evil* (2nd edn. 1751), pp. 48–9.

<sup>33</sup> *Ibid.*, pp. 71–2, 75.

assertion that, being inured to hardship, the poor 'do not suffer so much as we imagine', he retorted that 'Habit can never reconcile any one to the extremities of cold, hunger, and thirst'.<sup>34</sup> The complaint that giving money to the poor bred indolence and vagrancy was just another pretence, as such outcomes could be avoided with a little vigilance on the part of the giver.<sup>35</sup> Dress it up as they might in the strictures of practical wisdom, what really lay behind such arguments was the 'pride', 'prudery' and 'love of ease' that kept 'one half of the world, out of the way of observing what the other half suffer'.<sup>36</sup>

As well as directly inculcating benevolence, Paley was intent on both training readers in how to nurture it and directing them in how to exercise it to maximum effect – endeavours informed by the psychological insights of the science of motives, but also by an intimate understanding of the workings of local communities in eighteenth-century England. It is revealing that when Paley laid down the chief rule for the cultivation of virtue at the beginning of the book – 'that many things are to be done and abstained from, solely for the sake of habit' – his prime example was the giving of alms. It was better to yield to feelings of pity, whatever our doubts about the worthiness of the supplicant, than risk corroding the finer feelings. The usefulness of the passion outweighed the possible detrimental effects of this manner of giving, its tendency, for example, to encourage idleness.<sup>37</sup> Paley reiterated this guiding principle in the chapter on pecuniary bounty, but as part of a fuller evaluation of the various means of aiding the poor. He was no less insistent than Fielding that charity ought to be discriminating. This was his main criteria, indeed, for assessing the different modes of relief, albeit that, in this case, familiarity with the objects of charity was seen as advantageous, not principally because it enabled the donor to detect spurious cases of want, but because it facilitated the most effective means of practising beneficence in the long run. Those who had not discovered appropriate objects of this type of giving, however, could find an outlet for their generosity in other, less effective, forms of charity, such as making donations to public charity. Being the 'lowest exertion of benevolence' by this metric, giving to beggars was something of a last resort for those wishing to exercise such affections. In a pointed inversion of the language of the critics of paternalism, however, Paley voiced his strong disapproval of the 'indiscriminate rejection' of all such appeals, largely on the grounds, once more, that it was likely to 'suffocate' our benevolent principle entirely in the long run. 'A good man, if he do not surrender himself to his feelings

<sup>34</sup> *Principles*, p. [2]13.    <sup>35</sup> *Ibid.*, p. 214.    <sup>36</sup> *Ibid.*    <sup>37</sup> *Ibid.*, pp. 37–8.

without reserve, will at least lend an ear to importunities, which come accompanied with outward attestations of distress; and after a patient hearing of the complaint, will direct himself by the circumstances and credibility of the account that he receives.<sup>38</sup> The *at least* here seems to suggest that lending a patient ear to the poor man's troubles was a second best to surrendering oneself to the feelings prompted by the outward signs of distress; and this jars with the wider concern for discrimination. But the thrust of the message is clearly that the health of our humanitarian principle ought to be the governing concern in all such cases.

In a bid to give scientific direction to the behaviour prompted by such feelings, Paley carefully scrutinised the psychology of giving and receiving. Though his preferred *modus operandi* – the giving of charity according to a plan – had been recommended by Saint Paul, the design of his scheme for private donation had a distinctly modern flavour. It recommended that each family lay aside a portion of its income for charitable purposes. A 'considerable and stated' sum given to one or just a few families did more good, it was argued, than the same amount divided among several. Given a shilling, a poor fellow might be inclined to waste it on drinking to the health of his benefactor, 'but he would hardly break a guinea for any such purpose, or be so improvident as not to lay it by, for an occasion of importance; for his rent, his clothing', etc.<sup>39</sup> By making payments habitual the donor rendered them relatively painless to himself, and so increased the likelihood of their continuance in the long term. At the same time, regularly paid annuities spared the labourer from 'the dread of want', preserving that tranquillity which, for theological utilitarians, constituted contentment itself. If the essential purpose of charity was '*promoting the happiness of our inferiors*', this systematic mode of giving fitted the bill perfectly.<sup>40</sup>

The emphasis here and throughout Paley's chapters on charity was not on the state's responsibility to provide relief for those in need but rather on the duty of the rich to supplement public provision with private bounty. The traditional view, enshrined in the Elizabethan poor laws, that the poor had a right to relief from their better-off brethren in times of scarcity came under increasing fire in the last two decades of the eighteenth century. Enacted in 1601, the poor laws sought to tackle the social disorder arising from poverty by providing indoor relief for the impotent poor (in almshouses), setting the able-bodied poor to work in 'houses of correction' and punishing the idle and vagrant in the

<sup>38</sup> *Ibid.*, pp. 208, 209.    <sup>39</sup> *Ibid.*, p. 207.    <sup>40</sup> *Ibid.*, pp. 191, 208.



same.<sup>41</sup> As the hub of the system was the parish, oversight fell on the justices of the peace. They appointed the overseers who ran things on a daily basis, assessing claims and levying the poor rate, the tax on property that financed relief. While, as with summary justice, there was a great deal of variety in local practices, in the eighteenth century there was a widespread preference for outdoor relief in the form of cash payments, as it was the easiest to administer.<sup>42</sup> When poor rates skyrocketed in the second half of the century, however, owing to rising unemployment and underemployment, many ratepayers began to resent the legal obligation to pay. It is true, as Horne observes, that anti-abolitionists frequently employed similar arguments to those used by Paley to repel attacks on the rights of the poor in the opening decades of the nineteenth century. But it is clear that Paley himself was not engaging in a debate about the legal provision for the poor; he took the duty of the state to provide relief for granted. Indeed, his main concern about compulsory contributions was that they might stunt the development of humane feelings, for ratepayers were inclined to argue that this was the extent of their obligations. 'They might as well allege that they pay their debts', asserted Paley, 'for the poor have the same right to that part of a man's property, which the law assigns to them, that the man himself has to the remainder'.<sup>43</sup> The point was that because there were 'many requisites to a comfortable subsistence' that parish relief did not supply, it fell short of compensating those whom providence had dealt a bad hand.<sup>44</sup> As they were fundamental to his thinking about the role of Christianity in the world and his conception of social progress, however, it is necessary to provide some account of his thinking about state relief. Although he offered no systematic analysis of the poor laws, his general attitude to them may be pieced together with little difficulty.

A good place to start is with his description of the professional assistance that was 'to be expected from members of the legislature, magistrates, medical, legal, and sacerdotal professions' – another means of bestowing

<sup>41</sup> Derek Fraser, *The Evolution of the British Welfare State* (2nd edn. Basingstoke, 1984), pp. 31–7; J. R. Poynter, *Society and Pauperism: English Ideas on Poor Relief, 1795–1834* (London, 1969), ch. 1; Joanna Innes, 'The Distinctiveness of the English Poor Laws, 1750–1850', in Donald Winch and Patrick K. O' Brien (eds.) *The Political Economy of British Historical Experience, 1688–1914* (Oxford, 2002), pp. 383–91; Lynn Hollen Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700–1948* (Cambridge, 1998), chs. 1 & 2. On post-revolutionary debates about poverty see Gareth Stedman Jones, *An End to Poverty? A Historical Debate* (London, 2004).

<sup>42</sup> Poynter, *Society and Pauperism*, p. 14. The practice was endorsed by Gilbert's Act of 1782.

<sup>43</sup> *Principles*, p. [2]13. <sup>44</sup> *Ibid.*, p. 213–4.

charity (apart from pecuniary bounty) which Paley recommended. Doctors were encouraged to spare a few hours to tend to the health needs of their less prosperous neighbours, while lawyers were urged to shield the ignorant from 'the rapacity and persecution' of tyrants.<sup>45</sup> A country gentleman who was unable to offer professional assistance could still do much for the poor, observed Paley, by serving as a justice of the peace. Alongside their judicial role, the magistrates played an important role in the administration of the poor laws, overseeing poor law accounts. They were supposed to curtail the spending of overseers, but their legal role was 'more often to protect the rights of applicants than to impose economy'.<sup>46</sup> When denied relief by local poor law officials, paupers could appeal to the justices in the county. The *Principles* depicted the latter as veritable white knights of the poor, who by their 'judicious interposition' checked the self-interested parsimony of the overseers.<sup>47</sup> From this characterisation of the dramatis personae of poor law administration, we get sense of what kind of reforms Paley had in mind when – under the heading once more of 'professional assistance' – he voiced hopes that an able statesman might take it upon himself to oversee a review of the poor laws, preparatory to a reform. The main flaw in the system, as he saw it, was that it left the administration of relief in the hands of overseers who, as ratepayers themselves, had a vested interest keeping payments to a minimum.<sup>48</sup> It was this conflict of interest that made the oft-complained-of settlement laws such a burden on migrant workers. Obligated to relieve those who were legally settled within the parish, ratepayers often stood to gain from restricting the number of 'strangers' in the locality. Settlement was attained by birth, or by a short period of residence in an area. But every newcomer to a district had to register his intention to settle with local authorities, who could refuse permission to those they deemed undesirable. Faced with the prospect of being ineligible to apply for relief, many workers were loath to seek work outside their parish of residence.<sup>49</sup> This was clearly what Paley had in mind when he called for reform of the poor laws in 'so far as they lay restrictions on the poor themselves'.<sup>50</sup> His commitment to a certain amount of wealth

<sup>45</sup> *Ibid.*, p. 201.

<sup>46</sup> M. J. Daunton, *Progress and Poverty: An Economic and Social History of Britain 1700–1850* (Oxford, 1996), p. 451.

<sup>47</sup> *Principles*, p. 200. <sup>48</sup> *Ibid.*

<sup>49</sup> After 1697, temporary migrants could receive certificates from their parish of settlement promising to support them in their new residence should the need arise. But overseers were not obliged to issue such certificates.

<sup>50</sup> *Principles*, pp. 442–3.

redistribution was further demonstrated by his call for a graduated rate of taxation, on the grounds that it was not the relative wealth of the individual but what they could afford to pay that ought to be regarded in such matters, it being far easier for a man who owns a thousand pounds to pay a hundred than for one owning a hundred to pay ten.<sup>51</sup>

The fact that the same idea was mooted by Paine – thus ensuring its rejection out of hand by the political classes, according to Paley – points to the large degree of overlap between the social philosophy of the *Principles* and egalitarian ideologies that emerged in the nineteenth century.<sup>52</sup> Yet, obviously, the social assumptions underlying Paley's attitudes to wealth redistribution were not the same as those which actuated Paine, Condorcet and Godwin. For the mutual rights and obligations that Paley wished to reinforce were those governing the vertically structured hierarchy that Englishmen took for granted in the eighteenth century and which was widely held to have providential sanction, as his description of service in *Reasons for Contentment* (1792) clearly illustrates. 'The labour of the world is carried on by *service*, that is, by one man working under another man's direction', observed Paley, and it was evidently 'the best way of conducting business, because all nations and ages have adopted it'. Since no other relation affected so many individuals so sensibly, the extent to which it was 'well and equitably regulated' was the most reliable metric of the happiness of the poor in any county. Because 'service in England' was 'voluntary and by contract, an equal bargain, in which each party has his rights and redress', it was 'frequently the foundation of so much mutual kindness and attachment, that few friendships are more cordial, or more sincere'.<sup>53</sup> If the emphasis in the *Principles* was largely on mitigating rather than justifying inequality and subordination, this is because such distinctions hardly needed validation among Paley's readers, the 'association' of heads of household who counted politically in English society.<sup>54</sup> He was careful, also, to allay any suspicion that his programme engendered levelling propensities. When extolling the tendency of public worship to temper the haughtiness of the rich man and raise the dignity of the poor man, he assured them that his intention was not to recommend anything that might undermine long-established and necessary hierarchies, but only to remind them that subordination was itself an evil to the subordinate, and

<sup>51</sup> *Ibid.*, p. 627. He also proposed that tithes be replaced by corn rents. p. 636.

<sup>52</sup> Beste, 'Conversations of Paley', p. 185.

<sup>53</sup> Paley, *Reasons for Contentment Addressed to the Labouring Part of the British Public* (1792), in *Works*, vol. 2, pp. 523–4.

<sup>54</sup> Peter Laslett, *The World We Have Lost Further Explored* (1965; London 2000), p. 19.

ought not to be extended an inch beyond what was necessary to public utility.<sup>55</sup> When addressing disaffected Carlisle labourers in the incendiary situation of 1792, as we shall see, he naturally shifted his attention to the duties of the poor and the consolations of poverty.

Paley's strictures on poverty were clearly framed by the so-called 'paternalist' model of social relations, which in the eighteenth century was based on five interrelated assumptions:<sup>56</sup> first, that there was a right to private property, sanctioned by natural law and scripture; and that this, indeed, was the very basis of civilised society; second, that the propertied class had a right and a duty to rule the nation, while the poor were obliged to obey them; third, that society was hierarchical by nature and the better for being so, and that its happiness and vigour was a function of the interdependence of master and servant, rich and poor. As Roberts observes, however, it was recognised at the same time that 'Society consisted in many differing spheres, each with its own hierarchies, though each was part of a larger one'.<sup>57</sup> It was supposed, fourthly, that the lucky few who owned property had important duties towards the less fortunate, being obliged to tend to their moral and religious well-being – something strenuously enjoined by Paley, as we have seen – and, crucially, to ensure that they enjoyed a comfortable existence. Finally, most saw the British Constitution as an important bulwark of these rights and obligations, facilitating the governance of the rich through the happy concatenation of features sustaining its own existence, and preserving the poor from oppression by ensuring the rule of law and providing them with virtual representation. By the eighteenth century, much of the power and its attendant duties which in the Stuart era had fallen to the King's government had devolved to local authorities, as reflected in the central role accorded to the justice of the peace in Paley's scheme for improving the lot of the poor.<sup>58</sup> His call on professionals to offer their services to the needy exemplified the ever-increasing plurality of social hierarchies in the period. The suggestion that the Newtonian cosmology of the eighteenth century weakened such assumptions by rendering the universe 'impersonal, mechanical, mathematical, and uniformitarian', as Roberts puts it, seems insensitive to the convictions of the natural philosophers and theologians themselves, as, notwithstanding his mechanical view of the universe, Paley's God was a watchful steward, judiciously meddling in the affairs of the world where appropriate.<sup>59</sup> Providence was no less paternalistic than society.

<sup>55</sup> *Principles*, p. 355.

<sup>56</sup> David Roberts, *Paternalism in Early Victorian England* (London, 1979), pp. 2–10.

<sup>57</sup> Roberts, *Paternalism*, p. 3.   <sup>58</sup> *Ibid.*, p. 16.   <sup>59</sup> *Ibid.*

As the most forceful and complete expression of the 'paternalist' view of social relations, it is easy to see why Paley's *Principles* became such a vital target for Malthus when mooting a new, more individualistic, paradigm for thinking about poverty. In setting him up as an exemplar of the 'traditional political theology' of the eighteenth century, however, there is a danger of misconstruing his project as a manifesto for social stasis. It is true that much of his teaching on poverty – the idea that the Christian theory of property rights implied a corresponding obligation to relieve the needy, the acceptance that all in dire need had to be succoured, and even the insistence that it was necessary to err 'in the direction of laxity' when considering suspect appeals for alms – was enshrined in Medieval Canon Law, having been adapted from patristic texts.<sup>60</sup> Yet many of the fundamentals of the 'old society' were viewed by Paley as thoroughly modern, most importantly its treatment of the poor. It is worth recalling here his boast that hospitals, infirmaries and other public charities – part of the social architecture of eighteenth-century Europe – had been unknown in the ancient world. Such institutions, of which the English poor laws were the shining example, were the reification of the spirit of compassion infused into the world by Christ, a product of the gradual humanisation of the relations between masters and servants that occurred as his assurances about the reality of divine judgment increasingly gained credence.<sup>61</sup> Indeed, free labour itself – the precondition of all such rights – was a product of this gentle illumination. In Paley's eyes, then, the set of values and institutions that he was promoting were the hallmark of modernity. He plainly believed, moreover, that such improvement would continue as Christian values progressively took hold, as his hugely influential chapter on slavery clearly demonstrates.

The chapter on slavery was ingeniously positioned straight after the one describing the methods of promoting the happiness of domestics (the second on charity), which had opened with the allegory of the companions setting out on a journey. Paley concluded that chapter by setting out three prescriptions that ought to govern behaviour towards domestics. Masters were forbidden to insult their servants, deny them harmless pleasures and impose unnecessary work on them. He begins the chapter on slavery by insisting that the same prohibitions applied to the treatment of slaves, 'being founded upon a principle independent of

<sup>60</sup> Brian Tierney, *Medieval Poor Law: A Sketch of Canonical Theory and Its Application in England* (Berkeley, 1959). On the attitudes of administrators to doubtful cases, see. p. 61.

<sup>61</sup> *Principles*, pp. 142–3.

the contract between masters and servants'. Slavery – defined as 'an obligation to labour for the benefit of the master, without the contract or the consent of the servant' – arose in three ways: as a punishment for crimes, from captivity in war, or from debt, in which instances, it only lasted respectively until the requisite sentence had been served, hostilities had ended and the debtor was satisfied. The African slave-trade met none of these criteria, and going by the transactions of the slave market, it made no pretensions of doing so. But the invalidity of the first vendor's title was by no means the most condemnable aspect of the trade.

The natives are excited to war and mutual depredation, for the sake of supplying their contracts, or furnishing the market with slaves. The slaves, thus separated for ever from parents, wives, children, from their friends and companions, their fields and flocks, their home and country, are transported with no other accommodation on ship-board, than what is provided for brutes, to the *European* settlements in *America* – where these unhappy exiles are placed in subjection to a dominion and system of laws, the most merciless and tyrannical that ever were tolerated upon the face of the earth: and from all that can be learned by the accounts of the people upon the spot, the inordinate authority, which the plantation-laws confer upon the slave-holder, is exercised, by the *English* slave-holder especially, with rigor and brutality.<sup>62</sup>

The plea that the practice was an economic necessity was nonsense, thundered Paley, there being no evidence that the plantations in question could not be cultivated by hired servants. Having to pay for labour would naturally raise the price of sugar, but this could hardly be objected to on the grounds of necessity.<sup>63</sup> The question remained as to why Christ had not spoken out against such an abominable institution despite its ubiquity in ancient polities. And once again, Paley invoked the strategic nous of the Creator in explanation, observing that a religion which promised to liberate slaves would have created 'a bellum servile' on a mass scale, which would have made it a target of criticism and perhaps occasioned its extinction altogether. Christianity could only 'operate as an alterative', insensibly preparing men's minds 'to perceive and correct enormities' in their public establishments, 'by the mild diffusion of its light and influence'. As it had already extinguished Greek and Roman slavery and 'feudal tyranny' in this manner, there was good reason to believe that, as its influence increased in the world, Christianity would ultimately expel the remnants of this abhorrent institution.<sup>64</sup>

<sup>62</sup> *Ibid.*, pp. 195, 196.    <sup>63</sup> *Ibid.*, pp. 196–7.    <sup>64</sup> *Ibid.*, pp. 198.

This *modus operandi* provides a crucial framework for understanding Paley's social and political vision. Most importantly, it shows that his opposition to the main reform proposals of the 1780s by no means precluded a belief in human progress. For Paley was clearly convinced that by reinforcing his readers' benevolence – which, as we have argued, was the primary objective of his social thought – he was creating a cultural climate in which humane social policy would thrive. His allegories were designed to stimulate precisely the thought that had gradually humanised the patrician classes of Europe: the idea that social and economic distinctions would count for nothing on judgment day. His critique of the codes of honour and fashion were part of the same offensive. What, from our own vantage point – coloured as it is by the reform movements of later centuries – looks like a defence of 'the old society' was viewed by Paley as an attempt to accelerate a gradual process of Enlightenment that was well underway.

Obviously, Paley's model of advancement was less radical in its political implications than that of Rational Dissenters like Joseph Priestley – which may explain why Robertson and Israel include the latter, but not the former, among a list of English thinkers who may have contributed to the Enlightenment.<sup>65</sup> At the beginning of his *Essay on the First Principles of Government* (1768), Priestley claimed that human beings were capable of two kinds of progress: the progress in knowledge and virtue that men could achieve in their lifetimes and the progress of the human species over aeons. It was with this second kind of improvement in mind that strides should be made to improve laws and institutions.<sup>66</sup> Less inclined than Priestley (or even Edmund Law) to speculate on the long-term advancement of humanity, Paley made his primary concern the lives of Englishmen in the present.<sup>67</sup> Notwithstanding, however, that the context in which the drive for reform finds its historical meaning and divine function in Priestley's thought was less prominent in Paley's, it is clear that a narrative of gradual improvement was written into the fabric of Anglican theological utilitarianism. So deeply were the laws enmeshed with the cultural norms of a society, the thinking was that if the church concentrated on fostering moral improvement in the present generation, the progress of mankind would inevitably follow. Underpinning this outlook was a conviction that

<sup>65</sup> Robertson, *The Case for the Enlightenment*, p. 42. Israel, *A Revolution of the Mind*, pp. 10, 15 and *passim*.

<sup>66</sup> Priestley, *Essay on the First Principles of Government*, pp. 1–2.

<sup>67</sup> *Principles*, p. ix. For Law's account of the 'the perpetual progress of knowledge in the world' see Edmund Law, *Considerations on the Theory of Religion* (1745; 7th edn, Carlisle, 1784), pp. 233–4, 237.

history was unfolding according to the Divinity's benevolent master plan. While he did not share Priestley's view that such events could be read as providential blueprints for future reforms or as portents of the coming millennium for which man was to strive, his faith in providential progress enabled him to speculate that the revolution in the American Colonies had been 'designed' to occasion 'a season for reflecting, whether a legislature, which had so long lent its assistance to the support of an institution replete with human misery, was fit to be trusted with an empire the most extensive that ever obtained in any age or quarter of the world'.<sup>68</sup>

What may have concealed the dynamism of Paley's historical vision from scholars is the widespread view that the 'ideology of order' in this period was predicated upon certain assumptions entailed in the teleological view of nature at the core of natural theology.<sup>69</sup> Adamant that '*Natural Theology* was at the core of his ethical thinking', LeMahieu makes the case that Paley's 'conservative thrust was partially the result of the kind of thinking implicit in natural theology, where existing means were shown to fit given ends'.<sup>70</sup> The fact, however, that few writers in the period defended the teleological argument as zealously as the enthusiastic reformer Joseph Priestley proves that the natural theological view of nature did not predict an anti-reformist predisposition.<sup>71</sup> There did exist a case for allegiance based on arguments that closely mirrored the argument from design. For Horne, as we have seen, monarchical government was a machine that had been perfectly constructed by God for taming man's depraved nature. His ordination of Adam was therefore no less an act of creation than the formation of heaven and earth. It could be inferred from his analysis of Greek and Roman political theories, furthermore, that he viewed accounts of the origins of government that described it merely as a human construct as equivalent to atomistic theories of the origin of the world.<sup>72</sup> Paley, of course, was far from seeing government as a product of divine fiat. He disparaged the idea that the constitution was 'formally planned and contrived by our ancestors' and could therefore be restored to its original purity (as admirers of the putative 'Ancient Constitution' claimed). For him, the British Constitution resembled not a watch, but

<sup>68</sup> *Principles*, p. 197. On Priestley's vision of progress see Jack Fruchtman, *The Apocalyptic Politics of Richard Price and Joseph Priestley: A Study in Late Eighteenth-Century English Republican Millennialism* (Philadelphia, 1983).

<sup>69</sup> See, for example, Forbes, *Hume's Philosophical Politics*, pp. 41–2.

<sup>70</sup> LeMahieu, *Mind of Paley*, pp. 130, 116.

<sup>71</sup> He does so at length in both the *Institutes of Natural and Revealed Religion*, 2 vols. (2nd edn. Birmingham, 1782) and *Letters to a Philosophical Unbeliever*.

<sup>72</sup> Horne, 'Of the Origins of Government', pp. 435–6, 444.



‘one of those old mansions, which instead of being built at once, after a regular plan . . . has been continually receiving additions and repairs suited to the taste, fortune and conveniency of its successive proprietors’.<sup>73</sup> Arguably, this account of the constitution as arising from a gradual evolution in which modifications were frequently the product of unintended consequences corresponded more to the transmutational theories of generation which he rejected than it did to the argument from design. The important point is that the constitution was amenable to the influence of the Christian Enlightenment that Paley sought to advance.

What must be clear, finally, from the interpretation offered here is that Paley’s social thought was something more than an ‘ideology of order’ in the sense of a doctrine designed to sustain patrician hegemony. There were, as Clark observes, two ways of characterising the social organisation in the period, which were sometimes mutually reinforcing but sometimes in tension: that which treated the demarcation between gentlemen and the rest as definitive, and that which portrayed society as a ‘system of subordination’ composed of numerous ranks working in synergy to promote the happiness of the whole. While the implication of Clark’s analysis – that the latter provided the ideological support for the former – is undoubtedly right, this only explains one of the functions of the ‘Anglican model of hierarchy’ as exemplified in Paley’s thought, and evidently a lesser one.<sup>74</sup> Although he accepted that the decent treatment of the labouring classes was critical to the preservation of order, his promotion of charity was aimed not a defending gentlemanly hegemony, but at civilising those who possessed it. This was the principal object of the Christian religion, by Paley’s thinking, not only in the sense that it was the better part of it, but also because fostering charity was its particular responsibility, it being the only code of behaviour that offered sufficient motives for treating our inferiors with humanity and dignity. The *Principles* was the apotheosis of a tradition that defined religion as a means of advancing human happiness in this life and the next.<sup>75</sup>

<sup>73</sup> *Principles*, pp. 465–6.    <sup>74</sup> Clark, *English Society*, 2nd edn., ch. 2.

<sup>75</sup> Law, *Considerations*, 7th edn. p. 237.

*From Paley to Malthus*  
*Utility and Society after 1785*

**The Case Against Discontent in 1792–3**

Although the *Principles* was his last major work of social and political theory, Paley played a significant role in the ideological battles of the 1790s. It was in this context that his analysis of human happiness finally took centre stage.<sup>1</sup> In 1792, he published his *Reasons for Contentment: Addressed to the Labouring Part of the British Public*, a cheap pamphlet based on a sermon given in Dalston in 1790, designed to pacify an increasingly disgruntled labour force. Going by the opinion of one commentator (a ‘Poor Labourer’, suspiciously well versed in Roman History) that the tract revealed his character as one of ‘the tygers of the human race’, hell-bent on securing ‘to the rich and powerful their luxuries, extorted from the toil and miseries of the poor’; we might be tempted to assume that Paley had undergone a road to Damascus moment in reverse since 1785, when he had defended the rights of the poor so stoutly.<sup>2</sup> But the less dramatic truth was that his interventions in the political struggles of the post-revolutionary period were logical applications of the principles expounded in the ethics and rehearsed in his Cambridge lectures in the 1770s.

At first, the majority of the English public viewed the events of 1789–90 in France with a mixture of hope and apprehension, but not as epochal. Throughout 1790 and much of 1791, indeed, the eyes of the nation were focused less on the French Revolution than on the disputes with Russia over Ochakov and with Spain over Nootka Sound. Thus, for a minority

<sup>1</sup> For a discussion of utilitarian apologies for the constitution see T. P. Schofield, ‘Conservative Political Thought in Britain in Response to the French Revolution’, *Historical Journal*, 29, 3 (1986), 605–11.

<sup>2</sup> Poor Labourer, *A Letter to William Paley, M.A. Archdeacon of Carlisle from a Poor Labourer in, Answer to His Reasons for Contentment, Addressed to the Labouring Part of the British Public* (London, 1793), p. 3.

who viewed the behaviour of the National Assembly with alarm, Edmund Burke's startling exposé of the Revolution and its English supporters in *Reflections on the Revolution in France* was a timely wake-up call for the political classes. The first third of the *Reflections* was a sustained repudiation of Richard Price's claim in his *Discourse on the Love of Country* (1789) that the Glorious Revolution had bestowed upon the people of England the rights 'to choose their governors', 'to cashier them for misconduct' and 'to frame government for ourselves'; and that it was the precursor therefore of the Revolution in France.<sup>3</sup>

With regard to the first supposed right, Burke insisted that the Revolution had set out precisely to preclude forever the turmoil resulting from elective monarchy in the wake of 'a small and a temporary deviation from the strict order of a regular hereditary succession'.<sup>4</sup> Should the right to cashier rulers for misbehaviour be admitted, secondly, government would be subject to ceaseless revolution; for the sake of civil peace, therefore, resistance should be considered as a last resort, justifiable only in extreme cases of misrule.<sup>5</sup> Third, he attacked the main tenets of the doctrine of popular sovereignty, denying, for example, that parliament were delegates of the people, in the sense of being obliged always to represent the opinions of their constituents, their main duty being to promote the welfare of the nation at large. Nor was it worthwhile fixating on the proportionality of the representation on this thinking, for what ultimately mattered was how well government preserved the liberties and promoted the interests of the nation.<sup>6</sup> While reminding readers that its occasional commentaries on the Revolution had prefigured Burke's analysis, *The Times* expressed hope that the stature of the author and the incisiveness of the argumentation would at last disturb the complacent equanimity of European statesmen.<sup>7</sup> Observing, in a letter to his brother John, that the Archbishop of York was 'in raptures' with 'Burke's pamphlet', the future Lord Chief Justice Edward Law begged to know Paley's view of it.<sup>8</sup> The letter he soon received from Paley reveals that his views were more mixed than the Archbishop's, as, like many of his clerical brethren, he initially greeted events in France with guarded optimism.

<sup>3</sup> Edmund Burke, *Reflections on the Revolution in France* (1790), p. 20. Richard Price, *A Discourse on the Love of Our Country, Delivered on Nov. 4, 1789, at the Meeting-House in the Old Jewry, to the Society for Commemorating the Revolution in Great Britain* (London, 1789), p. 34.

<sup>4</sup> Burke, *Reflections*, pp. 33, 23. <sup>5</sup> *Ibid.*, pp. 37–8, 42–4. <sup>6</sup> *Ibid.*, pp. 81–6.

<sup>7</sup> *The Times*, 2 November 1790, p. 2.

<sup>8</sup> Edward Law to Paley (Carlisle), 28 November 1790, PRO 30/12/17/3/33–35.

Although he went ‘along with him entirely in ragging Price’s compact consent election . . . which is nonsense in toto’, he was puzzled as to why Burke had ‘spread such a glare of colouring over such a proposition as that King George the 3d is not an elective king’ when its self-evidence could have been demonstrated in two sentences. Concerning the ‘rights of man’ – a spurious and pernicious doctrine, according to Burke – Paley reiterated his assertion from the *Principles* that they consisted in the obligation of government to demonstrate that any restraints it placed on liberty were justifiable on the grounds of expediency. As he saw it, however, Burke had ‘traduced grossly’ the French Revolution itself, failing to acknowledge that many of the draconian measures taken by the National Assembly – including the ushering of the King to Paris and even the execution of opponents – were forced upon them by the precariousness of their situation, most obviously the clear threat of counter-revolution. Even Burke’s outrage over the assault on ecclesiastical privilege was melodramatic, in Paley’s view, for while he firmly believed that there ought to be various ranks among the clergy to cater to the various orders of society, this only applied where they were ‘real clergy’ which ‘the French bishops and great dignitaries were not – hardly more than the Bishop of Osnaburgh’.<sup>9</sup> What is more, Burke had tactically elided the efforts of the National Assembly to improve the conditions of the downtrodden lower clergy. His overarching sense was that the severity of the nascent regime would abate when government was more firmly installed.<sup>10</sup>

Despite first appearances, his apparent support for the Revolution was quite consistent with the line he took in 1785 on the question of when resistance to government was justified. Political developments in France since the Assembly of Notables in 1787 had clearly overturned his earlier contention that since the servility of the people precluded the possibility of successful resistance to the regime, the French were obliged put up with their relatively despotic constitution. Now that its success seemed likely, at the cost of few lives, the Revolution met the requisites of justifiable resistance as set out in the *Principles*, assuming, of course, that the denouement would be a constitutional monarchy on the model of the British Constitution, as most commentators expected it would be. This mirrored his stance on the American Revolution. For despite subscribing to the loyal address condemning the ‘rebellion’ in 1775, and expressing doubts about the initial motivations of the Colonial

<sup>9</sup> A prince-bishopric in lower Saxony to which the infant Prince Frederick was elected in 1764.

<sup>10</sup> Paley to Edward Law, 28 November 1790, PRO/30/12/17/4/33–5.

Assemblies, he was confident that the federal constitution would enable it to defy the conventional wisdom that republican government was only suitable for small states.<sup>11</sup> He was convinced, as we saw, that events in the Colonies had been orchestrated by Providence, as retribution for Britain's central role in the slave trade. And this assurance that history was unfolding according to the progressive plan of the Almighty undoubtedly helps to explain his optimism about the Revolution in France notwithstanding the foreboding of Burke and others.

By the end of 1792, however, French political life had begun to vindicate Burke's apocalyptic vision. The September massacre, instigated by the Paris Commune's Committee of Surveillance, left over a thousand men and women dead.<sup>12</sup> Following later in the same month, the declaration of a Republic confirmed – what few at this point could have doubted – that the National Convention had no intention of approximating the checks and balances of the British Constitution as the majority of the Assembly's constitutional committee had wished to do in 1789.<sup>13</sup> More alarmingly still for the political classes in Britain, the Decree of fraternity and help to foreign peoples of 19 November announced their intention of exporting the Revolution. It was the coalescence of these developments with a new wave of popular radicalism at home that prompted Paley to come to the defence of political and social arrangements in Britain; this time, in publications expressly designed for a readership that included the multitudes.

It has sometimes been argued that Paley and other defenders of the existing constitution made a tactical error in addressing the poor, since in doing so they appeared to recognise them as political actors, thus encouraging the kind of activism they sought to extinguish.<sup>14</sup> But it is not as if they saw themselves as having much choice. When countering the reform agendas of the 1780s, Paley was comfortable in the knowledge that he was engaging in a conversation between gentlemen. Assuming that all concerned would understand the imperative of keeping it that way, he warned reformers against innovations that might unintentionally stir the political curiosity of the masses. By mid-1792, however, this Pandora's box was already ajar. Membership of the radical societies soared when, following the initiative of the Sheffield Constitutional Society in 1791, they

<sup>11</sup> *Principles*, pp. 461–2.

<sup>12</sup> William Doyle, *The Oxford History of the French Revolution* (Oxford, 2002), pp. 190–3.

<sup>13</sup> *Ibid.*, p. 119.

<sup>14</sup> Mark Philp, 'Vulgar Conservatism, 1792–3', *English Historical Review*, 110 (February 1995), 45. Hilton, *Mad, Bad and Dangerous*, pp. 60–1.

waived or greatly reduced subscription fees. This meant, of course, that unlike the largely well-born Society for Constitutional Information that had spearheaded the campaign for radical parliamentary reform in the early 1780s, the new societies that sprung up in 1791 and 1792 were composed largely of tradesmen, craftsmen and mechanics. Supporters of the existing political order were thus confronted with an unnerving concatenation of developments. 'For the first time ordinary working men took part in organised political activity entirely on their own initiative. For the first time in a century radical societies in different regions coordinated their campaigns . . . And for the first time there was a neighbouring Great Power willing to egg these radicals on'.<sup>15</sup> Ideologically, too, things took a menacing turn, as the Societies began to pursue a Paineite agenda, meaning not only that the radical reform platform, previously confined to a small fringe of the SFCI (including the call for yearly parliaments and equal representation) now had a burgeoning movement behind it, but – most troubling of all – that their political demands were increasingly bound up with social and economic ones.

Published in February 1792, the second part of Paine's *Rights of Man* was instrumental in forging this connection in the minds of the disaffected.<sup>16</sup> The implication of Paine's proposals for a generous system of allowances for the poor, including old age pensions, to be paid for by taxes, was that the rights of man included a claim on the state to provide relief in times of death.<sup>17</sup> In asserting, moreover, that these schemes would be funded by a redirection of the tax incomes presently used to bankroll the 'system of war' purposely engineered and sustained by the aristocratic governments of Europe as a source of 'power, and revenue',<sup>18</sup> Paine introduced a highly inflammatory juxtaposition into political discourse, as is amply demonstrated by an *Address from the London Corresponding Society to the Inhabitants of Great Britain*, printed in August of 1792. By way of illustrating the importance of parliamentary reform to 'every man', the pamphlet observed how the vanquishing of the 'Court Party' would lead to the reduction of taxes and an improvement of living standards among 'the starving poor', while reducing the number of 'sumptuous feasts' enjoyed by the rich at their expense. It was even suggested that a properly

<sup>15</sup> Hilton, *A Mad, Bad, and Dangerous People*, p. 66.

<sup>16</sup> See E. P. Thompson, *The Making of the English Working Class* (London 1963; reprinted by Penguin, London, 2013), pp. 102–4, 117–23 and passim.

<sup>17</sup> Thomas Paine, *Rights of Man Part the Second, Combining Principle and Practice* (London, 1792), pp. 124–37. Support for the aged was 'not of the nature of a charity', declared Paine, 'but of right.' p. 129.

<sup>18</sup> *Ibid.*, pp. 82, 80.

representative government would restore enclosed land to 'the robbed peasant'.<sup>19</sup> The foremost strategy of the radical societies in 1791–2 was to disseminate such ideas to a mass audience through the production of cheap editions, particularly the works of Paine himself. Their invocations against aristocratic government and monarchy, not to mention their expressions of friendship to the French government, made it hard for friends of the political order to believe their assurances that they were trying to repair and not to overturn the constitution, and that they posed no threat to the system of property.<sup>20</sup>

This growing ferment was palpable in Paley's own locality. Prompted in part, no doubt, by the Royal Proclamation Against Seditious Writings of 21 May 1792, but also by reports that Corresponding societies and debating clubs had proliferated in Cumberland as elsewhere, a search of households by masters of families in the area confirmed suspicions that servants and children were secretly reading cheap editions of *Rights of Man*. Finding a few copies in his own house, Paley promptly burnt them.<sup>21</sup> This realisation that cheap publications were in wide circulation convinced him that preserving the ignorance of the poor in regards to political matters, as he had counselled in 1785, was no longer an option. Since they were now involved in the discussion, Paley explained in the advertisement to his pamphlet on the constitution, it was expedient that all proposals on political questions be put forward 'in a form fitted for general reading'.<sup>22</sup> For this reason, he was extracting a salient chapter from a work too long and expensive for less well-off readers (i.e. the *Principles*).

Because it had been written, in part, to answer the most radical critics of the constitution in the early 1780s, much of the pamphlet read like a direct attack on Painite doctrines. It undermined, for example, the assertion that representative government – as an approximation of pure democracy – was the only means of securing 'the public good', while rendering the allegedly nefarious origins of 'old governments' a non-issue.<sup>23</sup> At the same time, the

<sup>19</sup> *Address from the London Corresponding Society to the Inhabitants of Great Britain on the Subject of Parliamentary Reform* (London, 1792), pp. 6, 5–7.

<sup>20</sup> Paine's remark that he gave monarchy and aristocracy in Europe seven more years at most hardly reassured them. *Rights of Man Part the Second*, p. vi.

<sup>21</sup> Edmund Paley, *Life of Paley*, pp. cl–cli. Paley now complained to Edward Law about 'an impudent Dissenting parson at Whitehaven who has been publishing lectures on the revolution'. William Paley to Edward Law, 28 October 1792, PRO/30/12/17/4/37.

<sup>22</sup> William Paley, Advertisement to *An Essay upon the British Constitution* (London, 1792), pp. v, vi. Hereafter 'Advertisement'.

<sup>23</sup> Paine, *Rights of Man Part the Second*, p. 30, ch. 2.

political situation added much traction to his claim that economical and minor parliamentary reforms might send the whole house tumbling, not least because it chimed with widespread misgivings about trying to fix in a storm. In claiming that the arguments, having been formulated in less fractious times, had not been intended 'to serve any purpose, or any party', Paley elided (once again) the fact that they had been partly designed to prevent the Foxites from enfeebling the monarchical part of the constitution.<sup>24</sup> As by this stage, however, the constitutional crises of 1782–4 must have seemed like a storm in a parliamentary teacup, it was a legitimate boast on the whole. Although modern-day scholars might baulk at the idea of Paley as a non-partisan adjudicator, it may have held more water for contemporaries, whose judgments were not eschewed by the binary of 'conservatism' and progressivism that frames modern analysis of politics in the early 1790s; for what is generally referred to by historians as 'conservative' thought was, from the perspective of the historical actors, the coming together of a wide spectrum of political opinion in a time of acute and unprecedented political crisis to save the constitution.<sup>25</sup> Paley, after all, had been a critic of Burke's reform agenda, not to mention his initial take on the French Revolution; while even after 1792, some loyalists continued to view his own principles as ideologically suspect. The point is not that he occupied 'the centre ground': for this idea too is a product of the polarities only nascent in the 1790s, but that, outside of radical circles, the positions he adopted may not have seemed entirely incongruous with his self-portrayal as an impartial judge. And, although the enlargement of the political nation in 1792 had rendered some of the sociological nostrums that underpinned his earlier political thought void, it can be argued nonetheless that his contributions to this ideological conflict were of a piece with the philosophical politics he expounded in 1785. This proposition is in no way contradicted by his explicit abandonment of non-partisanship in 1792; for, as we have seen, his main objective in the mid-1780s had been to provide readers with rational criteria for determining which party to support in times of political turmoil. It can be further shown, moreover, that, as designing and patronising as they sound to modern ears, the reasons he gave to the poor for contentment in 1792 accorded closely with the analysis of happiness he offered to his comfortably off readers in the *Principles*.

<sup>24</sup> 'Advertisement', p. vii.

<sup>25</sup> Richard Bourke argues convincingly that the term obscures more than it explains when applied to this period. *Empire and Revolution*, pp. 16–8.



*Reasons for Contentment* went to press in late 1792, first with a Carlisle publisher, on the initiative of Paley himself, it seems, who was unnerved by the discovery that Paine's 'poison' had spread to his household.<sup>26</sup> By December, a loyalist countermovement was gaining momentum rapidly, aided by the government, who, as well as using statutory means to stifle the activities of the Societies, exploited the spontaneous loyalist backlash, lending its weight, for example, to the Association for Preserving Liberty and Property against Republicans and Levellers, founded by John Reeves in November, as well as to scaremongering newspapers like the *True Briton* and the *Sun*.<sup>27</sup> In December 1782, he sent the pamphlet to Reeves, instructing him to 'dispose of it at your discretion', and promising to do what he could to further the aims of the society locally.<sup>28</sup> It was eventually published as an Association pamphlet in 1793 alongside a speech by Lord Loughborough supporting the Alien Bill.

The pamphlet began with another of Paley's evocative analogies. 'Human life', he observes, 'has been said to resemble the situation of spectators in a theatre, where, whilst each person is engaged by the scene which passes before him, no one thinks about the place in which he is seated'. It is only when his attention is diverted from the action and his mind begins to wander that the spectator becomes bothered about whether others might have a better seat than himself. Similarly, it was only when his mind strayed from 'the business of his calling' that 'Unprofitable meditations' about where he stood in the social pecking order disturbed the labourer's serenity. Since his discontent was brought on by these pointless speculations, and not by his actual economic condition, the easiest way for him to restore his equanimity was to desist from such rumination. As many were incapable of keeping their imaginations 'at home' in this way, however, he thought it useful to try to expose the unreasonableness of the usual complaints which the poor made against the rich.<sup>29</sup> Those who murmured, in the first place, about the seemingly obscene fortunes of the wealthy ought to realise that they had more to lose from the abolition of the laws which secured this property than the rich had, since such laws existed to protect the weak

<sup>26</sup> Edmund Paley, *Life of Paley*, p. cli. He appears to have read the second part of *Rights of Man* in late November, as in a letter of 28 October, he thanked Edward Law for 'Paine's pamphlet', but observed that it would probably take a month to reach him. Paley to Edward Law, 28 October 1792, PRO 30/12/17/4/ 37.

<sup>27</sup> Philp, 'Vulgar Conservatism, 1792-3', pp. 46-7.; Hilton, *A Mad, Bad, and Dangerous People*, p. 65.

<sup>28</sup> William Paley to John Reeves, December 1782, London, British Library, Association Papers, Add MSS 16922, fol. 93.

<sup>29</sup> *Reasons*, pp. 517-8.

from the strong.<sup>30</sup> It was in the nature of the system of property that some would accrue great wealth. The most that government could do was to create the conditions in which every healthy man was able to support his family properly; and Paley challenged anyone who argued that the working people ought to expect more to provide one example of where more had been achieved. It was evidently part of the divine dispensation, concluded Paley, that fortunes were few, but that the many could live contentedly without them.<sup>31</sup>

Paley's goal in the remainder of the tract was to show, indeed, that on balance the advantages lay with those who 'do and must subsist, by personal labour'. Being supplied with regular engagement, first of all, they were spared from that sense of emptiness that plagued the idle rich.<sup>32</sup> By the same reasoning, it was arguable that many of the seeming 'hardships' imposed on the labouring classes were in fact 'pleasures'. When practiced successfully, even 'Frugality itself' could be agreeable, absorbing the mind in 'an exercise of attention and contrivance'. Next to these pleasures, the ability of the wealthy to draw expenses from some 'large unmeasured fund' was a relatively insipid experience.<sup>33</sup> One of the biggest advantages of labouring life, as Paley saw it, was that the working man was spared from the burden of placing his children in respectable situations, as was expected of a gentleman; for the innocent and industrious habits that they needed to make their way in the world could be instilled by 'authority and example'.<sup>34</sup> Turning his attention next to the social and economic condition of the labouring people, he observed that since most people earned their crust by service (i.e. employment), the happiness of the poor generally depended on how 'well and equitably' labour relations were regulated; and since service in England was voluntary and contractual, an 'equal bargain' bestowing rights and obligations on both parties, the poor there had little cause to complain.<sup>35</sup> Nor would they envy the apparent advantages of those in higher stations if they knew their true value. Not only did the poor man obtain more delight from the occasional luxury that came his way, for example, than the wealthy voluptuary did from his customary lavishness – familiarity breeding contempt – but he was immune to that anxiety suffered by the hedonist when his pursuits were suspended. Rest, too, was 'sweet and smooth' for the labourer, 'tiresome and insipid' for the rich man.<sup>36</sup> In terms of the genuine sources of

<sup>30</sup> Though he had argued in 1785 that the poor had the ability to wrest power from the rich at any time. See above, pp. 180–1.

<sup>31</sup> *Reasons*, pp. 518–20. <sup>32</sup> *Ibid.*, pp. 520, 521–2. <sup>33</sup> *Ibid.*, pp. 522, 523. <sup>34</sup> *Ibid.*, pp. 523.

<sup>35</sup> *Ibid.*, pp. 523–4. <sup>36</sup> *Ibid.*, pp. 524–5, 526.

contentment on the other hand, such as the exercise of the social affections, the workingman had no cause to repine, for the pleasures of family life were equally available to all.<sup>37</sup> As was the fashion in Anglican social thought at this time, Paley turned to explicitly religious argument only 'as a last fine-meshed net to catch those who had eluded the looser weave of the secular arguments'.<sup>38</sup> While he was sure that the practical arguments would set the labouring community straight, there was no harm reminding them that rank and riches would count for nothing at the final tribunal.<sup>39</sup>

As the 'poor labourer' portrayed it, of course, such reasoning was a blatant ruse to prevent the labouring community from grasping the exploitative nature of the existing economic order. Although we cannot know the ultimate motivation behind such interventions, it is worth emphasising how firmly rooted the arguments were in the so-called 'science of pleasure' that Paley had set out in his moral philosophy for the benefit of gentlemanly scholars. There, too, he had catalogued the despondencies arising from idleness and exposed the emptiness of sensual pleasures, while exalting the joys of family life. And given his recipe for happiness, it was not unreasonable for him to assume that those whose days were filled with business lived contentedly; albeit, as the 'poor labourer' pointed out, that this involved the extremely naïve equation of the labourer's toil with the type of well-chosen goals that allegedly constituted happiness for the rich man.<sup>40</sup> Naturally, he did not dwell on the precariousness and paradox of the few ruling the many, nor on the need to keep the latter in ignorance of their superior physical power. But much of what he now said to the labouring community about politics closely echoed the analysis presented to the educated classes. Although it did not make it into the final draft of the *Principles*, Paley had used the comparison between the public and the audience in a theatre (with which he opened *Reasons*) to frame his account of political allegiance in his lectures in the 1770s.<sup>41</sup> His suggestion to the poor that they would be better off keeping their noses to the grindstone and leaving politics to their superiors was entirely in keeping with his contention in the *Principles* that nothing was more dangerous to the constitution than the diversion of the common people from their habitual

<sup>37</sup> *Ibid.*, p. 527.

<sup>38</sup> Hole, *Pulpits, Politics and Public Order*, p. 101. As we will see, however, he amplified these arguments in *Natural Theology*.

<sup>39</sup> *Reasons*, p. 529.

<sup>40</sup> The poor labourer was curious to know 'what reasons could be given why we labourers ought to be contented, from a man who never worked a day in his life . . . ?' Poor Labourer, *Letter to Paley*, p. 2.

<sup>41</sup> British Library ADD MSS 12079, fol. 83b.

modes of thought and activity, allegiance being at bottom a function of prejudice.

Harder to square with the reasons for contentment now being offered to the working people was Paley's evocation in the *Principles* of the omnipresent fear of hardship that plagued them, as he strove to encourage the rich to give aid more systemically. As the 'poor labourer' observed, Paley's case for the desirability of labouring life was based on the assumption – risible, in his view – that the poor possessed the material resources to live comfortably. The lot of the workingman clearly lost its alleged appeal if it was a perpetual struggle with hardship. While he had undoubtedly dissolved the harsher realities of poverty in the anodyne of the pamphlet, however, Paley's abiding belief over the course of the 1780s and 1790s was that the labouring community was faring particularly well. This was evident in his conviction that living conditions in England were such that, generally speaking, every increase in population added to the net happiness of the nation, and in his confidence that the mechanisation of manufacturing was boosting employment.<sup>42</sup> Even in 1792, he remained convinced that 'the friends of public tranquillity' had little fear from a workforce that were 'tasting the sweets of industry and order in the increased and increasing gains of almost every occupation'.<sup>43</sup> Clearly, the rhetorical character of the writing in both the chapters on bounty in the *Principles* and the later pamphlet precluded the type of qualifications that might have reconciled the two positions. As a chief aim in the former was to awaken sympathy in readers by confronting them with the suffering of the poor, it made no sense to soften the message by alluding to the consolations of poverty. Wishing now to assuage the discontent of Carlisle labourers, there was little to be gained by raising the spectre of want. Those, however, who had not read his defence of the rights of the poor to a comfortable subsistence in the *Principles*, or his complaints about the inequity of the tax system and the oppressiveness of the parish settlement laws, could be forgiven for viewing this tactical omission as an attempt to whitewash the suffering of the working people.

But in no way was the panegyric to poverty a repudiation of the drive to make the gentlemanly classes more mindful of their obligations to the

<sup>42</sup> 'The number of persons employed in the manufactory of stockings has not, I apprehend, decreased since the invention of stocking mills.' *Principles*, p. 631. This was certainly true in Carlisle where the cotton trade was booming. See Towill, *Georgian and Victorian Carlisle*, pp. 27–8.

<sup>43</sup> Paley, 'Advertisement', pp. v–vi.

needy, for preserving civil order and promoting the welfare of the poor were two sides of the same paternalist coin. The foremost imperfect duty, charity was a means of compensating those whom fortune had not favoured in the distribution of property. Because the institutions of property and government were no less integral to their own peace and prosperity than to that of the rich, however, the poor had much to lose by undermining it. This dualism is further illustrated by the fact that his efforts to quell disaffection among the poor coincided with his energetic support for philanthropic causes. He was deeply involved, for example, in maintaining the medical dispensary in Carlisle, which he had helped to establish in 1783, and in promoting local Sunday schools.<sup>44</sup> Addressing a public meeting in Carlisle in February 1792 to petition parliament for the abolition of slavery, he drew attention to the systematic brutality of the treatment of slaves in and en route to the West Indies and called on the supporters of abolition to use 'every opportunity' to circulate their views.<sup>45</sup> On taking up his living in Bishop Wearmouth three years later, Paley became a justice of the peace, a role that was emblematic of the Christian ideal that he was intent on inculcating among the gentlemanly classes. The foremost function of the justice, as he described it in 1785, was to act as the advocate of the poor in disputes over parish relief. But Paley also appears to have used his authority to police the morals of his wards, for example, by calling on the bench of justices to exercise greater discrimination in the awarding of licences for public houses.<sup>46</sup> Considering that his contribution to the government cause amounted to only two largely recycled pamphlets, indeed, it is evident that political concerns were quite far down Paley's list of priorities in the 1790s. As he confessed to readers in the 'Advertisement', politics was a somewhat unwelcome diversion from the business with which he had been preoccupied since the publication of the *Principles*, the study of religion with a few to placing it on firmer philosophical foundations. But, as we know, such labours too were ultimately designed to strengthen the motives for the cultivation of benevolence.

In the light of this wider picture of his worldview, it seems unhelpful to characterise Paley's interventions in these struggles as *reactionary*, as some

<sup>44</sup> He also helped to set up a programme of general inoculation. See Hitchin, 'The Life and Thought of William Paley', p. cli.

<sup>45</sup> *Proceedings at a Meeting of the Inhabitants of Carlisle, on Thursday, February 9th 1792, to Petition Parliament for the Abolition of the Slave Trade*, in Appendix to George Wilson Meadley, *Memoirs of William Paley D.D.* (Sunderland, 1809), pp. 143, 150.

<sup>46</sup> Meadley, *Memoirs* (1809), p. 131.

scholars do, in the sense of being intended to prevent social progress;<sup>47</sup> most obviously, because he clearly shared with many of those who rallied to the support of the constitution sooner or later in the 1790s the belief that the spirit of politics that had eventually come to the fore in France threatened to undermine the foundations of social advancement.<sup>48</sup> The institution of private property, for example, had been a precondition for the humanisation of patrician attitudes to the low-born in Europe, as he described it, since without it labour could not be contractual. Yet there was a growing body of thought that saw the basic social assumptions underlying the Paleyan worldview as a barrier to social progress, because they discouraged social mobility. By preventing the worker from comparing his condition with that of others, argued the ‘poor labourer’, you removed one of the principal motivations for social betterment: that pain we feel ‘if upon comparison we see ourselves far behind our fellows’.<sup>49</sup> Although he encouraged the labourer to endeavour to raise his living standards year on year, adding to ‘his little household one article after another, of new comfort or conveniency’, nowhere did he hold out the prospect to him of climbing up the social ladder.<sup>50</sup> Embourgeoisement was not on the agenda. Thus, as Paley described it, the duty of parents to provide for the happiness of their children consisted in equipping them for ‘A situation somewhat approaching in rank and condition to the parent’s own’, which in the case of ‘a peasant’ meant inuring them to labour and insuring they were trained in some branch of husbandry or manufacture.<sup>51</sup> The watchword here was not aspiration, but *decency*: keeping up ‘a certain appearance’ which custom had annexed one’s particular station.<sup>52</sup> In his chapter on political economy, indeed, Paley positively discouraged such ambition among the poor, warning of the devastating effects of their increasing taste for luxury on population, the chief measure of national happiness.<sup>53</sup>

Interestingly, the most devastating critique of this static model of the social structure came from a churchman cut from the same rational latitudinarian cloth, Malthus.<sup>54</sup> As Malthus came to see things, inculcating an ethic of aspiration among the poor was the

<sup>47</sup> Kevin Gilmartin, *Writing against Revolution: Literary Conservatism in Britain, 1790–1832* (Cambridge, 2007), pp. 36, 37. The term ‘réactionnaire’ first gained currency after the fall of Robespierre when it was used to distinguish moderate Thermidorian Republicanism from those who wished to see a return of monarchical institutions. Ferdinand Brunot, *Histoire de la langue française, des origines à 1900; Tome IX, La Révolution et l’Empire. Le français, langue nationale* (Paris, 1927), pp. 843–4.

<sup>48</sup> See Bourke, *Empire and Revolution*, ch. 13. <sup>49</sup> Poor Labourer, *Letter to Paley*, p. 6.

<sup>50</sup> *Reasons*, p. 528. <sup>51</sup> *Principles*, p. 289. <sup>52</sup> *Ibid.*, pp. 291–2. <sup>53</sup> See below, pp. 295–8.

<sup>54</sup> On Malthus see Donald Winch, *Riches and Poverty: An Intellectual History of Political Economy in Britain, 1750–1833* (Cambridge, 1996), pp. 221–422; Waterman, *Revolution, Economics and Religion*,

only way of freeing them from the recurrent dearth caused by the iron laws of demography. By this thinking, the culture of paternalism upheld by Paley and embodied in prevalent social and religious doctrines infantilised the poor, arresting the growth of self-reliance among them. More generally, it was a mindset that dovetailed with the populationist assumptions that had long held sway in Europe, and was inimical therefore to the imperatives that Malthus had deduced from the principle of population, i.e. to his plans to calibrate the birth rate to the food supply. This explains why Paley's *Principles* came under such concerted fire in the second and definitive edition of Malthus's *Essay on the Principle of Population* (1803). But how can we square this antithesis with Paley's famous 'conversion' to Malthusian demography on the one hand, and Malthus's well-documented espousal of Paleyan utility on the other? To solve the first paradox, it is only necessary to appreciate the very restricted sense in which Paley bought into the Malthusian world picture.

### Paley as Malthusian

Going to press in 1798, Malthus's first *Essay on the Principle of Population* was a contribution to the ideological debates of the 1790s, and specifically an attack on the doctrine of perfectibility as advanced by William Godwin in his *Enquiry Concerning Political Justice* (1793). While the dreadful denouement of the French Revolution had by this stage all but extinguished the widespread enthusiasm that had initially greeted it in Britain, there was anxiety in some political circles that Godwin's writings might rekindle the radical flame. Since most of the miseries of mankind could be traced to the gross inequalities arising from private property and marriage, asserted Godwin, the removal of these institutions, in tandem with the inexorable improvement in our capacity to check our injurious sexual and violent instincts, would usher in an egalitarian paradise on earth. The basic premise underlying this prediction was that as mankind progressed in reason, benevolence would supersede self-interest as the driving force of human behaviour. Malthus's masterstroke – in the eyes of his admirers – was to reveal the self-defeating nature of the scheme.<sup>55</sup> Because, in the

pp. 1–170; Hilton, *Age of Atonement*; Robert J. Mayhew, *Malthus: the Life and Legacies of an Untimely Prophet* (Harvard, 2014); Patricia James, *Population Malthus: His Life and Times* (London, 1979); Alison Bashford and Joyce Chaplin, *The New Worlds of Thomas Robert Malthus: Rereading the Principle of Population* (Princeton, New Jersey, 2016); Samuel Hollander, *The Economics of Thomas Robert Malthus* (Toronto, 1997).

<sup>55</sup> Waterman, *Revolution, Economics and Religion*, p. 26.



absence of checks, population grew at a geometric rate, whereas the food supply could only increase at an arithmetic rate at best, even the most advanced nations must suffer perpetual oscillations between happiness and misery due to the 'constant operation of the strong law of necessity acting as a check upon the greater power'. Population was reduced to the means of subsistence in two ways: 'a foresight of the difficulties attending the rearing of a family, acts as a preventive check; and the actual distresses of some of the lower classes, by which they are disabled from giving the proper food and attention to their children, acts as a positive check, to the natural increase of population'.<sup>56</sup> Preventive checks operated at all levels of society, according to Malthus, but particularly among the middle classes, who were reluctant to suffer the reduced circumstances that came with having more mouths to feed.<sup>57</sup> Less inclined to defer marriage for prudential reasons, it was mainly the poor who bore the brunt of positive checks, in the form of high child-mortality and sickness. Preventive checks almost invariably gave rise to fornication, among other forms of vice, from which misery naturally flowed; whereas positive checks produced unmixed misery.<sup>58</sup> Free from both the threat of hardship and conventional restrictions on sexual commerce, the inhabitants of Godwin's commonwealth would breed at an unsustainable rate, triggering struggles for scarce resources, until they were eventually compelled to restore institutions of government and private property resembling those currently established in civilised countries, 'as the best, though inadequate, remedy for the evils which were pressing on the society'.<sup>59</sup> In the process, self-love would resume its ascendancy over benevolence as 'the main-spring of the great machine'.<sup>60</sup> Nor was this something that would happen ages hence, when the whole world was fully peopled, as Godwin had maintained; the evils arising from the principle of population were 'imminent and immediate'.<sup>61</sup> Every country must suffer untold fluctuations between plenty and want before reaching the limits of its cultivation. Indeed, because such vibrations were endemic to society itself, no great improvement could be expected in the condition of the poor, never mind the unlimited improvement predicted by Godwin.<sup>62</sup>

While it targeted the perfectibilist theories of Godwin and Condorcet, however, the *Essay* inflicted severe collateral damage on Paley's social

<sup>56</sup> Malthus, *First Essay*, pp. 26, 62–3. <sup>57</sup> *Ibid.*, pp. 63–9. <sup>58</sup> *Ibid.*, pp. 69–70 and *passim*.

<sup>59</sup> *Ibid.*, pp. 190, 198. <sup>60</sup> *Ibid.*, p. 207.

<sup>61</sup> Malthus, *First Essay*, p. 143. William Godwin, *An Enquiry Concerning Political Justice, and Its Influence on General Virtue and Happiness*, 2 vols. (1793), vol. 2, p. 861. Godwin was drawing on Robert Wallace, *Various Prospects of Mankind, Nature and Providence* (1761), p. 115.

<sup>62</sup> Malthus, *First Essay*, p. 218 and *passim*.



thought, most obviously by implying that his utilitarian formulation of political economy was a recipe for perpetual misery among the poor. The overriding goal of 'all rational politics', insisted Paley in the *Principles*, was to maximise the quantity of happiness in the country, and since in states under moderate governments, the 'collective happiness' was 'nearly in exact proportion of the numbers' of inhabitants, it followed that *population growth* ought to be the primary aim of public policy, as opposed to the false notions of natural welfare, such as military might, that so often preoccupied statesmen.<sup>63</sup> As population growth largely depended upon the ability of the poor to obtain the standard of living to which they were accustomed, the chief end of economic policy was to provide the employment that would enable them to achieve this.<sup>64</sup> The assertion that each head of population was a unit of happiness was dependent on two key propositions from his moral philosophy: that man's lot was generally a happy one, and that each person's share of pleasure was in no way dependent on their rank in society. But in the dire conditions of the late 1790s, such assumptions began to look increasingly questionable. It had occurred to Paley that 'diversity of condition, especially different degrees of plenty, freedom and security, greatly vary the quantity of happiness enjoyed by the same number of individuals'; but he remained confident that conditions in Europe were such that the extent of population in a country could invariably be taken as an accurate measure of the people's happiness.<sup>65</sup> In showing that demographic increase could deplete individual levels of satisfaction to a degree that made it detrimental to the 'collective happiness', Malthus snapped the ligature between theological utilitarianism and political economy. Once population increased beyond the available level of subsistence, Paley's units of happiness became units of vice and misery.

Moreover, his call for the abolition of the poor laws (as part of a palliative response to poverty) impugned the fundamental teachings of theological utilitarianism. In the *Principles*, the English system of relief was represented as the acme of civilisation, embodying that spirit of humanity introduced into the world by Christ, which by gradually superseding heroic codes of morality, had transformed 'slavery' into 'service'. On the socio-political level, furthermore, it was an essential part of the system of mutual rights and obligations that bound a highly unequal society together, compensation for those whom fortune had consigned to a life of labour. As Malthus saw it, however, the lesson to be learned from the

<sup>63</sup> Paley, *Principles*, p. 588.    <sup>64</sup> *Ibid.*, p. 612.    <sup>65</sup> *Ibid.*, p. 588.

puzzling and much complained of circumstance that incessant hikes in the poor rate had not diminished indigence was that throwing money at the problem was not the solution. An increase in the money contributions of the rich towards the upkeep of the poor, unless attended with a corresponding increment in the levels of subsistence available to them, would do little to lessen hardship. By increasing competition among buyers such measures raised food prices, so that the amount the labourer was able to buy with his patent was unaltered. What is more, because it encouraged men 'to marry . . . with little or no chance of maintaining their families in independence', systematic relief accelerated population growth without increasing the food supply, effectively creating the poor it was designed to maintain.<sup>66</sup> Such arguments raised doubts about the chief objective of Paley's Christian enlightenment: to cultivate benevolence with a view to encouraging charity, because it clearly implied that the beneficent impulse was an unreliable guide to social policy and even to individual virtue.

It was undoubtedly a coup for Malthus when, in a dramatic reversal, Paley appeared to come round to his view of population in the final chapters of *Natural Theology*, and he took great pride in the conversion.<sup>67</sup> Crucially, however, the conclusions that allegedly inspired an intellectual epiphany in Malthus – transforming his views on population and poverty relief<sup>68</sup> – had minimal impact on the worldview of his eminent proselyte, as Paley employed the principle of population for very specific religious and political purposes, and either missed or ignored its most profound social implications. Since Paley's endorsement of the principle of population formed part of his attempt to reconcile the existence of evil in the world with our ideas of divine benevolence, it is to this context we must return if we are to unravel its meaning. Though ostensibly a theological exercise, reconciling the ways of God to man provided him with an opportunity to further vindicate the existence of inequality to those who repined about it, by adding religious reasons for contentment to the mainly secular ones presented in the pamphlet of 1792.<sup>69</sup> The political aim was simply to bolster the paternalist vision of social relations espoused in

<sup>66</sup> Malthus, *First Essay*, p. 85.

<sup>67</sup> [William Empson], 'Life, Writing and Character of Mr Malthus', *Edinburgh Review*, LXIV (1837), 483.

<sup>68</sup> *Ibid.*, pp. 483–4.

<sup>69</sup> On the employment of theodicy for ideological uses see Jacob Viner, *The Role of Providence in the Social Order: An Essay in Intellectual History* (Princeton, 1972), chpt. iv and passim; R. A. Soloway, *Prelates and People: Ecclesiastical Social Thought in England, 1783–1852* (London, 1969), pp. 1–85 and passim; Hole, *Pulpits, Politics and Public Order*, pp. 127–44; Waterman, *Revolution, Economics and Religion*, pp. 62–82.

his earlier writings. What must be explained, then, is how he was able to enlist a theory apparently so subversive to the spirit of his thought in the service of this objective.

Accounting for civil evils was a relatively easy task, in Paley's view, since not only were they less extensive than the physical evils he had just explained (pain, predation and the struggle for survival), but they resulted from an integral part of human nature that no one would contemplate changing. He was referring to the principle of population. Mankind 'will in every country breed up to certain point of distress. That point may be different in different countries or ages, according to the established usages of life in each. But there must be such a point, and the species will breed up to it'.<sup>70</sup> Tellingly, while Paley described Malthus's ratios accurately, he remained silent on their possible implications for systematic poverty relief and hardly mentioned the brutal positive checks they produced. Indeed, the sole 'attendant circumstance' that he ascribed to population pressure was 'what we call poverty, which necessarily imposes labour, servitude, restraint'.<sup>71</sup> This, of course, was the implication of Malthus's demonstration that any deviation from the present system of property and inequality could only be temporary. Paley's exposition of the principle of population should be read therefore as a crucial addendum to the argument of *Reasons for Contentment*. There he had argued that many of the supposed evils of labouring life actually enriched the life of the labourer. While he reiterated these sentiments in *Natural Theology*, Malthus's theory now provided him with (supposedly) scientific grounds for asserting that poverty was a natural phenomenon rather than a tyrannical imposition on the many by the few. What had particularly unnerved the political classes in 1792–3 was the increasing tendency of agitators to link political grievances with economic ones. When scarcity struck in the mid-seventeen nineties, provoking tumult in the parishes, such anxieties reached fever pitch. As a justice of the peace in Bishop Wearmouth, Paley was at the forefront of efforts both to preserve order and to relieve the hungry. The following extract from a letter he wrote to the Bishop of Lincoln, Pretyman-Tomline, in 1795 captures the tension on the ground.

The scarcity has produced in the common people here a strong disposition to riot. We owe indeed our quiet to the numerous soldiers who are stationed along to coast. The market was last week interrupted by a mob and some corn seized. It was doubtful whether any corn at all would have been

<sup>70</sup> *Natural Theology*, pp. 350–1.    <sup>71</sup> *Ibid.*, p. 351.

brought in this day. about half however of the usual quantity appeared and every thing passed in perfect tranquillity.<sup>72</sup>

Writing against the backdrop of the even more combustible scenario surrounding the shortages of 1800–1, Paley evidently saw the principle of population as giving potent ammunition to those wishing to pacify aggrieved working people.

His further reflections on the implications of Malthus's theory are puzzling, however.

It need not . . . dishearten any endeavours for the public service, to know that population naturally treads on the heels of improvement. If the condition of the people be meliorated, the consequence will be, either that the *mean* happiness will be increased, or a greater number partake of it; or which is most likely to happen, that both effects will take place together. There may be limits fixed by nature to both, but they are limits not yet attained, nor even approached in any country in the world.<sup>73</sup>

It seems that either he had suddenly fallen into Godwin's error of thinking that positive checks would only occur when the globe was fully populated, despite clearly recognising their imminence in the previous paragraph; or, he was advertising the improvements that could still be made to the condition of the poor by increasing the food supply. Whichever is this case, he did not believe, apparently, that Malthus's theory raised any doubts about either the felicity of human and animal existence, or the imperative to relieve the poor 'according to a plan'. Thus Paley co-opted the principle of population into his system of scientific Christian paternalism, ignoring the 'dark tints' that Malthus had been so keen to acknowledge.<sup>74</sup> Whether this was an ingenious stroke of creative editing, or the result of a blinkered reading of the text, is impossible to say. In any case, the taming of the principle of population was short-lived, for a new and much-expanded edition of the *Essay* appeared in 1803 that attacked the core teachings of Paley's 'moral politics' more directly. Explaining how such a social credo emerged from within the tradition of theological expediency – the second of our puzzles – is a fitting way to conclude our study, since it goes a long way to explaining the gradual decline of the Paleyan worldview, opening a window, in the process, onto a crucial fissure

<sup>72</sup> Paley to George Pretyman-Tomline (Bishop Wearmouth), [17?] November 1795, *Kent History & Library Centre, Maidstone Stanhope Papers*: U1590/S5/03/9

<sup>73</sup> *Natural Theology*, pp. 351–2.

<sup>74</sup> Malthus, *First Essay*, p. iv. Robert Young's suggestion that he intentionally set out to neutralise the implications of Malthus's principle is hard to substantiate. 'Malthus and the Evolutionists: the Common Context of Biological and Social Theory', *Past and Present*, 43 (1969), pp. 114–8.

that emerged in the political and intellectual culture of the nineteenth century.

### Malthus as Paleyan: 'The Great Quarto' of 1803

Whereas Malthus's theory played only a minor role in Paley's *Natural Theology*, the social ethos of Paley's *Principles* was one of Malthus's main targets in book four of the second edition of *Essay*, where he tried to establish the moral obligation to practise moral restraint – a third check to population that was not attended with vice and misery. 'The Great Quarto' was primarily a contribution to the debates about the causes of hardship and the efficacy of existing modes of relief that had gone on throughout the century but which escalated dramatically when, beginning in 1795, the county suffered repeated scarcities, as poor harvests caused wheat prices to soar.<sup>75</sup> According to Malthus, in the course of undermining the projections of Godwin, he began to appreciate that the principle of population had a crucial bearing on the condition of the poor. By 1803, indeed, he had come to believe that it was the principal cause of suffering among labouring people.<sup>76</sup> Crucially, however, he no longer held that the problem of poverty was beyond the reach of human ingenuity, as he had done in 1798; and was confident, in fact, that the lives of the poor could and would be significantly ameliorated.<sup>77</sup> What led him to this conclusion were the findings of his research into the demographic history of mankind, conducted between 1798 and 1803, which showed that the labouring people in modern Europe were increasingly inclined to defer marriage until they had sufficient income to provide for a family; and as birth rates fell, so did infant mortality. The statistics for Norway and Sweden demonstrated beyond question that prudential restraint held the key to promoting the health and happiness of the working people. Lower birth rates among Norwegian peasants, owing to certain economic barriers to earlier marriage, meant their children were more robust and more likely to reach adulthood than their counterparts in most other countries; whereas Sweden's more typical fixation with boosting population at all costs condemned them to the cycle of feast and famine familiar to 'savage' and pastoral peoples. Critically, moreover, the census of

<sup>75</sup> Poynter, *Society and Pauperism*, p. 45.

<sup>76</sup> T. R. Malthus, *An Essay on the Principle of Population or a View of Its Past and Present Effects on Human Society* (1803), P. James (ed.), 2 vols. (Cambridge, 1989), vol. 1, p. 1. Hereafter, the *Second Essay*.

<sup>77</sup> See Niall O'Flaherty, 'Malthus and the End of Poverty' in Robert J. Mayhew (ed.), *New Perspectives on Malthus* (Cambridge, 2016), pp. 74–105.

1801 revealed that England was exhibiting similar demographic patterns to those observed in Norway, despite the many obstacles to prudential habits in a large commercial nation.<sup>78</sup> What drove this trend in England, apparently, was the spread of so-called ‘decent pride’ among the labouring community, an elevated sense of self-esteem that took root in periods of relative prosperity, which made them loath to jeopardise their status and comfort by marrying too early. Although by the logic of Malthus’s demographic history, the condition of the poor would continue to improve as ‘useful pride’ continued to take hold – in tandem with the inexorable ‘progress of opulence’ – it was clearly the duty of the educated classes to accelerate the process by encouraging the poor to exercise prudential (and preferably moral) restraint. They should begin by attempting to overturn ‘the prevailing opinions’ about marriage and population, i.e. the belief that it was every man’s duty to promote population by marrying early. Most importantly, they ought ‘to impress as strongly as possible on the public mind’ the duty of each man to provide for his offspring and to refrain from bringing them into the world where he has little prospect of being able to do so.<sup>79</sup> At the same time, everything practicable ought to be done to instil motives for checking the natural impulse to marry early through the nurturing of decent pride. All of Malthus’s proposals for reducing hardship – including his calls for the extension of education to the poor and for the gradual abolition of the poor laws – were framed at least partly with this end in view.

If he was to convince his readers to inaugurate what amounted to a sea-change in attitudes, however, he needed to persuade them that the behaviour they were being asked to encourage was consonant with their religious and moral principles; and this was not simply a matter of demonstrating the expediency of widely accepted duties, as Paley had generally done.<sup>80</sup> For Malthus’s calls for prudential restraint appeared to contravene some of his readers’ deepest intuitions about their religious and patriotic duties in regard to marriage and procreation; while his espousal of celibacy conjured up the superstition and ignorance of Romish monkery. In short, one of the obligations he was attempting to establish had a highly suspect heritage, the other none at all. It is remarkable how faithful Malthus was to Paley’s model of expediency in attempting to accomplish this daunting task. When his friend William Empson insisted that Malthus

<sup>78</sup> Malthus, *Second Essay*, vol. 1, book two, chs. i, ii and x.

<sup>79</sup> Malthus, *Second Essay*, vol. 2, pp. 154, 148.

<sup>80</sup> Though Paley did attack the prevailing codes of honour and politeness.

was a 'stout . . . utilitarian in faith and practice', and that 'his quarrel with the followers of Bentham was only in their narrow conception of utility, and in their ignorance of human nature', what he meant was that he subscribed to Paley's doctrine of general rules, the idea that calculations of expediency must factor in the wider and long-term consequences of any action as well as the immediate outcome.<sup>81</sup> An important footnote in chapter two of book one bears this characterisation out. There he explained why he continued to describe the consequences of the principle of population in terms of vice and misery, when, seemingly, the term *misery* alone would have been sufficient, since an action was denominated vicious because of its tendency to produce misery. The term *vice* was useful because it made it possible 'to distinguish that class of actions, the general tendency of which is to produce misery, but which, in their immediate or individual effects, may produce perhaps the contrary' from those which produced unmixed misery. In the case of 'irregular connexions' between men and women, for example, the immediate gratification of the passion was pleasurable, and there were undoubtedly cases where no harm came from them in the long run; but no one would question that 'the general tendency' of such behaviour was to diminish the happiness of society.<sup>82</sup> This definition of vice left the reviewer in the *Christian Observer* – a vehicle for moderate evangelicalism – in no doubt that he was 'a patron' of the principle of utility 'in its genuine sense'. The critic, it seems, was none other than Thomas Gisborne, author of the virulent attack on Paley's *Principles*; someone, in other words, who knew the 'genuine' doctrine when he saw it.<sup>83</sup>

Entwining expediency and 'theodicy' in complex ways, Malthus's case for the obligation to practise moral restraint was expounded in the opening five chapters of book four. He set out, first of all, to show that moral restraint was no different to other more familiar virtues, involving, as it did, the regulation of the passions in response to the pains accompanying their irregular gratification.<sup>84</sup> Second, Malthus argued that the principle of population was consonant with our notions of divine benevolence, because the hunger it occasioned spurred the industry and facilitated the mental development that gave rise to the cultivation of the earth. Moreover, if it could be demonstrated that God had provided clear instructions on how to avoid the evils incidental to the laws of population by the lights of nature

<sup>81</sup> Empson, 'Life of Malthus', 478. <sup>82</sup> Malthus, *Second Essay*, vol. 1, p. 19.

<sup>83</sup> [Thomas Gisborne], 'Letter to the Editor', *The Christian Observer*, IV, 9. (1805), 539.

<sup>84</sup> Malthus, *Second Essay*, vol. 2, pp. 88–90.

and scripture, he could be absolved of all ill intention. Malthus sought to demonstrate this by showing the profound benefits that would accrue if moral restraint were universally practiced: poverty and militarism would be consigned to the past; marriages would be happier, particularly for women; none would suffer the abasement of character caused by extramarital sex.<sup>85</sup> While expediency was employed in this case to vindicate providence, the intention behind the argument was to remove one of the main hindrances to the uptake of his scheme for improving the condition of the poor, the belief that the principle of population was irreconcilable with our ideas of divine goodness. Needless to say, such arguments added force to the repeated insistence that moral restraint was a dictate of expediency. But its benefits, he insisted, were nowise dependent on its universal uptake; every labourer who exercised restraint was likely to raise happier and healthier children than his less prudent neighbours.<sup>86</sup> Responding, finally, to what he took to be the most serious objection to his scheme – that it would increase sexual vice – Malthus argued that the huge addition to the general happiness that would arise from instilling the virtue would dwarf the pains that might be produced from any rise in sexual immorality, most importantly, because the reduction in surplus population would greatly diminish criminality by removing much of the want that spawned it.<sup>87</sup> In emphasising the formative effects of a particular mode of behaviour on moral character, this response was an application of the doctrine of general rules *par excellence* – albeit that, unlike in Paley’s examples (such as drinking and carousing), it was the consequences of the action and not the performance that did the damage. Yet the explanation of crime in terms of poverty, and poverty in terms of fundamental laws of nature, introduced a deep environmental determinism into the computation of utility that had not come into Paley’s calculations. And in prioritising these factors over the concerns for cultivating selflessness that took precedence for Paley, Malthus’s determinations of morality proved antithetic to some of the core commitments of the social philosophy of the *Principles*.

The most obvious way in which he attacked this mentality was by denying the right of the poor to subsistence. Because it was the lynchpin not just of all the dissentious rhetoric surrounding hardship, but of the prevailing norms and practices that created it in the first place, there were strong political imperatives for dispelling the notion of relief as something owing to the poor man.<sup>88</sup> There could not be a right to something where there was no power to do it; and it was clearly beyond the power of any

<sup>85</sup> *Ibid.*, pp. 90–6.    <sup>86</sup> *Ibid.*, p. 108.    <sup>87</sup> *Ibid.*, pp. III–4.    <sup>88</sup> *Ibid.*, ch. vi.



state to guarantee subsistence to all regardless of the numbers requiring assistance. Holding out the promise of it therefore amounted to an ‘inhuman deceit’.<sup>89</sup> When dearth struck, the poor naturally blamed the rich for denying them their God-given right. And it was this misattribution which explained the self-imploding tendency of free governments, identified by Hume, as it enabled the disaffected ‘man of talents’ to foment insurgency among the lower orders; and revolutions brought about in this way, because they inevitably failed to end poverty, led to further tumult, until the people were driven by exhaustion to embrace despotic rule in the hope of avoiding anarchy.<sup>90</sup>

In the second place, Malthus’s weighting of variables prompted him to place the whole culture of benevolence, which for Paley and Tucker embodied the true spirit of Christianity, under scrutiny. Having set out the case for the gradual abolition of the poor laws, Malthus turned in [chapter 10](#) to the question of how to direct ‘our private charity so as not to interfere with the great object in view’, i.e. of reducing hardship by preventing population from racing ahead of the food supply. His advice was presented in explicitly Paleyan terms. While all passions, including sexual desire, were ‘abstractly considered good’, the ‘province of reason and self-government’ was to prevent their excessive and misdirected indulgence.<sup>91</sup> Where Malthus departed from the theological utilitarian tradition was in rejecting the idea that benevolence ought to be given a special dispensation in relation to this type of auditing.<sup>92</sup> Like all natural passions, benevolent feelings were good or bad according to their consequences, and the sorts of behaviour they prompted ought therefore to be frequently subjected to ‘the test of utility’. Only in this way might we ‘gradually acquire the habit of gratifying them’ in a manner which adds ‘to the sum of human happiness’.<sup>93</sup> The end of benevolence was to provide us with the motivation to assist the victims of the partial evils which inevitably resulted from the operation of natural laws; but where exercised blindly, it frequently subverted this end. Because charitable feelings were highly responsive to appearances, for example, the ‘clamorous and obtrusive poverty’ of the beggar in rags would always win out over ‘the silent and

<sup>89</sup> *Ibid.*, pp. 127.

<sup>90</sup> *Ibid.*, p. 123. See David Hume, ‘Whether the British Government inclines more to Absolute Monarchy or to a Republic’ in *Essays Moral, Political and Literary*, pp. 47–53.

<sup>91</sup> *Ibid.*, p. 93; *Natural Theology*, p. 356.

<sup>92</sup> Malthus, *Second Essay*, vol. 2, Book 4, ch. x. Although he accepted the principle that it would be wrong to resist the urge to give to beggars if doing so weakened the kindly impulses, the emphasis throughout was on taming such affections. p. 158.

<sup>93</sup> *Ibid.*, p. 157.

retiring sufferer, labouring under unmerited difficulties', in other words, over those exhibiting the characteristics of budding decent pride. For charity to achieve its objectives, therefore, it was necessary for the benefactor to get to know those whom he wished to support, to learn about their habits and characters as well as their wants; he could thus target 'modest unobtrusive merit'.<sup>94</sup>

By contrast, the relief provided by the parish laws and so-called voluntary contribution schemes was 'miscalled' charity, in his view, since, 'as might be expected, from an attempt to force that which loses its essence the moment that it ceases to be voluntary', it was prejudicial to all involved. Instead of humanising the character of the donor and recipient, as it was said to do, such aid merely bred resentment among the givers and an inflated sense of entitlement among the ungrateful recipients. Because the donations were 'voluntary' as well as 'active', Malthus's scheme of charity would edify both parties, the complacent benevolence of the donor being met with genuine gratitude by those in need – a far cry from the revolting picture of dissolution and impertinence presented by the parish payable.<sup>95</sup> While there were echoes here of Paley's call for a more discerning attitude to private charity, Malthus emphatically rejected the idea of 'giving upon a plan'. That threat of want which Paley's scheme had been designed to remove was precisely what Malthus insisted must be preserved, for without it the poor man would soon unlearn the vital lesson that he must rely on his own labour and prudence to maintain his family. If charity was going to be part of the solution to poverty, and not part of the problem, it had to be 'despotic'.<sup>96</sup> Emblematic of this shift in attitudes was Malthus's portrayal of the justice of the peace. The justice, as we know, was at the heart of Paley's plan for improving local relief, and his beneficent endeavours epitomised that interventionist form of patronage that Paley's social philosophy was designed to encourage. As well as condemning the justices for stoking up resentment against the government in the recent scarcities, Malthus accepted Joseph Townsend's contention that the intemperate indulgence of the kindlier passions on their part promoted dependence and therefore indigence among the poor.<sup>97</sup> As he saw it, the role of the justices in the distribution of subsistence at a local level epitomised the fatal misconception that it was in the power of government 'to alter by a fiat the whole circumstances of the country'.<sup>98</sup>

<sup>94</sup> *Ibid.*, pp. 159, 157.    <sup>95</sup> *Ibid.*, pp. 158, 159–60.    <sup>96</sup> *Ibid.*, p. 160.

<sup>97</sup> Joseph Townsend, *A Dissertation on the Poor Laws* (London, 1786), pp. 4, 7.

<sup>98</sup> Malthus, *Second Essay*, vol. 2, 78.

Recommending the adjustment of customary morality in accordance with expediency, this was a copybook application of the doctrine of utility; except in this instance, it was Paley's own social and religious doctrines that were overhauled. Malthus's programme amounted to a dramatic reshaping of the programme for the management of the passions initiated by Tucker and Paley, who had viewed the cultivation of unadulterated benevolence as the means of enabling the moral agent to transcend worldly prudence in daily life for the sake of salvation. Already in the grip of a fatal illness when the book came out, Paley never responded in print to the revised theory. It is clear nonetheless that from the perspective of moral politics, the highly managerial approach to instilling virtue enjoined by Tucker, Malthus's scheme was deeply problematic, not least, because it was based on the questionable assumption that a relatively weak passion, benevolence, could be redirected in the same way as a very powerful one, sexual desire; and that it would not be diminished or extinguished by being frequently resisted. Another criticism of the project, which can be made from the Paleyan as well as the Romantic or Marxian perspective, was that it failed to consider the value of the culture that it would ultimately produce, particularly in terms of the psychological well-being of the poor. Assuming that in a society prizing emulation, the pursuit of comfort and economic self-reliance to an unprecedented extent, there must be a decline in mutuality, what would happen to the rich communal lives of the poor, or even the paternal bonds between them and the rich?<sup>99</sup> Malthus's inattention to such issues was symptomatic of the remarkable extent to which he gave epistemological priority to political economy, or more precisely, that branch of it concerned with the condition of the poor, over the sociological and psychological considerations that preponderated in the calculations of Tucker and Paley. It was a reformation from *within* the theological utilitarian school, but one that radically reconstructed its intellectual culture and moral ethos. Having provided the basis for the most important vindication of paternalism in the period, the doctrine of utility was now pivotal to its most devastating critique. Whether it was a turning point in the social and intellectual culture of Britain or merely a tipping point is open to debate. There is no question, however, that the rise of Malthusian values represented a momentous shift in consciousness.

<sup>99</sup> One of the chief arguments of Appendix to the 1806 edition, however, was that the relationship between rich and poor would improve no end if the latter understood their true rights in respect of subsistence.

## Conclusion

To claim that theological utilitarianism exemplified an intellectual culture that was broadly in tune with the currents of thought that are usually associated with the Enlightenment is not to downplay the particularities of the English narrative. While Paley, Law and likeminded Anglican thinkers strove to foster a spirit of enquiry, their horizons were undeniably more confined than those of the Encyclopédistes or the Scottish political economists. Tied to Christian frames of reference, they were never likely to accept the dignity of suicide, for example, or to eulogise the sexual mores of the Tahitians.<sup>1</sup> By the same token, England's luminaries expended much intellectual energy on the type of theological questions that the philosophes scorned as irrelevant arcana. Nonetheless, they were unwavering in their commitment to applying scientific methods to human affairs – including religion – and confident that in doing so they were facilitating the inexorable march of human improvement. In explaining how theological utilitarianism was regarded by Paley and his predecessors as an engine of such advancement, this book lends support to John Pocock's case against English exceptionalism in this period, as well as helping to fill in his outline of its intellectual traditions. But it raises questions at the same time about his suggestion that Enlightenment in England was essentially 'clerical and conservative'. If we try to divest the term *conservative* of its cumbersome nineteenth- and twentieth-century baggage, and treat it as signifying a general desire to preserve existing norms and institutions, this seems a crude way of characterising such a wide spectrum of political opinion through the twists and turns of political life in the eighteenth century, considering, for example, that it must take in both Foxites like Malthus and anti-Foxites like Paley. And though, going by his reputation among scholars, Paley seems like the perfect embodiment of the conservative Enlightenment, it is clearly not a designation that he would have

<sup>1</sup> As per Hume's 'Of Miracles' and Diderot's *Supplément au voyage de Bougainville* (1772) respectively.

embraced. After all, one of the great virtues of the utilitarian metric, as he saw it, was that it offered a means of ensuring the gradual improvement of morality and government, in contrast to the ossifying tendencies of existing moral systems. If he opposed the most prominent reform agendas of the 1780s, it was because he saw such campaigns as imperilling the considerable advances that had been made in the governance of Britain since the Restoration. This is not to mention the significant social reforms that he actually endorsed. Although they sometimes spoke of reviving the simple religion of the Gospels, moreover, the theological utilitarians were ardent modernists on several fronts. They proffered their anthropocentric conception of morals, politics and religion as an antidote to what they saw as backward-looking alternatives, latter-day expressions of superstition and enthusiasm. Because they held that virtue and godliness were essentially a matter of learning how to satisfy the passions in a manner favourable to rational self-interest, they were more at home with the trappings of modernity than were the devotees of God-centred religion. Paley welcomed the rise of the luxury economy and the increasing role of patronage in politics, albeit with important qualifications; and even his espousal of paternalism was framed by a narrative of modernisation. Although he abhorred its misdirection, furthermore, he had a remarkably positive attitude to sexuality, celebrating its pleasures as well as its procreative function. So even on a purely cultural level, one might hesitate to call him a conservative.

It was as the quintessence of eighteenth-century modernism that expediency and latitudinarianism more generally became the butt of evangelical and Romantic vilification at the turn of the eighteenth century. Both traditions were predicated, indeed, upon the repudiation of the worldly religious mentality portrayed in this book. They were on firm ground, certainly, in their belief that in attacking Paley they struck a blow against the spirit of the age. One way of trying to uncover what it was about the *Principles* that chimed so closely with the zeitgeist is to examine why Paley's moral philosophy had such a profound influence on the educated classes in England and the United States for over half a century.

First and foremost, it seems, the reading public saw the book as a powerful ante-dote to the perceived moral and religious deterioration of the times. Its potency was ascribed in large part to the author's unrivalled talent for making ethical and religious questions comprehensible to minds with little philosophical training. One reviewer was relieved to think that 'Henceforth in one university, at least, as well as in many a private family, they will read Mr. Paley's work at an age when not a tenth part of them are

able to understand either Locke or Clarke, and they will be saved'.<sup>2</sup> There was agreement, too, that what made his thought so accessible was the razor-sharp clarity and concision of his exposition. 'We have never seen it equalled either for clearness of accuracy', enthused another commentator on his defence of the constitution. As admirers and critics alike acknowledged, furthermore, Paley was highly skilled at capturing the interest of his young readers, something he achieved through rhetorical devices like the paradoxes and parables employed at strategic points in the text, but also through his ability 'to speak to men's business and bosoms'.<sup>3</sup> As suggested earlier, finally, there is plenty of evidence to suggest that Paley's explications left a lasting impression on his readers; though how far he succeeded in his ultimate goal of actually making them more virtuous is of course impossible to know.

Concerning the actual content of the book, there was an overwhelming belief in the sagacity of Paley's recommendations, to the extent that he was cited by writers and politicians as an unrivalled authority on a host of moral and political questions, a reputation which arose in part from the fact that he provided cogent arguments for many widely held opinions. He endorsed commercial society despite the morally dubious behaviours driving it, while championing the energetic philanthropy that was so central to the self-image of the educated classes. Although some applauded his practical wisdom while rejecting the underlying philosophy, many also thought him wise in the science of morals. The writer from the *Critical Review* declared that he had seldom come across a writer with such 'an intimate acquaintance with the human heart', for Paley understood that 'desires and propensities' were 'not to be destroyed but to be regulated'.<sup>4</sup> Mary Wollstonecraft greatly admired Paley's definition of virtue, as providing a guiding principle for managing the unruly passions.<sup>5</sup> Whereas historians have often interpreted his worldly psychology as thinly-veiled secularism, many contemporaries valued it precisely as a judicious practical guide to living a devout and virtuous life. Of all the religious lifestyles on offer, however, none was more concordant with guilt-free secular thriving than the one promoted by theological utilitarians; and this, too, was part of its appeal in a society scornful of asceticism.

<sup>2</sup> Anon, *A New Review with Literary Curiosities and Literary Intelligence, for the Year 1785*, vol. 8, 86.

<sup>3</sup> Anon, 'Paley's Principles', 206, 30.

<sup>4</sup> *Ibid.*, 29. See also *The British Critic, A New Review*, 8 (1796), 49.

<sup>5</sup> Mary Wollstonecraft to Eliza Bishop, Bristol 27 June 1787, in Janet Todd (ed.) *The Collected Letters of Mary Wollstonecraft* (New York, 2003), pp. 129–30.

It undoubtedly helped, also, that the utilitarian criterion of morals gave philosophical form to what, as Hume pointed out, was implicitly already the accepted standard of behaviour and policy. But there were also important ways in which it dovetailed with the aspirations of the age. Based on a ledger of profit and loss, and steeped, therefore, in the language of the market, it was in tune with the commercial spirit of the nation. More important, however, in terms of explaining its congeniality, was the fact that unlike rival moral theories, it did actually seem to provide an extrinsic standard of human behaviour, and not merely a description of the metaphysical basis of morals. As a means, therefore, of periodically readjusting collective moral and political intuitions, it was a safeguard against the social stagnation engendered by dogmatism. Although it appeared to some commentators that Paley's mode of calculating expediency put a perpetual block on the gradual progress his moral theory seemed to promise, Malthus demonstrated that it could form the basis of a powerful case for profound social change. In short, theological utility thrived because it embodied many of the values that, in the eyes of eighteenth-century readers, made theirs an enlightened age.

Naturally, then, those who thought the county had gone to hell in a handcart abhorred Paley. When William Wordsworth and Robert Southey wrote to Sedgwick in 1834 to applaud his efforts to expunge such a blight on the soul of the nation, they were by no means crying in the wilderness.<sup>6</sup> Two systematic critiques of the *Principles* had already appeared by 1800, one by the evangelical Gisborne, the other by the high churchman Pearson. It was an entente between the resurgent enemies of latitude to overturn a system that they saw as a slippery slope to godless ethics. Wordsworth's declaration that 'there is no such thing as morals as a science, or even as philosophy, if Paley's system be right' captured the emerging mood, since it was the consensus among the critics of expediency (barring the Benthamites of course) that virtue must refer to something that transcended self-interest and hedonism; hence the appeal of Butler's ethics.<sup>7</sup> Although it is hard to know precisely when Paley's *Principles* went out of favour with the wider public, Garland provides a useful sketch of its decline at Cambridge. Between 1787 and 1843, 'Paley touched everyone' taking an undergraduate degree, 'so that even those who came to reject his ideas, often spelled out their earlier debt to his works'. By the 1720s,

<sup>6</sup> See Robert Southey to Adam Sedgwick, Keswick 10 February 1834; William Wordsworth to Adam Sedgwick, Rydal Mount 14 May 1834, in John Willis Clark and Thomas McKenny Hughes, *The Life and Letters of the Reverend Adam Sedgwick*, 2 vols. (Cambridge, 1890), vol. 1, pp. 427, 427–8.

<sup>7</sup> Wordsworth to Sedgwick, p. 428.

however, Benthamism had made inroads among some of the more intellectually adventurous students; and in the 1830s and 1840s, Sedgwick's and Whewell's crusade continued to take its toll on Paley's reputation. Students attending Cambridge in the eighteen fifties were the first generation for half a century who were not required to master the principles of theological utilitarianism.<sup>8</sup>

In the changing cultural and intellectual setting of the early nineteenth century, qualities that had ensured the tradition's success in the eighteenth century gradually came to look like vulnerabilities. Most importantly, while their devotion to the experimental method was a crucial asset in an age that worshipped Newton, it also left them dangerously exposed to a re-description of the facts of nature that contradicted their own. It is particularly ironic, of course, that one of the most damaging revisions of this kind was the one set out by Malthus in the second edition of his *Essay*. Notwithstanding his concerted efforts to square it with the notion of God's benevolence, Malthus's vision dramatically undercut the upbeat assessment of human existence from which the obligation to promote the happiness of mankind derived. Only by glossing over its brutality and shearing it of some of its less palatable social and religious implications, therefore, was Paley able to integrate the principle of population (as expounded in the first edition) into his view of nature. Evangelicals, by contrast, incorporated the oscillations into their more punitive picture of providence with ease. War, revolution and dearth strengthened their case that atonement rather than enjoyment was the providential imperative.<sup>9</sup> It was on these grounds, therefore, and not on those of expediency (which they loathed), that they preached the obligation of moral restraint. Although Malthus cannot be said to have 'legitimized the idea of a law of struggle',<sup>10</sup> in the sense of endorsing it as a social ethos, his work undoubtedly played an important role in normalising the explanation of natural processes in terms of conflict. On this count, it is worth observing that while the precise nature of Malthus's influence on Darwin has been a matter of intense scholarly dispute,<sup>11</sup> there was no question in Darwin's mind that his account of the

<sup>8</sup> Martha McMackin Garland, *Cambridge Before Darwin: The Ideal of a Liberal Education, 1800–1860* (Cambridge, 1980), pp. 57, 68. See also G. A. Cole, 'Doctrine, Dissent and the Decline of Paley's Reputation, 1805–1825', *Enlightenment and Dissent*, 6 (1987), 19–30.

<sup>9</sup> See Hilton, *Age of Atonement*, 3–35. <sup>10</sup> Young, 'Malthus and the Evolutionists', 130.

<sup>11</sup> See, for example, Young, 'Malthus and the Evolutionists'; Peter Vorzimmer, 'Darwin, Malthus, and the Theory of Natural Selection', *Journal of the History of Ideas*, 30, 4, (1969), 527–42; P. J. Bowler, 'Malthus, Darwin and the Concept of Struggle', *Journal of the History of Ideas*, 37 (1976), pp. 631–50; Donald Winch, 'Darwin Fallen among Political Economists', *Proceedings of the American Philosophical Society*, 145 (2001), 415–37; Gregory Radick, 'Is the Theory of Natural Selection



struggle driving natural selection was essentially ‘the doctrine of Malthus, applied to the whole animal and vegetable kingdoms’.<sup>12</sup>

It was argued in the [final chapter](#) that Malthus’s plan for reducing poverty entailed the abandonment of some of the core principles of Paleyan Christianity. His efforts to bring Anglican political economy into line with more exacting empirical standards ought to be viewed alongside Samuel Romilly’s statistical case against Paley’s apology for the penal code as part of a broader shift taking place in the intellectual culture, whereby many of commonplaces of the eighteenth-century science of man fell prey to the combination of systematic empirical survey and statistical synthesis.<sup>13</sup> Statistics seemed to provide a means of penetrating below the appearances on which that science had hitherto been based, to the underlying realities of social and economic life. But, from Malthus’s perspective, this only meant that he was better equipped than Paley had been to calculate the utility of both current methods of alleviating hardship and proposals for improving upon them. This viewpoint places his influence on the long-term fate of the tradition in a more equivocal light, since it reminds us that the very same arguments that hastened the demise of the paternalist moral culture advocated by Tucker and Paley helped to preserve their ethical theory from oblivion. The fact that the *Essay* has remained influential for over two centuries now, with new editions continuing to appear, has ensured that generations of readers have engaged on some level with a consummate application of theological utility according to general rules.<sup>14</sup> Given that, for Tucker and Paley, the criterion of expedience was just one part of the scheme of enlightenment – the end goal of which was to make benevolence the ruling passion of all mankind – it might have felt like a hollow victory had they lived to see it.

It was in this period, too, that the theological foundations of Christian utility came under strain, as new discoveries in natural history raised doubts about the static view of nature on which natural theology was predicated. Paley’s sarcastic aside in *Natural Theology* that the evolutionary theorists ‘having eternity to dispose of, are never sparring in time’ was rendered hollow by discoveries in geology revealing deep time; while the unfolding of the fossil record began to show that nature’s species did

Independent of History?’ in Jonathan Hodge and Gregory Radick (eds.) *The Cambridge Companion to Darwin* (Cambridge, 2003), pp. 143–68.

<sup>12</sup> Charles Darwin, *On the Origin of Species* (London, 1859), p. 5.

<sup>13</sup> See Ian Hacking, *The Taming of Chance* (Cambridge, 1990).

<sup>14</sup> See, for example, T. R. Malthus, *An Essay on the Principle of Population: the 1803 Edition*, Shannon C. Stimson (ed.) (Yale, 2017).

indeed fail.<sup>15</sup> By the second decade of the century, creationists like John Bird Sumner and Thomas Chalmers no longer defended the idea of a single act of creation. For the first time since the inception of the modern tradition, the natural theologians found themselves on the back foot. The fact that natural history succeeded where Hume's scepticism had failed goes to show, once again, the vulnerability of rational religion to new findings in empirical science. But this is a judgment made with the benefit of hindsight. From the vantage point of the earlier generation of natural theologians, their empiricism felt like an unmitigated strength, for the facts, as they saw them, spoke unequivocally in their favour. The supreme confidence with which Paley expounded the argument from design in 1802 stemmed from his belief that the alternative analogies being posited to explain mechanism were bereft of evidence. As far as most of his readers were concerned, furthermore, rational theology had succeeded in repelling the enemies of Christianity for over a century.

While it is not difficult to explain why Paley's *Principles* gradually fell out of favour in the first half of the nineteenth, the question of whether his success in establishing such a worldly theory as the 'reigning system' of ethics ultimately contributed to a long-term pattern of desecralisation in moral and political thought is obviously more imponderable.<sup>16</sup> Some conjectures may be hazarded however. Evidently, Bentham drew solely on secular modes of thought when formulating his version of the utilitarian standard. And while it is hard to believe that there was no cross-fertilisation between them from the 1830s onward, the two schools of utility appear to have been largely self-contained.<sup>17</sup> It is true that some Christian critics viewed Paleyanism as a precursor to Benthamism, and that enemies of utilitarianism per se were inclined to lump the two systems together. But there is little evidence that conversions from theological to secular utility took place. Furthermore, if by familiarising the public with the language of utilitarian calculation, Paley inadvertently smoothed the way for his secular counterpart, his success also meant that the enemies of 'the doctrine of consequences' were well mobilised by time Bentham's theory began to make an impact.<sup>18</sup> There remains the question of whether the theological

<sup>15</sup> *Natural Theology*, p. 300.

<sup>16</sup> Anon, 'Laws of Honour: To the Editor of the *New Times*', in the *Spirit of Public Journals for the Year M.DCCC.XXV* (London, 1826), 438. See Hole, *Pulpits, Politics and Public Order*.

<sup>17</sup> Thomas Rawson Birks, *Modern Utilitarianism; or, The Systems of Paley, Bentham, and Mill Examined and Compared* (London, 1874), p. 5.

<sup>18</sup> In the 1830s, for example, Coleridge began to direct his wrath at Bentham rather than his old nemesis.

utilitarians' drive to banish superstition and enthusiasm from moral and political discourse unwittingly aided the cause of secularism, as some of their critics argued and as they sometimes feared themselves. On the one hand it is hard to believe that Paley could have co-opted the core precepts of Hume's political thought, for example, without absorbing some of its secularising tendencies. When he rejected the theory that founded the duty to submit to civil government on the obligation to keep promises, he was endorsing precisely the argument which Forbes describes as marking a 'decisive parting of the ways' with the 'religious hypothesis'.<sup>19</sup> Conversely, it could be argued that by integrating Hume's theory into a system of theological morals, Paley helped to subvert his programme of liberating political thought from religion. Such were the paradoxes engendered by the flowering of hedonistic Christianity in eighteenth-century Britain.

<sup>19</sup> *Principles*, pp. 414–23. Forbes, *Philosophical politics*, pp. 79, 78.

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