The Religion of a Lawyer?
William Blackstone’s Anglicanism

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William Blackstone’s Anglicanism was neither so intolerantly High Church nor so pragmatically supportive of the socio-political order as recent writers have suggested. Blackstone’s views did not remain constant over his life, and while his first published work does display an intense commitment to the Established Church, his later dealings with Dissenters point to the development of a less combative, more eirenic position.

I

We scarcely think of George Yule as an historian of Anglicanism. Yet the considerable extent to which godly reformation of the Ecclesia Anglicana remained a common, or at least widely-shared goal, even despite clear lack of agreement as to how that end might best be achieved, is a theme which runs through Yule’s various accounts of religious life in early modern England, both before and during the great upheaval of the mid-seventeenth century. He also emphasized that before 1660 ‘to make hard and fast distinctions between Anglicans and Puritans in general terms is positively misleading’. The reason was simply stated: apart from a few sectaries ‘not only were all Puritans Anglicans but the style of the English Church could be described as predominantly Puritan’. Hence ‘the impossibility of sharply drawing lines between Puritans and so-called Anglicans’, at least before the Stuart restoration. ¹ The return of the monarchy and the bishops in 1660 initiated developments which made it increasingly difficult to posit the essential unity of English Protestants, especially after the Toleration Act of 1689. Yet some historians also now accept that even in the eighteenth century, relations between members of the Church of England and Protestant dissenters or non-conformists cannot be accurately or adequately characterized solely in terms of institutionalized denominational conflict.²

Among George’s extensive academic and extra-curricula interests, lawyers and their works, past or present, were hardly conspicuous. Even so, he did co-author a brief biographical account of John Cook (1608–60), the reformist barrister and Irish judge, best known for his lonely prominence as prosecutor of Charles I before the High Court of Justice and his subsequent trial and execution as a regicide. Cook’s character, ideology, and life history plainly had little in common with those of my subject, William Blackstone (1723–80), the academic lawyer and English judge best known for his celebrated *Commentaries on the Laws of England*, first published between 1765–69 and never subsequently out of print. It is possible, nevertheless, to discern some fleeting parallels and faint resemblances between the seventeenth-century radical Independent anti-monarchist and the eighteenth-century loyalist Tory Churchman, once we accept that Blackstone’s Toryism was an opposition ideology, a dissenting stance which challenged the corrupt, oligarchical Whig ecclesiastical–political establishment as it existed under George I and II. Blackstone and Cook both published on religious as well as legal subjects; both also exhibited the reformer’s characteristic disquiet with the status quo, and in particular expressed profound dissatisfaction with the state of legal education in their respective lifetimes. Nor is it clear that either would have recognized an absolute distinction between the spheres of nature and of grace.

Blackstone’s life history has tended to be largely subsumed within accounts of the genesis and impact of his magnum opus, which was and is a good deal more than mere legal textbook. His religious views have attracted attention only in the context of the fierce protests with which Dissenters greeted the fourth and final volume of the *Commentaries* on its publication in 1769. Two prominent Nonconformist ministers, the London-based Independent activist Philip Furneaux and his younger Socinian colleague Joseph Priestley, already known as a natural philosopher and politico-religious radical, each published pamphlets fiercely rejecting Blackstone’s account of the legal status of Protestant dissent in George III’s England. Their main objection arose from the inclusion of Protestant nonconformity in a chapter entitled ‘Of Offences against God and Religion’, as part of a volume dealing with the law

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of ‘public wrongs’, or in other words criminal law. To Priestley’s Remarks on Some Passages in the Fourth Volume of Dr Blackstone’s Commentaries relating to the Dissenters (July 1769), Blackstone responded two months later in A Reply to Dr Priestley’s Remarks, to which Priestley rejoined in turn the following month with An Answer to Dr Blackstone’s Reply (Leeds, October 1769). Across the Atlantic, where the first American printing of Blackstone’s Commentaries in 1771 had attracted a huge advance subscription, this controversy aroused sufficient interest to justify a reprint of these pamphlets the following year, together with Furneaux’s seven lengthy anti-Blackstone tracts.\(^5\)

This whole episode has generally been taken to confirm Blackstone’s close identification with the Established Church and corresponding antipathy towards Dissent, which, according to one knowledgeable modern authority, he indeed ‘hated’ with a ‘bitter passion’.\(^6\) For Jonathan Clark, in the first (1986) edition of his influential English Society 1660–1832, the Blackstone–Priestley interchange underlined the former’s high-flying Toryism: ‘The Commentaries mirror High Church doctrine in their attitude to the legal standing of Dissent’, because they implicitly rejected ‘the Lockeian concept of the Church as a voluntary society’. In Clark’s recent revised edition, Blackstone assumes even greater prominence, although a footnote now records his firm disavowal of Priestley’s imputed supposition that he had been addressing ‘a bigoted High-Church-man and of a persecuting Spirit in matters of religious Differences’.\(^7\)

How ought we to construe this denial? Was Blackstone merely playing a clever but insincere polemical game? Could it be that his personal religious adherence was little more than ‘conventionally Anglican’ in nature, primarily reflecting a prudential concern to uphold the established order of things, without involving any


'emotional attachment to the Anglican creed'? That is the view of Blackstone’s most recent and assiduous biographer, Dr Ian Doolittle, who attributes his subject’s Anglicanism to

an intellectual concern to preserve that beautifully balanced construct, the English constitution. Nonconformity was a threat: hence the fierce passages in early editions of the *Commentaries*; but, provided the social and political order could be upheld, dissent could be accommodated: hence the readiness to soften the offending words and indeed to help promote a Relief Act.  

In the second sentence quoted above, Doolittle refers first to the textual changes which Blackstone made – in direct response to his Dissenting critics – to the fifth (1773) and subsequent editions of the *Commentaries*. These will be considered further below. His closing allusion is to Blackstone’s role in the passage of an act of parliament to relieve Dissenting ministers and schoolmasters from their previous obligation to subscribe to the doctrinal articles of the Church of England. This measure eventually gained the assent of both Houses during 1779, the last year of Blackstone’s life. Here, Doolittle seemingly relies on a passage from the Epilogue to *Georgian Oxford*, W. R. Ward’s lovingly detailed account of eighteenth-century academic infighting, which traces the extension of concessions in matters of subscription to the doctrinal articles of the Church of England during the 1770s: ‘In January 1779 representatives of the dissenters began negotiations with the Primate and bishops, a Bill for their relief was drawn up and revised by Blackstone...’.  

Ward’s footnote indicates that his source for Blackstone’s involvement in this matter was a letter written by the Unitarian minister Theophilus Lindsey in January 1779. This as yet unpublished letter, which Ward does not quote directly and which Doolittle may not have consulted, reports to Lindsey’s correspondent, William Tayleur of Shrewsbury, that Frederick Cornwallis, Archbishop of Canterbury, had gained the support of some of his fellow bishops as well as the Prime Minister, Lord North, for parliamentary legislation to relieve Dissenting ministers and teachers from the burden of mandatory subscription. The relevant passage reads as follows:

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The ABC and those that had united themselves with him were certainly sincere in their intentions. His Gr. had spoken to Lo: N, who expressed his approbation. A Bill was drawn up, and afterwards revised by judge Blackstone.

In the absence of any further reference to Blackstone’s role in the matter (and none such is known to me), this passage alone hardly suggests that Blackstone was responsible for drafting the bill in question, let alone that he took any initiative in furthering its passage. Lindsey’s words seem rather to convey that Blackstone was only given the task of vetting a document already ‘drawn up’, presumably in the capacity of expert (albeit unofficial) legal adviser to the Primate and his episcopal colleagues.\(^ \text{10} \)

Be that as it may, we have here two divergent modern views of Blackstone’s religion. Whereas Willman and Clark depict him as an impassioned High Church Oxford Tory and hence inveterate enemy of Dissent, for Doolittle he was a pragmatic establishment intellectual, primarily concerned to maintain the Church’s prerogatives and national standing against potentially disruptive change from any quarter. Doolittle gave up a promising academic career in the early 1980s to enter legal practice; it is hardly surprising that his recent biography, very valuable as it is in numerous respects, exemplifies the once prevailing (post-Namier) orthodox view of the much diminished salience of religion in the mental and moral worlds of eighteenth-century England. Since Clark’s bombshell volume appeared in 1986, it has become increasingly difficult for political and social historians to ignore, marginalize, or rationalize Hanoverian religious preoccupations. Yet by highlighting dramatic denominational, intellectual, and theological conflicts, Clark’s revisionist picture is itself not free of distortion. With its focus largely on combative extremes and extremists both within and outside the Established Church, it tends to understate the extent of broad consensus among Churchmen, and even between Anglicans and Dissenters.\(^ \text{11} \) Returning to the case of William Blackstone, while he was unquestionably a champion of the Established Church,

\(^{10}\) Theophilus Lindsey to William Tayleur, London, 30 January 1779, Unitarian College Manuscripts, John Rylands Library, University of Manchester. Blackstone’s Wallingford friend and neighbour Shute Barrington, Bishop of Llandaff, may well have acted as intermediary.

\(^{11}\) Cf. Stephen Taylor’s insistence that the ‘dominant themes of eighteenth-century religious thought were irenicism, charity, and a desire to avoid controversy’ (‘Church and State in England in the mid-eighteenth century: the Newcastle years 1742–1762’, Cambridge University PhD thesis, 1984, p. 216).
his religious attitudes, particularly his stance towards Dissent, did not remain constant throughout his life, and are not effectively captured by either Clark’s or Doolittle’s formulation.

II

Having once attempted to generalize about the religious attitudes of barristers in pre-Civil War England, I fully sympathize with David Lemmings’ evident reluctance to be diverted from his investigation of the bar’s legal culture into a similar exercise for their counterparts throughout the entire eighteenth century. In any case, even supposing that it might be possible to lay down a standard template of Hanoverian legal religiosity, it seems doubtful that any such model could be made to fit so atypical a common lawyer as William Blackstone.

In a nutshell, what differentiated Blackstone from other legal practitioners active over the mid- to later eighteenth century was his academic persona. Lemmings’ research suggests that around half of all those men called to the bar during the eighteenth century had attended either Oxford or Cambridge university. Blackstone, however, after graduating BCL in 1745, stayed on in Oxford for a further 21 years, as fellow of All Souls College, Doctor of Laws, Foundation Vinerian Professor of the Laws of England, and finally Head of House. Indeed, his formal Oxford connection, from matriculation as an undergraduate in 1738 to resignation of the Vinerian chair and principalship of New Inn Hall in 1766, lasted for nearly thirty years, more than half his full life span. Blackstone was indeed crucially moulded by his academic affiliations and experiences.

The early deaths of both parents had left him and his two elder brothers under the care of his mother’s family, including Dr Henry Bigg, fellow of New College, Oxford, and then Warden of its sister institution Winchester, where both his brothers went to school before their almost inevitable progression to New College and Holy Orders. London’s Charterhouse, where their younger brother William began his brilliant academic career, and Pembroke College, Oxford, where he matriculated at the age of fifteen, were equally identified with the Established Church. Given his family and institutional connections, Blackstone’s personal adherence to the

Church of England is entirely as we might expect. The same goes for the tone of lofty derision in which he reported ‘a curious Sermon from Wesley ye Methodist’ in August 1744:

Among other equally modest Particulars, he informed us first That there was not one Christian among the Heads of Houses; secondly that Pride, Gluttony, Avarice, Luxury, Sensuality, & Drunkenness were the general Characteristicks of all Fellows of Colleges, who were useless to a proverbial Uselessness. Lastly, that the younger Part of the University were a Generation of Triflers, all of them perjured, & not one of them of any Religion at all. His Notes were demanded by the Vice-Chancellor, but on mature Deliberation it has been thought proper to punish him by a mortifying Neglect.  

Less predictable, however, was his early public expression of that personal identification with the Church of England, in a work ‘written at the University, towards the close of the year 1743’, the same year in which he gained election, at his second attempt, to the fellowship of All Souls College. The Pantheon: A Vision was published anonymously by Richard Dodsley in 1747; its ascription to Blackstone rests on his letter originally accompanying a presentation copy sent to an All Souls colleague, and also on the published recollections of Richard Graves, another Oxford near-contemporary, who claimed that the work was published ‘by my persuasion ... but being on a serious subject, and coming out precisely at the time of some of Gray’s Odes, it was less noticed than it deserved’. The

14 Charterhouse Archives No. 088, William Blackstone to Seymour Richmond, Oxford, 28 August 1744.
prefatory ‘Advertisement’ to The Pantheon’s 460 lines of post-Miltonic blank verse explains its author’s aim as to ‘take a Poetical View of the several Religions, that have prevailed in the World’ (or in the words of the phrase from Virgil’s Georgics which adorn the title page, ‘Sanctos ausus recludere fontes’ – ‘daring to reveal the sacred fountains’).

These religions – Paganism, Islam, Judaism, and Christianity – are ‘represented by different Genii residing in their different Temples, with the proper Symbols of their respective Faiths’. (The detailed elaboration of the built form housing each creed reflects Blackstone’s keen personal interest in the theory and practice of architecture.)

Christianity is further ‘subdivided into Three, viz. Popery, Sectarism, and true Religion; by which last the Author would be understood to mean THE CHURCH OF ENGLAND: a Church, he believes, both in its Doctrine and Constitution, the most pure and Apostolical upon Earth’.

This verse essay in comparative religion is presented as the waking vision of a narrator conducted by ‘a rev’rend shape’ (later revealed as his ‘guardian Seraph’) on a guided tour of ‘RELIGION’S sacred fane’. Predictably, the ‘Pagan dome’, ‘stately mosque’ and Jewish temple are represented in largely negative terms. Within the realm of Christianity, neither ‘Rome’s grey genius’ nor ‘the adverse structure’ – that is, non-Anglican Protestantism – receive anything like a positive or approving depiction. Blackstone, however, disposes of popish ‘Tyranny’, ‘Persecution’, ‘Ignorance’ and ‘Superstition’ in a mere 24 lines (290–314). He then proceeds to elaborate at more than twice that length on ‘wild Anarchy’, ‘Enthusiast Zeal’, ‘Schism’ and ‘Hypocrisy’, the parents of ‘the jarring crew, in all besides/Dissentient’, who ‘Support with stubborn league the good old cause’.

Various stock figures appear, including the ‘precisely sour’ elder who ‘gloats on the saintly dames that grace his flock’, and the ‘secret band’ in ‘jesuit-weed

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17 Georgics, Bk. 2, line 175; Joseph Addison used lines 173–75 as the epigram for his Whiggish ‘Letter from Italy’ (1701). The Pantheon’s ‘Advertisement’ acknowledges a debt ‘for some material Hints, to an Essay of Mr Addison’s on a similar Subject; though treated by him in a very different Manner’ (Sig. A2); the reference is to The Tatler, no. 257 (28–30 November 1710), where Addison purports to describe ‘a Show at this Time carried up and down in Germany, which represents all the Religions of Great Britain in Wax-work’.


19 The Pantheon, sig. A2.

20 The Pantheon, pp. 8–9, 29.
and monkish cowls array’d’ who change their dress to ‘sable cloaks and puritan disguise’ in order to ‘fire the crowd’ (315–69). Needless to say, this wholly unprepossessing crew merely serves to highlight the ‘aspect grave, yet cheerful, and divine’ presented by ‘True Religion’ – that is, the Church of England – supported by ‘mitred Moderation’, ‘Gay Liberty, Britannia’s darling saint’, ‘Sweet Piety’ and ‘Science, her leaden shackles broke’, while ‘On either hand/ She rests, incumbent, on two gentle maids, /Fair Cam, and Isis crown’d with learned tow’rs’.

In short, *The Pantheon* suggests that young William Blackstone’s commitment to the Church of England was somewhat more intense and substantial than the cool, conventional establishmentarianism discerned by his most recent biographer. This impression is reinforced by a further body of evidence, the collection of books once owned by Blackstone and now held in the library of Balliol College, Oxford. These include more than a token scattering of theology, church history and apologetics, sermons and other religious works: for example the learned Anglican controversialist Dr Joseph Trapp’s *Popery Truly Stated, and Briefly Confuted* (2nd edn., 1727), which Blackstone evidently acquired as an undergraduate in 1739; *The Daily Office of a Christian Being The Devotions of...William Laud* (5th edn., 1688); an annotated copy of the whiggish John Conybeare’s anti-Deist *A Defence of Reveal’d Religion* (Oxford, 1732); and a similar work by the non-juror Charles Leslie (1650–1722), both also dating back to Blackstone’s student youth. Blackstone hardly confined himself to authors of what might loosely be termed High Church sympathies. While such works were represented in his personal library, its shelves also evidently housed the writings of a surprisingly heterogeneous assortment of late seventeenth- and early eighteenth-century divines, including Bishop Robert Sanderson (1587–1663), Cambridge’s Isaac Barrow

21 *The Pantheon*, pp. 23–27.
22 Blackstone here echoes Addison: ‘She bore an inexpressible Cheerfulness and Dignity in her Aspect...’ (*Tatler*, no. 257).
24 Balliol College Library, 1550 b 11; 1500 a 36; 1550 f 22; 1550 c 2 (*A Short and Easie Method with the Deists*, fifth edition, [London, 1712]). I am most grateful to the College Librarian, Dr Penny Bulloch, and her colleagues Ms Jenny Smith and Mr Alan Tatiello, for much kind assistance afforded to my consultation of the numerous items acquired by Balliol from New Inn Hall.
25 1550 b 15: *De Obligatione Conscientiae* (London, 1682), with flyleaf signature ‘W. Blackstone Coll Pem’.

(1630–77), the Calvinist John Edwards (1637–1716), the Irish pamphleteer and psalmist John Patrick (1632–95), the ultra-orthodox whig Daniel Waterland (1683–1740), and William King, archbishop of Dublin (1650–1729), together with Hugo Grotius’s frequently reissued De Veritate Religionis Christianae, a volume of Port Royal tracts, and a Greek psalter. Blackstone both owned and annotated an extensive collection (now in the Codrington Library at All Souls) of the works of William Prynne, whose achievements as ‘a painful and judicious antiquarian’ evidently outweighed his theological heterodoxy, at least in Blackstone’s eyes. Finally, while antiquarian, historical, and legal material predominates among the shelfmarks of books which Blackstone called up from the Bodleian Library’s stacks between the 1740s and 1760s, he appears also to have ordered John Eachard’s Grounds and Occasions of the Contempt of the Clergy and Religion Enquired into (London, 1670), as well as numerous works by the orientalist and ecclesiastical historian Humphrey Prideaux (1648–1724). 

1550 d 3: Of the Love of God and of Our Neighbour, III (1680), signature ‘W Blackstone’ on flyleaf, annotated ‘Barrows VIII Sermons’.
1550 a 30: The Psalms of David in Meter: Fitted to the Tunes used in Parish-Churches (London, 1694); William Blackstone book label.
1550 f 8: Scripture Vindicated; In Answer to a Book intituled, Christianity as old as the Creation (London, 1731; Cambridge, 1731–32); William Blackstone book label, and holograph annotations.
1550 b 5: Discourse Concerning the Inventions of Men in the Worship of God (London, 1696); William Blackstone book label.
1550 b 1: Hugo Grotius, De Veritate Religionis Christianae (Hague, 1734); William Blackstone book label on front cover verso; annotated ‘Lib NIH; DD William Blackstone’ and pencil signature ‘W Blackstone’ on first leaf.
Bodleian Library, Oxford, Library Records e 554 fol. 54v (2 October 1744); e 559, 18 August 1757.
As our everyday experience confirms, books owned and ordered cannot be exactly equated with books read. But the bibliographical evidence suggests that Blackstone did take a serious interest in religion and theological issues, perhaps especially as an undergraduate at Pembroke College during his late teens. Overall, the authors whom he favoured were orthodox Anglican divines, as distinct from non-Jurors, Dissenters, Latitudinarians, or heterodox anti-Trinitarians. Towards such erring Protestant brethren the youthful Blackstone evidently entertained few charitable impulses. Indeed the concluding stanzas of *The Pantheon* depict the collapse of all rival religions and the consequent enlargement of ‘Our sacred structure’ by ‘numbers numberless... the pride of ev’ry clime’. The narrator then ‘amid the zealous throng’, prostrates himself in prayer:

> Accept, great Parent, source of Truth, accept  
> These tributary vows, this slender All,  
> The last, the meanest of thy sons can pay!  
> O may’st thou stand till time itself shall fail,  
> Rocklike, tho’ papal storms around thee roar,  
> Or hollow faction’s undermining guile  
> In secret plot thy fall! Long may’st thou reign,  
> Restor’d to all thy rights, and, greatly just,  
> Reform, with due severity, mankind;  
> Bid from the dust her head pale Virtue rear,  
> From recreant Prelates strip the sullied lawm,  
> And teach the Atheist not to scorn his God;  
> Then, fill’d with deathless glory, from the world  
> Triumphant rise, and fix in heav’n thy throne!  

In the covering letter from the Middle Temple which accompanied presentation copies of his printed poem, Blackstone emphasized that it ‘was written when I was under ye Age of 21, in a state of legal Infancy; [ever: interlined] since w[hi]ch time I have absolutely bid adieu to such amusements; finding myself as unfit for them, as they are for ye Profession I have engaged in’.  

However, he did not repudiate the content as distinct from the form of *The Pantheon*, even if he may have reluctantly accepted the incompatibility of a literary

36 *The Pantheon*, pp. 29–32.
37 Codrington Library, MS 306.
with a successful legal career (on which theme his poem ‘The Lawyer’s Farewell to his Muse’ had already been published by Dodsley in 1744). Indeed, the notes which survive from the lectures on English law which Blackstone began to deliver in the hall of All Souls College from 1753 onwards also contain some hostile comment on Dissent, including passages edited out of the published versions of those lectures when they appeared in print as the Commentaries on the Laws of England. How, then, are we to explain the manner and extent of Blackstone’s backdown, when faced with a barrage of Nonconformist objections to the fourth volume of the Commentaries?

As already mentioned, in 1769 Blackstone began his published reply to Joseph Priestley’s Remarks on Some Paragraphs In the Fourth Volume of Dr Blackstone’s Commentaries by repudiating Priestley’s supposition (or purported assumption) that the Commentaries were written by a bigotted and would-be persecuting High Churchman. It might be contended that this was merely a tactical move on the part of a veteran politician and polemicist, and hence not to be taken at face value. However the disavowal is consistent with the fact that Blackstone did acknowledge the justice of some of Priestley’s principal criticisms, in what the latter himself later termed a ‘genteel and liberal answer’. Blackstone’s undertaking to amend the offending passages in future editions was also no mere matter of form. The full extent of the changes made is somewhat understated by Clark, who writes that although Blackstone ‘altered the wording of a subsequent edition, he did not abandon his position that nonconformity as such was a crime’. On the latter issue, which plainly possessed more symbolic than strictly legal significance, Blackstone seems rather literal-minded, even pedantic in his insistence that the 1689 Toleration Act had failed to repeal the various pre-existing penal laws (notably the Test and

38 Doolittle, William Blackstone, pp. 5–6, and n.22. Given the nominal nature of inns of court membership, Blackstone’s admission to the Middle Temple in 1741 seems insufficient reason for antedating this poem to that year.


Corporation Acts of 1661) in matters of religion, as parliament could have done had its intention been to ‘abolish both the crime and the penalty’ of nonconformity. But while never abandoning his position that ‘these statutes oblige me to consider nonconformity as a breach of the law’, Blackstone did also make quite substantial alterations to the wording of the chapter ‘Of Offences against God and Religion’ for the 1773 and succeeding editions of his fourth volume. Although a full analysis of Blackstone’s writings on church–state matters must await another occasion, one leading example with respect to ‘the offence of reviling the ordinances of the church’ is set out at the end of this article. The cuts and additions did not merely soften the acerbity of his anti-dissenter rhetoric, but largely restricted its application to historical, as distinct from contemporary, circumstances and figures. Indeed, his main tactic was to claim that critics had mistaken remarks about republican zealots of the mid-seventeenth century as applying to themselves and fellow mid-eighteenth century non-conformists.

In An Answer to Dr Blackstone’s Reply, Priestley expressed his thanks for the ‘generous manner’ of these concessions, and reiterated his admiration for ‘a work so valuable as yours’. Five years later, after the appearance of the amended fifth edition of the Commentaries in 1773, when Priestley happened to testify as witness in an assizes case tried before Blackstone, he was gratified to report to his friend Theophilus Lindsey that ‘Judge Blackstone was exceedingly civil, and took several occasions of paying me compliments’. Such cordial nodding and bowing is not easily reconciled with Clark’s stress on the depth and pervasiveness of conflict between Anglicans and Dissenters throughout the long eighteenth century, and especially his claim that the 1770s saw a heightening of tension as conservative Churchmen battened down the hatches against renewed assaults from both heterodox anti-Trinitarians and resurgent dissenters. In the light of Clark’s reading of later eighteenth-century ecclesiastical history, it also seems very odd that in February 1780, just after Blackstone’s death, John Lee, the Unitarian barrister-

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41 Blackstone, Reply to Dr Priestley’s Remarks, in The Palladium of Conscience, p. 42. A full conspectus of all alterations made to the successive editions of the Commentaries issued during Blackstone’s lifetime is provided by William G. Hammond’s edition (San Francisco: Bancroft-Whitney Company, 1890), 4 vols.

42 Cf. Taylor, ‘Church and State’, p. 58.


44 Clark, English Society, pp. 229, 249–51.
politician who had first encouraged Priestley’s pamphlet challenge to Blackstone, should have been questioned by Blackstone’s former student and fellow penal reformer William Eden on the delicate issue of a possible state pension for Lady Blackstone, in the hope that Lee might be better informed ‘of the internal state of the Family’ (particularly Lady Blackstone’s likely life expectancy). 45

These apparent hints of at least amicable personal relations between Blackstone and some leading representatives of anti-Trinitarian heterodoxy may seem less bizarre once we accept that the eighteenth-century Church of England was a large, diverse and eirenic body with which many Dissenters maintained at least intermittent communion. Notwithstanding his youthful sallies against Dissent, the older Blackstone seems closer to the proponents of that moderate tradition identified by recent ecclesiastical historians like Grayson Ditchfield and B. W. Young, than to the fiercely combative guardians of orthodoxy who are the heroes of Jonathan Clark’s story. 46

This is doubtless a rather tame conclusion. Yet I take comfort from Jeremy Black’s recent observation that ‘The quality of the religious experience of the bulk of the population is difficult to assess, as is the source and depth of their faith’. 47 And I am sure that George Yule would not disapprove of a former pupil echoing his own words, from the last page of The Independents in the English Civil War: ‘this study has largely negative conclusions. Certain limits to the chaos perhaps have been set, but many problems remain.’ 48

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Appendix: Extracts from the 1769 and 1773 Editions of the

(a) 1769

1. And, First, of the offence of reviling the ordinances of the church....

These penalties were framed in the infancy of our present establishment; when
the disciples of Rome and Geneva united in inveighing with the utmost bitterness
against the English liturgy: and the terror of these laws (for they seldom, if ever,
were fully executed), provided a principal means, under providence, of preserving
the purity as well as decency of our national worship. Nor can their continuance
to this time be thought too severe and intolerant; when we consider, that they are
levelled at an offence, to which men cannot now be prompted by any laudable
motive; not even by a mistaken zeal for reformation: since from political reasons,
sufficiently hinted at in a former volume, it would now be extremely unadvisable
to make any alterations in the service of the church; unless it could be shewn that
some manifest impiety or shocking absurdity would follow from continuing it in
its present form. And therefore the virulent declamations of peevish or opinionated
men on topics so often refuted, and of which the preface to the liturgy is itself a
perpetual refutation, can be calculated for no other purpose, than merely to disturb
the consciences, and poison the minds of the people.

(b) 1773 (Text brought over from 1769 is printed below in **bold** type)

And, First, of the offence of reviling the ordinances of the church....

These penalties were framed in the infancy of our present establishment;
when the disciples of Rome and Geneva united in inveighing with the utmost
bitterness against the English liturgy: and the terror of these laws (for they
seldom, if ever, were fully executed), provided a principal means, under
providence, of preserving the purity as well as decency of our national worship.
Nor can their continuance to this time (of the milder penalties at least) be
thought too severe and intolerant; so far as they are levelled at the offence, not
of thinking differently from the national church, but of railing at that church and
obstructing its ordinances, for not submitting its public judgment to the private
opinion of others. For though it is clear, that no restraint should be laid upon rational
and dispassionate discussions of the rectitude and propriety of the established
mode of worship: yet contumely and contemp are what no establishment can
tolerate. A rigid attachment to trifles, and an intemperate zeal for reforming them,
are equally ridiculous and absurd: but the latter is at present the less excusable, because from political reasons, sufficiently hinted at in a former volume, it would now be extremely unadvisable to make any alterations in the service of the church; unless by its own consent, or unless it could be shewn that some manifest impiety or shocking absurdity would follow from continuing it in its present form. (pp. 550–51).