Benthamite Radicalism and its Scots Presbyterian Contexts

VALERIE WALLACE
Harvard University

This article argues that James Mill's immersion in Presbyterianism inspired an aversion to hierarchical government and a bias in favour of the Church of Scotland. These views are discernible in Bentham's *Church-of-Englandism*. Bentham argued for disestablishment on principle but, praising the Scottish Church as a 'model of perfection', omitted the Kirk from his church reform manifesto. His position on disestablishment, however, and his endorsement of Presbyterianism were aligned with a voluntaryist strain of Presbyterian ecclesiological theory; Presbyterian dissenters and Benthamite Radicals began to protest against the Kirk's established status. Underpinned significantly by Presbyterian tradition and laced with Benthamic influence, a radical voluntary campaign emerged in Scotland which sought to dismantle the old order and usher in a new era of political democracy and religious voluntaryism. Radicalism in Scotland was not solely characterized by the 'programmatic atheism' which J. C. D. Clark believes defined Benthamite ideology; Benthamism, it transpires, was not straightforwardly secularist.

I

In 1822 John Stuart Mill founded the Utilitarian Society to discuss the principles of Jeremy Bentham and his associates. Though coined by Bentham in the 1780s, this was the first time, according to Mill, that the word utilitarian had been used as a title and, he claimed, he had taken it from the mouth of a Scottish Presbyterian minister. This was the fictional Rev. Micah Balwhidder in John Galt's *Annals of the Parish* who remarked with fear that his parishioners would 'secede from Christianity to become Utilitarians'.[1] The connection of Bentham and Benthamite utilitarianism to Scotland and to religion, as this anecdote reveals, are two significant and interconnected aspects of Bentham studies.

With great insight J. H. Burns has suggested that much can be learned about the formation and dissemination of Bentham's ideas from an investigation of Bentham's connection to the Scots. Bentham was indebted to Scottish Enlightenment thinking, was intrigued by the constitutional relationship between Scotland and England following the 1707 Union, and wrote on the reform of the Scottish legal system, producing, in 1808, *Scotch Reform*, an extensive work on the administration of civil justice in Scotland. Many of the significant relationships in Bentham's life were with Scotsmen. James Mill, who

[1] John Stuart Mill, *Autobiography and Literary Essays*, ed. J. M. Robson and J. Stillinger (Toronto, 1981), p. 81; John Galt, *Annals of the Parish* (Edinburgh, 1821).

© Cambridge University Press 2012
Utilitas Vol. 24, No. 1, March 2012
doi:10.1017/S0953820811000434

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

published a review of *Scotch Reform*, met Bentham around 1808 and became his closest companion and collaborator. Born in Angus in 1773, Mill had trained as a Presbyterian minister before he moved to London in 1802.[2]

Mill collaborated with Bentham on two of Bentham's controversial works on religion: *Church-of-Englandism and its Catechism Examined*, published in 1818, and *Not Paul, but Jesus*, which appeared under a pseudonym in 1823. Bentham's writings on religion were extensive but were excluded from the *Works of Jeremy Bentham* edited by John Bowring and published between 1838 and 1843; these writings are now being assessed in line with the recent trend to consider religion in this period as a crucial aspect of British social and political life.[3] Nevertheless, Bentham's attitudes to and his relationship with Scottish religion remain underexplored. This is in spite of the fact that a comparison between the Church of Scotland and the Anglican Church formed an integral part of *Church-of-Englandism*. Bentham's views, moreover, on the church–state relationship, on subscription, oath-taking and on education had potential implications for both of the church establishments and the course of reform across Britain, and, indeed, elsewhere in the world. Little is known, however, about Bentham's impact and connection to Scottish radical politics in this period.[4] What kind of picture did Bentham paint of the Scottish Church? Did this depiction – and Bentham's attitudes to established churches more generally – have any kind of influence on Scottish political culture as John Galt's allusion to utilitarianism in *Annals of the Parish* seems to suggest?

This article will attempt to answer these questions. It will suggest that Bentham's writings on the Church were influenced, through intercourse with James Mill, by the traditions and political values associated with Scottish Presbyterianism. Though it is seldom recognized, Mill's Scottish Presbyterian background had a significant influence on his own interpretation of history, his anti-hierarchical

[2] J. H. Burns, 'Bentham and the Scots', *Journal of Bentham Studies* 7 (2004), pp. 1–12.

[3] P. Schofield, 'Political and Religious Radicalism in the Thought of Jeremy Bentham', *History of Political Thought* 20 (1999), pp. 272–91; J. E. Crimmins, 'Bentham's Religious Radicalism Revisited: A Response to Schofield', *History of Political Thought* 22 (2001), pp. 495–500; J. C. D. Clark, 'Religion and the Origins of Radicalism in Nineteenth-Century Britain', *English Radicalism 1550–1850*, ed G. Burgess and M. Festenstein (Cambridge, 2007), pp. 241–84; J. Crimmins, *Secular Utilitarianism: Social Science and the Critique of Religion in the Thought of Jeremy Bentham* (Oxford, 1990); J. Steintrager, 'Language and Politics: Bentham on Religion', *Bentham Newsletter* 4 (1980), pp. 4–20.

[4] Recent work by Gordon Pentland has helped to shed light on the distinctive nature of the Scottish reform movement within a wider British context; see e.g. G. Pentland, *Radicalism, Reform and National Identity in Scotland, 1820–1833* (Woodbridge, 2008). Nevertheless, there remain many gaps in the historiography of Scottish radicalism, particularly regarding the influence of Bentham and Benthamism in Scotland.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

ideas and his attitude to the established churches in Britain. Mill's bias is discernible in Bentham's *Church-of-Englandism*, where the Church of England is denounced and the Scottish Kirk held up as a model of perfection. Though Bentham's desire for religious reform may have been, like his aspirations towards political reform, rooted in the theory of logic and language which inspired his philosophical doctrine of utilitarianism,[5] his anti-episcopal rhetoric and pro-Presbyterian stance were arguably inspired by Mill. Bentham, though he seems to have desired the disestablishment of the churches on principle, excluded the Church of Scotland from his church reform proposals. It was left to Presbyterian dissenters in Scotland, whose ecclesiology and anti-hierarchical bias accorded well with Bentham's thinking, and who were allied with some of Bentham's own friends, to campaign against the Church of Scotland. Thus it is possible that – ironically – Bentham's commendation of the Kirk, in part inspired by Mill's own partiality, helped to instigate a fierce campaign for the reform of the Scottish Church, which led to its devastating fragmentation in 1843.

This voluntary campaign for disestablishment in Scotland emerged in the 1830s and was linked to the movement for further parliamentary reform; indeed, demands for voluntaryism and democratic political reform were closely interlinked. Voluntaryism lay at the heart of Scottish radicalism. This article will end by arguing that Scottish radicalism in this period had a distinct Presbyterian flavour; it was underpinned to a large extent by Presbyterian ecclesiology, but it may also have been coloured by Benthamic influence. Widespread popular agitation for disestablishment was linked to protest for further franchise extension, the repeal of the Corn Laws and colonial reform. Benthamite Radicals and Presbyterian voluntaries were, to a degree, allied in their attempt to dismantle the old order of church and state. This conjunction suggests some refinement of J. C. D. Clark's assessment that early nineteenth-century radicalism was solely associated with Benthamite ideology, which he defines as a 'fusion of universal suffrage, Ricardian economics and programmatic atheism'.[6] This article will not address the issue of Bentham's atheism.[7] It will contend, however, that the confluence of ideas and traditions in Scottish political culture – the profound significance of Presbyterian ecclesiological theory, the alliance of Benthamite Radicals with Presbyterian clergymen, and the fusion of Benthamite and

[5] Schofield, 'Political and Religious Radicalism'.
[6] Clark, 'Origins of Radicalism', p. 241.
[7] It is unclear whether Bentham was an atheist; see Schofield, 'Political and Religious Radicalism', pp. 280–1.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

Presbyterian rhetoric – suggests that, at least with regard to the Scottish context, Clark's definition of radicalism is inadequate.

II

James Mill trained as a Church of Scotland minister, studying divinity in preparation and undertaking his trials for licence in the Presbytery of Brechin in 1798. Like all ministers in the Church he subscribed to the Westminster Confession of Faith, the subordinate standards of the Kirk. As a licentiate Mill preached itinerantly but failed to receive a call to be ordained anywhere permanently. Though Mill ultimately chose a different career path following his move to London in 1802, and rejected theological orthodoxy, he retained a reverence for the Scottish Church and its history. Indeed, Mill corresponded with Scottish clergymen and, in a letter to a friend in 1807, he asked if there might not be a 'good kirk' available for him in Scotland, which would free him from his London life of 'toil and anxiety'.[8] In 1815 Mill's friend James Lindsay, a Presbyterian minister from Kirriemuir, wrote to Mill asking about the meeting he and Bentham had recently had with the Bishop of Lichfield. Lindsay joked that he feared for the safety of the Church hearing that 'so orthodox a Bishop' was to keep 'such heretical company'. Lindsay hoped, however, that Mill had thrown in a 'word occasionally for our good auld Kirk'.[9]

This reverence for the Kirk was also revealed in Mill's historical works. Mill's interpretation of history was influenced by the Whig Presbyterian tradition, which represented the Reformation and the revolutions of the Stuart period as hard-fought victories for Protestantism – particularly Presbyterian Protestantism – and what was considered to be its counterpart – political liberty. Scottish Presbyterian historians of the late eighteenth and early nineteenth centuries considered political and religious liberty to be inextricably linked and to have originated with the Protestant reformers of the sixteenth century who had overthrown religious and political tyranny by rebelling against the Catholic Church and the Scottish monarchy. Unlike that in England, where Henry VIII had supported reform, Scotland's Reformation had been a popular rebellion in opposition to the crown. The Scottish Reformation had, according to later accounts, originated a tradition of popular sovereignty and a theory of the right of resistance which was celebrated and defended throughout the early modern period. It had led to the development of Presbyterian church government in the religious sphere – a democratic, representative

[8] Alexander Bain, *James Mill: A Biography* (London, 1882), pp. 22, 63.
[9] Bain, *Mill*, p. 150.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

system – and to the formation of two kingdoms ecclesiology. This stated that the monarch was the governor of the temporal sphere only and could not interfere in the government of the ecclesiastical, which was headed by Christ alone. If the monarch stepped outside his jurisdiction, the populace had the right to resist and defend Christ's crown. According to Whig Presbyterian historians, resistance and defiance had characterized the Stuart period, when a succession of monarchs had flouted Presbyterian principles by attempting to impose on Scotland Anglican church government and what was perceived to be its handmaidens in the civil sphere, tyranny and despotism. The Scottish Covenanters had resisted and had suffered for their defiance during the persecution executed by Charles II and James VII and II. At the Revolution Presbyterianism had been once more restored along with contractual, limited and accountable government.[10]

This narrative of history permeated Scottish society and Scottish political culture. As early nineteenth-century English Whigs traced a tradition of political liberty back to Russell and Shaftesbury,[11] so Scottish Whigs celebrated the alleged libertarianism of the Presbyterian past. The Rev. Thomas McCrie, who was described by his son as a 'genuine whig' and was a correspondent of Lord Brougham, was arguably the most famous propagator of Whig Presbyterian history in his wildly popular biographies of John Knox and Andrew Melville.[12] McCrie was also famous for his vindication of the Scottish Covenanters in his review of Walter Scott's *Old Mortality*. His *Life of Knox* was praised in the *Edinburgh Review* for shedding light on the close link between religious and political liberty. According to the reviewer there was a 'natural affinity between genuine Presbyterianism and genuine Whiggism'. Elsewhere, *The Scotsman*, in its review of the *Life of Melville*, declared the country to be deeply indebted to McCrie, who had brilliantly illustrated the way in which the political freedom of the country had been achieved 'owing to the exertion of our ancestors'.[13]

James Mill was another propagator of this Whig Presbyterian myth. Though scholars have recognized his indebtedness to Scottish Enlightenment conjectural history, as practised by Adam Smith and John Millar,[14] Mill's history-writing has seldom been considered in

[10] N. Forsyth, 'Presbyterian Historians and the Scottish Invention of British Liberty', *Records of the Scottish Church History Society* 34 (2004), pp. 91–110.

[11] R. Brent, *Liberal Anglican Politics*: *Whiggery, Religion and Reform, 1830–1841* (Oxford, 1987), pp. 42–9.

[12] Thomas McCrie, *The Life of Thomas McCrie* (Edinburgh, 1840), p. 55.

[13] *Edinburgh Review* (July 1812); 'Literature', *The Scotsman* (1 Jan. 1820).

[14] J. Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005), pp. 123–33; K. Haakonsen, 'James Mill and Scottish Moral Philosophy', *Political Studies* 33 (1985), pp. 628–41.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

this particular context.[15] Though based in London from 1802, Mill was influenced by this Whig Presbyterian. It is possible that this view of history coloured his political outlook, as it did those of other Scottish reformers still immersed in the Presbyterian culture of Scotland.

As a divinity student Mill was exposed to Scottish church history, part of the curriculum for a trainee minister. Before his graduation to the divinity hall, Mill had even been a classmate of Thomas McCrie at Edinburgh University in the 1790s. Mill was evidently influenced by McCrie's work as he included the *Life of Knox* in the young John Stuart Mill's list of educational reading. At an early age, wrote the younger Mill, 'he made me a reader of ecclesiastical history; and he taught me to take the strongest interest in the Reformation, as the great and decisive contest against priestly tyranny for liberty of thought'.[16] James Mill was also heavily influenced by the Scottish historians George Brodie and Malcolm Laing. Brodie published the *History of the British Empire*, whose aim was to challenge David Hume's sympathetic account of the Stuart monarchs in his *History of England.* Brodie condemned Stuart rule and vindicated puritanism. Laing produced a similar assessment in his own history of Scotland. Both men were lawyers associated with the Scottish Whigs. Laing, later MP for Orkney and Shetland from 1807 to 1812, was a Foxite who had defended Joseph Gerrald during his sedition trial in 1794, while in 1831 Brodie chaired a meeting in Edinburgh to protest against the Lords' rejection of the Reform Bill. Brodie was later named historiographer of Scotland on the recommendation of Lord Melbourne. Like McCrie, both Brodie and Laing were practitioners of Whiggish history, which championed puritanism as the harbinger of civil and religious liberty.[17]

Mill reviewed Brodie's *History of the British Empire* in the *Westminster Review* in 1824. In the review Mill praised both Brodie and Thomas McCrie by condemning Hume and claiming that Hume's work bore a resemblance to *Old Mortality* in regard to its historical inaccuracy. The review supported Brodie's assessment by defending Scottish Presbyterianism and by denouncing the proclivity of James VI

[15] Anna Plassart has recently considered the influence of Mill's Presbyterian background and his links with dissenters on his *History of British India*. See A. Plassart, 'James Mill's Treatment of Religion and the History of British India', *History of European Ideas* 34 (2008), pp. 526–34.

[16] Mill, *Autobiography*, pp. 11, 45.

[17] F. Espinasse, 'Brodie, George (1786?–1867)', rev. H. C. G. Matthew, *Oxford Dictionary of National Biography* <http://www.oxforddnb.com/view/article/3487> (2004: Oxford, online edn., 2007); T. F. Henderson, 'Laing, Malcolm (1762–1818)', rev. P. J. deGategno, *Oxford Dictionary of National Biography* <http://www.oxforddnb.com/view/article/15890> (2004: Oxford, online edn., 2007).

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

and I and Charles I for episcopalianism and arbitrary government.[18] Mill used Brodie's work in another article reviewing Robert Southey's *Book of the Church*, which was published as a defence of the established Anglican order, and to which Bentham responded by reissuing in 1831 an extract of his own *Church-of-Englandism* under the title *Book of Church Reform*. In his review of Southey's work, Mill championed Calvinism and puritan ministers, whom Southey had denounced as ministers of 'hatred, violence, and rebellion'. Condemning the principle of divine right, Mill claimed that Southey's interpretation of the Restoration was based on biased historical accounts. In order to give what was, in Mill's view, a more measured account of the period, he quoted at length from Brodie and Laing, particularly from those sections which challenged Clarendon, whom Southey had praised, and Charles II, for their violation of covenanting pledges to protect the Presbyterian Church. These violations were followed by 'atrocities' and oppression comparable, according to Laing, to 'the tyranny of the worst Caesars'. Southey was castigated for omitting an account of this persecution of the Scottish Covenanters, described by Laing, and quoted by Mill, as an 'absolute and undistinguished massacre'.[19] Mill took a similar line in his own article on ecclesiastical establishments printed in the *Westminster Review* in the following year. He referred again to Brodie and he condemned the Church of England for its persecuting past, including the bloody Restoration period in Scotland.[20]

Terence Ball has suggested that Mill's failure to secure a permanent position within the Kirk, and his subsequent experience of tutoring in noble families, engendered in Mill an abhorrence of aristocracy.[21] Ball also comments that Mill 'retained throughout his life a Scottish Protestant's hostility towards "priestly" religions of every description'.[22] Though correct, this statement is rather vague. Mill was inspired by his exposure to Scottish Presbyterian culture, its historiography and its ecclesiology. Mill's enmity towards the Church of England and its forerunner, the Church of Rome, was, like that of many of his Scottish Presbyterian contemporaries, partly inspired by

[18] [James Mill], 'Brodie's History of the British Empire', *Westminster Review* (Oct. 1824), pp. 346–402, at 347, 354, 362–8.

[19] [James Mill], 'Southey's Book of the Church, &c.', *Westminster Review* (Jan. 1825), pp. 167–212, at 175–6, 181, 187, 198, 204–6.

[20] [James Mill], 'Ecclesiastical Establishments', *Westminster Review* (Apr. 1826), pp. 504–48, at 517–23.

[21] T. Ball, 'Mill, James (1773–1836)', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/18709, accessed 28 July 2010> (2004: Oxford, online edn., 2007).

[22] T. Ball, *Reappraising Political Theory* (Oxford, 1995), p. 137. Robert Fenn remarks that as a 'former presbyterian', Mill 'enjoyed Bishop-bashing': R. A. Fenn, *James Mill's Political Thought* (New York and London, 1987), p. 53.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

his reading of the Scottish past. A suspicion of Anglicanism, owing to its apparent imperialist tendencies and its alliance with arbitrary government, was part of Scottish Presbyterian culture. Indeed, Presbyterian ecclesiology and political theory were specifically anti-hierarchical, underpinning critiques of the British state throughout the early modern period and into the nineteenth century. Many Scots Presbyterians expressed their dissatisfaction with an unreformed British government which failed to accord with Presbyterian principles. A desire to protect the independence of the Church of Scotland and an ideological objection to the position of bishops in the House of Lords – that is, the intermingling of the spiritual and temporal spheres – inspired reformist protests and democratic tendencies.[23]

Though Mill may have developed an increasingly sceptical view of theological orthodoxy, it is possible that his politico-religious writings remained indebted to his Presbyterian background. Ball has written that Mill's attack on the Church of England and his plans for a civil religion and a more secularized society were inspired by Benthamite utilitarianism, by the civic humanism of the Scottish Enlightenment and by Plato.[24] Scottish Presbyterianism must be added to this list. Mill's Presbyterian background engendered a fondness for the Church of Scotland and an anti-hierarchical bias, which partly underpinned his agenda for the reform of church and state. Robert Fenn remarks that Mill's *Church and its Reform* was inspired by utilitarianism mixed with biblical criticism and traditional Presbyterian views.[25] Harriet Grote commented on Mill's hatred of established hierarchy. Mill had, according to Grote,

> the strongest convictions as to the superior advantages of democratic government over the monarchical or the aristocratic . . . coupled with this aversion to aristocratic influence . . . Mr Mill entertained a profound prejudice against the Established Church, and, of course, a corresponding dislike to its ministers.[26]

In a translation of Charles Villers's essay on the Reformation, Mill displayed his Presbyterian bias by condemning the temporal power of the Pope and episcopal hierarchy. The maxim 'no bishop, no king' had been coined by James VI and I in order that he and his descendants could exert tyrannical power over their subjects in church and state; there was evidently a 'natural alliance', Mill claimed,

[23] V. Wallace, 'Exporting Radicalism within the Empire: Scots Presbyterian Political Values in Scotland and British North America, c.1815–c.1850' (Ph.D. Thesis, University of Glasgow, 2009).
[24] Ball, *Reappraising*, ch. 6.
[25] Fenn, *Political Thought*, p. 89.
[26] Mrs Grote, *The Personal Life of George Grote* (London, 1873), p. 22.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

between arbitrary government and episcopacy.[27] On the other hand, a church whose structure was democratic, and whose clergy were all considered equal, nourished in its followers 'a disposition averse to monarchy, and inclined to republicanism'.[28] In his review of Southey, Mill argued that the spirit of bigotry displayed by Clarendon at the Restoration was still expressed in the present day 'in our Southeys, our Quarterly Reviews, our Oxford and Cambridge, and in Reverends, and Right Reverends, without number!' Indeed, Mill declared, the Church of England's past proved that its character was 'essentially intolerant and persecuting'.[29] The Church of England was, according to Mill, still trying to persecute through the Test and Corporation Acts, its resistance to Catholic emancipation and its opposition to freedom of expression;[30] the Church's attempts to monopolize, and to vilify dissenters, generated disaffection. The remedy was a reform of the Church to remove its political power and its numerous abuses.

Ball insists that Mill was less inspired by Bentham than has been assumed, and that he originated his own ideas on religion. Indeed, it could be argued that not only was Mill an independent thinker, but that Mill's Presbyterian background was actually an influence on Bentham. Mill arguably contributed a great deal to Bentham's own work on church reform, *Church-of-Englandism and its Catechism Examined*, printed in 1817 and published in 1818. Throughout this work Bentham compares the Church of England to the Church of Scotland, and to the Protestant dissenting churches, while spouting anti-hierarchical and anti-episcopal rhetoric which sounds classically Presbyterian.[31] It is Mill to whom Bentham is mostly indebted for his knowledge of the Kirk.[32] Mill's fondness for the Church of Scotland explains why Bentham chooses to celebrate the Kirk so heartily, comparing its virtues with Anglican vices, while overlooking some of the Church of Scotland's perceived flaws, which contemporaries, and, as shall be seen, Bentham's own associates, complained about so bitterly.

[27] James Mill, *An Essay on the Spirit and Influence of the Reformation of Luther by Charles Villers translated and Illustrated with Copious Notes* (London, 1805), pp. 142, 160–1.

[28] Mill, *Reformation of Luther*, p. 161.

[29] [Mill], 'Book of the Church', p. 206.

[30] [Mill], 'Ecclesiastical Establishments', pp. 529–30.

[31] Plassart emphasizes Mill's independence, insisting that the 'tone of "Puritan censure"' found in the *History of British India* could not have been inspired by atheistic Bentham. Religion had a more profound influence on Bentham than Plassart has considered and in fact Mill's tone of Puritan censure can be detected in Bentham's own work. Plassart, 'History of British India', p. 528.

[32] Bentham did acquire information from other sources, including James Anderson, the political economist, who sent Bentham a detailed account of the system of poor relief in Scotland; see *The Correspondence of Jeremy Bentham*, vol. 3, ed. I. R. Christie, *The Collected Works of Jeremy Bentham* [hereafter *CW*] (London, 1971), pp. 30–43.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

III

Church-of-Englandism and its Catechism Examined was published as a companion piece to Bentham's *Plan of Parliamentary Reform*, which had also appeared in print in 1817. The Church was, Bentham thought, like the legal profession and Parliament, part of a corrupt establishment whose interest was opposed to the interest of the people at large and in need of full-scale reform. A wealthy priesthood allied to the state deluded the people and prevented them from understanding their own interests.[33] In *Church-of-Englandism* Bentham condemned the Church's control of education, criticizing the National Society, which provided education for Anglican children, instructing them on the catechism rather than on the bible. Bentham supported instead Lancasterian schools, which admitted dissenters as well as Anglicans and used the bible as the basis for religious instruction. Bentham criticized man-made formulae, in particular the Anglican catechism and the Thirty-nine Articles of the Anglican faith, to which Bentham had been obliged to subscribe while a student at Oxford.

In order to underline the abuses inherent in the Church of England, Bentham drew comparisons and contrasts between the Anglican Church, the Church of Scotland and the Protestant dissenting churches. Bentham argued that the established Church of Scotland was less corrupt than its English counterpart. Unlike the Church of England, which, Bentham claimed, was intent on keeping the bible out of sight, the Church of Scotland's catechisms were substantiated by scriptural excerpts.[34] Moreover, whereas in England the laity was obliged to subscribe to the Church's Thirty-nine Articles, in Scotland subscription to the Kirk's Westminster Confession of Faith was required only of the clergy and university professors.[35] Bentham argued that subscription to outdated confessions involved the 'prostration of understanding and will'. In Scotland, however, subscription was merely 'the act of a moment' and not repeated again in the recitation of creeds and prayers; after the initial act a subscriber was free to 'entertain opinions contrary to those which he had before assented to'.[36]

Bentham criticized the hierarchical government of the Anglican Church, insisting that rule by bishops, who controlled the election of new priests and oversaw church discipline, was despotic and

[33] Schofield, 'Political and Religious Radicalism', pp. 286–7.
[34] *Church-of-Englandism and Its Catechism Examined*, ed. J. E. Crimmins and C. Fuller, *CW* (Oxford, 2011), pp. 69–70.
[35] Francis Jeffrey supplied information on subscription to the Confession in a letter sent via Henry Brougham to Bentham on 9 Feb. 1813; see *The Correspondence of Jeremy Bentham*, vol. 8, ed. S. Conway, *CW* (Oxford, 1988), p. 306.
[36] *Church-of-Englandism*, p. 478.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

inadequate. The Anglican hierarchy was overpaid, Bentham argued, and as illustrated by the existence of tithes, surplice fees, sinecures, pluralities and non-residence, it was corrupt. The Church of Scotland, however, which had an efficient structure of governance, was free from these abuses. *The Statistical Account of Scotland* compiled by Sir John Sinclair, which included, Bentham declared, 895 parish descriptions by resident ministers, proved that the Church of Scotland clergy had intimate knowledge of their jurisdictions and the parishioners within their bounds.[37] Another virtue of the Scottish Church was its method of appointing ministers. Whereas in the Anglican Church bishops had responsibility for the examination and appointment of clergy, in Scotland the process was, according to Bentham, controlled by the people at large. Admittedly, Bentham wrote, the system of church patronage within the Kirk meant that it was patrons who appointed ministers rather than congregations; however, this was a vice, Bentham claimed, only in appearance rather than in reality; for a patron's choice could be rejected by the Presbytery.[38]

Bentham lauded Presbyterian Church government. According to Bentham, the Church of England's organization was essentially anti-Christian in so far as church hierarchy had no sanction in the New Testament, where, Bentham contended, Jesus Christ had recommended ministerial parity and representative democracy. Bentham quoted from the Gospels to demonstrate that the establishment of hierarchy, sustained by excessive wealth and corruption, directly contradicted Jesus' teachings. While in the Church of England bishops exercised 'temporal dominion' and despotism in contempt of Jesus, in the Kirk inequality was 'no more established or suffered, than by Jesus it was among his Apostles'. Bentham seems to have implied, therefore, that the Church of Scotland rested upon a more proper scriptural bottom than its sister establishment.[39]

It is understandable that Bentham, with his desire for reform in the civil sphere, should recommend democratic organization within the church. Presbyterianism, with its open proceedings, allowed for greater accountability. Bentham's argument may also have been tactical. Bentham desired what he termed the 'euthanasia' of the Church of England, or 'good death', not a Presbyterian reformation. He envisaged the gradual demise of the Church and the appropriation by the state of clerical salaries. By praising Presbyterianism he was protected from accusations of out-and-out heresy while succeeding in making the Church of England look very bad. Nevertheless, the vehemence with

[37] *Church-of-Englandism*, p. 361. There were actually 900 parishes in the *Account*.
[38] *Church-of-Englandism*, p. 481.
[39] *Church-of-Englandism*, pp. 283, 417.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

which episcopal hierarchy is denounced in contrast to Presbyterianism could perhaps be attributed to Mill's influence.[40] Mill worked closely with Bentham on *Church-of-Englandism* and *Not Paul, But Jesus* at Ford Abbey, where Bentham lived for many months at a time during the period 1814 to 1817. While Bentham was resident at the Abbey, John Herbert Koe acted as his secretary in London, dealing with his requests and sending on books and other items Bentham wished to have with him. Bentham requested from Koe source material for his writings on Scottish religion including, 'if findable', his copy of the *Life of Knox*, the Presbyterian classic by Thomas McCrie, which had been influential on Mill. When Koe failed to send the volume Bentham suggested that it might have been borrowed by Koe's parents-in-law and asked him to inquire as soon as possible.[41] Bentham also requested the third volume of *The History of the Reformation in Scotland*, written by George Cook, the leader of the Moderate party in the Kirk, the side with which Mill probably sympathized.[42] Mill's notes on church reform and established religion are dotted throughout his commonplace books; sections on Juggernautical Utility were written between 1811 and 1815 when *Church-of-Englandism* was being prepared.[43] Juggernaut was Bentham's nickname for religion and Juggernautical Utility was the short title for a projected work. Here Mill remarks on the desirability of lay involvement in church government and the election of ministers, and condemns episcopacy for its tyrannical nature. Mill repeated some of the arguments of *Church-of-Englandism* in his later work, which likewise praised the Church of Scotland for its efficient organization.[44] Mill's influence on Bentham's work is perhaps most obvious in the passages in *Church-of-Englandism* concerning puritanism and the Restoration. Bentham echoes Mill's history-writing when he vindicates civil war puritanism by arguing that the puritans succeeded in

[40] This has been hinted at by William Thomas, though not explored in depth; W. Thomas, *The Philosophic Radicals: Nine Studies in Theory and Practice 1817–1841* (Oxford, 1979), p. 36.

[41] Bentham to John Herbert Koe, 19 Aug. 1816, 27 Oct. 1816 and 8–9 Nov. 1816, *The Correspondence of Jeremy Bentham*, ed. S. Conway, vol. 8, *CW* (Oxford, 1988), pp. 551, 557, 561.

[42] Bentham to John Herbert Koe, 21 Aug. 1817, *The Correspondence of Jeremy Bentham*, vol. 9, ed. S. Conway, *CW* (Oxford, 1989), p. 46. George Cook protested against pluralities and non-residence in the Church, publishing a pamphlet on the subject in 1816. He also defended lay patronage. These are all themes considered by Bentham in *Church-of-Englandism*. On Cook see, T. F. Henderson, 'Cook, George (1772–1845)', rev. S. J. Brown, *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/6137> (Oxford, 2004).

[43] 'Juggernautical Utility II', in *James Mill's Common Place Books*, ed. R. A. Fenn (University of Sussex, 2010), vol. II, ch. 5, <http://intellectualhistory.net/mill/cpb1ch2.html> 'The Balance', in *James Mill's Common Place Books*, ed. R. A. Fenn (University of Sussex, 2010), vol. II, ch. 2, <http://intellectualhistory.net/mill/cpb1ch2.html>.

[44] [James Mill], 'The Church and its Reform', *London Review* (July 1835), pp. 257–95.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

establishing a system of church government in Scotland which was a near 'model of perfection' and which, by eliminating episcopacy, 'scorned to endure, within its bosom, a set of puppets'. At the Restoration, Bentham declared, impiety and immorality had been re-seated on the throne. England was still in need of puritanical reform to establish the kind of system enjoyed in Scotland. Bentham also condemned James VI and I's maxim 'no bishop, no king', just as Mill had done in his notes to Villers's history of the Reformation.[45]

Though Bentham's arguments would doubtless have appealed to many Scottish Presbyterians as fond of the Kirk and its history as Mill clearly was, Bentham's commendations of the Kirk could be described as too hearty, perhaps revealing Mill's bias. By the early nineteenth century about one third of the lowland population of Scotland belonged to dissenting churches;[46] these churches had come into being as a consequence of two of the grievances which Bentham dismissed as being inconsequential: patronage and subscription to the Westminster Confession. Patronage was arguably the most divisive issue in the Scottish religious community. It had been abolished by the Revolution Settlement and reintroduced in 1712. Patronage caused every major schism the Scottish Church experienced, including that led by the Seceders in 1733, the Relief in 1752 and the Free Church at the momentous Disruption in 1843. Resentment over patronage fuelled protest against the British government and inspired violent popular protest. Until patronage was abolished in 1874, between one third and one half of Scotland's parishes contested the ordination of a minister.[47] Many believed patronage flouted the democratic nature of Presbyterian church government and its two kingdoms ecclesiology; some believed the system established at the Revolution to be impure; it was not enough to allow heritors and elders a say in the nomination; appointment of a minister should rest, many argued, with the entire congregation.[48] Thus, patronage was not the mere appearance of a vice as Bentham claimed – it was considered by a great many people to be an offensive stain on the Church, and its existence instigated ecclesiastical and political strife for nearly two centuries.

The issue of subscription contributed to the further fragmentation of the Presbyterian community. Scottish Presbyterians were not

[45] *Church-of-Englandism*, pp. 290, 304–5, 349.

[46] C. G. Brown, *The Social History of Religion in Scotland Since 1730* (London, 1987), pp. 61–2.

[47] C. G. Brown, 'Protest in the Pews: Interpreting Presbyterianism and Society in Fracture during the Scottish Economic Revolution', *Conflict and Stability in Scottish Society 1700–1850*, ed. T. M. Devine (Edinburgh, 1990), pp. 97–9.

[48] See e.g. 'Who Ought to be Substituted in the Room of Patronage?', *Scottish Advocate* (Oct. 1834).

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

isolated from the debates over subscription happening elsewhere in the British Protestant world. During the high point of the Enlightenment, the Edinburgh literati, some of whom were Moderate Presbyterian clergymen, were accused by angry Evangelicals of hypocritically subscribing to the Confession while keeping their heretical opinions a secret.[49] The Relief Church and the New Light Seceders – who by 1830 represented more than 10 per cent of the population – were strictly Calvinist, but they strongly objected to the Confession's wording on ecclesiological grounds. Chapter 23 seemed to assign the civil magistrate a persecuting power and as such endorsed the interference of the state in religious affairs. In the opinion of New Light dissenters this interference contravened the two kingdoms ecclesiology on which the Presbyterian Church was founded. The New Light Seceders split from their Old Light brethren at the turn of the nineteenth century because of this very issue. Ministers in these churches signed the Confession only with an addendum attached, which stated their objections to these offensive parts of the Confession.[50] Subscription was thus taken seriously, causing significant controversy and further schism.

Why did Bentham overlook these issues? Bentham was clearly desperate to undermine the status of Anglicanism by championing the 'equally established' Church of Scotland. However, the attitude expressed in Bentham's work towards the Westminster Confession and to lay patronage is perhaps explained by Mill's own experiences. As a licentiate Mill subscribed to the Confession though he seemed to forget the experience later in life, suggesting, perhaps, that subscription was perceived to be nothing more than a relatively painless formality, unlike Bentham's ordeal at Oxford. Indeed, Mill wrote to a friend, who had encouraged Mill to apply for a professorship in Greek at Glasgow, that if he were to take the position he would have to overcome his difficulties and sign the Confession; 'overscrupulousness in things of form', Mill wrote, 'is rather a sign of wanting than of possessing virtue'; though, Mill admitted, 'I should by no means wish to do any act by which I was really to be *understood* as declaring, or binding myself to, a belief in that book.'[51] Mill had subscribed to the Confession before and he seemed to have been able to reconcile outward subscription with inner

[49] There was also a subscription controversy in the Synod of Ulster in the 1720s, which led to the expulsion of the Presbytery of Antrim, whose members had adopted Arian views, and who felt that they could not conscientiously subscribe. C. Kidd, 'Scotland's Invisible Enlightenment: Subscription and Heterodoxy in the Eighteenth-Century Kirk', *Records of the Scottish Church History Society* 30 (2000), pp. 28–59.

[50] See John McKerrow, *History of the Secession Church* (Glasgow, 1841 rev. and enlarged edn.).

[51] Bain, *Mill*, pp. 121–2, 168.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

scepticism. That this reconciliation was possible in Scotland, though not in England, was the argument put forward by Bentham in *Church-of-Englandism*. Mill may have identified with the Moderate wing of the Kirk, who adhered to the patronage law, rather than with the Evangelical, who regarded it as a violation of divine law;[52] if so, Mill would have downplayed the significance of lay patronage as an affront to the Church, and would perhaps have treated the issue of subscription more lightly than some of his peers.

Mill thus helped Bentham to depict the Kirk in a favourable light. It is possible that Mill's belief in the alliance between episcopacy and political tyranny – a Presbyterian view – infused Bentham's work. Certainly, all Scottish Presbyterians would have agreed with Bentham that the Church of Scotland was by far the most superior of the established churches. They would have approved of his criticism of hierarchy and its perceived malevolent political influence. Presbyterians had protested against the principles of divine right and passive obedience for centuries, and they continued to protest against the British government with reference to the Presbyterian past. They would also have agreed that democratic polity had greater scriptural validity than episcopalianism.

Nevertheless, many believed that the Kirk, also tainted by its association with the state, should not be excluded from any plans for church reform. Some would have taken issue with Bentham's representation of the Scottish Church. There were certainly fewer abuses in the Church of Scotland than in the Anglican Church, as Bentham pointed out. There was only one plurality in the Kirk – one more than Bentham claimed – while Scottish tithes, or teinds as they were known, were, as Stewart J. Brown has argued, a relatively insignificant burden and paid partly by landowners. Moreover, only Edinburgh and Montrose levied a church rate, while Scottish universities were open to all students.[53] Nevertheless, there was a vocal and sizeable minority of Presbyterian dissenters in Scotland who vociferously complained about abuses within the Kirk. *The Statistical Account*, which Bentham thought displayed the Scottish clergy's detailed knowledge of their parishioners, was compiled by

[52] Following William Thomas, Plassart has suggested that since Mill read McCrie and distrusted the *philosophes*, he may have been an Evangelical. But his attitude to subscription suggests that, on this issue at least, Mill had a Moderate outlook. Plassart, 'History of British India', p. 530; Thomas, *Philosophic Radicals*, pp. 99–100. On the differences between the parties within the Church of Scotland see S. J. Brown, *The National Churches of England, Ireland and Scotland 1801–46* (Oxford, 2001), pp. 59–62.

[53] S. J. Brown, 'Religion and the Rise of Liberalism: The First Disestablishment Campaign in Scotland, 1829–1843', *Journal of Ecclesiastical History* 48.4 (1997), pp. 682–704, at 686.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

Church of Scotland ministers whose discipline and duties affected only two thirds of the Scottish people.[54] Dissenters were not members of Church of Scotland parishes and were sometimes denied kirk session aid dispensed to the needy under the terms of the old poor law.[55] Many dissenters believed they were regarded as inferior and, after separating from the Church on ecclesiological grounds, they criticized the Church for its perceived impurity – as did some members of the Kirk – and protested against the government on account of its erastian interference. Though Bentham had neglected to apply his arguments to Scotland, some contemporaries – Presbyterian ministers and Bentham's followers – began to rail against the Scottish Church. It is possible that Bentham's virulent attack on the Anglican Church and his glowing account of the Kirk, partly inspired by Mill's anti-hierarchical Presbyterian biases, actually helped to precipitate an assault on the Scottish Church.

IV

Though there had been protest against the Kirk throughout the eighteenth century, a full-scale campaign against the Church only gained momentum in the aftermath of Catholic emancipation and the Reform Acts of 1832. Presbyterian dissenters began to demand the complete disestablishment of the Kirk, arguing that churches should be supported voluntarily. The Rev. Andrew Marshall, who apparently sparked this voluntary campaign with his sermon on Catholic emancipation in 1829, insisted that the Church of Scotland's abuses should not be ignored. The Kirk was, Marshall insisted, like the united Church of England and Ireland, guilty of injustice, intolerance

[54] In fact Bentham was aware of the complex divisions within the Scottish religious community. Around 1809 he compiled detailed lists of the different Scottish sects – including the Antiburgher and Burgher Seceders, the Relief, and even the obscure Buchanites and McMillanite Covenanters – and the numbers belonging to them. Bentham took his figures from the twenty-one volumes of the *Statistical Accounts* published between 1791 and 1799. It is unclear what Bentham's purpose was in compiling this list, and he makes no mention of the significance of Scottish dissent in *Church-of-Englandism*, UC cix. 40–2.

[55] Dissenting congregations were not legally obliged to distribute poor relief and their dependence on Church of Scotland session aid caused resentment. In some cases dissenting congregations were told to reimburse the Kirk or were denied relief altogether; see R. A Cage, *The Scottish Poor Law 1745–1845* (Edinburgh, 1981), pp. 29, 52. This problem was alluded to by James Anderson in his letter to Bentham. Anderson declared there to be abuses which would 'one day or other destroy the System' (*Correspondence*, vol. 3, pp. 41–2). Anderson's prediction came true when the Disruption, which increased the number of dissenters and decreased the amount of aid available in the Kirk, rendered the system unworkable, helping to bring about poor law reform in 1845. Bentham, however, seems to have chosen to ignore the problem of dissent and emphasize instead the positive aspects of the Scottish establishment.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

and fomenting discord.[56] Presbyterian dissenters refused to pay the Edinburgh annuity tax, a church rate of 6 per cent of house and shop rental value, levied to provide funds for the support of the established clergy in the city. They drafted petitions against the Kirk-supported Sabbath Bill, which proposed government-sanctioned sabbatarianism, and insisted that the Church was set on oppressing the poor and exerting religious tyranny on dissenters. They objected to the existing poor law as unfair to dissenters and complained about the teinds. They claimed that the Church had too much control over education, and protested against the requirement that university professors subscribe to the Confession. They denounced patronage and suggested that the Church's attachment to the state engendered political subservience. In short, perhaps unwittingly in most cases, they took Bentham's arguments against the Church of England and levelled them against the Kirk.[57] The conflict between the Kirk and dissenters reached a frenzied state, dominating national and local politics. A Royal Commission of Inquiry on Religious Instruction in Scotland, similar to the Ecclesiastical Commission set up in England, was created to investigate the effectiveness of the Church. Eventually the controversy culminated in the great Disruption of 1843, when around one third of Scottish ministers left the Kirk to form the Free Church.[58] The poor law was reformed in 1845; after 1853 only divinity professors and professors of ecclesiastical history were obliged to subscribe to the Confession. The state took over responsibility for education from the Church in 1872.

Bentham had criticized the very existence of church establishments, recommending the institution of voluntaryism. In *Church-of-Englandism* he declared his support for voluntaryism by insisting that the Protestant dissenting churches, which operated independently and were supported voluntarily by contributions from members, were superior to both of the established churches in Britain. In *Not Paul, but Jesus* he stated that the Apostle Paul had corrupted the Church, ushering in a new anti-Christian order: a church-state buttressed by monarchical government and ecclesiastical hierarchy. Jesus had sanctioned democratic church government but, according to Bentham, Roman despotism had taken 'possession of it, and made an instrument of it' by allying it to the state.[59] In arguing thus, Bentham was probably inspired by low church and deist traditions; writers such as Benjamin

[56] Andrew Marshall, *Ecclesiastical Establishments Considered* (Glasgow, 1829); Andrew Marshall, *Ecclesiastical Establishments Further Considered* (Glasgow, 1831).

[57] See e.g. 'Meeting, Resolutions, and Address of the Central Board of Scottish Dissenters', *United Secession Magazine* (Jan. 1841).

[58] Brown, 'Rise of Liberalism'.

[59] [Jeremy Bentham], *Not Paul, but Jesus* (London, 1823), pp. 391–2; P. Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford, 2006), p. 197.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

Hoadly, Conyers Middleton and Thomas Jefferson had earlier criticized Paul and the divine basis of episcopalianism.[60] Mill may also have been an influence. As stated above, Mill, with his Presbyterian bias, also attacked church establishments by referring to the Church of England's persecuting past. Bentham desired the abolition of the church-state, and advocated instead the institution of representative democracy in the civil sphere and voluntaryism in the ecclesiastical. He pointed to the United States as an example of voluntaryism in practice, and argued for free trade of religion with reference to Adam Smith.[61] Bentham wanted the bishops removed from the House of Lords and since, as Philip Schofield explains, 'God's will could not provide a standard for temporal happiness', he desired the disassociation of theology from law, government and morality.[62] Bentham recommended nothing less than the 'euthanasia' of the Church of England. Perhaps inconsistently, however, given its equally established status and its connection to the British government, or perhaps for tactical reasons, he did not include the Church of Scotland in his manifesto for ecclesiastical reform.

Presbyterian voluntaries now articulated many of the same arguments as Bentham during their battle to 'liberate' the Kirk from state control. Like Bentham, the voluntaries pointed to the United States as an example of free trade in religion, and insisted on freedom of conscience and the inequity of taxing religious belief. Like Bentham, they also insisted that an establishment had no basis in the New Testament. Jesus' statement 'my kingdom is not of this world' (John 18:36) became a stock phrase in voluntary propaganda. Jesus Christ, it was claimed, had never sanctioned church establishments; these had been invented by 'barbarous princes' allied with the priesthood. In opposition to many of their Presbyterian contemporaries, some objected to the idea that government should have a scriptural foundation; they insisted instead on the separation of church and state. Andrew Coventry Dick published a treatise on the origin and purpose of civil government, which denied that God's will had to direct a country's

[60] Bentham acknowledged his debt to Conyers Middleton, who, in *A Free Inquiry into the Miraculous Powers* (1749), attacked the reliability of the church fathers; see *Not Paul, but Jesus*, p. 2. On Middleton see H. Trevor-Roper, 'From Deism to History: Conyers Middleton', *History and the Enlightenment*, ed. J. Robertson (New Haven, 2010), pp. 71–119. Jefferson, who was likewise influenced by Middleton, argued that Paul had corrupted Christianity; see *The Writings of Thomas Jefferson*, ed. H. A. Washington, vol. 7 (Washington D.C., 1854), p. 156. Hoadly denied that episcopacy was 'jure divino' and accepted the validity of the ordinations of Presbyterians during the Interregnum. He also criticized High Church readings of Paul's advice in Romans 13; see S. Taylor, 'Hoadly, Benjamin (1676–1761)', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/13375> (2004: Oxford, online edn., 2008).

[61] *Church-of-Englandism*, p. 422.

[62] Schofield, *Utility and Democracy*, p. 175.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

political affairs: the end of government, Dick wrote, is the 'preservation of peace between man and man, and not the accomplishment of any religious enterprise'.[63] Establishments were criticized on the basis of their 'inutility' and their failure, especially in the case of the Church of Ireland, adequately to serve the majority of the population.[64] Like Bentham – and Mill – voluntaries, with reference to the Church of England's persecuting past, especially its record in Scotland, condemned the poisonous influence of the Anglican bishops on the religious and political life of the country. In language reminiscent of Bentham, it was declared that voluntaryism

> would eradicate abuses which for ages have struck their roots into the very vitals of the British constitution – which, for their support, draw upon the wealth, the influence, and pride of a powerful aristocracy . . . and which are intertwined with the existence of a thousand selfish interests within Windsor and Lambeth.[65]

Presbyterian voluntaries championed democratic government in the religious and political spheres, railing against the principles of passive obedience propagated, many argued, by the hierarchical church-state buttressed by the Church of England and its Kirk ally.

The Scottish Seceders with their theoretical arguments against establishments have been credited with sparking the British-wide voluntary campaign, inspiring English dissenters and Benthamite Radicals, whose grievances were more practical, to take up the cause.[66] Voluntaryism in Scotland, and the interlinked protest for democratic political reform, emerged from the Scottish Enlightenment

[63] Andrew Coventry Dick, *Dissertations on Church Polity* (Edinburgh, 1835), p. 6.

[64] 'Scottish Church Establishment', *Reformers' Gazette* (27 Apr. 1833). See also Marshall, *Ecclesiastical Establishments*; Marshall, *Ecclesiastical Establishments Further Considered*; Ralph Wardlaw, *National Church Establishments Examined* (London, 1839); John Ballantyne, *A Comparison of Established and Dissenting Churches* (Edinburgh, 1827). In response to these claims a Kirk spokesman maintained that Jesus' statement should not be taken as an endorsement of the principle of voluntaryism. Jesus meant to condemn only those establishments 'abused and corrupted by the secular ambition of ecclesiastics', that is, the Church of Rome. The Church of Scotland, by contrast, with its two kingdoms ecclesiology, renounced all 'pretensions to supremacy in the state'. *Defence of Ecclesiastical Establishments* (Edinburgh, 1830), pp. 12–13.

[65] 'Address to the Rev. Leaders of the Voluntary Church Movement', *United Secession Magazine* (Sept. 1834). See also Andrew Marshall, *Meditations for the Reform Jubilee* (Glasgow, 1832).

[66] G. I. T. Machin, *Politics and the Churches in Great Britain 1832–1868* (Oxford, 1977), pp. 100–1; I. Machin, 'Disestablishment and Democracy, c.1830–1940', *Citizenship and Community: Liberals, Radicals and Collective Identity in the British Isles 1865–1931*, ed. E. F. Biagini (Cambridge, 1996), p. 122; Brown, 'Rise of Liberalism', p. 687; S. J. Brown, *Providence and Empire 1815–1914* (Harlow, 2008), pp. 83–5; S. J. Brown, *Thomas Chalmers and the Godly Commonwealth* (Oxford, 1982), pp. 220–1; W. H. Mackintosh, *Disestablishment and Liberation: The Movement for the Separation of the Anglican Church from State Control* (London, 1972), pp. 3–5.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

inheritance, a commitment to two kingdoms ecclesiology and a belief in the God-given right of all to participate in government. It was common for Presbyterians to criticize interpretations of Paul and his apparent justification of passive obedience and divine right in Romans 13.[67] Voluntaries insisted that their position was only the logical conclusion of the New Light argument posited by their Seceder predecessors in the 1790s and the strict anti-erastianism of the original Seceders in the 1730s, and they cited more from the Bible and from Presbyterian theorists than from contemporary philosophy to support their argument.[68] Indeed, Andrew Coventry Dick explicitly rejected Bentham's principle of utility in his writings.[69] The prospectus of the *Edinburgh Voluntary Churchman*, moreover, declared the principle of voluntaryism to be 'a great Scripture truth . . . which is not to be hammered on the anvil of policy, and fused in the furnace of the Utilitarians'; it was, rather, 'a law from heaven'.[70] Nevertheless, Bentham's line of thought – though not his rejection of natural and revealed religion – and his Mill-inspired anti-episcopal rhetoric accorded well with the Presbyterian voluntaryist position. Bentham and Mill published writings condemning ecclesiastical establishments before Andrew Marshall. There may have been an exchange of ideas and a fusion of influences and motivations which lay behind the British voluntary campaign.[71]

Indeed, an exposition of the activities of William Tait suggests that Presbyterianism and Benthamism may have had a combined influence on Scottish voluntaryism. William Tait was the Edinburgh publisher responsible for the publication of the Bowring edition of Bentham's works, which also appeared in instalments in *Tait's Edinburgh Magazine*, a radical organ founded by Tait to counter the conservative *Blackwood's Edinburgh Magazine*. Tait and Bentham corresponded in 1831 after Tait requested through John Bowring a statement on Bentham's attitudes to political unions, which Tait himself supported. Tait remarked that Bentham's writings were 'far

[67] See e.g. Wardlaw, *National Church Establishments*.

[68] See e.g. William Peddie, *Discourses* (Edinburgh, 1846), pp. 12–13, 92; Robert Rainy and James Mackenzie, *Life of William Cunningham D.D.* (London, 1871), p. 88; Andrew Ferrier, *Nebuchadnezzar's Golden Image: A Sermon on Civil Establishments of Religion* (Glasgow, 1836), p. 36.

[69] As did John Cairns, leading minister in the United Presbyterian Church in the second half the nineteenth century. Alexander R. Macewen, *Life and Letters of John Cairns D.D. L.L.D.* (London, 1895), p. 515; Andrew Coventry Dick, *The Nature and Office of the State* (Edinburgh, 1848), pp. 5–6.

[70] *Edinburgh Voluntary Churchman* (Aug. 1835).

[71] S. J. Brown does allude to the influence of Bentham and Mill's writings on disestablishment in *Providence and Empire*, pp. 83–5, and *National Churches*, pp. 169–70.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

too little known'. In reply Bentham sent Tait a list of his works, recommended his *Radical Reform Bill* and offered to send the publisher copies of his writings.[72] Tait was evidently a close enough friend of Bentham to receive one of Bentham's mourning rings.[73] Though a member of the Church of Scotland, Tait, who was brother-in-law of the Whig politician and voluntary champion Adam Black, was imprisoned in 1833 for his resistance to the Edinburgh annuity tax. Those who resisted the tax were celebrated as martyrs for the cause of civil and religious liberty.[74] Invoking Presbyterian resistance theory, the Rev. John Brown, who had his own goods seized as a consequence of non-payment, justified his stance by preaching that obligation to obedience ceased when the magistrate issued commands at variance with the law of God. Compulsory assessment, it was claimed, was in opposition to the will of God and infringed liberty of conscience.[75] Tait spent four days in Calton Jail, and on his release he was treated like a hero; a procession of trades' deputies escorted him home.[76] Tait's letters from prison were printed in *Cobbett's Weekly Register* and were addressed to the ministers of the Kirk. Tait insisted that nowhere in the New Testament was assessment for religion justified, and declared true Christianity to be founded on 'the Apostles and Prophets' and Jesus Christ himself, who had proclaimed his kingdom to be 'not of this world'. Articles in *Tait's Edinburgh Magazine* – a publication which included contributions from John Stuart Mill – insisted that Scotland did in fact suffer from 'Church-of-Englandism', since the burden of tithes heightened the price of corn. Tait's arguments – his motivation for his protest – were probably a blend therefore of Benthamite ideas and Presbyterian ecclesiology.[77]

The similarity of their positions meant that some Presbyterian ministers were able to find common cause with Benthamite Radicals. Kirk supporters denounced the radical political aspect to voluntaryist dissent. It was reported that at the Lords' rejection of the Reform Bill, the Rev. Henry Renton of Kelso had delivered a 'violent tirade',

[72] *The Works of Jeremy Bentham*, ed. John Bowring, 11 vols. (Edinburgh, 1838–43), vol. 11, pp. 67–8.

[73] *The Old Radical: Representations of Jeremy Bentham*, ed. C. Fuller (London, 1998), pp. 55–6.

[74] See e.g. Duncan Maclaren, *History of the Resistance to the Annuity Tax* (Edinburgh, 1836).

[75] John Brown, *The Law of Christ Respecting Civil Disobedience* (London, 1839). See also Thomas Russell, *The Annuity Tax Opposed to the Law of God, and Therefore Not Binding on Man: In a Letter to Members of the Church of Scotland* (Edinburgh, 1836).

[76] *Memoirs of Adam Black*, ed. Alexander Nicolson (Edinburgh, 1885), pp. 84–5.

[77] 'Scotland Taxed Because of Church-of-Englandism', *Tait's Edinburgh Magazine* (May 1832); 'Edinburgh Annuity Tax', *Cobbett's Weekly Register* (24 Aug. 1833); 'Passive Resistance of Edinburgh, to the Clergy-Tax', *Tait's Edinburgh Magazine* (Sept. 1833).

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

which breathed almost revolution, abused the bishops and hinted that the king was of 'no utility'.[78] Voluntaries were set on overturning the religious, hierarchical and monarchical foundations of society, it was claimed, and were implementing a campaign of widespread agitation, including allying with radical politicians, in order to do so. Politicians associated with the voluntaries included John Bowring, Bentham's literary executor, who was elected MP for the Kilmarnock burghs in 1835 and who became embroiled in the 'church question'. Tait's *Magazine* supported his candidacy in the 1837 elections, praising Bowring for his stand against the Kirk's Sabbath Bill and his support for Irish church reform. His defeat by an ultra-evangelical Tory, it was claimed, was owing to the 'religious bigotry' of Kirk supporters.[79] Tempers ran so high at the election that an opponent of Bowring apparently proclaimed 'we will have a religious man to represent us, even if we have to go to hell to find him'.[80] James Aytoun, William Gillon, Andrew Johnstone, Daniel O'Connell, Henry Warburton and Joseph Hume were also associated with Presbyterian dissent. Hume endorsed the government's plans for national Irish education on behalf of Scottish dissenters. The last three were all intimately connected to Bentham. Some voluntaryist clergymen celebrated their connection to Radical politicians, even advocating at a later point an alliance between voluntaryist dissent and Chartism.[81]

Furthermore, Radical MPs and Presbyterian voluntaryist ministers were allied in their support for Canadian reform. The protest in the colonies for constitutional and political reform had been sparked, to a certain extent, particularly in Upper Canada and Nova Scotia, by Scottish Presbyterian emigrants, who protested against the establishment there of the Anglican Church.[82] Believing that the protest in the colony supported the arguments set out in *Church-of-Englandism*, Bentham appended the Upper Canadian petition for disestablishment to his *Book of Church Reform*, the *Church-of-Englandism* excerpt published in 1831.[83] Hume and Warburton

[78] *A Second Exposure of the Sentiments and Projects of the Voluntary Church Association* (Edinburgh, 1833), p. 6; 'To Editor', *Presbyterian Magazine* (Feb. 1833).

[79] 'The Scottish Members of Parliament', *Tait's Edinburgh Magazine* (Feb. 1837); 'The Elections', *Tait's Edinburgh Magazine* (Sept. 1837).

[80] I. G. C. Hutchison, *A Political History of Scotland 1832–1924: Parties, Elections and Issues* (Edinburgh, 1986), p. 19.

[81] See e.g. The Voluntaries in Belfast, 3rd edn. (Edinburgh, 1836), p. 13; Andrew Marshall, *The Duty of Attempting to Reconcile the Unenfranchised with the Enfranchised Classes* (Edinburgh, 1840).

[82] M. Gauvreau, 'Covenanter Democracy: Scottish Popular Religion, Ethnicity, and the Varieties of Politio-religious Dissent in Upper Canada, 1815–1841', *Histoire Sociale / Social History* 36 (2003), 55–83; Wallace, 'Exporting Radicalism'.

[83] Jeremy Bentham, *The Book of Church Reform* (London, 1831), pp. 24–7.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

represented the colonists' cause, and championed Bentham's position against Anglican education, in Parliament, where they denounced the Anglican foundation of the King's Colleges: the two institutions of higher learning in Upper Canada and Nova Scotia.[84] The cause was championed by Scottish clergymen, while articles supporting the reformers appeared in the radical press.[85] In May 1838 *Tait's Edinburgh Magazine* published an excerpt from Bentham's *Emancipate Your Colonies!*, relating the work to contemporary events in Canada.[86]

Scottish radicalism in the 1830s had voluntaryism at its core. Rather than being founded on atheism, as J. C. D. Clark maintains, Scottish radicalism was underpinned to a significant extent by Presbyterian tradition and inspired by ecclesiological theory; it seems it was also laced with Benthamic influence. The Benthamite position on disestablishment and Presbyterian voluntaryism harmonized well; Scottish dissenters and Benthamite Radicals – regardless of their personal beliefs on religion – combined forces to protest against the Church of Scotland's established status and to agitate for political reform. As Eileen Groth Lyon has observed, Christian radicals sympathized with the 'socio-political aspirations' of secular radicals while 'eschewing their religious indifference'; anti-clericalism did not necessarily equate with atheism.[87] Presbyterian voluntaryists were determined to see Christianity flourish by unshackling it from the state, while Benthamites were not automatically anti-religious. Rhetoric in the radical press was thus influenced by a diverse range of perspectives, including, amongst others, utilitarianism and Presbyterianism. Newspapers like the *Herald to the Trades Advocate*, which has been described as a 'curious mixture of the eighteenth-century critique of old corruption and Benthamite utilitarianism',[88] also expressed Presbyterian ideas of popular resistance by condemning clergymen for advocating the principles of passive obedience. The article argued that the people had a divine right to rule and insisted that, with disestablishment, tyranny would fall.[89] Similarly, the

[84] Hansard HC Debs., 3rd ser., vol. V, 25–6 July 1831, cols. 282, 383.

[85] See e.g. 'Canada – Standing Armies', *Tait's Edinburgh Magazine* (Nov. 1837); 'Affairs of Nova Scotia', *The Scotsman* (26 Jan. 1831). On the Radical Benthamite support in Britain for Canadian reform, see also M. J. Turner, 'Radical Agitation and the Canada Question in British Politics, 1837–41', *Historical Research* 79 (2006), pp. 90–114.

[86] 'Benthamisms', *Tait's Edinburgh Magazine* (May 1838).

[87] E. G. Lyon, *Politicians in the Pulpit: Christian Radicalism in Britain from the Fall of the Bastille to the Disintegration of Chartism* (Aldershot, 1999), pp. 49, 72–3.

[88] Pentland, *Radicalism*, p. 150.

[89] 'Passive Obedience; or Non-Resistance', *Herald to the Trades Advocate* (4 Dec. 1830). For contemporary attitudes expressed in the paper, see also 'To Editor', *Herald to the Trades Advocate*, 6 Oct. 1830; 'To Editor', *Herald to the Trades Advocate* (20 Nov. 1830).

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

Reformers' Gazette, edited by Peter Mackenzie, a correspondent of Joseph Hume, endorsed the principles of Presbyterian voluntaryist ministers and advocated political reform and disestablishment. It denounced priestcraft and established churches as 'heathenish institutions' whose members 'courted wealth and power', unlike the 'meek and lowly' Christ.[90] Similar arguments were espoused in the *Glasgow Argus*, *The Agitator*, the *Scots Times* and the *Radical Reformer's Gazette*. According to an *Argus* article, the Kirk was imitating Anglicanism, and this 'bifarious hierarchy' had become the 'bulwark of tyrannising Toryism'.[91]

V

Benthamite radicalism was not, it transpires, as straightforwardly secularist as is sometimes assumed. James Mill's immersion in Presbyterianism coloured his attitudes towards the Church of Scotland and engendered in him an aversion to hierarchical government. This bias arguably inspired Bentham's favourable depiction of the Kirk in *Church-of-Englandism*, which is infused with anti-episcopal rhetoric. This depiction would doubtless have suited Scottish Presbyterian tastes; Bentham's position on disestablishment and his endorsement of the scriptural validity of Presbyterian church government were aligned with a voluntaryist strain of Presbyterian ecclesiological theory. In his efforts to praise the Scottish system, however, Bentham overlooked what some contemporaries perceived to be abuses inherent within the Kirk, and he neglected to apply his arguments for disestablishment to Scotland. It was left to Presbyterian dissenters and to Benthamite Radicals to protest against the Church of Scotland's established status. A radical voluntary campaign emerged in Scotland in the 1830s, possibly partly inspired by the complementary ideas and rhetoric of Benthamism and Presbyterianism. It sought the overthrow of the church-state and instead the institution of a more secularized society underpinned by political democracy and religious voluntaryism. Grasping the significance of the alliance between voluntaryist dissent and Benthamism, which partly underpinned Scottish radicalism in this period, allows us to understand better the Rev. Micah Balwhidder's fearful comment that his parishioners would 'secede from Christianity to become Utilitarians'. Dissenters who supported the repeal of the Corn Laws were criticized for embracing proposals for a new poor law, for rejecting the paternalist ideal of the godly commonwealth and

[90] *Reformers' Gazette* (15 Oct. 1831); *Reformers' Gazette* (14 Apr. 1832).
[91] 'The Church', *Glasgow Argus* (3 Mar. 1838).

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press

for championing economic individualism at the expense of the poor.[92] Voluntaryist ministers were banded with papists, radicals and infidels, it was claimed, and accused of following 'wretched political economists who look for happiness and prosperity of the nation in its outward wealth and visible resources'.[93] The traditional Scottish parish system and the old order of church and state were perceived to be breaking down as a consequence of the voluntaryist radical onslaught. Though Bentham commended the Kirk, in the end it seems his ideas may have helped – almost – to bring about its collapse.[94]

vwallace@wcfia.harvard.edu

[92] The Rev. Thomas Chalmers, leader of the campaign to defend the national church, criticized Benthamite poor law reform. In response, an article in the *Westminster Review* by John Hill Burton declared Chalmers's godly commonwealth experiment in Glasgow to have been a failure. Brown, *Thomas Chalmers*, pp. 232, 294–5; [John Hill Burton], 'Poor Laws and Pauperism in Scotland', *Westminster Review* (Oct. 1841), pp. 381–403.

[93] James Esdaile, *The Voluntary Church Scheme without Foundation in Scripture, Reason or Common Sense* (Perth, 1834), p. 36.

[94] I should like to thank J. H. Burns, Colin Kidd, Michael Quinn, Philip Schofield and Miles Taylor for reading and commenting on earlier drafts of this article.

https://doi.org/10.1017/S0953820811000434 Published online by Cambridge University Press