

Of Different Complexions: Religious Diversity and National Identity

in James II's Toleration Campaign*

by Scott Sowerby

One of the most remarkable speeches ever given by an English monarch was delivered by James II in the city of Chester on 27 August 1687. This speech, which deserves the attention of historians, has never been published and survives only in a first-hand account written down by a Cheshire gentleman in his diary. It has not been cited in any of the standard works on James II and his reign. The existence of the speech was first mentioned in an unpublished dissertation in 1982, but it was not discussed at length in that work and has not received wide attention since then. The diary in which the speech was recorded has been held for the past eighty years in the municipal archives of Liverpool.¹ Like many similar diaries, it consists primarily of an unembellished record of the diarist's daily appointments as he called on his neighbors. The unusually long entry for 27 August 1687 was uncovered by the present author, buried among the briefer accounts of the diarist's social engagements. The royal remarks recorded in that entry deserve more extensive examination than they have heretofore received, as they provide

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¹ Liverpool Record Office, 920 MD 172-175, Diary of Sir Willoughby Aston, 1681-1702 [hereafter Aston Diary]. Diary entries from March 1681 to February 1685 were serialized in Cheshire Sheaf, III, xxiv-v (1927-8), III, lvi (1961) and III, lx to IV, i (1965-6).

insights into several aspects of English history, including the character of political rhetoric, the formation of national identity, and perceptions of difference in skin colour.

The Chester diary entry depicts a king participating in debates about religious toleration and national unity from which historians have assumed he held himself aloof. Little attention has been paid to James II's electoral tour of the western counties of England in the summer of 1687, of which the visit to Chester was a part. His tour was designed to allay Protestant suspicions of his motives as a Catholic king and to encourage the election of members of Parliament who would support religious toleration.² It is possible that the speech at Chester was not unique, and was simply the king's standard stump speech. There are hints in other sources that suggest this may have been the case.³ Whether or not this speech was unique, the newly discovered diary entry is now the fullest extant account of what James was saying on his tour. Although the account is highly mediated, being recorded by a gentleman in his diary at least two hours after the speech was given, other comparable sources of the king's thoughts on political and religious matters are also heavily mediated.⁴ Very few letters and papers in the king's own hand survive from the period of his reign. His address at Chester provides the clearest view yet uncovered of what he thought he was doing on his electoral tour, who he hoped to persuade, and what community he reckoned would respond to his rhetoric.

² Archives du Ministère des Affaires Etrangères [hereafter AMAE], Paris, Correspondance Politique Angleterre [hereafter CPA], clxii, fos. 169-v, Barrillon to Louis XIV, 10/20 Sept. 1687. The electoral tour has not been the focus of any sustained investigation, although it has been mentioned in most narrative histories of the king's reign. See, for instance, F. C. Turner, *James II* (London, 1948), 332-4; J. R. Western, *Monarchy and Revolution: The English State in the 1680s* (London, 1972), 209; John Miller, *James II: A Study in Kingship* (London, 1978), 173; Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, 2006), 136-7.

³ See below, footnote 51.

⁴ Many of the king's official declarations were drafted by his ministers; for evidence of this, see National Library of Wales, Aberystwyth, Canon Trevor Owen MSS, nos. 157-160; Bodleian Library, Don. c. 38, fo. 298, newsletter for 6 Oct. 1688.

James's wider efforts on behalf of religious toleration are well known and have been scrutinized by several generations of historians. Most took their cue from Thomas Babington Macaulay, who averred that the April 1687 Declaration for Liberty of Conscience was 'unconstitutional' and that the king deserved no credit for issuing a decree that trampled on the rights of Parliament to make laws. Historians have questioned whether James's commitment to toleration was sincere and permanent, or whether it was merely temporary and tactical. The king, it is contended, did not show much sympathy for Protestant nonconformists in his early years, and his campaign for a broad-based toleration can be seen as a ruse to obtain political cover for the toleration of Catholics.⁵ Other historians have argued for the king's sincerity, in part because of his continued promotion of toleration after his overthrow in the Revolution of 1688-9.⁶ The debate over the king's motives has tended to dominate any discussion of his reign.

Either side in this debate could claim the king's speech at Chester as evidence for its position. The speech could be read as a document that shows James's commitment to religious toleration to have been sincere. Or it could be read as a document that shows the extent to which he was prepared to be devious. Neither reading is adequate. To read the speech solely for the information it might divulge about the purity of the king's motives would be to underrate its importance. The address was a work of political

⁵ Thomas Babington Macaulay, The History of England from the Accession of James the Second, ed. Charles Harding Firth, 6 vols. (London, 1913-15), ii: 862; George Macaulay Trevelyan, The English Revolution (London, 1938), 63; Tim Harris, Revolution: The Great Crisis of the British Monarchy, 1685-1720 (London, 2006), 235-6; Steven Pincus, 'The European Catholic Context of the Revolution of 1688-89: Gallicanism, Innocent XI and Catholic Opposition', in Allan I. Macinnes and Arthur H. Williamson, eds., Shaping the Stuart World, 1603-1714, The Atlantic Connection (Leiden, 2006), 98-102.

⁶ Vincent Buranelli, The King and the Quaker (Philadelphia, 1962), 13-16, 201-213; Maurice Ashley, 'Is There a Case for James II?' History Today 13 (1963), 347-52; John Miller, 'James II and Toleration', in Eveline Cruickshanks, ed., By Force or By Default? The Revolution of 1688-1689 (Edinburgh, 1989), 14-15; Edward Corp, 'James II and Toleration: The Years in Exile at Saint-Germain-en-Laye', Royal Stuart Papers, no. 51 (Huntingdon, 1997), 4, 9.

rhetoric, designed to persuade its audience.⁷ Whether sincere or devious in intent, its language illuminates larger questions about the nature of identity formation in early modern England. In his speech, the king articulated a new form of collective belonging that was predicated on a novel understanding of English identity. He implicitly challenged the dominant mode of national identity formation in early modern England, one that was based on the primacy of Protestantism.⁸ By placing this speech in context, it is possible to show that English national identity in the late seventeenth century was a plural phenomenon. Different Englishmen and women held different beliefs about what characteristics defined their nation. Moreover, the revolution of 1688-9, which has been construed as a rising of the English nation in defense of English norms, can be reconceived as a contest between two English communities, each holding to a different sense of English national identity.

Historians of James II's reign have overlooked this clash of national identities because of an unwarranted assumption that it is only possible for a single nation to have a single national identity at any given moment in time.⁹ The form of national identity espoused by the king's opponents was the more dominant one in early modern England, but its hegemony was incomplete. To borrow a phrase from a historian writing in a

⁷ For an outline of the approach to political rhetoric being employed here, see Quentin Skinner, Visions of Politics, 3 vols. (Cambridge, 2002), i: 175-87, ii: 334-67.

⁸ For analyses of this dominant mode of English national identity formation, see Patrick Collinson, The Birthpangs of Protestant England (Basingstoke, 1988), 7, 10-11; Tony Claydon and Ian McBride, 'The trials of the chosen peoples: recent interpretations of protestantism and national identity in Britain and Ireland', in Tony Claydon and Ian McBride, eds., Protestantism and National Identity: Britain and Ireland, c. 1650-c. 1850 (Cambridge, 1998), 26, 28-9.

⁹ See, for instance, Steven Pincus, "'To protect English liberties': the English nationalist revolution of 1688-1689", in Tony Claydon and Ian McBride, eds., Protestantism and National Identity: Britain and Ireland, c. 1650-c. 1850 (Cambridge, 1998), 78-80, 85, 92, 103-4.

different context, ‘nationalism is an attribute not of nations, but of nationalists’.¹⁰ Ideas of national character could and often did vary from person to person. Not all early modern English men and women placed Protestantism or its handmaiden, anti-Catholicism, at the center of their vision of Englishness. The men and women who were not virulently anti-Catholic in their fundamental inclinations included, most obviously, English Catholics, but they also included members of Protestant groups such as the Quakers.¹¹

If these divergent forms of national identity remain elusive and difficult to describe, it is in part because of the poverty of the current analytical vocabulary. The standard typology developed by political scientists for distinguishing between various forms of national identity is of limited usefulness when applied to the early modern period. Students of modern nationalism often compare nations or groups that espouse a so-called ‘civic’ identity based on voluntary adherence to laws and constitutions with those nations or groups that espouse a so-called ‘ethnic’ or ‘ethnocultural’ identity based on blood ties or indelible cultural affiliations.¹² This binary distinction found its classic form in a comparison of modern France with modern Germany. In this view, post-

¹⁰ David Fitzpatrick, ‘The Geography of Irish Nationalism, 1910-1921’, in C. H. E. Philpin, ed., Nationalism and Popular Protest in Ireland (Cambridge, 1987), 403.

¹¹ See John Pomfret, ‘Robert Barclay and James II: Barclay’s “Vindication,” 1689’, Bulletin of the Friends’ Historical Association 42 (1953), 36-7, 39.

¹² David Brown, Contemporary Nationalism: Civic, Ethnocultural and Multicultural Politics (London, 2000), 51-58; Anthony W. Marx, Faith in Nation: Exclusionary Origins of Nationalism (Oxford, 2003), 113-17, 133, 141. For critiques of this distinction, see Will Kymlicka, ‘Misunderstanding Nationalism’, Dissent (Winter 1995), 131-3; Dominique Schnapper, ‘Beyond the opposition: “civic” nation versus “ethnic” nation’, ASEN Bulletin, vol. 12 (1996/7), 4-8; Timothy Baycroft and Mark Hewitson, ‘Introduction: What was a Nation in Nineteenth-Century Europe?’ in Timothy Baycroft and Mark Hewitson, eds., What is a Nation? Europe 1789-1914 (Oxford, 2006), 7-8. These critiques point out that modern nations claiming to possess a civic form of nationalism invariably retain an ethnic, linguistic or cultural component in their dominant form of national identity. For a response to this mode of critique, which seeks to rescue the distinction between civic and ethnic nationalism by conceiving it as a distinction between two ideal types, neither of which is ever fully realized in practice, see Anthony D. Smith, ‘Civic and ethnic nationalism revisited: analysis and ideology’, ASEN Bulletin, vol. 12 (1996/7), 9-11.

revolutionary France possessed a ‘civic’ mode of national identity formation, adhering to a tradition of republican constitutionalism, while nineteenth-century Germany possessed an ‘ethnic’ mode of identity formation, privileging blood relations between ethnic Germans as the basis for unification and nationhood.¹³ This distinction, once used to describe differences between nations, now tends to be used to describe differences within nations, or the contentions that can develop as sub-national groups form different ideas of the nation. For instance, one historian has argued that nineteenth-century France saw a tension between the ‘civic’ French nationalism that emerged from the revolution of 1789 and a resurgent ‘ethnic or cultural’ nationalism based on Catholicism and rural folk culture.¹⁴

The division between a ‘civic’ and an ‘ethnocultural’ mode of national identity is less clear for the early modern period, when many forms of national identity were bound up in religion. The idea advanced by some historians that forms of national identity based on religion are somehow ‘ethnic’ or ‘ethnocultural’ is difficult to sustain.¹⁵ Many English Protestants argued in the seventeenth century that religious belief was voluntary rather than involuntary, and that people could choose to relinquish religious errors in favor of the Protestant faith. If religious belief was voluntary, then it could be adopted just as one can adopt a set of political beliefs or pledge allegiance to a national constitution: thus a form of national identity based on religious belief could be construed

¹³ Hans Kohn, The Idea of Nationalism, (New York, 1944), 329-31; Michael Ignatieff, Blood and Belonging: Journeys into the New Nationalism (New York, 1994), 6-7.

¹⁴ Timothy Baycroft, ‘France: Ethnicity and the Revolutionary Tradition’, in Timothy Baycroft and Mark Hewitson, eds., What is a Nation? Europe 1789-1914 (Oxford, 2006), 32-4.

¹⁵ For examples of such a usage of these terms, see Anthony W. Marx, Faith in Nation: Exclusionary Origins of Nationalism (Oxford, 2003), 115-7, 141; Chris Williams, ‘The United Kingdom: British Nationalisms during the Long Nineteenth Century’, in Timothy Baycroft and Mark Hewitson, eds., What is a Nation? Europe 1789-1914 (Oxford, 2006), 274, 283.

as 'civic' in nature. The early modern period in Europe was a period of transition, not yet full of Enlightenment certainty that religious belief was involuntary and hence ought to be tolerated. Pre-Enlightenment thought and, in some cases, post-Enlightenment thought, has frequently assigned religious belief to the category of voluntary action, while Enlightenment thinkers usually assigned religious belief to the category of involuntary action.¹⁶ Thus the divisions mapped out by the 'civic' versus 'ethnocultural' typology are themselves historically constructed, contested and variable.

What was at issue in many early modern political debates was not whether citizenship ought to be based on the possession of voluntary characteristics, for this was often implicitly conceded, but rather whether a particular characteristic required for citizenship was in fact a voluntary characteristic. The point of James II's speech at Chester was precisely to intimate that religious belief is involuntary, that it ought be tolerated for that reason, and that Englishness should not be based on an involuntary characteristic such as a particular form of religious belief. The speech thus formed a potent challenge to the way in which English national identity had been constructed over the previous century, a construction based on a form of religious belief that was widely believed to be a matter of voluntary choice. The king appears to have believed that his speech would provoke an affirmative response in his audience and that there was a community already prepared to be sympathetic to his arguments. Yet his efforts failed with the revolution of 1688-9, which became in part a counter-revolution against his revolutionary proposals. These efforts by the king to unify his nation behind a new

¹⁶ Mark Goldie, 'The Theory of Religious Intolerance in Restoration England', in Ole Peter Grell, Jonathan Israel and Nicholas Tyacke, eds., From Persecution to Toleration: The Glorious Revolution in England (Oxford, 1991), 334-58; John Kilcullen, Sincerity and Truth: Essays on Arnauld, Bayle, and Toleration (Oxford, 1988), 140-2.

version of English national identity had an unintended and disastrous consequence: they effectively divided the nation between different groups espousing different ideals. The unresolved tension between a form of national identity based on toleration and a form of national identity based exclusively on Protestantism only served to heighten the existing divisions within the English polity in the later seventeenth century.

The immediate context of the king's speech can be summarized as follows. A group of Whig leaders from Cheshire were introduced to the king. The king exchanged greetings with them before addressing them. The address took the form of a staged dialogue. His interlocutor in this dialogue was Sir William Williams, the solicitor general, who had formerly been the Speaker of the House of Commons and a Whig Member of Parliament for Chester. The king explained his policy of religious toleration and urged his audience to support it. The solicitor general closed the occasion by suggesting that all those present should support pro-toleration candidates in the anticipated Parliamentary elections.

The king's remarks at Chester are important enough to bear quoting at length. The diarist recording those remarks was Sir Willoughby Aston, a 47-year-old Cheshire baronet affiliated with the Whig group in local politics.¹⁷ Sir Willoughby had shown little support for the king's policies and most likely opposed the king's campaign for religious toleration. In his diary entry for 27 August 1687, he noted the following:

¹⁷ For Aston, see George Ormerod, The History of the County Palatine and City of Chester, 3 vols. (London, 1882), i: lxvii, 725-6.

...we went to the Miter,¹⁸ where Lord Brandon, Lord Delamere Sir Thomas Mainwaring, Sir Thomas Delves, Sir Robert Duconfield Brother Offley¹⁹ etc. we went to Court²⁰ where Lord President Sunderland presented us to the King Lord Brandon telling our names. The King sayd he had not seen such an appearance of Gentry a great while, Lord Del[amere] told him we did not only appear there in Person but with our hearts and affections, or to that Effect.²¹ the King sayd he hoped so and our Countenances expressed no less, he told us he hoped we would join with him in endeavouring to set aside all animosities, and distinctions of parties and names, which would be done by removing the occasions, which were the Penall Laws and tests,²² and when he should think fit to call a Parliament, he hoped we would send him such men as would join with him in taking them away, that we might all agree and be easie. Williams made some reply that unity was better than Uniformity, and he hoped all would unite in being good subjects to his Majestie. the King sayd he had as soon as he could graunted [sic] a toleration, and hoped we would join with him in making a magna Charta for Conscience as well as properties and other liberties, he was sure no man should be debarr[e]d of

¹⁸ The Miter was a public house in Chester where Aston occasionally dined.

¹⁹ John Offley of Madeley, Aston's brother-in-law, had been held in the Tower of London along with Lord Delamere in 1685 under suspicion of treason.

²⁰ The reception was held at the Pentice, a civic building in Chester, where the king was seated 'under a canopy of crimson velvet, purposely prepared for him'. See Cheshire Record Office, Z/P/Cowper/1 (Historical Collections of William Cowper, vol. 1), 253; Ormerod, *History of Chester*, i, 248.

²¹ The king was referring to events earlier in the day, when a large assembly of gentry, including Sir Willoughby Aston, Lord Brandon and Lord Delamere, met him on the border of the county of Cheshire to accompany him on his progress to Chester.

²² The Elizabethan, Jacobean and Caroline penal laws assessed various penalties and fines against those who absented themselves from Church of England services. The Test Act of 1673 required all holders of public office to take the sacrament according to the rites of the Church of England; the Test Act of 1678 required all members of Parliament to make a declaration against transubstantiation.

either while he lived,²³ suppose said he there should be a law made that all black men should be imprisoned, twould be unreasonable and we had as little reason to quarell [sic] with other men for being of different opinions as for being of different Complexions, desired we should shew our selfs Englishmen, and he was sure no Englishman could desire to see others persecuted for differences of opinion, and therefore again told us, the way to reconcile all differences was to take off[f] those Lawes which made men uneasie under them and deprived them of theyr Rights. to this Williams replied as near as I can remember in these very words. Sir the indulgence is a probationary Law at present, and when your Majestie shall think fit to call a Parliament I doubt not but they will consider very well of it -- I went then with Sir Thomas Main[waring] and Sir John Corbet to Mr Kenricks Hous[e] where they lay and thence home...²⁴

The royal remarks brought together elements from several distinct political languages.

The king argued for religious toleration on three separate grounds: that it was mandated by natural law, that it was an appropriate extension of the long-standing rights of Englishmen, and that an Englishman who properly understood his own nature as an Englishman would support it. With these arguments, the king integrated different modes of discourse, including those of natural law and English constitutional law, to form a

²³ A note by Aston in the margin here gives another of the king's remarks: 'I may use that scripture expression whose Ox or whose Ass have I taken, and I hope you will Join in securing this liberty for the future'. The verse of scripture alluded to here was 1 Samuel 12:3, where the prophet Samuel spoke to the people of Israel and asked them 'whose ox have I taken? or whose ass have I taken?' With his use of this expression, the king was claiming, like Samuel, to have governed justly and to have respected his people's rights to their private property.

²⁴ Aston Diary, unpaginated, entry for 27 Aug. 1687. The original spelling, capitalization and punctuation has been preserved in this transcript, but thorns have been modernized and standard abbreviations silently expanded. For another, briefer account of the same occasion, see Cheshire Record Office, DDX 384/2 (Diary of Sir Thomas Mainwaring, vol. 2, 1674-88), 476, which states only: '[August] 27. That day I wa[i]ted on the king at chester, in the evening kissed his hand, and I did lye at Mr Kenricks all night.'

polyglot political language.²⁵ Mark Goldie has recently observed that English political thought in the age of John Locke was marked by syntheses of contractarian natural jurisprudence and notions of a long-standing constitution that was said to derive from Saxon origins.²⁶ Many writers and thinkers of the time moved freely between these idioms, and James II was no exception.

Perhaps the most original of the king's three propositions was his argument from natural law. As Aston recorded it, the king said 'suppose... there should be a law made that all black men should be imprisoned, twould be unreasonable and we had as little reason to quarell [sic] with other men for being of different opinions as for being of different Complexions'. The king here made reference to a transcendent law of reason against which temporal laws could be tested and found reasonable or unreasonable. He challenged his audience to compare various human laws against this law of reason. Specifically, he asked them to imagine a law that would require all black men to be imprisoned. Such a law would offend natural justice. He then suggested that a law restricting the freedom of men holding certain shades of opinion, here meaning religious opinion, was analogous to a law restricting the freedom of men possessing a certain shade to their complexions. If one was offensive to natural justice, the other was as well. The king's rhetoric relied upon his audience's agreeing with him that a law imprisoning all black men would be unreasonable.

²⁵ On the structure of a 'political language', see J. G. A. Pocock, 'The concept of a language and the *métier d'historien*: some considerations on practice', in Anthony Pagden, ed., *The Languages of Political Theory in Early-Modern Europe* (Cambridge, 1987), 19-38.

²⁶ Mark Goldie, 'Introduction', in Mark Goldie, ed., *The Reception of Locke's Politics*, 6 vols. (London, 1999), i: xxvii-xxviii, xlv, lix.

In order for this chain of reasoning to bear the weight of the larger argument, the king's audience must have known what he meant by the 'complexion' of 'black men.' Skin tone or colouring was only one of several possible meanings of the word 'complexion' in early modern England. The word was also used in humoral theory to denote the underlying mixture of the four humors that prevailed in any given individual. Complexions, in this sense, could be described as sanguine, choleric, melancholy, or phlegmatic; but they were not usually described as 'black'. The term 'complexion' was also used in a looser sense to refer to an underlying constitution or temperament. Blackness of complexion could denote someone who was immoral, as when Joseph Addison described a man of a 'black... Complection' as a man with a 'faulty Character'.²⁷ But this definition of 'complexion' does not fit the king's overall argument. If blackness of complexion was, for James, immorality of character, then in arguing for its toleration, he would have been arguing for the toleration of wickedness. Moreover, he would have been equating religious nonconformity with immorality. Neither of these arguments would have advanced his case. It is more likely that the king was referring to skin tone when he referred to 'complexions' and that his audience would have understood this to be his meaning. His general argument, then, would be that certain personal characteristics, including religious opinions and skin tone, were beyond punishment or blame, and should be tolerated rather than quarreled with.

The hinge of the king's argument was his notion that the two personal qualities of religious opinion and complexion were comparable. The nature of that comparison, though not stated explicitly in the text, can be inferred from the direction of the argument.

²⁷ Joseph Addison and Richard Steele, *The Spectator*, ed. Donald F. Bond, 5 vols. (Oxford, 1965), ii: 518; on which, see Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia, 2000), 3.

The basis of the analogy would appear to be that both religious opinion and complexion were involuntary. Because these characteristics were not chosen, the individuals who possessed them could not reasonably be punished or stigmatized for them, either through imprisonment by law or ‘quarreling’ by individuals. By suggesting that religious opinions were not chosen, the king had entered into contentious terrain. This was terrain he had visited before, when he alleged in his Declaration for Liberty of Conscience that persecution was ineffective, as it had been shown by experience to be incapable of inducing a uniformity of belief in the nation. The reason for this, opponents of persecution argued, was that religious beliefs, or religious ‘opinions’ as they were often known, could not readily be altered by methods of compulsion, because no person could easily change his or her deepest beliefs. Persecution, then, would only induce at best a kind of hypocrisy, where people were forced to make public statements that they did not themselves believe.²⁸ Defenders of religious persecution conceded at times that belief itself was involuntary, but they argued that the pathway to belief was, nevertheless, chosen. The experience of persecution was effective in changing minds, they alleged, in that it provided an occasion for the persecuted to receive education and to contemplate whether their original beliefs had been true.²⁹

It is unclear how James would have reconciled his suggestion that religious opinions were involuntary with the fact that he himself had changed his religion in the

²⁸ James II, Declaration for Liberty of Conscience, 2; Thomas Hobbes, Leviathan, ed. Richard Tuck (Cambridge, 1996), 323.

²⁹ This position was initially put forward by St Augustine in his comments on Luke 14:23, ‘Go out into the highways and hedges, and compel them to come in’; Augustine’s comments remained influential in seventeenth-century England. See Mark Goldie, ‘The Theory of Religious Intolerance in Restoration England’, in Ole Peter Grell, Jonathan Israel and Nicholas Tyacke, eds., From Persecution to Toleration: The Glorious Revolution in England (Oxford, 1991), 334-58; John Marshall, John Locke, Toleration and Early Enlightenment Culture (Cambridge, 2006), 200-212.

early 1670s, when he converted from the Church of England to the Church of Rome. It is possible that he had convinced himself in his own mind that he had always been essentially Catholic, and that his Protestant upbringing was merely a period of misunderstanding through which he had passed.³⁰ Alternatively, he may have believed that his religious change had not been voluntary; that he had not freely chosen it himself, but rather had been compelled to it by unimpeachable logic or by the power of God. He once described himself as having become a Catholic despite all its political disadvantages because ‘being fully convinced he could resist no longer’.³¹ This was a common argument in the seventeenth century: Thomas Hobbes argued that religious belief is ‘not voluntary’, that is, it lies outside the individual’s powers of volition, because it can only be altered by ‘the power of God’. James appears to have believed that he could not freely return to the Protestant faith, even if he wanted to: he had become convinced by Catholicism and that conviction was now fixed in his mind.³²

The tolerationist line of reasoning about the involuntary character of religious belief led to analogies that anticipated in form, if not entirely in content, the comparison made by James. Sir William Temple wrote in 1673 that ‘Belief is no more in a man’s power, than his Stature or his Feature; And he that tells me, I must change my Opinion for his, because ‘tis the truer and the better, without other Arguments, that have to me the force of conviction, May as well tell me, I must change my gray eyes for others like his

³⁰ See James II’s letter to his daughter Mary in Mechtild, gräfin von Bentinck, ed., Lettres et Mémoires de Marie Reine D’Angleterre (The Hague, 1880), 4.

³¹ J. S. Clarke, The Life of James the Second, 2 vols. (London, 1816), i, 116; see also the similar accounts in Bentinck, Lettres et Mémoires, 6; Gilbert Burnet, Bishop Burnet’s History of His Own Time, 2nd ed., 6 vols. (Oxford, 1833), i, 305; H. C. Foxcroft, A Supplement to Burnet’s History of My Own Time (Oxford, 1902), 52.

³² Thomas Hobbes, Leviathan, ed. Richard Tuck (Cambridge, 1996), 323; Campana di Cavelli, Les Derniers Stuarts à Saint-Germain en Laye, 2 vols (Paris, 1871), i, 285.

that are black'.³³ John Locke, in his Letter Concerning Toleration, composed in the winter of 1685, wrote that laws penalizing forms of religious belief were as egregious as laws that made distinctions 'between men and men, upon account of their different Complexions, Shapes, and Features, so that those who have black Hair (for example) or gray Eyes, should not enjoy the same Privileges as other Citizens'.³⁴ James's analogy broke new ground in that it seized upon blackness of complexion, rather than blackness of hair or eye colour, as its referent. In referring to the complexions of black men, James evoked a network of common metaphors in which skin colour was presented as being indelible and unchangeable. One such metaphor was the common English proverb, that 'to undertake to wash a Black, [is to] Labour in vain'.³⁵ This proverb was used to suggest futility or a lack of understanding, as when John Bunyan wrote in his *Pilgrim's Progress* that 'they saw one Fool, and one Want-Wit, washing of an Ethiopian with intention to make him white, but the more they washed him, the blacker he was'.³⁶ The ubiquity of the saying is suggested by its frequent use in seventeenth-century drama, by playwrights including John Webster, Thomas Dekker and John Fletcher.³⁷ A London pub calling

³³ Sir William Temple, Observations upon the United Provinces of the Netherlands (London, 1673, Wing T656), 168. Note the use of 'Opinion' as a synonym for 'Belief', as was typical at the time. I would like to thank Jonathan Scott for this reference.

³⁴ John Locke, A Letter concerning Toleration (London, 1689, Wing L2747), 50-1; for the date of writing, see John Marshall, John Locke, Toleration and Early Enlightenment Culture (Cambridge, 2006), 690. James's remarks at Chester cannot have been influenced by Locke's Letter as it was not published until 1689. For another analogy of this sort, see London Gazette, no. 2294 (10-14 Nov. 1687).

³⁵ Giovanni Torriano, The Second Alphabet Consisting of Proverbial Phrases (London, 1662, Wing T1930), 91; see also F. P. Wilson, ed., The Oxford Dictionary of English Proverbs, 3rd ed. (Oxford, 1970), 868; Thomas Becon, Newes out of Heaven (London, [1541], STC 1739), unpaginated; Carolyn Prager, "'If I be Devil?': English Renaissance response to the proverbial and ecumenical Ethiopian", Journal of Medieval and Renaissance Studies xvii, 2 (1987), 257-79.

³⁶ John Bunyan, The Pilgrim's Progress from this World to That Which is to Come: The Second Part (London, 1684, Wing B5576), 186.

³⁷ John Webster, The White Devil, 5.3.261-2; Thomas Dekker, The Honest Whore, Part II, 1.1.89; idem, The Roaring Girl, 1.2.185-6; John Fletcher, The Woman's Prize, 3.3.11; idem, The False One, 1.2.56. See also John Ray, A Collection of English Proverbs (London, 1670, Wing R386), 164; Morris Palmer Tilley,

itself the ‘Labour in Vayne’ alluded to the proverb when it issued trade tokens in the mid-seventeenth century depicting two women washing a black man.³⁸ Had James somehow been unaware of this saying, he certainly would have been familiar with the related Old Testament verse, ‘Can the Ethiopian change his skin, or the leopard his spots?’³⁹

At the same time, there were other tropes circulating in England in which complexions were presented as being changeable. These tropes often took the form of ironic or comic parodies of the notion of a fixed blackness of complexion, as when Queen Anne and her attendants were painted black in the first performance of Ben Jonson’s ‘Masque of Blackness’ in 1605, and her husband King James I was accorded the power to turn them white. In his masque, Jonson inverted the usual proverb about the indelible blackness of an Ethiopian, writing that the king was like a sun whose enlightening beams were able ‘To blanch an Ethiop’.⁴⁰ The scientific discourse of the age frequently addressed the question of whether skin colour was hereditary and fixed, or whether it could be transformed after birth by sun and climate. Some commentators argued that skin colour was mutable under certain climactic conditions.⁴¹ It is unclear whether James

A Dictionary of the Proverbs in England in the Sixteenth and Seventeenth Centuries (Ann Arbor, 1950), 190; R. W. Dent, Proverbial Language in English Drama Exclusive of Shakespeare, 1495-1616 (Berkeley, 1984), 320; Linda Van Norden, The Black Feet of the Peacock: The Color-Concept ‘Black’ From the Greeks Through the Renaissance, ed. John Pollock (Lanham, Md., 1985), 81-91; Jean Michel Massing, ‘From Greek Proverb to Soap Advert: Washing the Ethiopian’, Journal of the Warburg and Courtauld Institutes, lviii (1995), 180-201.

³⁸ The name was presumably meant to suggest that competing pubs would ‘labor in vain’ to produce better brew than could be found there. A London chandler and a London brewer issued tokens with similar devices in the mid-seventeenth century. See William Boyne, Trade Tokens Issued in the Seventeenth Century, rev. George C. Williamson, 2 vols (London, 1889-91), i: xix, 606, 690-1, 781; Samuel Chew, The Crescent and the Rose: Islam and England during the Renaissance (New York, 1937), 523-4.

³⁹ Jeremiah 13:23, in the King James Version.

⁴⁰ Ben Jonson: The Complete Masques, ed. Stephen Orgel (New Haven, 1969), 56.

⁴¹ Race in Early Modern England: A Documentary Companion, ed. Ania Loomba and Jonathan Burton (Basingstoke, 2007), 188, 214-5; Joyce Chaplin, ‘Race’, in The British Atlantic World, 1500-1800, ed. David Armitage and Michael Braddick (Basingstoke, 2002), 162, 166; Kim F. Hall, Things of Darkness: Economies of Race and Gender in Early Modern England (Ithaca, 1995), 95-6.

was aware of these arguments that skin colour could change under the influence of climate, and whether he meant to invoke them with his analogy. If so, the analogy he was drawing would in fact have been rendered even more apt. Religious belief, then, would be like skin colour in that it was both involuntary and mutable; any changes that occurred in one's skin colour were, like changes in one's religious beliefs, not a result of conscious choice, but rather a result of the influence of God or the influence of the climate in which one lived.

The king's argument at Chester implied that skin colour, because of its involuntary character, could not reasonably be stigmatized, just as religious belief could not reasonably be penalized. With this analogy, James invoked a principle of colour-blind justice, contending that it would be unreasonable to quarrel with a man because of his complexion or to imprison a black man because of the tone of his skin. The question remains as to whether he had any actual black men in mind when he made his analogy at Chester, or whether he was alluding to an idealized, proverbial and ahistorical African. His statement seems in fact to inhabit an uncomfortable medium between the two, with its literal meaning suggesting that actual men who might be vulnerable to imprisonment were in view, such as the small number of Africans living in England who could conceivably have been victimized by a law commanding their imprisonment, while its metaphorical purchase derived from its evocation of an unchanging and idealized African.

Even the use of a sympathetic metaphor was a startling departure for a king who had not previously demonstrated much empathy for black men. As Governor of the Royal African Company since its foundation in 1672, he had presided over the expansion

of English involvement in the Atlantic slave trade. He was also the single largest shareholder in the Royal African Company, and he himself possessed a North African slave in the 1670s.⁴² Nevertheless, James may not have recognized any conflict between his rhetoric at Chester and his activities in support of slaveholding. It could perhaps be argued that when the king spoke of ‘black men’ at Chester, he did not mean to refer to Africans at all. An alternative usage is found in the sonnets of William Shakespeare, where the poet’s muse is described as ‘black’, with reference to her dark hair and eyes.⁴³ James II, however, was no playwright. Given his tendency to favor plain modes of speech, it is likely that his use of ‘black men’ followed the common meaning of Africans, rather than an esoteric or ingenious use of the word.⁴⁴ A more plausible inference would be that the king did have Africans in mind when he spoke of black men at Chester, but that he did not have slavery directly in mind. There may have been some element in his understanding of slavery that would allow him to make a categorical statement against colour-based prejudice without repudiating his activities in support of slavery. He may, for instance, have believed that black men and women were being enslaved as individuals

⁴² James had also been the governor of the Company of Royal Adventurers into Africa that preceded the formation of the Royal African Company. See K. G. Davies, The Royal African Company (London, 1957), 41, 59, 65, 71, 74, 103; James Walvin, Black and White: The Negro and English Society, 1555-1945 (London, 1973), 38-9; E. M. G. Routh, Tangier, England’s Lost Atlantic Outpost, 1661-1684 (London, 1912), 168; Helen Kaufman and Paul Kaufman, eds., Tangier at High Tide: The Journal of John Luke, 1670-1673 (Geneva and Paris, 1958), 53; see also E. S. de Beer, ed., The Diary of John Evelyn, 6 vols. (Oxford, 1955), iv, 471.

⁴³ William Shakespeare, Sonnets 127.8-9, 130.4, 131.12-13, 132.13. On the references to blackness in these sonnets, see Kim F. Hall, Things of Darkness: Economies of Race and Gender in Early Modern England (Ithaca, 1995), 69-71.

⁴⁴ For the description of Africans as ‘black’ in the early modern period, see Winthrop D. Jordan, White Over Black: American Attitudes Toward the Negro, 1550-1812 (Chapel Hill, 1968), 11-20; Walvin, Black and White, 19-21; Mary Floyd-Wilson, English Ethnicity and Race in Early Modern Drama (Cambridge, 2003), 78-86. See also Samuel Purchas, Purchas his Pilgrimage (London, 1613, STC 20505), 546; Thomas Browne, ‘Of the Blacknesse of Negroes’, in his Pseudodoxia Epidemica (London, 1646, Wing B5159), 322-34; Robert Boyle, Experiments and Considerations Touching Colours (London, 1664, Wing B3967), 151-67.

rather than as a class, and that their skin colour was not the reason for their enslaved status.

One line of argument at the time held that African slaves had been captured by their enemies in just wars on the African continent and thus, according to the norms of international law, had forfeited their freedom. John Locke advanced this idea in his Second Treatise on Government when he defined slavery as ‘the State of War continued, between a lawful Conqueror, and a Captive’.⁴⁵ Some historians have contended that the early slave trade was conducted without much reference to skin colour, and that racism was only later developed as a justification for the continued enslavement of Africans in the eighteenth century. If James II believed that his slave-trading activities were not directed against black men in general, this would explain how he could invoke a colour-blind principle of justice at Chester. His remarks might then be taken as corroboration for the argument made by some historians that the early transatlantic slave trade, as practiced by some Englishmen, was not predicated on a racial hierarchy in which men and women with darker complexions were seen as candidates for enslavement principally because of the colour of their skin.⁴⁶

⁴⁵ John Locke, Two Treatises of Government, ed. Peter Laslett (Cambridge, 1960), 302; see also Jordan, White Over Black, 68-9.

⁴⁶ For this argument, see George M. Fredrickson, ‘Toward a Social Interpretation of the Development of American Racism’, in Nathan I. Huggins, Martin Kilson, and Daniel M. Fox, eds., Key Issues in the Afro-American Experience, 2 vols. (New York, 1971), i, 242-8; Edmund S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York, 1975), 325-31; Wheeler, The Complexion of Race, 46, 58, 91-2, 100, 128-9. For the opposing argument that the early slave trade was a product of racism, see Jordan, White Over Black, 80, 89-98; Carl N. Degler, ‘Slavery and the Genesis of American Race Prejudice’, Comparative Studies in Society and History, ii, 1 (1959), 52, 62, 66; Philip D. Morgan, ‘British Encounters with Africans and African-Americans, circa 1600-1780’, in Bernard Bailyn and Philip D. Morgan, eds., Strangers Within the Realm: Cultural Margins of the First British Empire (Chapel Hill, 1991), 212-213.

The king's speech was remarkable in its use of two novel analogies. One was his analogy between a law penalizing religious nonconformity and a law penalizing black men. The king thus associated the laws he was seeking to overturn with a variety of prejudice that he assumed his audience would reject. The other was his analogy between his project for toleration and the Magna Carta signed by King John in 1215. The king thus associated the ideas he was seeking to promote with a revered document that he assumed his audience would embrace. With these two analogies, James depicted his toleration project as representing the best impulses of his audience and not the worst. This was compelling rhetoric, and it is surprising to find it voiced by a monarch who has not gone down in history as a Cicero or a Demosthenes.⁴⁷

With his second analogy, the king drew together the distinct political languages of constitutionalism and contractarian jurisprudence, thereby putting the language of the ancient constitution to a new purpose: his Magna Carta would effectively be a new social contract.⁴⁸ As Aston wrote, the king said that he 'hoped we would join with him in making a magna Charta for Conscience as well as properties and other liberties, he was sure no man should be debarr[e]d of either while he lived'. The analogy itself was inexact, for the Magna Carta of 1215 had been imposed on King John by a baronial revolt, while King James was pressing his own charter on a somewhat diffident nation. Nevertheless, James gained a rhetorical advantage by cloaking his proposals in language that indicated his fealty to the original Magna Carta. He presented his project not as

⁴⁷ For a somewhat exaggerated description of James's limitations, see F. C. Turner, James II (London, 1948), 234-5.

⁴⁸ On the language of the 'ancient constitution' in early modern England, see J. G. A. Pocock, The Ancient Constitution and the Feudal Law (Cambridge, 1957); Janelle Greenberg, The Radical Face of the Ancient Constitution: St. Edward's 'Laws' in Early Modern Political Thought (Cambridge, 2001).

something that was radically new, but as something that would extend liberties that had long been enjoyed, not as a set of mandates that his subjects were obliged to obey, but as a movement for reform that he hoped they would join. The tone of the king's speech at Chester was more beseeching than commanding. If Aston's recollection was correct, the king did not order his subjects to follow him; rather, he 'hoped' that they would 'join with' him. This was conciliatory rhetoric with a defensive purpose. His opponents had previously alleged that the king's proposals would unsettle the titles to the abbey lands confiscated by Henry VIII, thereby allowing the Catholic Church to wrest them from their current owners. Such a result would violate the property rights guaranteed by the Magna Carta. The king was aware of these allegations; to counter them, he co-opted the language of constitutionalism for his own campaign.⁴⁹

The king did not argue at Chester that religious toleration was a right guaranteed by the ancient constitution of England; indeed, he implicitly conceded that the constitution as it currently stood did not encompass any such right. His rhetorical strategy was to elevate liberty of conscience to the status of a right that ought to be guaranteed by the constitution, in the same way that the right to private property was held to be. He reinforced this point later in his speech when he argued that 'the way to reconcile all differences was to take of[f] those Lawes which made men uneasie under them and deprived them of theyr Rights.' Like the Magna Carta, the notion of 'rights' was an idea that bridged natural jurisprudence and constitutional law. Those rights could be taken to be the rights of men as secured by natural law or, alternatively, the rights of

⁴⁹ Gilbert Burnet, Six Papers (n.p., 1687, Wing B5912), 22; James II, Declaration for Liberty of Conscience, 4. For the king's commissioning of a tract to demonstrate that the tenure of the abbey lands was securely fixed in their current holders, see West Yorkshire Archive Service, Leeds, MX/R, 48/35, Nathaniel Johnston to Sir John Resesby, 9 April 1687; idem, MX/R, 48/25, same to same, 23 June 1687; Nathaniel Johnston, The assurance of abby and other church-lands (London, 1687, Wing J872).

Englishmen as secured by their constitution. It is possible that the king was referring to both senses of the word, with an ambiguity that was deliberate. Whichever meaning he intended, his use of the term ‘rights’ was a clear statement of the conception of liberty that Sir Isaiah Berlin was later to term ‘negative’ liberty: the notion of a freedom from the coercive power of other human beings.⁵⁰ The king conceived of the ‘lawes’ as a burden that lay upon his subjects and made them ‘uneasie’; his toleration project would ease that burden by taking off the laws that ‘deprived’ his people of their ‘rights’. In this conception of liberty, laws enforced by governments were instruments of coercion that could deprive individuals of rights guaranteed by a transcendent natural law. In the particular instance to which the king was referring, the laws that oppressed his people were the penal laws and Test Acts, while the right being violated was their right to liberty of conscience.

The proposed Magna Carta for liberty of conscience was a touchstone of James II’s rhetoric in 1687 and 1688. He spoke of it on at least seven separate occasions.⁵¹ His first known use of the expression came in June 1687, two months before his remarks at Chester, when he informed a group of Presbyterians that he hoped ‘to live to see the Day when you shall as well have Magna Charta for the Liberty of Conscience, as you have had for your Properties.’ These assurances saw their way into print, and then were

⁵⁰ Sir Isaiah Berlin, Two Concepts of Liberty (Oxford, 1958), 6-7; see also Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge, Mass., 1967), 77-8; Quentin Skinner, ‘The idea of negative liberty: philosophical and historical perspectives’, in Richard Rorty, J. Schneewind and Quentin Skinner, eds., Philosophy in History (Cambridge, 1984), 193-221.

⁵¹ Longleat House, Warminster, Thynne MSS, xv, fo. 199, Sir Robert Southwell to Lord Weymouth, 29 Aug. 1687; Cheshire Record Office, D/MH/1 (Matthew Henry’s Chapel Church Book, 1687-1923), fo. 7v; Dr Williams’s Library, London, ‘Roger Morrice’s Entering Book’, MS Q, p. 213; Matthew Henry, The Life of the Rev. Philip Henry, ed. J. B. Williams (London, 1825), 181; M. G. Hall, ed., ‘The Autobiography of Increase Mather’, Proceedings of the American Antiquarian Society, lxxi, 2 (1961), 325. See also Gilbert Burnet, Bishop Burnet’s History of His Own Time, 2nd ed., 6 vols. (Oxford, 1833), iii, 190.

reprinted twice, which indicates that someone saw the propaganda value in what he had said.⁵² Not long before this occasion, the expression had appeared in a tract that advocated ‘another Great Charter, to bury all our Prejudices, and Establish a lasting Civil union among the Inhabitants of this Ancient and Famous Kingdom’. This tract has been attributed to William Penn. It is possible that the king picked up his new expression in conversation with Penn, the Quaker tolerationist and founder of Pennsylvania who was his close confidant.⁵³

William Penn was an intellectual architect of the king’s toleration project and among its most adept exponents. The Quaker leader had long been a champion of constitutional reform, both in his frame of government for Pennsylvania and in his political writings. As he wrote in 1675, ‘England’s Circumstances are greatly changed, and they require new Expedients’.⁵⁴ The key reform would be religious toleration, which would strengthen the monarchy and secure the property rights of nonconformists, thereby enabling them to be more industrious and the nation more productive, while simultaneously reducing the anger that fueled opposition movements.⁵⁵ Penn argued that

⁵² The Humble Address of the Presbyterians (n.p., 1687, Wing A2912), reprinted with no place or date given (Wing A2912A), also reprinted at Edinburgh in 1687 (Wing A2913). For the date of the remarks, see London Gazette, no. 2248 (2-6 June 1687).

⁵³ A Second Letter from a Gentleman in the Country (London, 1687, Wing P1361), 18, dated 11 April 1687 on the title page. For attribution, see Mary Maples Dunn and Richard Dunn, eds., The Papers of William Penn, 5 vols. (Philadelphia, 1981-7), v, 337. For Penn’s presence at court at about this time, see Library of the Religious Society of Friends, London [hereafter LSF], A. R. Barclay MSS, letter no. 111, Robert Sandilands to John Field, 22 June 1687. When asked why he spent so much time with the Quaker, James replied that Penn ‘talk’d Ingeniously’: Gerard Croese, The General History of the Quakers (London, 1696, Wing C6965), book 2, p. 105. For the earlier development of Penn’s friendship with James, see American Philosophical Society, Philadelphia, William Penn papers, 974.8 P365, vol. i, pp. 115-116, printed in William Penn, ‘Fragments of an Apology for Himself’, Memoirs of the Historical Society of Pennsylvania, iii, 2 (1836), 241-2.

⁵⁴ William Penn, England’s Present Interest Discover’d (London, 1675, Wing P1280), 39.

⁵⁵ *Ibid.*, 40-4, 46-7; William Penn, A Perswasive to Moderation to Dissenting Christians (London, 1685, Wing P1337A), 25-6, 30, 33-4; *idem*, The Great Question to be Considered by the King, and this Approaching Parliament (n.p., 1679, Wing P1300), 6. Penn repeated this argument in his Advice to

the confiscation of goods and money from nonconformists constituted a violation of their rights to private property, as guaranteed by the Magna Carta.⁵⁶ From this it was a short step to his subsequent argument that the laws and constitution of England should explicitly guarantee freedom of worship as well as property rights. As early as 1679 he had described this proposed new law securing liberty of conscience as a kind of ‘Magna Charta’.

This well-turned phrase was picked up again by Penn and his friend James in 1687.⁵⁷ The Quaker drew large crowds to his speeches in that year, in part because he was seen as a public spokesman for the crown. He was willing to speak uninvited in marketplaces, even when that attracted hostile attention, as at Shrewsbury, where the citizenry cried him down.⁵⁸ He defended the king’s Declaration for Liberty of Conscience before a crowd of three thousand who came to hear him in Bristol on 24 July 1687; this audience was exceptional given that the city had a population of no more than twenty-five thousand at the time.⁵⁹ He spoke to large, diverse crowds on a tour across

Freeholders and Other Electors of Members to Serve in Parliament (London, 1687, Wing P1250), 4-5, and his Third Letter from a Gentleman in the Country (London, 1687, Wing P1381), 6.

⁵⁶ Penn, England’s Present Interest, 37, 45, 61; idem, Perswasive to Moderation, 20-1; idem, The Great Case of Liberty of Conscience (n.p., 1670, Wing P1299), 29.

⁵⁷ Penn, Great Question to be Considered, 8; see also his Great Case of Liberty, 21; his Good Advice to the Church of England, Roman Catholick, and Protestant Dissenter (London, 1687, Wing P1296), 45; and his Great and Popular Objection Against the Repeal of the Penal Laws & Tests Briefly Stated and Consider’d (London, 1688, Wing P1298A), 6, 8, 10, 22.

⁵⁸ Shropshire Record Office, Leighton MSS, 180/1, printed in Historical Manuscripts Commission, The Manuscripts of the Earl of Westmorland (London, 1885), 376.

⁵⁹ Marquis of Lansdowne, ed., The Petty-Southwell Correspondence, 1676-1687 (London, 1928), 279; John Latimer, The Annals of Bristol in the Eighteenth Century (Frome and London, 1893), 6, 194; John Whiting, Persecution expos’d: in some memoirs relating to the sufferings of John Whiting (London, 1715), 172; Gilbert Cope, ‘William Hitchcock to John and Amy Harding, 1687’, Journal of the Friends Historical Society, iv (1907), 73.

England in the summer of 1687.⁶⁰ He accompanied James on his electoral tour in late summer and gave speeches along the route, including an address at Chester defending liberty of conscience. That particular speech was held in a local theater and was attended by ‘above a thousand people’, including several members of the nobility.⁶¹ The crowds drawn by the Quaker leader suggest a degree of popular support for the tolerationist policies he was espousing.

By the autumn of 1687, Penn’s idea of a new Magna Carta for liberty of conscience had been widely popularized.⁶² In the eyes of many, the new charter would be a new form of collective belonging. Pamphlets published by the king’s followers developed the contractarian logic inherent in the idea. One author proposed the institution of a ‘new test’ whereby every man in the kingdom above nineteen years of age would swear annually to ‘observe and keep Unviolable’ the ‘new Magna Carta’ for liberty of conscience.⁶³ These oaths would be sworn on the king’s birthday. In a nod to Penn, the author made an exception for Quakers and others who were unable to swear an oath; they would be permitted to make an affirmation instead. The contract that some of

⁶⁰ Penn visited Chew Magna, Devizes, Marlborough, Newbury, Reading and Windsor, addressing crowds numbering in the hundreds or more. See LSF, A. R. Barclay MSS, letter no. 111, Robert Sandilands to John Field, 22 June 1687; Whiting, Persecution, 172-3; Cope, ‘William Hitchcock’, 73, 75.

⁶¹ Papers of William Penn, 3: 163; Aston Diary, entry for 28 Aug. 1687; AMAE, Paris, CPA, vol. 162, fols. 169 v-170, Barrillon to Louis XIV, 10/20 Sept. 1687; LSF, Temp MSS, 285, no. 42 (Notebook of Robert Barclay), p. 42; The Diary of Dr. Thomas Cartwright, Bishop of Chester, Camden soc., xxii (London, 1843), 74; ‘The Theatre in Foregate Street, Chester’, Cheshire Sheaf, III, xlv (1949), 43.

⁶² See London Gazette, no. 2288 (20-24 Oct. 1687), no. 2295 (14-17 Nov. 1687), no. 2325 (27 Feb.-1 March 1688), no. 2327 (5-8 March 1688), no. 2329 (12-15 March 1688), no. 2351 (28-31 May 1688). For critiques of Penn’s proposal, see Some Queries Concerning Liberty of Conscience, Directed to William Penn and Henry Care (n.p., [1688], Wing S4559), 1, 3-4; Thomas Comber, Three Considerations Proposed to Mr. William Pen. Concerning the Validity and Security of his New Magna Charta for Liberty of Conscience (n.p., [1688], Wing C5496), 1-2.

⁶³ Giles Shute, A new test in lieu of the old one (London, 1687, Wing S3710), 1, 10. For its printer, the Baptist George Larkin, who was in receipt of royal funding, see John Yonge Akerman, ed., Moneys received and paid for secret services of Charles II and James II, Camden soc., lii (London, 1851), 213.

the king's supporters had in mind was similar in certain respects to the social contract outlined by Thomas Hobbes in his Leviathan thirty years earlier. One Whig journalist in the king's pay wrote in September 1687 that liberty of conscience was everyone's concern, not just the concern of a few nonconformists: 'For if it be not General, it cannot be Effectual; But by a General Security equally including All Parties, the Fears and Jealousies of Each must vanish'. To institute this general security, the king and Parliament should enact a new law declaring 'that Liberty of Conscience is part of the Constitution of this Kingdom; The natural Birth-right of every English Man', and that anyone who endeavored 'to undermine or subvert such [a] Settlement, shall be adjudg'd Criminal, and liable to such Penalties as shall be thought fit'.⁶⁴ The idea of a general security underpinned by the consent of every citizen had been advanced by Hobbes in his Leviathan, when he proposed a 'Covenant of every man with every man' that would remove the fears and insecurities occasioned by life in the state of nature. The notion of imposing penalties on those who broke the new social contract was reflected in Hobbes' dictum that after the formation of a commonwealth, 'he that dissented must now consent with the rest... or else justly be destroyed by the rest.'⁶⁵ If these Hobbesian methods had been followed, the establishment of liberty of conscience would paradoxically have ushered in a new era of persecution. That persecution would be meted out on political

⁶⁴ Henry Care, Animadversions on a late paper entituled, a letter to a dissenter (London, 1687, Wing C505), 37; Akerman, Secret Services, 199; Folger Shakespeare Library, Washington, D.C., Newdigate newsletters, L.c.1862, 27 Sept. 1687. William Penn made similar arguments in his Great Question to be Considered, 8, and his Third Letter from a Gentleman, 18-19, as did William Pople in his Three Letters Tending to demonstrate how the Security of this Nation Against al Future Persecution for Religion, Lys in the Abolishment of the Present Penal Laws and Tests (London, 1688, Wing P1382A), 10, 15-16. For Pople's authorship of this pamphlet, see Caroline Robbins, 'Absolute Liberty: The Life and Thought of William Pople, 1638-1708', William and Mary Quarterly, III, xxiv, 2 (1967), 190n.

⁶⁵ Thomas Hobbes, Leviathan, ed. Richard Tuck (Cambridge, 1996), 120, 123.

grounds rather than religious ones, but it would be persecution nonetheless, as those who refused to subscribe to the new social contract came under penalty.

The king made appeals at Chester both to natural law and to the rights of Englishmen in urging the establishment of a permanent liberty of conscience. To these he added an appeal to his audience's sense of national pride. According to Aston, the king said that he 'desired we should shew our selves Englishmen, and he was sure no Englishman could desire to see others persecuted for differences of opinion'. With this statement, the king elevated national identity above other forms of collective identity in Stuart England. He was responding to a situation in which his subjects had divided into competing political groups -- the 'animosities and distinctions of parties and names' that he alluded to earlier in his speech. These 'distinctions of parties and names' had been sharpened by the Whig and Tory parties, which came into being over the previous decade. By referring to 'animosities', the king hinted at the religious divisions that had caused conformists to persecute nonconformists and the persecuted to retaliate bitterly in print. In his speech, the king steered his subjects away from thinking of themselves primarily as Whigs or conformists, Tories or nonconformists, and towards thinking of themselves first and foremost as Englishmen. In modern times, political scientists have posited that inter-group tensions in a diverse society can be reduced if political leaders articulate an overarching identity that can encompass all members of that society.⁶⁶ This was the strategy that James II pursued in 1687.

⁶⁶ Neal G. Jesse and Kristen P. Williams, *Identity and Institutions: Conflict Reduction in Divided Societies* (Albany, 2005), 3, 8-12; Robert D. Putnam, 'E Pluribus Unum: Diversity and Community in the Twenty-first Century', *Scandinavian Political Studies*, xxx, 2 (2007), 161-5.

To execute this strategy, the king needed to advance a definition of English identity that was broad enough to encompass all English citizens. The dominant conception of Englishness in post-Reformation England did not suit this end, for it was based on the primacy of Protestantism, and thus excluded Catholics. In his address at Chester, the king omitted any mention of Protestantism. Instead, he substituted liberty of conscience as the grounding principle of English identity. Thus, to be English was to be tolerant. Most Catholics in later seventeenth-century England had come to accept the necessity of toleration, and would fit comfortably under this new definition of English identity.⁶⁷ This conception of Englishness tended towards a civic or political identity, for it was founded on a common, voluntary adherence to a political creed or constitution—the ‘Magna Carta’ for liberty of conscience. The king’s definition of English national identity was explicitly non-sectarian in nature. By calling on his subjects to show themselves to be ‘Englishmen’, and by defining Englishness as essentially tolerant, he was suggesting that national identity should trump other forms of collective identity, including religious affiliation.

A similar idea was expressed by Sir William Williams, the solicitor general, in his introduction to the king’s speech. According to Aston’s diary, the solicitor general stated, ‘that unity was better than Uniformity, and he hoped all would unite in being good subjects to his Majestie.’ As part of an introduction to an address about religious toleration, the word ‘uniformity’ had a religious connotation, evoking the 1662 Act of

⁶⁷ London Gazette, no. 2240 (26-30 May 1687), no. 2260 (14-18 July 1687), no. 2350 (24-28 May 1688); J. S. Clarke, The Life of James the Second, 2 vols. (London, 1816), ii, 115-16; W. K. Jordan, The Development of Religious Toleration in England, 4 vols. (Cambridge, Mass., 1932-40), iv, 437-65; John Kugler, English and Catholic: The Lords Baltimore in the Seventeenth Century (Baltimore, 2004), 6-7, 247; Anthony Brown, ‘Anglo-Irish gallicanism, c. 1635-c. 1685’ (unpublished Ph.D. dissertation, University of Cambridge, 2004), 24-8, 85-8, 131-2, 137-47.

Uniformity that expelled most Presbyterian ministers from the Church of England.

Williams thus suggested that although the religious composition of the nation was not uniform, the nation could remain united under the crown, with the king serving as the centripetal force holding it together. The effect of his suggestion was to elide differences between Protestants and Catholics, subsuming them within an overarching unity that was grounded on political principle. This was the effect of the king's speech as well.

The common thread in James II's rhetoric at Chester was an appeal to some higher principle—be it the ancient constitution, natural law, or English identity—by which liberty of conscience could be seen as normative and the penal laws as unwarranted. The divergent languages of the king's remarks came together in the idea of a new Magna Carta for liberty of conscience. With this idea the king appropriated the language of the ancient constitution and used it to authorize his tolerationist agenda. The new charter would be the touchstone of English identity, reflecting the innate tolerance, in James's view, of the English people. It would subsume within it the divisions between competing political and religious groups that had been engendered by the Reformation and deepened by the Civil Wars. It would be a new social contract that would serve as the guarantor of the people's rights by overriding temporal laws that had deprived them of those rights. The king had good reason to use the phrase 'a new Magna Carta for liberty of conscience' as often as he did. It was a powerful piece of universalizing rhetoric that had the added benefit of undercutting suspicion of his motives and countering the claims of his opponents that English liberties were not safe under his rule.

Whether the king's rhetoric would resonate with an unsympathetic audience was not certain. His arguments were exhortative, not demonstrative, and they could be deflected by anyone who wished to assert that Englishness was not, in fact, based on toleration, but was based on the primacy of the Protestant faith as established by law. Sir Willoughby Aston was just such a man. His attitude to nonconformity was captured in a catchphrase of his: that 'either Popery would bring in Presbytery, or Presbytery, would bring in Popery'. His antagonism to both Presbyterianism and Catholicism stemmed from his fear that either, if left unchecked, would destroy his own Church. He believed that 'the Church of England was the only bulwark' against both Presbyterianism and Catholicism, and he 'wish'd it strong enough' to hold.⁶⁸ His attitude towards the king's toleration campaign was indicated by his willingness to circulate a libellous poem about Sir William Williams after the solicitor general visited Chester with the king. The poem lampooned Williams as a 'poor Wretch' whose 'lame submission' to the king had left him 'bankrupt in Hon[o]r'.⁶⁹ Across the country, the Whigs split in reaction to the king's campaign, with some supporting it and others opposing it.⁷⁰ Among the Whig grandees who were present at the Chester speech, Brandon supported the project while Delamere opposed it.⁷¹ Aston had long been associated with the latter's party in local politics,

⁶⁸ Aston Diary, entry for 31 March 1685.

⁶⁹ Cheshire Record Office, CR63/2/691/39, Sir Willoughby Aston to Sir John Crewe, 23 Feb. 1688; for a variant copy of this poem, see Bodleian Library, Oxford, MS Firth c. 15, 228-9, cited in Paul Halliday, 'Williams, Sir William, first baronet (1633/4-1700)', *Oxford Dictionary of National Biography*, 60 vols. (Oxford, 2004), lix, 320.

⁷⁰ Mark Goldie, 'John Locke's Circle and James II', *Historical Journal*, xxxv, 3 (1992), 558-9; idem, 'James II and the Dissenters' Revenge: the Commission of Enquiry of 1688', *Historical Research*, lxvi, 159 (1993), 53-5.

⁷¹ On Brandon, see Historical Manuscripts Commission, *The Manuscripts of Lord Kenyon* (London, 1894), 212-213, 234-5; *Calendar of State Papers, Domestic Series, James II*, 3 vols. (London, 1960-72), iii, 43. On Delamere, see David Hosford, *Nottingham, Nobles, and the North: Aspects of the Revolution of 1688* (Hamden, Conn., 1976), 38, 85-95.

although he did not join Delamere in his cavalry ride across England in November 1688 in support of the Dutch invasion.⁷²

As a hostile witness, Aston had little incentive to make the king look good by embellishing his words. He might not have chosen to record the speech at all, were it not for the fact that this was one of the few occasions on which he had met a sitting monarch. His first opportunity to write down the king's remarks would have been at least two hours after the speech, when he returned home later that evening.⁷³ He himself claimed that his account was reliable, at least with reference to Sir William Williams's last comment, which he aimed to set down 'as near as I can remember in these very words'. Aston employed the device of direct quotation only with reference to this last phrase and to another phrase of the king's that he wrote in the margin of his diary; elsewhere he gave the dialogue in the third person, as part of his retelling of what had happened. Such casualness was appropriate for a diary entry intended more as an aide-mémoire than a transcript for others to read. This casual relation had the unfortunate effect of obscuring the original phrasing. It is unclear whether the king originally stated that 'we should show ourselves Englishmen' or that 'you should show yourselves Englishmen'; whether he employed the more humble first person plural or the more peremptory second person plural.

⁷² Aston Diary, entries for 25 Feb. 1685, 18 Nov. 1688; Ormerod, History of Chester, i: lxvii.

⁷³ Aston was in the habit of writing up his diary on a daily basis at his home, Aston Hall, which was twelve miles northeast of Chester, or about two hours journey by horseback. Occasionally, when away from home for a long stretch of time, he would keep a journal on a separate sheet of paper and then transcribe it into his diary when he returned, specifying that he had done so; see his entries for 20 April 1683 and 6 April 1684. His trip to Chester on 27 August 1687 did not involve an overnight stay and it is evident from his reference to his return journey to Aston Hall that he did not write up his diary for that day until after he had returned home.

The extent of Aston's influence on the surviving text might be gauged by comparing the Chester address with other speeches that the king gave in 1687. Such comparisons are hindered by the paucity of surviving material and the fact that other accounts were also set down by diarists or scribes, who may have skewed those accounts themselves in different ways. Direct and unmediated sources of the king's thoughts in this period are difficult to find. His letters are few, and their brevity suggests that the king, unlike his grandfather and namesake, was not a man of the pen. The surviving data tends to indicate that Aston's relation of the king's address was accurate in its substance. The king's statement at Chester that he had granted toleration 'as soon as he could' was paralleled in another speech where he suggested that the reason nonconformists 'had this Liberty no sooner' was because of the objections raised by some Protestants.⁷⁴ The king also funded a sizeable propaganda campaign that echoed the themes he struck at Chester.⁷⁵ James had some success in building a political movement that embraced his proposals and the new charter for toleration that he and Penn advocated.

At Chester, as on other occasions in 1687 and 1688, the king sought to reorient longstanding concepts of value as they were held by Englishmen and women, elevating toleration as a virtue and omitting Protestantism as a defining characteristic of national belonging.⁷⁶ By so doing, he aimed to expand a concept of national identity that proved

⁷⁴ Bodleian Library, Oxford, Rawlinson MS D 924, fo. 391; see also the variant copy in Coventry Archives, BA/L/A/2/3. For the objections raised at court in 1685 to liberty of conscience, see John Miller, Popery and Politics in England, 1660-1688 (Cambridge, 1973), 203. For the king's views on toleration early in his reign, see George Whitehead, The Christian Progress of that Ancient Servant and Minister of Jesus Christ, George Whitehead (London, 1725), 575-7.

⁷⁵ Sir George Duckett, ed., Penal Laws and Test Act, 2 vols. (London, 1882-3), i, 195-6; Akerman, Secret Services, 196-7, 199, 213; Scott Sowerby, 'James II's Revolution: The Politics of Religious Toleration in England, 1685-1689' (unpublished Ph.D. dissertation, Harvard University, 2006), 67-9.

⁷⁶ For a theoretical discussion of the kind of society-wide shift in evaluative concepts that James II sought to precipitate, see Skinner, Visions of Politics, i, 178-81.

ultimately to be inelastic. The king's movement for reform was opposed by a counter-movement that sought to reaffirm the centrality of Protestantism to English nationhood. When the United Provinces invaded England in November 1688, the leader of the invading army, Prince William of Orange, drew on the language of this counter-movement to present himself as the defender of English liberties against a Catholic threat.⁷⁷ The English Revolution of 1688-9 was propelled by a chauvinistic reaction to the advances made by a more inclusive version of national identity. William's own principles were more tolerant than those of many of his supporters, but he shrewdly drew on the intolerance of Englishmen to fuel the revolt against James.⁷⁸

The English king's opponents claimed that he was permitting a sectional interest to subvert the nation as a whole; his supporters claimed that he was subverting a sectional interest to benefit the nation as a whole. The fact that the nation could be appealed to by both sides in the conflict suggests the extent to which nationhood had itself become a matter for debate. It was a framework within which diverse arguments could be made. Each side sought to present themselves as the truer Englishmen. Anyone who opposed the king's designs, one loyal journalist wrote, 'either do[e]'s not truly understand his Interest, or is no True-English-man'.⁷⁹ Anyone who supported the king's designs, another pamphleteer suggested, was not a true patriot: 'I consider my self as an

⁷⁷ The Declaration of His Highnes William Henry, By the Grace of God Prince of Orange (The Hague, 1688, Wing W2328C), 1.

⁷⁸ For William's tolerance, see Jonathan Israel, 'William III and Toleration', in Ole Peter Grell, Jonathan Israel and Nicholas Tyacke, eds., From Persecution to Toleration: The Glorious Revolution and Religion in England (Oxford, 1991), 129-70.

⁷⁹ An Expedient for peace perswading an agreement amongst Christians (Wing E3872aA, London, 1688), 13-14. This pamphlet was published on 2 May 1688; see Publick Occurrences Truly Stated, no. 11 (1 May 1688). See also similar passages in Henry Care, The Legality of the Court Held by His Majesties Ecclesiastical Commissioners Defendend (Wing C527, London, 1688), 31, 33; Giles Shute, A New Naked Truth, or, The Sandy Foundation of the Sacramental Test Shaken (Wing S3709, London, 1688), 54.

Englishman as well as a Protestant; and whatever I conceive may directly or by consequence prejudice my Religion, or Civil Rights, I think my self obliged not to consent to it, as I am to answer it to God and my Country.’⁸⁰ One observer commented on the adoption of ‘the Air of a Patriott’ in many of the published attacks on the king’s policies.⁸¹ This was an air that was adopted by the king’s supporters as well.

Supporters of the king’s measures sought to present themselves as a mass movement. They did so by signing addresses of thanks to the king after his Declaration for Liberty of Conscience was issued. These addresses were on a few occasions signed by hundreds or even thousands of hands.⁸² More than two hundred addresses from various groups and regions were sent to the king. Some of these were bold statements of tolerationist sentiment, while others offered only tepid support. One common theme of the addresses was that the king had ‘united’ the nation under the standard of liberty. The situation that had prevailed before the king’s declaration was described in terms reminiscent of Hobbes’ state of nature. It was a state of affairs that had ‘made one neighbour to be more like a Turk than a Christian to another’ and had subjected nonconformists to ‘continual Fears’ of persecution and deprivation. The new state of affairs, by contrast, had caused a ‘supernatural Union of all English Hearts’. The king’s declaration had led to a state of peace like the one that had prevailed on Noah’s ark: ‘as in the miraculous preservation of Government in the Ark, even Creatures of most

⁸⁰ Thomas Brown, Heraclitus Ridens Redivivus (Oxford, 1688, Wing B5060), 8.

⁸¹ Folger Shakespeare Library, V.a.469, William Westby, ‘A Continuation of my Memoiers [sic]’, fo. 34.

⁸² For copies of the addresses, see London Gazette for 1687 and 1688. In most cases the names of the signatories have not survived, but see G.D.L., ‘MSS. written or possessed by Ralph Thoresby, F.R.S.’, Publications of the Thoresby Society, xxviii (1923-27), 442-3. For further indications of the numbers of signatories see Morrice, ‘Entring Book’, MS Q, p. 114; Evelyn, Diary, iv, 553-4; London Gazette, no. 2238 (28 April-2 May 1687), no. 2252 (16-20 June 1687), no. 2254 (23-27 June 1687).

contrary Principles live together in the quiet and peaceable enjoyment of themselves’. This conciliatory effect was attributed to the king himself and to the principle of unified sovereignty, for without a monarch to provide peace ‘we are apt to have such Feuds, Animosities, and Violence one against another, for every difference in Judgment and Practice, that we should be a miserable People’. It was the monarch who, like a harpist, had ‘made an Harmony for Your Selfe and People, in the different Sounds from divers Strings, by the gentle touch of Your most skil[I]ful Hand’. The king, as ‘the Common Father of Your Country’ and the giver of liberty of conscience, could ensure that the ‘interest of Parties are laid aside, [and] the Common Interest, Trade and Safety of the Nation, may be advanced and promoted by all’.⁸³ Most of the addresses conspicuously failed to refer to Protestantism as a source of national unity and strength; instead, the pillars of national unity were presented as liberty of conscience and the monarchy. This praise of the monarch went beyond the sort of pro forma praise, in innocuous terms, that would be expected in an address of thanks to a king. The underlying thesis of the addresses was that an adept sovereign could take a rattled nation out of its state of disunity and bring it into a state of civil society.

The king’s opponents also sought to portray themselves as a mass movement. They benefited in this regard from a strong popular reaction against the king’s religious policies. This reaction had begun with the king’s appointment of Catholics to public

⁸³ Address from Chichester, in London Gazette, no. 2270 (18-22 Aug. 1687); address from Sussex nonconformists, in *idem*, no. 2297 (21-24 Nov. 1687); address from grand jury at Rochester, in *idem*, no. 2374 (16-20 Aug. 1688); address from Berwick upon Tweed town council, in *idem*, no. 2359 (25-28 June 1688); address from Norwich congregationalists, in *idem*, no. 2242 (12-16 May 1687); address from Essex nonconformists, in *idem*, no. 2258 (7-11 July 1687); address from Taunton weavers, in *idem*, no. 2284 (6-10 Oct. 1687).

office in defiance of the Test Acts.⁸⁴ One unhappy critic alleged that the employment of Catholics was akin to allowing Turks and Muslims to run the government; either policy would lead to ‘the Destruction of the Kingdom’. Another attacked the toleration of Catholic ‘idolatry’, arguing that this would undermine the nation’s very identity: ‘The Laws and Constitution of a Country do denominate that Country; if Atheism were here Authorized by Law, this would be an Atheistical Nation; and if Idolatry be set up by Law, it is an Idolatrous Nation’.⁸⁵ In the summer of 1688, a group of butchers marched through the streets of London, clashing their cleavers against steel and shouting out, ‘No Declaration No Toleration No Baxter No Pen No Lob’.⁸⁶ ‘Baxter’ was Richard Baxter the Presbyterian; ‘Pen’ was William Penn the Quaker; ‘Lob’ was Stephen Lobb the Congregationalist; the latter two were known allies of the king. The anti-tolerationist sentiments of the butchers were shared by many ministers of the Church of England who followed the example of seven leading bishops in refusing to read the king’s Declaration for Liberty of Conscience during church services, as required by law. When the king briefly imprisoned the seven bishops in the Tower of London on a procedural matter, it looked to many as though he was attacking the Church of England. Meanwhile, the Dutch prepared to mount an invasion that would later be justified by William of Orange’s claims to be acting in defense of English liberties. James was driven from his country by the end of the year. Some took his flight to France as a sign that his allegiance to

⁸⁴ Some historians in the twentieth century have pointed to this defiance as a sign of James’s duplicity and untrustworthiness, while others (chiefly legal historians) gave more credit to the legal theory propounded by the king that granted him a power to dispense with the Test Acts. For the former, see Trevelyan, English Revolution, 57-67; David Ogg, England in the Reign of James II and William III (Oxford, 1955), 167-8, 182; for the latter, see Alfred F. Havighurst, ‘James II and the Twelve Men in Scarlet’, Law Quarterly Review, lxxix (1953), 522-46; Howard Nenner, By Colour of Law: Legal and Constitutional Politics in England, 1660-1689 (Chicago, 1977), 91-9.

⁸⁵ Some Queries, 2; Samuel Johnson, A letter from a freeholder (London, [1688], Wing J834), 5.

⁸⁶ British Library, Sloane MS 3929, fol. 69v, newsletter for 7 July 1688.

England was weak. Others saw the opposite in his persistent efforts to regain his throne. The French ambassador D'Avaux wrote in 1689 that the king had 'a heart too English to undertake anything that could vex the English'. This statement echoed one made by James to Parliament in 1685: 'I have a True English Heart, as Jealous of the Honour of the Nation as You can be'.⁸⁷ The king's own body had effectively become the grounds on which competing versions of English national identity were played out.

In seeking to accord full rights of citizenship to religious nonconformists, King James, a Catholic himself, put forward a new form of collective belonging that was explicitly voluntary in its orientation. The voluntary element of his proposal was its embrace of a political principle, embodied in the new Magna Carta for liberty of conscience, as the test of good citizenship.⁸⁸ The king maintained that certain involuntary personal characteristics, including religious beliefs and skin colour, were not an acceptable basis for punishment by the state or quarreling by individuals. He suggested that national laws and constitutions should be grounded not on the uniform possession of involuntary characteristics, but rather on accommodating differences in those characteristics. Unity was not uniformity, and neither complexion nor religious opinion should be used as grounds for stigmatizing others.

James's inclusive version of English national identity had some popular purchase, but it was overwhelmed by a counter-attack that proved more effective than anything the king could muster. It is possible to discern in the conflict between the king's supporters

⁸⁷ Anchtell Grey, *Debates of the House of Commons, from the Year 1667 to the Year 1694*, 10 vols. (London, 1763), ix: 17, 21; *Négotiations de le comte d'Avaux en Irlande, 1689-90* (Dublin, 1934), 255; Scott Sowerby, 'Tories in the Whig Corner: Daniel Fleming's Journal of the 1685 Parliament', *Parliamentary History*, xxiv (2005), 182.

⁸⁸ For complaints about this 'new test' as a form of reverse discrimination, see *A Letter to a Dissenter from his Friend at the Hague* (The Hague, 1688, Wing L1633), 3; *Ten Seasonable Queries* (n.p., [1688], Wing T674); Thomas Brown, *Heraclitus Ridens Redivivus* (Oxford, 1688, Wing B5060), 5.

and his opponents a clash between two distinct visions of English national identity. In one view, as championed by James at Chester, English identity was essentially tolerant; in the other, as championed by his opponents, English identity was essentially Protestant. Similar tensions between inclusionary and exclusionary forms of governing practices have been noted in other countries and empires. In some instances, a ruler with an explicitly inclusionary agenda proved able to counter fissiparous tendencies by promoting tolerance.⁸⁹ In England in the 1680s, this was attempted but the effort proved unsuccessful. The failure of James II's toleration campaign suggests the continuing strength of exclusionary sentiments in his realm. The revolution that ensued in 1688 brought only a circumscribed form of toleration to England, with the passage of an Act of Parliament in 1689 limiting the penalties that had been imposed on Protestant nonconformists for failing to attend Church of England services. This act merely suspended the operation of some of the penal laws but did not repeal them; the Test Acts were left entirely in force; and nothing was done to lift the penalties against Catholics. The text of the act, which has become known as the Act of Toleration, did not in fact include the word 'toleration'; neither did it include the word 'liberty'.⁹⁰ The revolutionaries of 1688-9 offered minimal concessions to Protestant nonconformists,

⁸⁹ One example would be the Mughal Emperor Akbar in sixteenth-century India. On Akbar's methods of governance, see Iqtidar Alam Khan, 'State in the Mughal India: Re-Examining the Myths of a Counter-Vision', *Social Scientist*, xxix (2001), 16-45. More broadly, see C. A. Bayly on universal kingship and tolerance in "'Archaic" and "Modern" Globalization in the Eurasian and African Arena, ca. 1750-1850', in A. G. Hopkins, ed., *Globalization in World History* (New York and London, 2002), 50, and idem, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons* (Malden, Mass., 2004), 29-35.

⁹⁰ *The Statutes at Large From the First Year of King James the First to the Tenth Year of the Reign of King William the Third*, new ed. (London, 1770), 424-7; Anchitell Grey, *Debates of the House of Commons, from the Year 1667 to the Year 1694* (10 vols, London, 1763), ix, 261; John Spurr, 'The Church of England, Comprehension and the Toleration Act of 1689', *ante*, civ, 413 (Oct. 1989), 927-46; David L. Wykes, 'Friends, Parliament and the Toleration Act', *Journal of Ecclesiastical History*, xlv, 1 (January 1994), 42-63.

while rejecting the more inclusive model of national identity formation advanced by James II. This was effectively a revolution in reverse; rather than substituting a more inclusive model of identity for a more exclusive one in the manner of the French revolution, it reinforced an exclusive model of identity, rejecting a more inclusive one.⁹¹ If the revolution of 1688-9 has at times seemed less ‘revolutionary’ than other modern revolutions, this may be one of the reasons.

⁹¹ For the further development of this exclusive version of national identity in the eighteenth century, see Linda Colley, Britons: Forging the Nation 1707-1837 (New Haven, 1992), 18-19, 53, 367-9.