

MARGINALIZATION OF ATHEISM IN VICTORIAN BRITAIN: THE TRIALS OF ANNIE
BESANT AND CHARLES BRADLAUGH

By

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FOR WSU STUDENTS

Abstract

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Atheists and freethinkers in nineteenth century Victorian Britain were imprisoned and oppressed. This thesis will seek to illuminate how and why atheists were marginalized in society by examining the persecution of atheists and the collective values in Victorian culture. The premise is that the values of Victorian society were inseparable from religious belief and that the Victorian political, social, and intellectual culture created a normative structure that pushed disbelievers to the margins. Victorian religious culture was maintained by several factors. First, it was maintained by the use of the blasphemy laws that were often used against the leaders of the Freethought movement. Second, religion permeated private life and personal morality, causing atheism to seem immoral. Third, education incorporated religion as part of its teachings, normalizing its predominance. Through these factors atheism was marginalized by law, claims of immorality, and lack of public space. Atheists resisted these factors by appealing to freedom of speech, religious toleration, legal rights, and moral persuasion.

The Victorian collective religious culture will be more closely examined in the trial the *Queen v. Charles Bradlaugh and Annie Besant*. In this trial the prosecution argues that Bradlaugh and Besant were corrupting the masses by publishing *Fruits of Philosophy*, a pamphlet advocating contraception and population controls. By providing rational argument for

the need of poor people to limit their family size, atheists challenged conventional morality and religious notions of the body, further secularizing the body and private life.

Charles Bradlaugh's election as a Member of Parliament was blocked because he sought an alternative to the religious oriented Parliamentary oath when first swearing in to the House. His case represents the different side to the same coin. As an elite, his critics thought he would poison society by his degenerate beliefs and delegitimize the religious identity of Parliament, the highest institution in Britain. Bradlaugh's successful entrance was a victory for religious toleration and a further advancement of secularism.

The goal of making these arguments is to shed light on the marginalization of atheism as a wide-ranging cultural phenomenon in Britain.

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INTRODUCTION

In the nineteenth century, Britain achieved a higher level of religious toleration than in all previous centuries and had also extended the right to vote to the majority of men. It was a century notable for its achievements in religious and political liberty. Britain had started the process of religious toleration two centuries prior in 1689 with the creation of the Toleration Act. Parliament later expanded the Toleration Act to include Unitarians in 1813, Roman Catholics in 1829, and Jews in 1858. Yet nearly thirty years after Jews were admitted into Parliament, disbelievers were barred from Parliament and speaking against religion was still a crime. Within its laws Britain had established laws to respect religious belief and personal conscience, but disbelief still ran against religious traditions that exposed a lack of toleration. Laws against blasphemy, oaths of allegiance to God in Parliament and in the court houses clearly demonstrated to nonbelievers that Britain did not have true religious liberty. The ideals of liberty and freedom, however, already contained within them the justification for the inclusion of disbelief. Freethinkers knew this and so they fought for it.

The historian Owen Chadwick argues that once citizens of liberal governments had tasted freedom, it led to a slippery slope of inquiry, religious doubt, and questioning. Disbelief was part of a new element in society that was struggling free from the domination of rich land lords and old traditions. The problem was that overturning old customs caused new vulnerabilities. New “natural” rights were sought that were wider and more universal to protect weaker elements from the stronger. Chadwick argues that once true religious freedom was conceived, society had to change to accommodate it:

If the right to be irreligious is won, then the institutions, privileges, customs, of a state and society must be dismantled, sufficiently dismantled at least, to prevent the state or

society exercising pressure upon the individual to be religious if he wishes not to be religious. The liberal state, carried out logically, must be the secular state.¹

This thesis seeks to explain why British society tolerated different religious beliefs but not the lack of belief, i.e. atheism, while simultaneously exposing atheism's cultural marginalization. The purpose will be to explain why and in what ways atheism was seen as a threat and incompatible with nineteenth-century British culture. It will be argued that religious belief was entangled with everyday life, causing atheism to be marginalized by religious traditions that depended on the denial of atheism to justify itself. The argument of Chapter One is that Church and State were inseparable and that religious ideology permeated society and private life, causing the British government to defend Christian values. Further, two cases will be examined in order to provide a deeper analysis of the language used to justify the persecution of atheism. The second chapter is focused on Annie Besant and Charles Bradlaugh's trial in 1877 over the issue of publishing a pamphlet that promoted contraception and was labeled obscene. The language used to persecute Besant and Bradlaugh accused them of being a menace to society who threatened the morality among the masses by spreading their immoral beliefs. The third chapter focuses on the religious language used to exclude Bradlaugh as the first declared atheist elected to Parliament in 1880. Parliament was the symbolic embodiment of the cultural values of British culture, elected to legislate and protect British society. The central issue for the defenders of religious morality was that atheism would cause the disintegration of society by removing the moral cement that held it together.

The cases taken together represent the different sides to the same coin. The contraception trial demonstrated to Christians that atheists supported immorality and threatened to pollute the masses by cheaply disseminating their ideas. Similarly, Charles Bradlaugh's entrance into Parliament represented an intrusion into the culture of the elites, who ruled by decree and moral

¹ Owen Chadwick, *The Secularization of the European Mind in the 19th Century* (Cambridge: Cambridge University Press, 1975), 27

example. Bradlaugh's status as a Member of Parliament undermined elite authority and the religious justification for obedience to law and government. Bradlaugh's presence would poison society by turning him into a moral example for British society.

Previous works that focus on secularization or Freethought have not exclusively attempted to tease out the arguments for the persecution of disbelief in British society. Edward Royle is perhaps the most notable British historian of nineteenth-century Freethought. His two works, written in the 1970s, cover the nineteenth century. *Victorian Infidels: The Origins of the British Secularist Movement 1791-1866* gives an introduction to the movement itself and explains the historical actors. His other work, *Radicals, Secularists and Republicans: Popular Freethought in Britain, 1866-1915* continues this narrative, detailing the obstacles and constituent parts of the main groups and actors during the second half of the century. The two works serve as the best examination to British secularism in the nineteenth century. Another great overview of the secular movement in the period is *A History of the British Secular Movement* by John McGee. Other works such as *The London Heretics* by Warren Sylvester Smith and *English Radicalism 1853-1886* give atheism a chapter or two that outlines the major events and players without fully explaining the reasons for its cultural marginalization. In *A History of Atheism in Britain: From Hobbes and Russell*, David Berman provides an intellectual account of the persecution of atheism by focusing on the reasons that atheism was believed to not exist. Berman argues that believers created a culture that considered disbelief impossible in order to assure themselves that religious belief was universal and innate, which also reinforced religious culture by marginalizing any who disbelieved. Nicolas Walter's work *Blasphemy: Ancient & Modern* (1990) is an excellent work that provides a focused survey of the persecutions of atheists through the blasphemy laws, which this thesis is greatly indebted. There are several larger works that cover nineteenth-century Freethought, most notably J.M. Robertson's *History of Freethought in the Nineteenth Century* (1929), J. McCabe's *A Rationalist Encyclopedia*

(1948), and David Tribe's *100 Years of Freethought* (1967). This thesis will add to this literature by providing a closer look at the cultural arguments and cultural mores to expose the particular reasons atheists were so feared. It also has larger historical importance in that it seeks to uncover one of the ways by which society tries to create conformity and obedience to a single culture. In this sense this thesis speaks to the reasons and justifications a dominant culture gives for marginalizing undesirables, be it at one time Catholics, Jews, atheists, or homosexuals.

The works that have been written on the two test cases, the trial of Charles Bradlaugh and Annie Besant for obscenity and Bradlaugh's Parliamentary struggles, have mostly been political and chronological accounts. Roger Manvell's work on *The Trial of Annie Besant* (1976) gives a chronological account of events with an abridged publication of the trial transcripts and is also a tribute to the love story of Besant and Bradlaugh. Bryan M. Yates' Master's Thesis, entitled *A Prosecution Fraught with Danger: The Trial of Charles Bradlaugh and Annie Besant* (1966), examined the ideology of class and gender surrounding the case. Charles Knowlton was an early nineteenth-century American doctor who published a pamphlet on contraception. Yates argues that Charles Knowlton's ideas, propagated through Annie Besant and Charles Bradlaugh, threatened established morality and gender roles. While not disagreeing with Yates' analysis of the importance of sex and gender, this thesis argues that the most important cultural factor supporting gender roles and conventional morality was religious ideology. Besant and Bradlaugh's willingness to publish this pamphlet demonstrated to theists that atheists were immoral and socially destructive.

There are a handful of works written on Charles Bradlaugh's Parliamentary experiences. Walter Arnstein provides an excellent account in his 1965 work, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, to which this thesis cannot compare. However, Chapter Three on Bradlaugh's parliamentary struggles seeks to situate his story into the context of the cultural phenomena of the marginalization of atheism. The analysis provided in Chapter Three

has really less to do with Bradlaugh than the effort to tease out the cultural threat that Bradlaugh represented. Joseph Anthony Ilardo's dissertation, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891" (1969) is also an excellent and thorough analysis of the debates within Parliament surrounding Bradlaugh. Gordon Robertson, Jr.'s Master's Thesis, "Charles Bradlaugh and the Affirmation Controversy" (1962) is a chronological and political account. Ruth Pearce Carmichael's Master Thesis, "The Parliamentary Oath Controversy" (1932) was one of the first attempts to explore the events. None of these works, other than Arnstein's to some degree, attempt to explain the deeper cultural undercurrents that were vying for dominance.

This work is a study of the culture surrounding the persecution of atheists. The nineteenth century witnessed the rise of both belief and disbelief and was a time of cultural turmoil and changing mores. While this is seemingly contradictory, since where one rises the other would must fall, the era witnessed a general heightened discourse of religious belief. In the work *The Making of Victorian England* Kitson Clark argues that religion "pervaded all society, challenged men and women of every level of society or of education and became fused with the objectives of most political parties and the hopes of every class."² Clark says the year 1859 was followed by a religious surge, suggesting that the dominant culture was still one of Christian belief with punctuated exceptions of disbelievers. It was still dangerous to attack religion unless the critic was speaking before a highly educated audience. Churchgoing was still high, causing foreigners sometimes to make comment on it. Public discussion still centered on religious subjects and had a tone that was highly pietistic.³

British people were consciously aware of a stark break with the past. The traditional foundations of the Middle Ages were coming undone and the Victorians were the first generation

² Kitson Clark, *The Making of Victorian England*,(Cambridge Massachusetts 1962), 147

³ Clark, *The Making of Victorian England*, 147

to face the dilemmas of modern life. The old assumptions about one's station in life were overturned, casting people adrift in an age that deeply questioned the traditional beliefs of morality and religion. John Stuart Mill called it a time of "intellectual anarchy." English Medieval society had been ruled by Christian orthodoxy through the domination of the church, which in turn was ruled by nobility and king. Society had consisted of fixed classes in rigid hierarchies with an economic system based in village agriculture and town guilds. All of this was challenged when the French Revolution of 1789 rejected class inequality, asserted the democratic Rights of Man, and admonished the worship of the Goddess of Reason.⁴ Freethought challenged society and represented a larger trend occurring in Britain. All of society was confronted with new questions about God, religious restrictions, equality and the limits of liberty. According to Houghton in *The Victorian Frame of Mind*, the years between 1830-1870 were a time of acute crisis for Victorian intellectuals. This crisis was felt at the same time that the authority of the Church and aristocracy declined. It led many thinkers to deeply focus their attention on the contemporary scene more than they had ever done before. This caused competition between different ideologies over political, religious, and moral issues.⁵

Britain was not truly religiously tolerant—it was tolerant to Protestants, Catholics, and eventually Jews because they did not denounce the Christian Anglican god. Religious opinion was not free and atheism was suppressed by a dominant culture of religious belief. In order to clearly see this, it is important to recognize how perceptions of religious morality were used to oppress atheism and religious liberty. This religious mentality was maintained through the establishment that consisted of state law, culture, and education. The dominant culture was defined and dependant on religious belief, and by nature of its composition, pushed atheism and its adherents into a position of marginalization.

⁴ Houghton, *The Victorian Frame of Mind 1830-1870* (New Haven: Yale University Press 1957), 2

⁵ Houghton, *The Victorian Frame of Mind 1830-1870*, xvi

Atheists and disbelief were marginalized in nineteenth-century Britain because they sought to redefine the limits of freedom and liberty and overturn the overwhelming weight of tradition. If nonbelievers were to be permitted within the limits of religious freedom, there had to be freedom to criticize all forms of religious belief. Acceptance of diverse religious opinion was the result of divided religious loyalties, in Britain non-Anglican Protestants made nearly half of the religious population. The logical process of tolerating dissenting *religious opinion* is toleration of *opinion*, regardless of view.

Christian Britain was being dismantled from the fringes by nonbelievers who sought inclusion into society. Yet most Christians considered society to be based on Christian morals, which meant that Radical atheists were not only challenging religious authority but religion's self-proclaimed monopoly over the foundations of public morality. Nonbelievers sought to redefine morality and extend the limits of liberty.

George Watson in his work *English Ideology* defines ideology as a systematic form of thinking that has its foundations in morality. Ideology defines the conviction of people by laying out what is right or wrong based on assumed premises and beliefs. The English had created their own particular form, founded in their parliamentary political tradition that rejected unlimited central authority. Watson says, "The English ideology is about the liberty of man."⁶ Yet liberty was an ideal, not a reality. All human communities sacrifice their unfettered freedom to coexist within society. No human animal, man or women, is free from the compulsion to survive, and unless they live alone, each man or women must work out a method of cooperation. Liberty is a political concept by which people envision the parameters of human interaction. To discuss liberty is really a discussion about what the permissible limits are of human obligation, duty, and

⁶ George Watson. *The English Ideology: Studies in the language of Victorian Politics* (London: Ebenezer Baylis and Son, Limited, 1973), 19

restraint. The crux of the issue is how to determine what is right and what is wrong, which is based on perceptions of reality.

The conceptual framework of this thesis is grounded in the practical notion of liberty in nineteenth-century Britain. The boundaries of liberty sets the limits of what is allowed, but just because people are free to act in certain fashions, does not mean that society considers the permitted act to be moral. A society that posits liberty as its creed must depend on the individual actions and choices of its citizens, putting critical reliance on their moral and ethical behavior. People are free to drink alcohol with the assumption that most people will not drink themselves to an early death. Liberty is not an ideology of obedience because it is a philosophy of limits and not commands; however, it requires conformity to perceived universal codes and moral values. Society has to create an ethical citizen body for society to properly function; if it could not establish such norms, society would degrade into anarchy. Thus civic and private morality are crucial issues to any society that allows the inclusion of the whole citizen body in the deliberation process. It requires conformity not only of the elites, but also of the lowest economically contributing member. To inculcate the correct values in society both the public and private spheres of life are intertwined with personal morality. Victorian moral ideology, deeply intertwined with religion, was bent on creating citizens through moral education who participated in good domestic hygiene, restraint, and self-help.⁷

Religion is an unquestionable bedrock for ethical decrees and has historically been used to enforce behavioral conformity. Religions demand behavior to be in accordance to a divine plan, creating an enormous incentive and promoting obedience. When people privately act in accordance with a religious world view, they conceive of themselves acting in tune with the laws of the universe. Religion also helps maintains traditions, since religious doctrine is theoretically not supposed to change. Once conformity or conversion is accepted, religion provides a place

⁷ Watson, *The English Ideology: Studies in the language of Victorian Politics*, 4

that invites inclusion, perpetuation, and unites diverse people. Consequently, religion is a cultural glue that justifies conformity to moral rules both philosophically and pragmatically.

Liberty on the other hand works to include people regardless of difference. The nineteenth century was filled with debate of who should count as a citizen. Liberalism eventually led to the notion of universal citizenship in the twentieth century, but before attaining equality, Britain dealt with the issues of who was fit to participate in public life and who was not. Intellectual liberty also became a critical issue in nineteenth-century Britain, implied in the name “freethinkers” that many disbelievers took for themselves.

Disbelievers changed the underlying assumptions of morality by removing God from the equation. Where some people saw a world filled with divine justice and evil malice, disbelievers saw a cold reality made warm only through human action and will. Atheists argued that the basis of morality was not based on the Bible but on experience and reason. Atheists were especially persecuted because they were tampering with longstanding traditions, creating the fear that restraints would be abolished to a point that no police force could control. Many people found it difficult to believe the secular reasons for obeying laws and generally being a good neighbor, especially because during the French Revolution religion was abolished and innocent people were summarily executed. Once the sacred cornerstone of morality was removed, the only thing left was reason and philosophical debate, which could theoretically go any direction. To concerned religious individuals, there was ample reason to stop atheism. This was why British society sought to stop atheists through legal action, seizure of publications, social ostracism, and exclusion. These were also the ways that atheists promoted the secularization of society, challenging step by step conventional morality and traditional values by accusing them of being restrictive, oppressive, or short sighted.

Seeing the world through the terms of the western monotheistic religion of Christianity, which by internal doctrine sought conformity, caused society to persecute social deviants. The

collective moral conception of life through a Christian ideological view had fully integrated itself with the state and cultural infrastructure of society. Atheists, armed with ideas of equality, liberty, and intellectual freedom, had to martyr themselves to expose the contradictions of a liberal society that had not yet acquired true religious freedom.

CHAPTER 1

MORALITY AND MARGINALIZATION: THE STATE, PRIVATE LIFE, AND EDUCATION

The despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary, which is called, according to circumstances, the spirit of liberty, or that of progress or improvement. –John Stuart Mill, On Liberty, 1859

The bogeyman of the Victorian era was the atheist artisan: often self-educated, unchurched, and politically radical, he or she disturbed the faithful and put doubt forcefully into the open. The nonbeliever represented a counterculture position to an age dominated by religion. Britain in the Victorian era was unmistakably a Christian country. Its laws and institutions were supported by numerous churches and sects that declared and defended the Christian religion, which in turn was maintained by the courts and public opinion.¹ The state made atheism criminal by law while at the same time educating its citizens in religious belief. Those who stood against religious tradition often defined themselves as freethinkers or atheists (and later in the century as agnostics and secularists). Freethinkers and atheists either rejected the Christian religion or belief in God altogether. Atheists were marginalized informally through a collective culture that found atheism repulsive. The argument of this paper is that religious ideas of morality, supported by tradition and religious institutions, compelled Victorian society to marginalize atheists either directly by persecuting them in court and suppressing their literature, or indirectly by not granting them public space to co-exist.

¹ Edward Royle, *Victorian Infidels* (Manchester 1974), 1.

This chapter will argue that atheism was marginalized by three main pillars of custom: first, the power of a Christian state that made public atheism criminal; second, the norms of a Christian culture that permeated the daily lives of the populace and saw atheism as an immoral blight; and third, an education system that made religion part of its curriculum. The combination of these three forces allowed almost no public space for atheism. Thus, in later chapters it will be shown that when atheists such as Annie Besant and Charles Bradlaugh tried to create space for their views in society, they were suppressed or ignored through established norms. Victorian culture was saturated in religious ideology that permeated societal norms and justified punishing those who violated the norm. Atheists fought against this formation of state power and cultural norms, resulting in their martyrdom and persecution.

At the center of discourse on the marginalization of disbelief was the debate on morality and social conformity. Religious people feared that atheists would destroy religious faith, ruin the foundation of morality, and cause society to dissolve into anarchy.² This fear justified the suppression of atheism. The political ideology of religious toleration in Britain had made room for both Catholics and Jews. Disbelief, however, ran against the grain of a society defined by religion. This is because morality was closely associated with religion. In his autobiography, John Stuart Mill described the sense that religious belief and morality were inseparable, prompting many people to believe it was essential for maintaining moral behavior. Mill mentions a specific book, entitled *Analysis of the Influence of Religion on the Temporal Happiness of Mankind*, that he read as a child. Mill said

² Walter E. Houghton, *The Victorian Frame of Mind, 1830-1870* (New Haven: Yale University Press, 1957), 58.

apart from any peculiarities of any special revelation; which, of all the parts of the discussion concerning religion, is of the most important in this age, in which real belief in any religious doctrine is feeble and precarious, but the opinion of its necessity for moral and social purposes almost universal...³

This concern for morality was turned upon the non-religious working classes especially, who were suffering through the growing pangs of the Industrial Revolution that had caused many to break away from traditional culture. Many in the working classes also suffered the most from state neglect, never received an education, and lived through intolerable conditions. Religious thinkers often saw the free and cultivated living of the working classes and their lack of religion as directly related. Indeed, the working classes were more atheistic than any other class. The largest cause of disbelief was often criticism of the conservative stance of the clergy, the theological problem of evil, and the amount of suffering witnessed firsthand. Radical literature was critical and skeptical, and leaders like Thomas Paine and Percy Bysshe Shelley harshly criticized Christianity. Conservatives often thought of Chartists as revolutionary infidels when they advocated democracy and communist ideals. Persecutions were centered around the fear of social disintegration, and atheists were often prosecuted for disseminating ideas considered dangerous. Thinkers such as Herbert Spencer and T.H. Huxley advocated strongly subversive opinions in their actions and works without ever having to face a blasphemy trial. As part of the intelligentsia and the respectable classes, they went untouched. The brunt of the assault against atheism was aimed at the lower classes.

CULTURAL CRITICS: ATHEISTS

³ John Stuart Mill, *Autobiography of John Stuart Mill*, (New York 1964), 68.

Atheists rejected the foundations of religious morality in an openly Christian society. Radical disbelievers wanted first and foremost to remove religion from the spheres of public life. Religion was to be relegated to a subjective and personal domain, while public education would teach science, reason and rationality that Radicals hoped would eventually eliminate religious belief altogether. They thought that God's existence was unfounded and that no evidence could be provided to prove its existence. This attack on established religion was extremely disturbing to the faithful. If Atheists gained power, it was feared they would abolish everything that was good from past tradition.

Atheists challenged religious authority by changing the epistemological grounds of morality from one based on revealed religion to one based on material reality backed by evidence and reasoning. They were seeking a revolution in perspective that would change the method of ethical reasoning. Disbelief was grounded in a rationalism that preached positivism, which affirmed that only verifiable phenomenon could be taken as evidence. The positivistic creed held that all knowledge truly stemmed from understanding physical relationships and that all answers could be sought through examining the physical world. Positivistic thinking placed humanity as the number one priority, so that humanity itself replaced God as the center of value and thought. There were no creeds above the needs of human society, and humans had to take responsibility for their own actions. It was in this sense that a rational basis of morality was argued and that philosophies such as Utilitarianism were based. The constructive arguments of the radicals preached the importance of education and the increasing of individual liberty in regards to things such as marriage and intellectual discussion.

On top of this material epistemology that rejected revealed truth, religion was thought to be based on external, unverifiable authority enforced by terror. Atheists such as Charles Bradlaugh and G.J. Holyoake thought morality emerged from practical understanding of a person's desires for what was good, which could be ascertained by the objective needs of themselves and others. Atheists contended that humans could not be moral by commandment; rather, they thought a person could only become 'strictly moral' if they sought good for its own sake, which required one to be 'a practical atheist.'⁴ Doing good works for hopes of a future reward or fear of eternal punishment was a philosophy that made humanity servile or purely self-interested. Atheists thought that morality was a cultural production, taught by his or her society, and accumulated by experience. In order to understand morality correctly, the atheist had to remove the falsities of knowledge and of human life to correctly understand the duties and responsibilities required for a better society.⁵

Further, atheists accused Christians of being immoral (so both sides accused each other of the same fault). While Christians hoped to fill everyone with the belief in God, atheists hoped to remove such belief on the grounds that it was ancient superstition and an obstacle to future progress. For atheists, the Bible was no longer an authority for ethical decisions or of use in creating the best society. The historian F.B. Smith said nineteenth-century British atheists thought "Religion was immoral: it was destructive of personal happiness, intellectually false, anachronistic and in general socially pernicious."⁶ Freethinkers like Charles Bradlaugh railed against a reality where the poor suffered gravely while the rich lived in security and comfort.

⁴ F.B. Smith, "The Atheist Mission, 1840-1900," in Robert Robson, editor, *Ideas and Institutions of Victorian Britain: Essays in honour of George Kitson Clark* (New York: Barnes & Noble, Inc., 1967), 207.

⁵ Robson, *Ideas and Institutions of Victorian Britain*, 207.

⁶ Robson, *Ideas and Institutions of Victorian Britain*, 207.

The inequalities and un-remedied state of industrial society served as evidence against Providence that there was a God involved in people's lives. For Bradlaugh and many freethinkers, the problem of evil in the world was proof that humans lived in a reality devoid of divine intervention. Bradlaugh wrote in one of his pamphlets in 1865:

Not even the sight of a pale-faced wife and thin forms of half starved infants can move to generosity the Ruler of the world. The labourer may pray, but, if work be scant and wages low, he pines to death while praying. His prayer gives no relief, and misery's answer is the mocking echo to his demand...Are the many repining at their miseries, the preacher, with gracious intonation, answers rebukingly that God, in his wisdom, has sent these troubles upon them as chastisement for their sins...Prayer to the Unknown for aid gives no strength to the prayer. In each beseeching he loses dignity and self-reliance, he trusts to he knows not what for an answer which cometh he knows not when, and mayhap never come at all...Let workmen, instead of praying to God in their distress, ask one another why are wages low? ⁷

Annie Besant wrote a much more caustic, polemical criticism of religion. In her essay "Is Christianity a Success," published in 1885, she wrote:

Verily Christianity is condemned by its failure. Its God, its heaven, its hell, all fail as motives to good conduct. The policeman influences the thief more than God does; worldly prosperity is a surer bait than heaven; the gaol is a more efficacious threat than hell. The wrath of God can be escaped by sheltering behind Jesus; whereas the policemen is not so easily thrown off the track. Heaven can be won by a prayer when earth is lost; hell escaped by a prayer when successful fraud has secured worldly comfort. Christianity is the nursing mother of social evil, for it winks at all oppression by the wealthy, and condones every crime in the believer. ⁸

Atheists also argued that theistic philosophy was intellectually unconvincing. They refuted nearly every point of religious creed. They questioned why God waited 4,000 years for a redeemer, why Jesus had to suffer for others when God could prevent it, and why God had

⁷ Charles Bradlaugh, "Labour's Prayer," in Charles Bradlaugh, *A Selection of the Political Pamphlets of Charles Bradlaugh* (New York: Augustus M. Kelley, 1970), 1-8.

⁸ Annie Laurie Gaylor, *Women Without Superstition: "no Gods--no Masters" : the Collected Writings of Women Freethinkers of the Nineteenth and Twentieth Centuries, Second Edition* (Madison, Wisconsin: Freedom From Religion Foundation, 1997), 280.

ordained anyone to suffer at all. The argument of intelligent design was attacked by exposing the excesses, suffering, and violence of life. Miracles such as the flood and the resurrection were scrutinized. They questioned how the Bible could be representative of morality if it approved of slavery and prostitution. They argued that religion was not intuitive after an explorer had proven that there existed a group of religionless natives who had “no notion of rewards or fears after death.” Basically all the arguments familiar today were used then as well. It was the practical criticisms of the teachings of the Church that made literal interpretation of the Bible unrealistic.⁹

The atheist criticism of religion and the threat of persecution drove radical freethinkers such as Richard Carlile, Robert Owen, George Holyoake, and Charles Bradlaugh into politics. They wished to reform education. They believed in the educational theories of Owen that people learned their habits and behaviors from the environment. Their mission was thus to purge society of superstitious beliefs and show truth from an objective study of nature. Education and unrestrained knowledge would lead the way for human progress. This required, free, secular, universal education. Radicals supported Graham’s Bill of 1843 and supported W.J. Fox’s Bill of 1850. They were members of the National Public Schools Association, the Secular Education Association and the National Education League. To contest the domination of religion, they built their own Sunday schools and taught grammar, chemistry, geology, astronomy, political economy, and Biblical history. They sought to improve conditions for others so they could better themselves. The atheists were also passionate Malthusians and were its most vocal adherents. They promoted birth control literature and contraception devices. The historian F.B. Smith noted that “At a time when the use of contraception was spreading rapidly, spokesmen of the middle

⁹ Robson, *Ideas and Institutions of Victorian Britain*, 207-216.

classes declared themselves aghast at the shamelessness and working men delighted in ribald interjections during meetings.”¹⁰

THE RELIGIOUS STATE AS THE FIRST PILLAR OF CUSTOM

Since the seventh century, Christianity had been a part of British culture, and this created a state which used the power of law to protect religion. This meant that religious ideology was intrinsically connected with the notion of blasphemy and heresy. Monotheism, as an ideology claiming to possess the absolute truth, is a faith that requires the denial of all other creeds and so has incorporated suppression of other professions into its doctrine.¹¹ England has a long history of punishing heresy. The most significant early case was John Wycliff (died 1384) who predated Protestantism in his opposition to Catholicism. Ecclesiastical authorities convicted Wycliff's followers, the Lollards, for heresy, formalizing the law so that heretics were burnt to death if they were found unrepentant. During the Reformation, Catholics and Protestants persecuted each other in succession. The height of persecution was reached with Catholic Queen Mary between 1553 and 1558, who killed nearly 300 Protestants, outnumbering the nearly 200 Catholics who had been killed throughout the period. The last burning of a heretic occurred in 1612, during the reign of James I. Punishment declined and heresy was repealed as a major civil offense in England and Wales in 1677. In 1689, Parliament passed the Toleration Act, which established religious pluralism. Yet disbelief was not, and has never been, included in the Toleration Act. When charges of heresy began to decline in Britain, legal restrictions were put in

¹⁰ Robson, *Ideas and Institutions of Victorian Britain*, 219.

¹¹ See the works of Nicolas Walter *Blasphemy: Ancient & Modern* (1990), H.T. Buckle *Introduction to the history of Civilization* (1865) and *History of European Morals from Augustus to Charlemagne* (1869), H.C. Lea *A History of the Inquisition* (1888-1908, 1922) E.S.P. Haynes *Religious Persecution* (1904), Francesco Ruffini *Religious Liberty* (1912), Henry Kamen *The Rise of Toleration* (1967), Leonard W. Levy *Treason Against God* (1981).

place to protect the Church and State by using the legal term blasphemy. The law is vague and it is difficult to discern its limits. In theory, the law was designed to defend divine honor and safeguard against divine anger, protect Church and State, maintain the foundation of society, keep order and peace, preserve public decency, or preserve a sense of the sacred. In practice it has been used to maintain orthodoxy. Additionally, it was taken for granted that the blasphemy law protected only Christianity and not other religions. The law against blasphemy and blasphemous libel within England and Wales over three centuries was a common law offence. It was not an Act of Parliament and was not a part of any Statute Book, but rather was an invented crime that was developed by separate judges, documented in official records.¹²

Common law thus developed its attitude toward blasphemy on a case by case and judge by judge basis, causing it to change over the years. It was most often used against particularly offensive unorthodox or anti-religious propaganda. Over the years, the blasphemy law provided a deterrent to extreme dissent, but its short term effect failed to suppress blasphemous ideas, and instead increased the circulation of persecuted material.¹³ For example, when the government sought to ban Thomas Paine's *Age of Reason* for blasphemy, it sold record numbers.

Disbelief was distinctly tied to the freedom of the press. In order to spread the arguments of atheism, atheists had to harshly criticize Christianity and religion in general to a wide audience. Thus, the state often suppressed disbelief by focusing on publications. The British Press was born when the Catholic Church still dominated tastes and norms and the Church attempted to enforce its moral censorship over the press. Starting in 1559, work could not be printed by the Stationers' Company that had not first been reviewed by certain bishops or judges.

¹² Walter, *Blasphemy: Ancient & Modern*, 29.

¹³ Walter, *Blasphemy: Ancient & Modern*, 30.

Religious minorities, however, resisted the censorship. For example, Puritans and Jesuits used their own printers outside of universities and London. By 1637, religious domination of the printing press by the Catholics and the Church of England had been considered a failure due to its inability to enforce registration of printers. Instead, censorship aimed at publications. Thus, anyone who wished to publish a book or a paper had to submit their works to licensers, registered by the Stationer's Company. This was established by Star Chamber Decree, by Parliamentary Ordinance, by Statute, by Proclamation, and by Common Law.¹⁴ A general change to the law occurred with the Libel Act of 1792, which made juries the sole judge of the act in question. This made little practical difference, as most juries voted on religious prejudice and followed the direction given by the prosecuting judge.¹⁵ Punishment rather than prevention became the rule of thumb. Thus, the government did not violate people's private lives as the Inquisition once had by persecuting personal beliefs. Instead, the government sought to suppress blasphemy through censoring public media that was used to circulate ideas considered dangerous.

The courts enforced laws that prosecuted on the basis of libel considered to be *defamatory, obscene, blasphemous, or seditious* with regard to personal, sexual, religious, or political matters. Abusing or maligning the Christian religion or the Scriptures was illegal, but the laws were not without their grey areas. Blasphemous violations were difficult to prosecute if calm and moderate arguments against Christianity were published. The blasphemy laws also could affect belief systems outside of atheism. People who believed in witchcraft or thinkers

¹⁴ William Wickwar, *The Struggle for the Freedom of the Press 1819-1832*, (London: George Allen & Unwin Ltd, 1928), 14.

¹⁵ Walter, *Blasphemy: Ancient & Modern*, 35.

who considered themselves Deists were sometimes prosecuted in the 17th and 18th centuries.¹⁶ Concerned citizens as well as the courts used the laws against *obscene, blasphemous, and seditious* libel to persecute the most sacrilegious members of the Radical movement. Atheists, mostly from the working classes, challenged the cultural norms of British society by opposing the libel laws, leading to one jail sentence after another. The most notable case was against Thomas Paine in the 1790s. The government persecuted *The Rights of Man* as seditious libel and his work *The Age of Reason* as blasphemous libel. He responded by fleeing first to France and then to America.

Suppression of literature was exceptionally harsh during the time of the French Revolution. William Pitt, Britain's Prime Minister, decided to repress the political egalitarian creed that he considered dangerous and that connected itself with revolution and atheism. From 1794 to 1801, Pitt suspended *habeas corpus* in order to hold suspects in prison for indefinite periods of time. In 1795, he passed an act titled the Treasonable Practices Act that expanded the law to include anything that he thought could incite revolution against the British government. Additionally, freedom of the press was curtailed. Stamp duties put many cheap publications out of business, and printers became accountable for what they published.¹⁷ Pitt's government aggressively suppressed the radical movement, whose members preached revolution and were considered infidels. In an effort to make agitation extremely difficult, the government renewed the suspension of *habeas corpus* each year between 1794 and 1801. In 1795, seditious meetings were made illegal for groups over fifty men, causing the ruin of many of the radical clubs that

¹⁶ Walter, *Blasphemy: Ancient & Modern*, 24-25.

¹⁷ Walter Arnstein, *The Age of Aristocracy: 1688 to 1830* (D.C. Heath and Company 1996), 244.

had formed in 1789. Press laws were made more stringent and stamp duties forced cheap newspapers and journals out of business.¹⁸

In 1814 Daniel Eaton Houston and George Houston were put on trial for publishing *Ecce Homo*, a rewritten English version of Baron D'Holbach's *Story of Jesus Christ*, which painted Jesus as merely an historical figure. Eaton died before a verdict could be reached but Houston was fined and sentenced to two years in prison. He later fled to America.¹⁹ The year 1817 saw over 20 prosecutions of radical publishers for seditious libel, and many more were put into prison without trial.²⁰ Habeas corpus was suspended again in 1817. During this same year, the Home Secretary, Lord Henry Sidmouth, selected the freethinker William Hone as an example for special denunciation. Shortly after Hone's trial, Sidmouth allowed warrants to be issued for anyone suspected of seditious or blasphemous libel, which represented an unconstitutional extension of power to the Tories.²¹ The most courageous blasphemer was Richard Carlile, who deliberately wished to challenge and overturn the laws against political and religious dissent. He published a great deal of illegal material, and in 1818 he reprinted Thomas Paine's writings on religion. This led to his prosecution for blasphemy by the Society for the Suppression of Vice. During his trial, Carlile read out loud the whole of Paine's *Age of Reason*, causing it to be printed broadly in public newspapers. He was convicted and spent six years in prison: three years for his sentence and three additional years for refusing to pay his fines. He was later followed into prison by his wife and sister who continued to publish blasphemous literature in his absence. His

¹⁸ Arnstein, *The Age of Aristocracy: 1688 to 1830*, 244.

¹⁹ Walter, *Blasphemy: Ancient & Modern*, 36.

²⁰ Joss Marsh, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England* (The University of Chicago Press 1998), 22.

²¹ Marsh, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England*, 22.

defiance and unwillingness to stop his printing business led to the first Freethought movement in Britain as freethinkers united in their opposition against censorship and imprisonment.²²

In 1822, Susannah Wright, a Nottingham lace worker and mother, was persecuted several times for volunteering at Richard Carlile's bookshop when Richard, his wife and his sister were all in prison. Susannah defended her own case and argued her defense for four hours before being fined and spending 18 months in prison for publishing a libel on the Christian religion.²³ She said during her trial "I am bold to tell these persecutors, they never can, they never will, put down these publications...As the blood of the Christian martyrs became the seed of the Christian Church, so shall our sufferings become the seed of free discussion, and in those very sufferings we will triumph over you."²⁴ By the year 1825, the authorities gave up their struggle, stopped the prosecutions and released the prisoners. Upon release, Carlile immediately resumed publishing Thomas Paine's works, and *The Age of Reason* became the most widely read work of Freethought literature. The respite proved to be temporary, though, and egregious offenders were still persecuted. Robert Taylor was the next to be prosecuted. An unorthodox preacher, he was sentenced and imprisoned for blasphemous sermons first in 1828 for one year and again in 1831 for two years.²⁵

The persecutions and prison sentences caused fear among some freethinkers and dampened their resolve, especially among the radical Owenites and Chartists. In response to government suppression they moderated their speech and were more careful about crossing the line in the 1840s. However, the more extreme atheists and freethinkers did not want to

²² Walter, *Blasphemy: Ancient & Modern*, 36-37.

²³ J.M. Robertson, *A History of Freethought in the Nineteenth Century* (London: Watts & Co. 1929), 63.

²⁴ Quoted in Walter, *Blasphemy: Ancient & Modern*, 37.

²⁵ Walter, *Blasphemy: Ancient & Modern*, 38.

acquiesce to the authorities and responded by heightening their criticisms of religion. A new wave of persecutions began in the 1840s when Henry Heatherington was charged by the Bishop of Exeter, Henry Phillpotts. In 1841 the Royal commissioners on the Criminal Law declared “the law distinctly forbids all denial of the being and Providence of God, or the truth of the Christian religion.”²⁶ Meeting this challenge, Charles Southwell created the first atheist newspaper in England, *Oracle of Reason*, in 1842. He was quickly prosecuted for several articles, fined 100 pounds and sentenced to a year in prison. During the same year George Holyoake was put on trial for saying during a lecture that a theoretical group of new colonies would be “too poor to have a God.”²⁷ Holyoake was sentenced to six months prison, causing his daughter to die of hunger and permanently scarring Holyoake. After his release, Holyoake repeated his “offensive” words in Cheltenham but was not further prosecuted. Shortly after Holyoake’s release another contributor of the *Oracle* was sent to prison for a month. The trials inspired freethinkers to form an Anti-Persecution Union to resist censorship.²⁸ Holyoake organized and rallied freethinkers around him, taking the momentum built by Richard Carlisle. Their efforts to support free speech and criticize religion became widely recognized as a Freethought movement.

From the mid-1840s and into the 1850s, the Freethought movement strove to be respectable. It was at this time that Holyoake coined the term “secularism.” Culturally, atheism was a divisive belief and had connotations that were derogatory. Holyoake did not use the label atheist because “the public understand by that word one who is without God and also without

²⁶ Quoted in Walter, *Blasphemy: Ancient & Modern*, 44.

²⁷ Quoted in Walter, *Blasphemy: Ancient & Modern*, 44-45.

²⁸ Walter, *Blasphemy: Ancient & Modern*, 44-45.

morality, and who wished to be without both.”²⁹ Holyoake said in 1853, “We object to those terms which have the affect of condemning us before we are heard, and causing the public to regard us with foregone disapprobation.”³⁰ In 1853, George Holyoake and his brother Austin took over James Watson’s Freethought publishing business. The next major step was in 1866, when the militant atheist Charles Bradlaugh created a nationwide Freethought organization, the National Secular Society. In 1857 an isolated case occurred in which a clergyman, Paul Bush, prosecuted Thomas Pooley for blasphemy. Pooley was sentenced for twenty-one months in prison for writing on walls and gates, but after his sentence was publicized by Holyoake, it was reduced to five months.³¹

The most common form of legal discrimination was due to a Christian oath required when giving witness in court. The law allowed courts to discount oral testimonies given by atheists. The Christian oath laws had been relaxed during the nineteenth century with regard to Unitarians, Quakers and Jews, but atheists were penalized until laws were passed in 1869 and 1870.³² The objection was that atheists did not believe in a Deity or in a future state of rewards and punishments. Court cases in Britain could refuse the testimony of a witness if he or she declared themselves to be, or were known to be, an atheist. For instance, in 1839 George Connard, a socialist lecturer in Oldham, was imprisoned for debt because he refused to take the oath and could not therefore defend himself. In 1842, William Simpson, a law officer, could not give evidence in an assault case against himself because he was an atheist. However, depending

²⁹ Quoted in Owen Chadwick, *The Secularization of the European Mind in the Nineteenth Century* (Cambridge: Cambridge University Press, 1975), 90.

³⁰ Quoted in Chadwick, *The Secularization of the European Mind in the Nineteenth Century*, 90.

³¹ Timothy J. Toohey, “Blasphemy in Nineteenth-Century England: The Pooley Case and its Background,” *Victorian Studies*, Vol 30, No. 3 (Spring, 1987), 315-333.

³² Royle, *Victorian Infidels*, 268.

on the prejudice of the court, the law was only haphazardly applied. Holyoake was allowed to give testimony in 1850 but was denied in a different case in 1852. In 1853, a man was sent to prison because he was unable to take the oath and defend himself, while the man who was charged with theft escaped. There were many such examples; in 1854 Edward Truelove was unable to give evidence against a man who stole one of his books. In 1857 and 1860, Holyoake had been summoned for Jury service, but because he was an atheist he was later rejected.³³

Given the fact that atheists could not serve on juries, juries must have been tilted heavily toward the defense of Christian beliefs.³⁴ Bradlaugh stated in 1862:

I admit that to be a Freethinker is to be an outlaw, according to the laws of England. I admit that if you are free enough to say you are an infidel, your evidence may in a court of justice be rejected so that you may be robbed. I admit it is the statute law of England. I admit that to profess your disbelief renders you liable at the present moment to fire and imprisonment and penal servitude. I admit we have not wealth and Power on our side—power which the Christian Church, through eighteen centuries of extortion, has managed to get together. But I tell you what we have. We have the pleasant consciousness that we make the public conscience and public opinion step by step with each thought we give out and each good deed we do. Our church is not a narrow Church, nor a narrow Chapel, nor Bible sect, but the wide Church of humanity, covered by no steeple, texts preached from no pulpit, but with each man as his own priest, working out his own salvation, and that of his fellows too—not on his knees but his feet, with clenched hand and nervous brain, fighting wrong and asserting right, and striving to be make humanity freer.³⁵

Charles Bradlaugh made it one of his principle causes to overturn this handicap. He argued his case to Lord Chief Justice Bovill and a full Bench in the Court of Common Pleas and then into the Court of Error, while also preparing and sending out two hundred petitions. Following from the protests of Holyoake and Bradlaugh, Parliament passed the Evidence Amendment Act of 1869 and the Evidence Further Act of 1870. Atheists could now act as witnesses and make an

³³ Royle, *Victorian Infidels*, 269-270.

³⁴ Royle, *Victorian Infidels*, 269-270.

³⁵ Hypatia Bradlaugh Bonner. *Charles Bradlaugh A Record of His life and Work by His Daughter Hypatia Bradlaugh Bonner*, Vol I. (London: T. Fisher Unwin Paternoster Square 1902), 209.

alternative affirmation instead of an oath in court.³⁶ The historian Edward Royle argues the secular foundation of the modern state was laid down through these cases in the mid century decades and that the secular movement was as much a civil rights movement as it was a secular one.³⁷

In the 1860s Bradlaugh successfully went on trial and defended his Freethought journal, the *National Reformer*, causing the Press Acts to be repealed in June of 1869. The next decade offered a short respite before persecutions resumed in 1877 with the prosecution of the work *Fruits of Philosophy* for obscenity, involving several court cases and the freethinkers Henry Cook, Charles Watts, Charles Bradlaugh, Annie Besant, and Edward Truelove. Bradlaugh and Besant were able to get their case dismissed over a technicality, but Truelove served 6 months in prison. In 1878 two works were published that demanded the repeal of the blasphemy law: *The Laws Relating to Blasphemy and Heresy*, by Charles Bradlaugh, and *The Past and Present of the Heresy Laws* by W.A. Hunter.³⁸

The blasphemy laws were not repealed and persecution returned to meet the rising secular movement as represented by Bradlaugh and his National Secular Society. Henry Seymour, editor of the Freethought journal, *The Adult, the Journal of Sex*, was prosecuted in 1882 for blasphemy. The next major challenge was taken up by Bradlaugh as he tried to enter Parliament after he was elected in 1880. Parliament refused Bradlaugh's admittance by not allowing him to swear the Parliamentary oath. The oath required Bradlaugh to swear his loyalty to the Queen and to God. As a declared atheist, Bradlaugh's opponents, led by the Tories, said

³⁶ Bonner, Charles *Bradlaugh A Record of His life and Work*, Vol I., 288-289.

³⁷ Royle, *Victorian Infidels*, 272.

³⁸ Walter, *Blasphemy: Ancient & Modern*, 49.

he was disqualified. He was unable to take his seat until 1886, after being elected five consecutive times. One of the tactics used against Bradlaugh was to put G. W. Foote, W.J. Ramsey, and their publication, the *Freethinker*, on trial. They had tried to tie Bradlaugh up in the case, but Bradlaugh was able to demonstrate that he had no true connection with the *Freethinker*. Ramsey and Foote had to endure three trials in succession in 1883. Foote was sentenced to one year, Ramsey nine months, and the printer three years.³⁹

Outside of persecution, another blatant symbol of the marriage of church and state was the collection of tithes. Tithe payments were separated into districts or parishes. Some of the tithe payments went back centuries and were arbitrary privileges for monasteries and religious institutions that later became consolidated into the state after the reign of Henry VIII. The Tithe Commutation Act of 1836 allowed for the replacement of crop payment for monetary payment. Not until the twentieth century were tithes completely abolished.⁴⁰ As could be expected, ecclesiastical taxation especially aggravated secularists.⁴¹ Universal Easter dues, Church rates and tithes were points of deep contention for those that opposed the church. Holyoake complained that in 1829 his mother had been forced to pay tithes while his baby sister lay dying. John Loft, a weaver from Almondbury, had his clock and two of his chairs taken when he couldn't pay his Easter dues.⁴²

Religion was embodied in the leadership of the government. For the conservative Tories, power and decision making should reside with the 'establishment,' i.e. the monarchy and House

³⁹ Walter, *Blasphemy: Ancient & Modern*, 50-51.

⁴⁰ The West End Local History Society, The History of Tithes, <http://www.westendlhs.hampshire.org.uk/tithehistory.html>, 4/5/09

⁴¹ Edward Fairfax Studd, *The Law of Tithes and Tithe Rent-charge, Being a Treatise on the Law of Tithe Rent-charge: With a Sketch of the History and Law of Tithes Prior to the Communication Acts, and Including the Tithe Act of 1891, with the Rules Thereunder* (London: Stevens, 1891), 1-13.

⁴² Royle, *Victorian Infidels*, 272.

of Lords. The monarchy and House of Lords served as the focal point of resistance to change from democratic popular pressure.⁴³ While liberals like Gladstone were deeply religious, it was the Tory party that defended the spiritual and secular claims of the Church of England. For example, Lord Salisbury thought that tradition carried weight and great significance. He said in Parliament in 1858, “[I] contended that the church has a claim upon the people from the mere fact of it having been established for ten centuries, and from it being held so fast as it was within the rigors of the law.”⁴⁴ The traditions of the past had been accumulated into the state. Salisbury thought the state had created a civic pact with previous generations and he argued it was worth preserving. In his view, protecting the Church protected the state and the social foundations of society. This pact was also the reason he felt that the Church had to be protected from attacks—it was an attack on the state and the social fabric as well. It was to preserve this relationship that conservatives wished to exclude Jews from Parliament during the debates in 1858 and atheists in 1880.⁴⁵ The conservatives also fought to keep education based on religious denominational lines. Salisbury thought it was not the states duty to make education compulsory or free, while wishing the Church to independently take part in education. Salisbury feared till the end of his life the consequences of secularization upon the young.⁴⁶

Gladstone is also a good example of how religion played a role in the government on the other side of the political floor. At the start of the 1870s, the Liberals began to change from a philosophy that claimed laissez-faire as a defense of liberty to a new conception that utilized the

⁴³ Michael Bentley, *Lord Salisbury's World: Conservative Environments in Late-Victorian Britain* (Cambridge: University Press 2001), 176.

⁴⁴ Great Britain, *Hansard's Parliamentary Debate*, Third Series, 17 February 1858, cc1553-83.

⁴⁵ Bentley, *Lord Salisbury's World: Conservative Environments in Late-Victorian Britain*, 190.

⁴⁶ Bentley, *Lord Salisbury's World: Conservative Environments in Late-Victorian Britain*, 219.

state to *create* liberties where it had it been absent for the general population. Yet the idea of laissez-faire died hard. Gladstone interpreted the universe as the result of God's will that watched over human affairs and brought order out of chaos. Government regulation equaled interference with Providence. This meant that charitable relief should be a voluntary affair and the pain of poverty provided the incentive for the poor to work harder. This was the liberal theological support for free trade and the repeal of the Corn Laws earlier in the century. In regards to religious belief, this meant leaving religion as free as possible and disestablishment. The Liberals differed in their treatment towards religious belief because they sought to placate the many Dissenters and Non-Conformists. Non-Conformists, or those of the Chapel versus the Church, demographically voted Liberal, whereas members of the Anglican Church tended to vote conservative. Due to his religious convictions, Gladstone resisted disestablishment of the Anglican Church. He did not believe that all denominations should be treated equally, and in this way differed with many Liberals. Non-conformists, on the other hand, wanted disestablishment and the end of special treatment for the Anglican Church, which was supported by state subsidization.⁴⁷

In researching blasphemy, the historian Joss Marsh unearthed approximately two hundred cases that stretched from the eighteenth to the twentieth century, which is surprising in a country where democracy and religious toleration were political achievements. Great Britain was still a religious nation that used legal pathways to maintain sociopolitical control. The blasphemy trials were an attempt to control public discourse. Through the effort of atheists, secular thought and arguments were admitted into public life. This was a process both of secularization and the

⁴⁷ David Bebbington, *William Ewart Gladstone: Faith and Politics in Victorian Britain* (William B. Eermans Publishing Company 1993), 93-94, 182-183.

decline of religious sentiment, a European wide phenomenon. However, each country went through its own unique process. Acceptance of disbelief in Britain was a long one. Atheists fought trial after trial to overturn the blasphemy law, censorship, and state persecution. While they never succeeded in removing the blasphemy law itself, Britain underwent a striking spiritual transition where disbelief became common and church attendance rapidly declined in the twentieth century.

RELIGIOUS IDEOLOGY AS THE SECOND PILLAR OF CUSTOM

By its very nature, nineteenth-century Britain marginalized atheists. Early Victorian Britain was an age filled with religious belief and atheism sought to unravel what it saw as the entangled claims of religion. The Christian Evangelical attitude had hegemonic power and affected the most personal spaces of private life. To demonstrate this more clearly, this section seeks to paint a picture of the religious culture in Victorian England, showing that religion was intensely intertwined with daily life, affecting the way people felt about their work, sexuality, personal status, and even their hygiene. Cultural trends such as atheism were acutely disturbing to this culture because they affected not only theological views of existence but the pattern of inner life as well. Further, and most importantly, religious ideology claimed that morality was based on the authority of God, which meant that once such things as work ethic or sexuality became associated with morality, it also became inseparable from religious ideology.

The Victorian religious sentiment had been earlier reinforced with a spontaneous surge of religious feeling in the 18th century due to the grassroots proliferation of Wesleyanism, also referred to as Methodism. John Wesley began the movement in 1738. Methodism did not

contain rigidly defined religious or moral doctrines, but instead represented an effort to internalize religion and spirituality. It sought to return to a more primitive and vital Christianity. The doctrine of the justification by faith caused many to verify their future salvation by practicing good works and self-help—thus supporting an outward reaching mission as well. Methodism infiltrated both the dissenting and established churches of Britain and was socially based, able to reach all three layers of society among different denominations. It even touched and influenced Anglican groups. The most prominent was the Clapham Sect, an influential sect led by William Wilberforce that consisted of Members of Parliament, bankers, lawyers, writers, editors and general philanthropists.⁴⁸ This religious sensibility also inspired a commitment to society. Filled with religious feeling, people involved themselves in many aspects of societal reform and sought to influence other people's private lives. They supported temperance, charity, Sunday and day schools, Sabbatarianism, the abolition of the slave trade, and the prohibition of fortunetelling, baiting, cock fighting, and dueling.⁴⁹

The outward expression of religious zeal reached beyond Wesley and his followers, becoming integral to the Victorian attitude throughout the period. This religious attitude became known as evangelicalism. The historian Walter Houghton called it a deep sense of earnestness.⁵⁰ The nineteenth-century freethinker Mathew Arnold wrote a work entitled *Culture and Anarchy*, published in 1869, that accused the middle classes of suffering from "Hebraism," "which afflicts the English middle class as the diseased inheritance of Puritanism, is close, restrictive, morally

⁴⁸ Gertrude Himmelfarb, *Victorian Minds* (New York 1968), 280-282.

⁴⁹ Himmelfarb, *Victorian Minds*, 282.

⁵⁰ Houghton, *The Victorian Frame of Mind 1830-1870*, 218-262.

legalistic and strenuously obsessed with sin.”⁵¹ Under the ideology of religious belief, people acted in accordance to a morality that rested on divine authority where salvation was at the forefront of their thoughts. Many people took this very seriously and lived conscientious lives with an ideal of absolute purity and self-denial, which sometimes caused a great deal of distress and a daily sense of failure.⁵²

In addition to the Methodist cultural wave that affected nineteenth-century Britain, the French Revolution shocked the upper classes of society into piety and devotion. Many thought the horrors and crimes of the Revolution were brought about by Freethought. The influence built by non-theists such as David Hume and Edward Gibbon in the eighteenth century among the upper classes was overturned. After the Revolution, the upper ranks feared for their existence from the ranks of the irreligious for nearly a century.⁵³ This attitude persisted in the collective culture of nineteenth-century Britain. For example, during the blasphemy trial of the Freethinker Richard Carlile in 1819, his judge recounted the past crimes of the Revolution as a justification of Carlile’s indictment. According to the judge, “The worship of Christ was neglected...the bonds of society were torn asunder, and a dreadful scene of anarchy, of blood, and confusion followed.”⁵⁴

The Oxford Movement was one of the most significant trends that emerged from the upsurge in religious feeling in the 1830s and 1840s. The Oxford Movement was a religious revival among prominent Anglican members who sought to reaffirm the bonds of society,

⁵¹ Quoted in George Watson, *The English Ideology: Studies in the language of Victorian Politics* (Allen Lane 1973), 19.

⁵² Walter E. Houghton, *The Victorian Frame of Mind 1830-1870* (New Haven: Yale University Press 1957), 242-262.

⁵³ Marsh, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England*, 20.

⁵⁴ Quoted in Marsh, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England*, 20-21.

seeking to protect the causes of morality and social order. The Oxford Movement can be also be seen as a religious reaction to the liberal and radical views advocated by disbelievers. They saw liberalism as a dangerous creed and a form of narrow rationalism that overemphasized intellectual excellence over moral excellence. Anglican men such as John Henry Newman, Richard Hurrell Froude, and John Keble—all members of the Oxford movement—worked to reorganize the Church to drive out the “enemy.”⁵⁵

Christians explicitly believed that without religion human society would deteriorate. Christians thought morality was an objective truth that could be ascertained through accessing unchanging scripture. For Christians such as Lord Acton, morality was written on “tablets of eternity.”⁵⁶ Henry Sidgwick, an unorthodox thinker, wrote a work in 1874 entitled *Methods of Ethics* that sought a solid foundation for morality. Struggling to find sturdy ground, he concluded that only divine injunction could uphold moral law. Without God, Sidgwick believed that moral arguments would inevitably lead to chaos and that there had to be an absolute and irrefutable rock to stand upon.⁵⁷ In a similar fashion, many people intelligently deduced that religion was a cornerstone for maintaining traditional morality. This is especially evident in a state sponsored investigation of the lower classes in 1843 that sought to evaluate and measure the moral conditions of the country. They surveyed a vast array of working class cities and towns. In their conclusion they found that the vast majority of children and young people suffered from immorality and a lack of religion. Indeed, the two were considered synonymous and placed side by side. The surveyors concluded that “this moral condition is evinced by a general ignorance of

⁵⁵ L.E. Elliott-Binns, *Religion in the Victorian Era*, second edition (London: Lutterworth Press 1946), 104-105.

⁵⁶ Watson, *The English Ideology: Studies in the language of Victorian Politics* (London: Allen Lane, 1973), 54.

⁵⁷ Watson, *The English Ideology: Studies in the language of Victorian Politics*, 54.

moral duties and sanctions, and by an absence of moral and religious restraints...that this absence of restraint is the result of a general want of moral and religious training, comparatively few of these classes have the advantage of moral and religious parents to instruct and guide them...”⁵⁸

The religious perspective held a notion of progress that fulfilled a divine plan. Moral improvement, they believed, could be achieved by acting in accordance with this plan. For example, Gladstone felt he was enacting the will of God while performing his duties in Parliament. This moral feeling was common to all and was partly the effect of Victorian liberalism, but religious groups and freethinkers both claimed the moral order for itself. The canon of Victorian morality was a work by Samuel Smiles entitled *Self-help*, published in 1859 and translated into 17 languages. Smiles’ virtues consisted of perseverance, hard work, thrift, and reasonable ambition. Character was something that had to be worked on, maintained, and virtue was more important than wealth.⁵⁹ Smiles thought that self-help and religion went hand in hand: “The healthy spirit of self-help created amongst working people would more than any other measure serve to raise them as a class, and this not by pulling down the others, but by leveling them up to a higher standard of religion, intelligence, and virtue.”⁶⁰ In *The English Gentleman: His Principles: His Feelings: His Manners: His Pursuit*, religion is also an essential ingredient to be a gentleman. The author, anonymously named “Gentleman,” stated, “Now the first great principle that you should strive to impress on your thoughts, as it is probably the

⁵⁸ Great Britain. Commissioners for Inquiring into the Employment and Condition of Children in Mines and Manufactories, Great Britain, *The Physical and Moral Condition of the Children and Young Persons Employed in Mines and Manufactures: Illustrated by Extracts from the Reports of the Commissioners for Inquiring Into the Employment of Children and Young Persons in Mines and Collieries, and in the Trades and Manufactures ...* (London: John W. Parker, 1843), 258.

⁵⁹ Watson, *The English Ideology: Studies in the language of Victorian Politics*, 49-52.

⁶⁰ Samuel Smiles and Ralph Lytton Bower, *Self-help* (New York: American Book Company, 1904), 178.

earliest that you will have to combat in your intercourse with the world, is, that no man can rightly be termed a Gentleman who is without RELIGION.”⁶¹

A general attitude of self discipline and control was advocated by religious thinkers, suggesting that religion was an important support to individual productivity and diligence. Work and spiritual discipline became intertwined, causing many to see religion as one of the necessary motivators for restraint and long-term planning. This helped solidify the values of an industrial society by translating the values of hard work, thrift, and self-denial into a religious meaning. The evangelical notion of hard work promoted the growth of business, social advancement, and massive adult education movements. Workers formed study groups and workingmen’s colleges where university graduates taught classes. Old notions of aristocratic idleness lost prestige.⁶² The belief in earning one’s way led to the appreciation of wealth. Where once poverty had caused the rich to feel pity, poverty now became a sign of shame and scorn. Opportunities within industrial society, won by individual motivation and merit, brought greater rewards and greater shame. Many people achieved social mobility through self-discipline and self-sacrifice; thus, those who were unable to demonstrate the same self-control could be accused of failure or vice.⁶³ This caused some to perceive the lower classes as morally low. If a person were unable to pull themselves up by their bootstraps, they were perceived as suffering a sickness of permanent vice. Underlying these assumptions was a self-serving goal that sought materialistic rewards, justified with religious language. If the evangelical failed to succeed materially he or she would be both bad Christians and workers. Additionally, the morality preached by this self-denying creed was

⁶¹ English Gentleman, *The English Gentleman: His principles: His feelings: His manners: His Pursuits: His Principles, His Feelings, His Manners, His Pursuits* (London: George Bell, 1849), 11.

⁶² Sally Mitchell, *Daily Life in England, 2nd edition* (Greenwood Press: Westport, Connecticut, 2009), 262.

⁶³ Houghton, *The Victorian Frame of Mind 1830-1870*, 188.

supported by a gloomy theology based on the notion of sin. Being morally upright and respectful meant being sober, chaste, and thrifty—basically denying the pleasures. Evangelical middle-class morality had the potential to be both greatly satisfying as well as dreary, austere, and deeply repressive.⁶⁴

Sexuality has a strong and profound effect on an individual and religion of course had its own ideas about sex and the body. Since the time of Sigmund Freud (1856-1939), himself a late-Victorian, sex has been considered one of the dominant forces in human life, and religion has sought to influence the libido by psychological guilt and moral admonishment. To Christians, the body was God's creation and contained a soul that believers hoped to maintain with religious purity. A person's spiritual purity was represented by the health of the body. This was especially clear by the vice that went alongside the poverty and filth experienced in nineteenth-century Victorian society. Horace Mann, who helped Edwin Chadwick on the 1841 census, wanted to know why the poor were so alienated from religion. His answer was the "vice and filth" of their "degraded homes."⁶⁵ Dirt, filth, and vice meant both physical and spiritual distance from God.

Thus, Victorians cast hygiene in moral terms, and morality for the religious ultimately depended on God. In this sense, the body was a reflection of moral purity. Diseases were thought to be caused by overindulgence or drink. To protect themselves from the vagaries of society, respectable people prevented disease by moderation, baths, exercise, and making sure

⁶⁴ Richard Altick, *Victorian People and Ideas* (W.W. Norton & Company, Inc. 1973), 176.

⁶⁵ Quoted in Mary Poovey, *Making a Social Body: British Cultural Formation* (Chicago: The University of Chicago Press, 1995), 120.

garbage was collected.⁶⁶ Religious respectability affected the way people talked as well, which was evident in the clean and clear language they used. The human body itself was a symbol of moral purity and was subject to the conforming norms of society—the body was not privately owned but publicly controlled by convention. The religious basis of this is most clearly shown in the trial of the Queen v. Charles Bradlaugh and Annie Besant in 1877 when they defended the *Fruits of Philosophy*, a work advocating contraception. Besant and Bradlaugh both desired to free the rigid normative restrictions over the body to allow for an open discussion on reproduction. The prosecution during the trial accused the work of being immoral and “unholy.”⁶⁷

Sex was both sacred and private and definitely was not to be talked about—silence being the rule. Victorians were known for being prudish and excessively close lipped about their personal sex lives. The conspiracy of silence was to protect others from the temptations of the flesh and the baser elements of human nature. Abstinence was advocated by the church, but sex was acceptable within marriage, making sex acceptable when under official sanction.⁶⁸ Considering women to be angels helped young men keep women in awe.⁶⁹ Moralists like Thomas Bowdler edited out tempting descriptions in literature, going so far as to create a *Family Shakespeare*. In direct contrast were freethinkers such as Percy Bysshe Shelly, George Sand, William Godwin, Mary Wollstonecraft, and Robert Owen who attacked conventional morality. Purists called their work the “literature of prostitution.”⁷⁰ Moral defenders felt that the sacrament

⁶⁶ Mitchell, *Daily Life in England*, 2nd edition, 265.

⁶⁷ *The Queen v. Charles Bradlaugh and Annie Besant* (Freethought Publishing Company: London 1877), 262.

⁶⁸ Ronald Pearsall, *Public Purity, Private Shame: Victorian Sexual Hypocrisy Exposed* (London: Weidenfeld and Nicolson, 1976), 13-14

⁶⁹ Houghton, *The Victorian Frame of Mind 1830-1870*, 354.

⁷⁰ Houghton, *The Victorian Frame of Mind 1830-1870*, 359-361.

of marriage was under siege from “free love” that promoted adultery and demanded sexual equality. Freethinkers promoted a new attitude toward love that rejected the religious ideal of the family as a sacred hearth. Shelley argued, “A husband and wife ought to continue so long as they love each other: after the decay of their affection would be a most intolerable tyranny, and the most unworthy of toleration...Love is free: to promise for ever to love the same woman is not less absurd than to promise to believe the same creed.”⁷¹ Shelley’s most outspoken writing was the poem “Queen Mab,” first published in 1813. A man named Clark later published “Queen Mab” and was prosecuted for obscenity in 1822 by the Vice Society. Robert Owen defined chastity as sexual intercourse with affection. This attitude greatly upset the faithful. Thomas Arnold thought it preached prostitution. Speaking symbolically of free love, Arnold said that “stolen waters are sweet, and bread eaten in secret is pleasant...He knows not that the dead are there, and that her guests are in the depths of hell.”⁷²

Religion justified traditional roles. Coventry Patmore’s poem, “The Angel in the House,” created the phrase that embodied the religious view and justification for the seclusion of women inside the home. This idea created a stereotype of women as priestesses within the home.⁷³ Domestic ideology created separate spheres, relegating the home to the woman. Thus, religion provided an important role in social solidarity within the community and the family. The home became separated from the market not only spatially but ideologically. With the husband’s growing income the home became intertwined with middle class morality and religion. Consequently, when women did go into the workforce, it caused fears of sexual immorality and

⁷¹ Quoted in Houghton, *The Victorian Frame of Mind 1830-1870*, 361.

⁷² Quoted in Houghton, *The Victorian Frame of Mind 1830-1870*, 363.

⁷³ Altick, *Victorian People and Ideas*, 53.

family breakdown.⁷⁴ In *A Practical View of Christianity*, first published in 1797 and sometimes referred to as the Bible of Evangelicalism, William Wilberforce delineated women's domestic role:

This more especially affecting in the female sex, because that sex seems, by the very constitution of its nature, to be more favorably disposed than ours to the feelings and offices of Religion; being thus fitted by the bounty of Providence, the better to execute the importance task which devolves on it, of the education of our earliest youth. Doubtless, this more favorable disposition to Religion in the female sex, was graciously designed also to make women doubly valuable in the wedded state: and it seems to afford married man the means of rendering an active share in the business of life more compatible than it would otherwise be with the liveliest devotional feelings: that when the husband should return to his family, worn and harassed by worldly cares or professional labours, the wife, habitually preserving the warmer and more unimpaired spirit of devotion, than is perhaps consistent with being immersed in the bustle of life, might revive his languid piety, and that the religious impression of both might derive new force and tenderness from the animating sympathies of conjugal affection.⁷⁵

The home was thought to satisfy the woman's needs, preserve the species, provide appropriate duties, and protect her from the shocks and dangers of the rude, competitive world. At home, finer instincts were less vulnerable, and sensitivity, self-sacrifice, and innate purity could have free play. Thus the body of the woman was supposed to conform to the home. Any deviation from this would be distasteful, crudely masculine, and impure. The English poet and novelist Dinah Craik argued that women who deviated from this norm were "lost" and "fallen." Craik pleaded with women to clean up their act: "O women! women! why have you not more faith in yourselves—in that striving inner purity which alone can make a woman brave! which if she knows to be clean in heart and desire, in body and soul, loving cleanliness for its own sake, and not for the credit it brings, will give her a freedom of action and a fearlessness of consequences

⁷⁴ Alison MacEwan Scott, "Industrialization, Gender Segregation and Stratification Theory," in Rosemary Crompton and Michael Mann, *Gender and Stratification* (Cambridge: Polity Press, 1986), 161-168.

⁷⁵ William Wilberforce, *A Practical View of Christianity* (Peabody Massachusetts: Hendrickson Publishers, 1996), 226-227.

which are to her a greater safeguard than any external decorum”⁷⁶ It was this idea that upheld the idea that chastity was virtuous, which easily leads into prudery and shamefulness when discussing the human body.⁷⁷

Freethinkers had a tradition of challenging these roles. In the pamphlet, “Political Status of Women,” published in 1874, Annie Besant argued for the enfranchisement of women and the reform of marriage laws to allow married women legal rights to possess their own wealth. She wrote that there were three stages of public opinion. In the first stage, the public denied the claim. In the second stage, the public said the claim was contrary to religion. The third stage of public opinion occurred when everyone said they already knew the claim to be true. Besant clearly recognized religion as an obstacle to the emancipation of women.⁷⁸ In her work “The Legalization of Female Slavery In England,” published in 1876, Besant discussed the evils of prostitution. Besant complained of the public perception of women as “fallen” if she were seduced and then betrayed by a man. The notion turned innocent women into social pariahs. While the man escaped condemnation, the woman was considered impure.⁷⁹ “Fallen,” of course, references the story of Adam and Eve.

Religious ideology also led individuals and Christian societies to champion humanitarian causes. The existence of such societies speaks to the informal methods by which the morals of society were continually reinforced and policed. The fact that religious societies were tied to public morality further stresses that religion and morality were intertwined. Under the motive of

⁷⁶ Dinah Maria Mulock Craik, *A Woman's Thoughts about Women* (New York: Follet Foster, 1864), 263-264.

⁷⁷ Mitchell, *Daily Life in England*, 2nd edition, 266..

⁷⁸ Annie Besant, Selection of Social and Political Pamphlets of Annie Besant (New York: Augustus M. Kelley, 1970), “Political Status of Women,” 1-14.

⁷⁹ Annie Besant, Selection of Social and Political Pamphlets of Annie Besant (New York: Augustus M. Kelley, 1970), “The Legalization of Female Slavery In England,” 1-8.

religion, people such as William Wilberforce managed to abolish the slave trade in 1807 and slavery in the colonies in 1833. This moral enthusiasm led them to promote a great deal of philanthropy and missionary organizations that sought to help society by ameliorating poverty, providing better conditions for widows, and helping prostitutes move into alternative occupations. Throughout his life, Gladstone was said to have saved nearly 90 prostitutes from the streets, putting them back to work at more “honorable” professions. Explicit in these actions was a social pressure to make society conform to ethical ideals. The names of some of the groups provide ample evidence: the Society for the Suppression of Vice; the Ladies’ Association for the Benefit of Gentlewomen of Good Family; the Guardian Society, for the Preservation of Public Morals by Providing Temporary Asylums for Prostitutes; the London Orphan Asylum, for the Reception and Education of Destitute Orphans, Particularly Those Descended from Respectable Parents; and the Society for Promoting the External Observance of the Lord’s Day and for the Suppression of Public Lewdness.⁸⁰ The idea behind many of these groups was that society depended on the spiritual health and private morality of individuals. Evangelicals possessed great zeal in their mission to impose their standards of correct living upon all of society, firmly supported in the absolute authority of Scripture and divine inspiration.⁸¹

The largest obstacle that nonbelievers had to face was the black and white categories of good and evil that were a part of religious ideology. Within this ideology, atheist ideas were considered evil and were categorically condemned. While many in Victorian Britain threw off their Puritan theology, many still maintained its dogmas.⁸² All that was good was embodied in

⁸⁰ Altick, *Victorian People and Ideas*, 181.

⁸¹ Altick, *Victorian People and Ideas*, 181.

⁸² Houghton, *The Victorian Frame of Mind 1830-1870*, 61.

religion and all that was evil was against it or outside of it. Many Victorians recounted childhoods spent in fear of their parents who demanded strict obedience.⁸³ Children were sometimes told they were sinners and lost to Satan. Those who were a part of the religion were saved and culturally acceptable, while those outside were damned and culturally unacceptable. What created this state of mind was fear of an angry god. God was seen as an everlasting and consuming fire that would one day be inflicted upon the devil and all the devil's followers. For example, John Addington Symonds (1840-1893) says that he "developed a morbid sense of sin, and screamed at night about imaginary acts of disobedience." As a child, Symond thought spirits surrounded him and he "was persuaded that the devil lived near the doormat, in a dark corner of the passage by my father's bedroom." His grandmother never talked about the positive aspects of Christianity, such as the love of Christ, but instead focused on the people chosen for salvation. She told Symond that those who lived outside of the "Plymouth fold were children of wrath."⁸⁴ In his family letters Symond found that his family held an "intense pre-occupation with so-called spiritual interests; the suffocating atmosphere of a narrow sect resembling that of a close parlour; the grim, stern dealing with young souls not properly convinced of sin; the unnatural admixture of this other-worldliness with mundane marrying and living in marriage and professional affairs..."⁸⁵ Sin was a grave affair for those who took Christianity very seriously, like William Wilberforce:

Far different is the humiliating language of Christianity. From it we learn that man is an apostate creature, fallen from his high original, degraded in his nature, and depraved in his faculties; indisposed to good, and disposed to evil; prone to vice, it is natural and easy

⁸³ Houghton, *The Victorian Frame of Mind 1830-1870*, 64.

⁸⁴ Horatio F. Brown, *John Addington Symond: a biography compiled from his papers and correspondence* (London, Smith, Elder, & Co., 1903), 13.

⁸⁵ Brown, *John Addington Symond: a biography compiled from his papers and correspondence*, 17.

to him; disinclined to virtue, it is difficult and laborious, that he is tainted with sin, not slightly and superficially, but radically and to the very core.⁸⁶

Worrying about salvation concerned many evangelicals. In order for many people to know they were saved, they had to be “born again.” This was an experience where an inrush of divine grace would fill them, letting them know that they had been granted salvation. Many parents waited expectantly to see if their children would be one of the elect, further filling people with anxiety.⁸⁷

The standards of Christian virtue were held so high that life was a constant struggle to stay pure and to resist the worldly temptations of the flesh. Moral struggle consisted of creating a defense strong enough to face daily life, requiring strenuous self-discipline. It was a life of self-denial and the suppression of desires. Drinking and smoking were sensuous habits that led away from purity of the body, causing individuals to seek pleasure over saintliness. There were many Victorian taboos for those striving to be virtuous.⁸⁸ The steepest prohibitions were advocated by Evangelicals who preached against playing cards, dancing, theater, certain books, and treating sacred objects with levity. They thought life should be spent in self-improvement, and that sensuous activities were for the debased.⁸⁹ To the minds of individuals who believed in the Evangelical creed, the atheist must have been seen as evil incarnate, walking on two legs come to tempt them away from their salvation.

However, doubt was nearly a universal experience. In place of a universe that once housed a loving god, doubters were sometimes horrified to imagine a universe that consisted of

⁸⁶ William Wilberforce, *A Practical View of Christianity*, 13.

⁸⁷ Houghton, *The Victorian Frame of Mind 1830-1870*, 61-63.

⁸⁸ Houghton, *The Victorian Frame of Mind 1830-1870*, 233-238.

⁸⁹ Roger Mason, *The Making of Victorian Sexual Attitudes* (Oxford: Oxford University Press, 1994), 67.

cold mechanistic processes. Charlotte Bronte expressed this fear after reading the Atkinson Martineau *Letters on the Laws of Man's Nature and Development*:

It is the first exposition of avowed atheism and materialism I have ever read; the first unequivocal declaration of disbelief in the existence of a God or a future life I have ever seen. In judging of such exposition and declaration, one would wish entirely to put aside the sort of instructive horror they awaken, and to consider them in an impartial spirit and collected mood. This I find it difficult to do... If this be Truth, man or woman who beholds her can but curse the day he or she was born.⁹⁰

Orthodox churchmen, who sometimes sympathized with doubters, considered disbelief a disease that had to be cured. Wilberforce called it a “moral sickness” that was induced because humans took too much pride in their intellect and claimed they could judge the revelation that God had given.

EDUCATION AS THE THIRD PILLAR OF CUSTOM

Except for perhaps the working classes outside of the cultural fold, for the ordinary Victorian, religion dominated the home, the politics, and the legal code. Religion was equally integrated into the education system, the cultural inculcator of society's beliefs and customs. Education is the force that creates the pathways and mental avenues of thought, establishing the framework and prejudices to judge society and the world. Showing how religion was a component in education further illustrates how atheism was a marginalized belief. In essence, Victorian people were taught to be Christians. An atheist was the failure of the education system's attempt to indoctrinate the British citizen with Christianity and the Bible.

There was one notable exception to this. The universities of Oxford and Cambridge were only open for members of the Anglican Church and the moneyed classes. In response to this,

⁹⁰ Houghton, *The Victorian Frame of Mind 1830-1870*, 68.

University College, London was created in 1834 as a secular institution. University College had been a vision and dream of Jeremy Bentham and his adherents. Lord Brougham and James Mill among others were part of the school's council. However, religious supporters responded by creating King's College, a school that incorporated religious education as part of the curriculum, to be its competitor.⁹¹

Before 1800, education relied mainly on Charity schools, which were loosely run by the Church. But education and religious education were quite sparse and ineffective before the nineteenth century. Education for the poor was to inculcate religious values. School was intended to teach people literacy through the use of the Bible but the government put almost no investment into education.⁹² After 1800, the Church of England started to pay closer attention to education and opened Sunday schools for the education of the poor, which stemmed from the “spontaneous growth of religious zeal.”⁹³ It was from these Sunday schools that many poor learned to read. The Church hoped that education would teach virtue and wisdom to the masses while teaching them to read the Bible for themselves.⁹⁴ The Sunday schools inspired greater efforts, causing the National Society for Promoting the Education of the Poor in the Principles of the Established Church—founded in 1811—to create parochial schools “in which the doctrines

⁹¹ L.E. Elliott-Binns, *Religion in the Victorian Era, 2nd Edition*(London: Lutterworth Press, 1946), 81-84.

⁹² Great Britain, James Kay-Shuttleworth, Great Britain. Privy Council. Committee on Education, Privy Council, *The School in Its Relations to the State, the Church, and the Congregation: Being an Explanation of the Minutes of the Committee of Council on Education, in August and December, 1846* (London: John Murray, 1847), 2-3.

⁹³ Great Britain, James Kay-Shuttleworth, Great Britain. Privy Council. Committee on Education, Privy Council, *The School in Its Relations to the State, the Church, and the Congregation: Being an Explanation of the Minutes of the Committee of Council on Education, in August and December, 1846*, 4.

⁹⁴ Mitchell, *Daily Life in England, 2nd edition*, 170.

of the church, as taught in her catechism, are inculcated.”⁹⁵ The National Society for Promoting the Education of the Poor in the Principles of the Established Church held a great deal of responsibility for national education. It used its position to resist a centralized, secular education system as churchmen hoped to expand into the population independent of the government.⁹⁶ The Church had long been aware of the problem of reaching the working classes and had sought education as a tool to do so. When the government decided to act more decisively in 1833, they modeled the new schools off the old and incorporated religion into school constitutions and instruction. Not until 1862 did government start to control curriculum that focused on reading writing and arithmetic, although church societies required that a clergyman come in and teach regularly. Education remained very limited before compulsory education became law in 1870. For many, Sunday school was the only education available to them. For those that could afford it, children sometimes received a few years full-time education and generally attended elementary schools built by religious organizations. Finally, in 1870 a law was passed to make schools available all over the country and education became compulsory for ages 7-10, but many schools were not free until fees were completely abolished with the Education Act of 1891.⁹⁷

English public schools were dominated by the Church of England, but apparently little was made of its monopoly. Religion was a perfunctory requirement within the schools. Greek, Latin, and the classics dominated education. However, elite British boarding schools were originally meant to teach Latin in order for students to enter the priesthood. Thomas Arnold, the

⁹⁵ Great Britain, James Kay-Shuttleworth, Great Britain. Privy Council. Committee on Education, Privy Council, *The School in Its Relations to the State, the Church, and the Congregation: Being an Explanation of the Minutes of the Committee of Council on Education, in August and December, 1846*, 6.

⁹⁶ M.A. Crowther, *The Church Embattled: Religious Controversy in Mid-Victorian England* (Hamden, Connecticut: David & Charles, 1970), 14.

⁹⁷ Mitchell, *Daily Life in England, 2nd edition*, 175.

man most associated with school reform, thought schools were critical for developing character, religious and moral principles, gentlemanly conduct, and the ability to govern oneself and others. Arnold's ideal for education was to create Christian gentlemen to be leaders of Parliament, the Church, the professions, and the military. In the 1880s additional fields were added, consisting of science, history, English literature, and modern foreign languages. Chapel attendance was made compulsory and many of the masters were university graduates who were Anglican clergyman. By end of century, public schools created a recognizable "old boy" that molded the elite into a single block out of the aristocracy and gentry, upper middle-class, and sons of successful businessmen.⁹⁸

Oxford and Cambridge were the pillars of the establishment, supported by Anglican traditions that Wellington and Peel believed provided the strongest bond between linking church and state.⁹⁹ Confessing atheism gave grounds for expulsion, causing Shelley to be expelled in 1811 for his failure to repudiate his controversial work *The Necessity of Atheism*. Oxford and Cambridge educated and supplied the majority of clergy for the Anglican Church. In 1800 nearly half of those who graduated from Oxford and Cambridge entered the ministry. In 1841, Oxford and Cambridge had provided 86 percent of the candidates for the clergy, the Universities of Dublin provided 7 percent between them, and candidates from other sources provided 7 percent.¹⁰⁰ There was a considerable drop in graduates entering the clergy during the years of 1840-1870, which caused alarm, yet Oxford and Cambridge still provided 65 percent of the candidates. Bishop Sumner of Winchester speculated that this drop occurred because of the

⁹⁸ Mitchell, *Daily Life in England*, 2nd edition, 176-179.

⁹⁹ Owen Chadwick. *An Ecclesiastical History of England: The Victorian Church*, Volume I, (New York: Oxford University Press, 1966), 91.

¹⁰⁰ Crowther, *Church Embattled*, 221.

contentious debates of the time, discouraging many young men from entering the Church.¹⁰¹

This was also the time that new professions were opening up in a dynamic economy that provided opportunities in new industries and civil service positions within the empire. The fact remains that, although secularization was taking hold, Oxford and Cambridge were bastions of the religious cultural norms of established society. Not until 1871 were the religious barriers abolished for admittance and chapel attendance no longer required of its students.

Religious groups also were involved in providing infrastructure for society by building libraries, training schools, soup kitchens, farms for recovering alcoholics, isolation hospitals, seaside holiday homes for working girls, reformatories, and residential homes for the blind.¹⁰² The reach of Church institutions went far and worked to create a normative culture where religious belief was expected and required for advancement.

CONCLUSION

The culture of Victorian Britain served to effectively marginalize atheists by state authority, religious sanction, and institutional teachings. If someone converted to atheism, it came with a steep price. The social pressure to believe was strong, and the disbeliever often became something of a renegade to former acquaintances. He or she had to express their refusal to attend prayers or attend church, and often broke from their family and moved to a different town if they were old enough. Atheists migrated in order to retain their opinions without condemnation. This process must have been repeated for thousands of ‘unconscious secularists.’ As individuals, atheists would have experienced different stages of intellectual development as they left the

¹⁰¹ Mitchell, *Daily Life in England, 2nd edition*, 245.

¹⁰² Mitchell, *Daily Life in England, 2nd edition*, 256.

bindings of parental tutelage, the local preacher and chapel committee, and Scripture readers.¹⁰³

Each of these minor steps would have served to further push them into the fringes, especially since the marginalization of atheists was advocated by believers as a moral act. Vicars would tell their churches to boycott certain booksellers. Sunday teachers would tell the children not to associate with the children of atheists. Oxford University banned the atheist journals, *Reasoner* and *Logic of Death* in 1850. Atheists such as Charles Bradlaugh were many times locked out of the halls for scheduled lectures that had already been booked and publicly advertised. Irish populations were known to be especially violent towards atheists. Artisans who expressed their disbelief were often dismissed by their employers. In court, disbelievers were penalized by their refusal to take the oath, sometimes making it impossible to get their property back if it were stolen. The most public and significant trial was Charles Bradlaugh's repeated attempts to enter the House of Commons as a declared atheist. Many ameliorative acts had to be passed due to the discontent aroused by atheists who fought the alliance of church and state. For atheists to be able to legally give witness in court or act as a jury member without obstruction, the laws had to be amended. The new acts included the Common Law Procedure Act and its subsequent extensions, which allowed atheist witnesses to affirm, the Juror Affirmation Act of the mid 1860s, and the Evidence Further Amendment Acts of 1869 allowed affirmation in the lower courts.¹⁰⁴ Similarly, the laws in Parliament had to be changed so atheist could enter without being obstructed by an oath. In 1888, Bradlaugh passed a Parliamentary Oaths Act so atheists could enter parliament without having to deny their beliefs.

¹⁰³ Robson, *Ideas and Institutions of Victorian Britain*, 229.

¹⁰⁴ Robson, *Ideas and Institutions of Victorian Britain*, 231-34.

Atheists were marginalized because religion permeated Victorian British culture. As religion was present in so many aspects of life, atheists represented a direct challenge to established British culture. Because of the prominence of religion, atheism was pushed to the side by the power of cultural continuity. Atheists had to worry what others would think of them and how they might be treated differently because of their religious views. While atheists were certainly guilty of bringing attention to themselves by their vocal criticisms of religion, Christians also condemned atheists. The difference was that the blasphemy law protected Christianity, whereas atheism had no such protection. For atheism to get obtain cultural legitimacy it had to publicly prove that the present religious culture was oppressive, which is why so many atheists such as Richard Carlile, Susannah Wright, and G.W. Foote willingly went to prison. When Annie Besant and Charles Bradlaugh challenged sexual mores by defending a work that advocated contraception in 1877, they argued that religious culture was obstructing a public good that could help the poor limit their family size. In 1880, Charles Bradlaugh demonstrated that Victorian religious culture was unjust because it would not allow a legally elected atheist to represent his constituency and take his seat in Parliament.

Since religion dominated the culture, it's practitioners were able to use the powers of the state to enforce its side; however, persecuting people based on religious difference was a slowly disappearing trend. Religious toleration to Jews and Catholics had been extended by 1858. Atheists were fighting for the liberty to express their own views and create their own pocket of culture within society. In a mostly free society such as Britain, it was difficult to legitimately suppress dissenting thought or behavior. In order to maintain Victorian religious culture, the

establishment had to continue to affirm the necessity of religious morality while categorically condemning atheists as immoral and dangerous social menaces.

CHAPTER TWO

UNHOLY DESIRES: THE TRIAL OF ANNIE BESANT AND CHARLES BRADLAUGH

In 1877, Charles Bradlaugh and Annie Besant stood trial for distributing *Fruits of Philosophy*, a work argued by the prosecution to be an obscene pamphlet because of its advocacy of birth control. The public crusade that disbelievers mounted against tradition is symbolized by Bradlaugh and Besant's stand in promoting contraception at a time when contraception was taboo. Christians feared that contraception would lead to the further degeneration of the lower classes. Atheists presented a contrary world view in religion and ethical/political conduct. The trial of Besant and Bradlaugh is an example of how members of the establishment were able to associate disbelief with what was widely held to be depraved and irresponsible behavior. Sex was not open for public discussion, and the willingness of disbelievers to push the subject of sex into the open, seemed to prove where disbelief led. The trial was not supposed to be about disbelief, but the fact that two atheists were representing the case helped lead to the initial verdict of guilty by the jury. On trial were the limits of the freedom of the press, Victorian sexual mores, Freethought, and the paternal order that oversaw the lower classes, whose poverty and lack of restraint frightened the middle and upper classes.

By examining the language used by the prosecution, defendants, and press, this chapter will argue that the true defendant on trial was the practice of atheism. Contraception was used as the convenient excuse to expose atheists as obscene and immoral. With this justification, the defenders of the Christian state could send atheist propagators to prison. This is clear in two ways: first, the prosecution of three other atheists at the same time for publishing the same

document establishes the consistency of intent of the political and judicial establishment. These freethinkers, Henry Cook, Edward Truelove, and Charles Watts were all convicted of obscenity within two years for publishing the same pamphlet, even though it had been in circulation for over forty years. Second, and more importantly, the defense of conventional morality, as justified by religion, made the prosecution unwilling to see the advantages of Besant and Bradlaugh's arguments. The case was nationally covered and attended by a great many people, most of whom thought that Besant and Bradlaugh had won the case. They lost because atheism was believed to be unforgivable to a certain member of the jury.

In Britain, state and society existed within a Christian frame of thought, accepting traditional religious perceptions as the means by which to measure morality and the limits of law. This mentality consisted of a universe ruled by God, who determined the moral order, and was cemented into the culture by tradition and state institutions. By uniting order, morality, and God within a single blanket of reality, religion and religiosity permeated existence. When practices challenged this mentality, the state was there to correct it, being itself filled with like-minded individuals, who had risen through its ranks by being its greatest promoters. Atheism was by counter distinction to religion immoral. This kind of thinking assumed atheists would promote profligacy rather than restraint and corruption not purity. Sexuality and the body as a subject of dialogue and personal control were seen as immoral because the body and sexuality were intensely private domains. Charles Bradlaugh and Annie Besant's willingness to bring such knowledge to the general population validated the Christian cultural assertion that atheists desired to preach immorality.

Atheists also challenged the validity of the state, if only subtly. Many people in the nineteenth century credited British domination of the world and economic success to divine Providence. This gave British society moral righteousness and a rational means by which to justify their exploitation of foreign peoples and resources. Disbelievers challenged the traditional moral fabric of society while simultaneously challenging its sense of greater purpose. Charles Bradlaugh and Annie Besant argued they were unable to see Providence and the promise of revealed morality, rather humanity confronted conditions of overpopulation, crime, and poverty that had to be properly dealt with. By providing an argument for morality based on material conditions spinning out of control, they undermined the moral authority and purpose of Britain in the world.

ANNIE BESANT AND CHARLES BRADLAUGH

Annie Besant and Charles Bradlaugh's personal lives are a microcosm of a larger culture that was mirrored in the experiences of countless other nonbelievers. Rather than focus on their already well-documented lives, I will give brief mention of their personal tribulations to provide further proof of how cultural norms marginalized their existence before analyzing their trial itself.

Annie Besant was one of the most preeminent and outspoken women of nineteenth-century Britain. Besant's life reflected the patterns of a deeply obsessive and passionate disposition, attracted from one movement to the next. She became a popular figure of the secular movement, giving moving speeches advocating atheism and women's rights, and denouncing the

injustices of poverty. She wrote articles for Bradlaugh's newspaper, the *National Reformer*, and authored her own pamphlets, which were sold on the streets and in book shops. Later she would become a prominent socialist and a member of the Fabians, becoming particularly close friends with George Bernard Shaw. Besant famously led the London match girl strike of 1888, which was launched to help them receive better pay, better working conditions, and the right to unionize. Her last adventure was into mysticism. In a controversial and dramatic shift, she became a crusader for the Theosophical Society, contradicting her former work and spending the rest of her life in India. She would later work with Juddi Krishnamurti and involved herself in obtaining Indian home rule.

As was typical of persons raised in British society, she began her life as a passionate believer, embracing evangelical culture. "Weekly communion became the centre round which my devotional life revolved, with its ecstatic mediation...occasionally flagellated myself to see if I could bear physical pain...Christ was the figure round which clustered all my hopes and longings."¹ She married a Cambridge clergyman who held a traditional view of marriage. He expected his wife to be submissive and obey his authority. Besant was anything but submissive. She described herself as "accustomed to freedom, indifferent to home details, impulsive, hot-tempered, and proud as Lucifer."²

The defining moment that led to her conversion into atheism was a three year struggle for the life of her child, who suffered from an unidentified illness.³

It was the long months of suffering through which I had been passing, with the seemingly purposeless torturing of my little one as a climax, that struck the first stunning blow at

¹ Annie Besant, *Annie Besant: an Autobiography* (Dodo Press: London 1893), 47.

² Besant, *Annie Besant: an Autobiography*, 47.

³ Besant, *Annie Besant: an Autobiography*, 53.

my belief in God as a merciful Father of men...whose individual finger I saw in my baby's agony, my own misery, the breaking of my mother's proud heart under a load of debt, and all the bitter suffering of the poor. The presence of pain and evil in a world made by a good God; the pain falling on the innocent, as on my seven months' old babe; the pain begun here reaching on into eternity unhealed; a sorrow-laden world; a lurid, hopeless hell; all these, while I still believed, drove me desperate, and instead of like the devils believing and trembling, I believed and hated. All the hitherto dormant and unsuspected strength of my nature rose up in rebellion; I did not yet dream of denial, but I would not longer kneel...The awakening to what the world was, to the facts of human misery, to the ruthless tramp of nature and of events over the human heart, making no difference between innocent and guilty—the shock had been too great for the equilibrium to be restored by arguments that appealed to the emotions and left the intellect unconvinced.⁴

Besant braved the disappointment of her mother's tears and the end of her relationship with her husband. Divorce was extremely difficult to obtain at the time, and so she and her husband separated. Besant said that her family pressured her to stop speaking publicly about her beliefs. Her brother offered to let her live with him if she gave up her heretic friends and remained quiet. Besant of course refused the straight jacket she was offered and so was rejected by her husband and her relatives. To Besant, becoming an atheist meant social ostracism. "Home, friends, social position, were the price demanded and paid, and being free, I wondered what to do with my freedom."⁵

As her last Christian act, she took communion with her mother to appease her dying wish. She initially ran into difficulties because the first two clergymen she asked refused to give communion to a declared atheist. She eventually found a less orthodox clergyman, willing to look past her disbelief. Such experiences gave her a glimpse of the fervent opposition she would face as a disbeliever. "The antagonism that grew out of ignorance regarded Atheism as implying

⁴ Besant, *Annie Besant: an Autobiography*, 55 & 59.

⁵ Besant, *Annie Besant: an Autobiography*, 76.

degraded morality and bestial life, and they assailed my conduct not on evidence that it was evil, but on the presumption that an Atheist must be immoral.”⁶

Annie Besant and Charles Bradlaugh met through the National Secular Society. Besant enrolled in the National Secular society in 1874. According to Bradlaugh’s daughter Hypatia, Besant and Bradlaugh were mutually attracted to one another. Bradlaugh had separated from his wife due to her debilitating addiction to alcohol. His wife later died in 1877, and according to his daughter, Bradlaugh never engaged in another sexual relationship.⁷ Besant, on the other hand, could not get a divorce because her husband refused, and the initial separation agreement provided no way out of the marriage. Roger Manvell, in his work *The Trial of Annie Besant*, argues that they were deeply in love but suppressed their desires because of the cultural formalities of Besant’s marriage contract. They thus continued to live apart and showed discretion whenever together, their personal feelings a tragic anachronism in the context of the customs of Victorian England.⁸

Besant became a controversial and widely known atheist. She reflected in her autobiography that her controversial actions caused the conservatives to direct their anger against her. “Against war, against capital punishment, against flogging, demanding national education instead of big guns, public libraries instead of warships—no wonder I was denounced as an agitator, a firebrand, and that all orthodox society turned up at me its most respectable nose.”⁹

⁶ Besant, *Annie Besant: an Autobiography*, 111.

⁷ Hypatia Bradlaugh Bonner, *Charles Bradlaugh: A Record of His life and Work by His Daughter Hypatia Bradlaugh Bonner*, Vol I. (London: T. Fisher Unwin Paternoster Square, 1902), 13.

⁸ Roger Manvell, *The Trial of Annie Besant* (London: Elek/Pemberton, 1976), 53.

⁹ Besant, *Annie Besant: an Autobiography*, 114.

Charles Bradlaugh was one of the most prominent atheists in nineteenth century British society. He was born into a poor working class family, and he grew accustomed to poverty at an early age. His formal education stopped when he was eleven years old so he could work as a lawyer's messenger and clerk. Over the course of his life he learned to adroitly navigate privation and debt. Despite his challenges, he was extremely disciplined and hardworking, fighting tooth and nail for the secular cause. His ability to speak eloquently and debate made him an able and confident leader among atheists. Through his leadership, lecture tours, and distribution of the atheist newspaper the *National Reformer*, Secularism became a well known movement to which Bradlaugh had fully dedicated his life by 1870. In 1866 Bradlaugh founded the National Secular Society, a Freethought organization, and in 1877, Besant and Bradlaugh were its leading members. Bradlaugh also became the first Member of Parliament to enter as a proclaimed atheist after six years of legal and parliamentary wrangling. By the time Bradlaugh sought entry into Parliament, the secular movement was at its height. The historian Owen Chadwick considers Bradlaugh's Parliamentary entrance the culmination and pinnacle of the nineteenth-century secularization movement. Bradlaugh stands as a giant within the movement, and his death in 1891 caused the secular movement to lose momentum as radicals reoriented themselves by joining the Fabian Socialists or the Labor Party.

Bradlaugh's lack of faith originated when he was fifteen (1848). He was asked to do a special project for his Sunday class that required him to reconcile the 39 Articles of the Church of England with the Four Gospels. Bradlaugh saw what he thought were discrepancies and asked his teacher, Rev. John Packar, for help. The Reverend, in response, called him an atheist and suspended him from classes for three months. Packar said "The fool hath said in his heart, there

is no God.”¹⁰ His father then put pressure on him to conform to his father's wishes, causing a rift between Bradlaugh and his family until he was forced out of his home for being unrepentant. In addition, his employer found out what Bradlaugh's religious views were and told him to change his opinion or lose his job. In response, at age sixteen, Bradlaugh left home and quit his job.¹¹

He obtained a job as a coal merchant and made his living going door to door. This job proved unsustainable because customers would not buy his product if they discovered his religious views. One customer said to him, “Charles I hear you are an infidel. I should be afraid that my bread would smell of brimstone.”¹² In financial difficulty, Bradlaugh next moved in with Richard Carlile's widow and daughter. While living there, Bradlaugh's religious beliefs drifted into deism and then atheism after spending time debating with other radicals at Bonner's Field. As he became more widely known, he was more frequently attacked for his views. “One Monday evening in particular I was well stoned, and some friends both saw and heard several Christians urging the boys to pelt me.”¹³ He continued undeterred and became a practiced speaker, giving controversial lectures in local areas. During his talks he had to endure insults by people who accused him of being part of “a generation of vipers.”¹⁴ He next started writing radical articles, and to protect his job, he took up the pseudonym “Iconoclast,” which became notoriously attached to him throughout his life. In 1868, John Stuart Mill donated to Bradlaugh's parliamentary campaign, causing the *Times* to declare “Mr. Mill gave to Iconoclast.”¹⁵ Since Mill was a Member of Parliament, many expected him to recant his support,

¹⁰ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 12.

¹¹ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 13-16.

¹² Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 18.

¹³ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 23.

¹⁴ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 24.

¹⁵ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 275.

but Mill never expressed any regret. It was his support of Bradlaugh that some say cost Mill his second term in Parliament.¹⁶

Bradlaugh, now a public figure, unsuccessfully ran for Parliament as a representative of Northampton in 1868 and in 1874; however, he took it stoically. In his *Autobiography* Bradlaugh remarked how religion played into his loss: “I was beaten: but this is scarcely wonderful. I had all the journals in England except three against me. Every idle or virulent tale which folly could distort or calumny invent was used against me.”¹⁷

Bradlaugh became a professional lecturer and writer, causing him to endure harsh prejudice as he thrust his opinions into public view. For instance, when Bradlaugh travelled to the town of Wigan in October 1860, the clergy had encouraged the locals to use violence, placing Bradlaugh in physical danger. The crowd partly destroyed the building in which he lectured and he said he only escaped because of an unnamed woman and her husband. Despite the “bricks and kicks” he continued to return to Wigan until he was welcomed without controversy.¹⁸ During another incident at Guernsey, authorities had given food and drink to the soldiers in the garrison on condition that they prevent Bradlaugh’s lecture. The soldiers entered yelling “Kill the Infidel.” Bradlaugh, being a big man, intimidated them in return, causing them to back down, after which he finished his lecture. The building, as in Wigan, suffered considerable damage. In Plymouth, the Young Men’s Christian Association sought to prosecute him but made the mistake of arresting him before he could start his blasphemous speech. They manufactured a charge against him of “exciting a breach of the peace, and assaulting the constable in the execution of his

¹⁶ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol I.*, 275.

¹⁷ Charles Bradlaugh. *The Autobiography of C. Bradlaugh: A Page of his Life*. Written in 1873 for the National Reformer. Published for Mrs. H. Bradlaugh Bonner by (London: R. Forde, 1891), 28.

¹⁸ Bradlaugh, *The Autobiography of C. Bradlaugh: A Page of his Life*, 18-19.

duty.”¹⁹ During the trial, his witnesses were not accepted because “unbelievers in hell were incompetent as witnesses in English law.”²⁰ Christian Nonconformists, disgusted with the bigotry and perjury, defended him. Undeterred by the trial, he delivered his lecture after release. In Devenport, the authorities in town refused to lend him a place to talk on town property, so he obtained a boat and gave a lecture on the local lake, overcoming the police and military authorities. Bradlaugh, reflecting on his cleverness said, “The face of the mayor ready to read the riot act, the superintendent with twenty-eight picked policemen to make sure of my arrest, and a military force in readiness to overawe any popular demonstration—all these were sights to remember.”²¹

He also developed useful skills in his early years working in a law office as a clerk. He put his legal skills to work when his Freethought journal, the *National Reformer*, had to overcome government persecution. In 1869, he went to court over an existing law that required newspapers to give “sureties” to the extent of £800 against blasphemous and seditious libel. The headline on his paper the day after declared boldly: “Published in Defiance of Her Majesty’s Government.”²² Bradlaugh refused to pay and authorities took him to court where he argued his own defense, challenging every accusation against him and causing the government to eventually back down. Gladstone’s new ministry attempted to continue the law but sought compromise, promising to not enforce the penalties if he stopped the paper. He again refused, went to trial, and won the case on a legal technicality. “Having miserably failed to enforce the law against me, the Government repealed the statute, and I can boast that I got rid of the last shackle of the

¹⁹ Bradlaugh, *The Autobiography of C. Bradlaugh: A Page of his Life*, 20.

²⁰ Bradlaugh, *The Autobiography of C. Bradlaugh: A Page of his Life*, 20.

²¹ Bradlaugh, *The Autobiography of C. Bradlaugh: A Page of his Life*, 22.

²² Bonner, Charles *Bradlaugh: A Record of His life and Work*, Vol I., 137.

obnoxious English press laws.”²³ There were other forms of censorship he did not so successfully overcome: W.H. Smith & Son and the most powerful booksellers in England refused to carry the *National Reformer* and Bradlaugh’s journal had to endure a boycott.

A BRIEF ACCOUNT OF THE HISTORY OF OBSCENITY LEADING UP TO THE TRIAL

The trial of Annie Besant and Charles Bradlaugh was a prominent example of how British society suppressed Freethought literature, ideas, and persons. Pious citizens and Christian societies, such as the Vice Society that charged Edward Truelove for the same crime as Besant and Bradlaugh, used the law to condemn atheists as immoral and obscene. Although several centuries old, obscenity entered the law books late when compared to the other libel charges. Obscenity had its beginning in 1727 in a court case against Edmund Curll who sparred with the poet Alexander Pope by exchanging literary insults. His case established the publication of an obscene libel as a misdemeanor within common law.²⁴ However, Curll had been condemned for publishing a pornographic book and not a work of literature. Prosecuting a literary work for obscenity had not yet been established.²⁵ No act of Parliament was passed to formalize obscenity, instead it became part of Common Law in response to a particular case. The case did not concretely define what was offensive, effectively making obscenity and pornography vague terms that implied that a work was immoral and polluting to society. In practical use, the charge represented a lesser offence than the seditious and blasphemous libel.²⁶

²³ Bradlaugh, *The Autobiography of C. Bradlaugh: A Page of his Life*, 28.

²⁴ Craig, *The Banned Books of England and Other Countries* (London: George Allen & Unwin Ltd, 1962), 32.

²⁵ St. Norman John-Stevas, *Obscenity and the Law* (London: Secker & Warburg, 1956), 24.

²⁶ John-Stevas, *Obscenity and the Law*, 24.

The real change to the obscenity law came with the influence of evangelical morality that permeated Victorian culture. Evangelicalism created a change in public tastes. The Industrial Revolution had brought to the fore a concerned population of pious citizens who were self-disciplined and tight lipped. Many of these newly successful people were part of the lower middle class, Methodist, and advocated a strict puritan creed. They emerged from the new opportunities of the Industrial Revolution, coming from factory foremen, skilled workers, and clerks, who prided themselves on being distinct from the lower classes.²⁷ The Evangelical types led the outcry against immorality. Where the puritans had once attacked the licentiousness of the stage in the seventeenth century, the evangelicals attacked the literary book in the nineteenth. One of the results was a critical reassessment of Shakespeare from figures such as William Richardson, John Styles, and Coleridge. At the beginning of the century, editors such as Thomas Bowdler removed Shakespeare's more offensive words and condemned them as obscenities. Literature, they thought, should morally and intellectually educate the reader. They actively sought the elimination of ideas and situations in writing that were deemed objectionable or impious.²⁸

Out of this new change of taste, purists launched a collective public campaign. In the late eighteenth century William Wilberforce formed the Proclamation Society to enforce the royal injunctions that were inspired by anti-Vice societies, which often sought out obscene publications. These societies rode the wave of the Evangelical movement. The most formidable was the Society for the Suppression of Vice, formed in 1802, which absorbed the Proclamation Society. Its goals were to protect the sacredness of the Sabbath, to prosecute blasphemy and

²⁷ John-Stevas, *Obscenity and the Law*, 31.

²⁸ John-Stevas, *Obscenity and the Law*, 33.

blasphemous publications, to stop the trade in obscene books, and to suppress the practice of fortune telling.²⁹ One critic called them “a society for suppressing the vices of persons whose incomes do not exceed £500 a year,” as no real prestigious literature was interfered with.³⁰ The age of Queen Victoria set itself apart from those that came before it by forsaking the open licentiousness that had once been more common within the upper strata of society.³¹ However, this meant that the Victorian era harbored an underworld of prostitution and vices. While pornography was publicly banned, it was privately consumed. There was a thriving pornography business in the back streets of London, especially for the undergraduates of Oxford and Cambridge.³² Much of the energy of the Vice Society focused on stemming the flow of this pornography. There were fifty to sixty legal cases prosecuted against pornography between the years of 1802-1825. Interestingly, the pornographic books that the Vice Society kept for future evidence were protected by three different locks with keys held by three different people—just in case.³³

Literature was often ridiculed if it were the least bit risqué. John Keats, Lord Byron and Perce Bysshe Shelley were all attacked by critics who focused on moral issues more than aesthetics. Censors thought literature should edify as well as entertain. Mathew Arnold said that “a poetry of revolt against moral ideas is a poetry against life: a poetry of indifference towards moral ideas is a poetry of indifference to life.”³⁴ People were sent to prison for offending codes of morality. One of the publishers of Shelley’s poems spent four months in jail for publishing

²⁹ John-Stevas, *Obscenity and the Law*, 35.

³⁰ Quoted in Alec Craig, *The Banned Books of England and Other Countries*: (London: George Allen & Unwin LTD, 1962), 38.

³¹ Craig, *The Banned Books of England and Other Countries*, 38.

³² Craig, *The Banned Books of England and Other Countries*, 40.

³³ John-Stevas, *Obscenity and the Law*, 38.

³⁴ Quoted in John-Stevas, *Obscenity and the Law*, 45.

“Queen Mab” in 1822. By the 1840s, less pornography was available than previous decades, the crusading evangelicals had gotten older, and tastes had essentially adapted themselves to the new moral standards.³⁵

However, pornography made a comeback in the 1850s and another all out assault was launched to stop it. In literature, every author had to be on their guard. When a particularly lurid pornography case came before Lord Campbell in 1857, the Lord Chief Justice of England, he decided to act. The result of his action was the creation of a law, the Obscene Publications Act 1857, in order to stop the sale of “poisons.” The law was focused not so much on the publishers of the books but the books themselves, which could then be liable for suppression and destruction. The law passed Parliament based on the definition that Lord Campbell defined: “The measure was intended to apply exclusively to works written for the single purpose of corrupting the morals of youth and of a nature calculated to shock the common feelings of decency in any well-regulated mind...to make what was indictable under the present laws the test of obscenity.”³⁶

The bill allowed authorities to issue a search warrant if they had sworn information that obscene literature were kept on the premises. For the warrant to be legitimate, at least one copy of the literature had to have been sold and distributed. The literature would then be taken to court and the owner would have to provide a reason that the literature should not be destroyed. The requirement of the actual sale was generally met by having a policeman out of uniform

³⁵ John-Stevas, *Obscenity and the Law*, 49.

³⁶ Quoted in Craig, *The Banned Books of England and Other Countries*, 42.

purchase a copy. Sometimes the policemen would try to instigate a prosecution by asking for the bookseller to order the intended obscenity work.³⁷

The bill proved effective. The results, in the words of Lord Campbell himself, were revealing in that they illustrated the Christian norms that all the pornographers were transgressing. He said of his act in his diary:

Its success has been most brilliant. Holywell Street which had long set law and decency at defiance has capitulated after several assaults. Half the shops are shut up and the remainder deal in nothing but moral and religious books. Under the Bill similar abominations have been cleared away in Dublin. Even in Paris its influence has been felt, for the French police roused by the accounts of what we are now doing have been energetically employed in purifying the Palais Royal and the Rue Vivienne.³⁸

In 1868, eleven years after the 1857 Obscene Publications Act, common law changed the definition of the obscenity crime. A case concerning a Protestant pamphlet that sought to disparage the Roman Catholic Church was tried under the 1857 Act. The text in question quoted works read by Catholic priests that were used to morally educate, describing in intimate detail elements of married life considered risqué. After this case in 1868, Lord Chief Justice Alexander Cockburn's definition became the new standard to judge obscenity: "The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hand a publication of this sort may fall."³⁹

In 1870, another change was made with the Post Office Act that allowed the Postmaster-General to make regulations to prevent the sending or delivering by post of "any indecent or obscene books, prints, engravings, cards, or postcards, etc., having on the covers thereof any

³⁷ Craig, *The Banned Books of England and Other Countries*, 42.

³⁸ John-Stevan, *Obscenity and the Law*, 68.

³⁹ Quoted in Craig, *The Banned Books of England and Other Countries*, 44.

words, marks or designs of an indecent obscene, libelous or grossly offensive character.”⁴⁰

However, the Post master-General did not have the power to open letters or packets.

For freethinkers, the important change to the law occurred from Cockburn’s new standard. The obscenity law now caused sex manuals, and hence books on contraception, to come under its jurisdiction. The historian Alec Craig says that up until this time obscenity had been confined to pornographic books, which had been suppressed for their language rather than their theme.⁴¹ This was the basis of the charges brought against Henry Cook, Charles Watts, Edward Truelove, Annie Besant, and Charles Bradlaugh—all within the same year and inspired by the Vice Society. The persecutions started when in 1876, Henry Cook, a Bristol bookkeeper, published the “The Fruits of Philosophy” that included in it “obscene” pictures. He was sentenced to two years of hard labor. The original publisher was Charles Watts, who had bought the printing plates in 1874. However, the book had been in circulation since 1834 by the Holyoak brothers who were passionate Freethought activists. Bradlaugh encouraged Watts to admit he was the original publisher and make a show trial of the case. During the trial Watts grew nervous and later changed his mind, pleading guilty instead.⁴²

Angered by Watts’ confession of guilt, Bradlaugh and Besant took up the cause. Besant felt most passionately about defending the pamphlet. Hypatia, Bradlaugh’s daughter, quotes Bradlaugh as saying “I hold the work to be defensible, and I deny the right of anyone to interfere with the full and free discussion of social questions affecting the happiness of the nation. The

⁴⁰ Quoted in John-Stevás, *Obscenity and the Law*, 70.

⁴¹ Craig, *The Banned Books of England and Other Countries*, 70.

⁴² Sripati Chandrasekhar, *A Dirty Filthy Book: The Writings of Charles Knowlton and Annie Besant on Reproductive Physiology and Birth Control and an Account of the Bradlaugh-Besant Trial* (University of California Press: Berkeley, 1981), 1.

struggle for a free press has been one of the marks of the Freethought party throughout its history, and as long as the Party permits me to hold this flag, I will never voluntarily lower it.”⁴³ So in 1877, Besant and Bradlaugh republished the pamphlet under the “Freethought Publishing Company” and then gave notice to the Chief Clerk of their intention to print the pamphlet. They also gave notice to the Detective Department and City Solicitor. It was sold on Saturday, March 23. Bradlaugh and Besant were arrested a few days later under the 1857 Obscene Publications Act. Sir Alexander Cockburn was the judge designated for Bradlaugh and Besant’s trial, the same judge from the 1868 *R. v. Hicklin* case. The precedent case of *R. vs. Hicklin* in 1868 set the definition for their charge of obscenity, saying they were guilty of depraving and corrupting the populace with their literature, regardless of the motive.⁴⁴ To his benefit, Bradlaugh successfully requested the trial be judged by a jury. The case lasted four days, was widely publicized in Britain, and ultimately had the opposite effect from what the prosecutors had hoped for by popularizing contraception literature. Besant and Bradlaugh were successfully prosecuted and found guilty, but Bradlaugh was able to get the conviction overturned on appeal based on a technicality.

THE TRIAL OF THE QUEEN V. CHARLES BRADLAUGH AND ANNIE BESANT

This case had special importance for atheists and for several reasons. The guilty verdict, as argued by Hypatia Bradlaugh, had a great deal to do with the defendants being atheists. Second, the judge and prosecutor exemplified the collective consciousness that ostracized disbelievers,

⁴³ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol II.*, 17.

⁴⁴ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol II.*, 20.

shown most clearly by their invoking religious language and references to God. Lastly, the case shows how disbelievers attempted to use material conditions as their defense to overcome the accusation of being immoral.

Annie Besant and Charles Bradlaugh challenged the limits to British liberty by publishing a pamphlet that they knew had already been indicted. Their compassion for the lower classes inspired them to challenge the restrictive laws and norms concerning free speech. Their central concern was that unplanned pregnancies were detrimental to the poor, caused unnecessary hardship, and put the nation in jeopardy of creating more mouths than could be fed. Conventional morality and religious culture were obstacles for an open discussion about the human body and sexuality.

The case revolved around the publishing of the pamphlet *Fruits of Philosophy* in 1832 by Dr. Charles Knowlton (1800-1850), an American physician, atheist, and writer, who saw that the excessively high number of births financially strained many young couples and also damaged the health of mothers. This prompted Knowlton to put together a slim manuscript on how to prevent conception. Knowlton can be considered the American founder of contraceptive medicine in America and influenced people for over a century in the English speaking world, culminating in Britain with the Bradlaugh-Besant Trial in 1877. Knowlton wished to accomplish a number of things. He wanted to limit population control by preventing conception and diminish the prevalence of prostitution by permitting earlier marriages. He wished to limit the harmful effects of poverty in large families that led to a lack of education and increased crime. He thought planned births would improve and protect the health of the human species. Knowlton sought to reduce or eliminate infanticide and abortions and protect the health of women, who were too

often victim to excessive abortions or childbearing.⁴⁵ A doctor in the nineteenth century remarked that *Fruits of Philosophy* was the most important treatise on birth control for seventeen centuries.⁴⁶

Contraception and poverty had been intricately connected in the arguments of Thomas Malthus' work, "An Essay on the Principles of Population," first published in 1798 with subsequent editions following. The Malthusian argument became a central theme of the Freethought movement, and was especially important to Annie Besant as a freethinking woman. Explicit in the Malthusian argument, as expressed by Knowlton in *Fruits of Philosophy*, the pamphlet on trial, was a concern for the future state of society and the suffering of the lower classes. Knowlton was inspired to write his work after reading Malthus, who gave dire warnings about overpopulation. Knowlton's first line reads: "If population be not restrained by some great physical calamity, such as we have reason to hope will not hereafter be visited upon the children of men, or by some moral restraint, the time will come when the earth will double three times in a century."⁴⁷ Following Malthus' logic, he predicted that unless populations were checked, the present population of the earth estimated then at one billion, would reach eight billion after 100 years, and then sixty-four billion after two hundred years. Malthus was basically right about population growth and wrong about the calamity, but the rich countries of the world had large under classes mired in poverty and had no idea of the technological advances to come. Many conscientious people at the time felt as Knowlton had in 1831 that "Some check, then there must

⁴⁵ Chandrasekhar, *A Dirty Filthy Book: The Writings of Charles Knowlton and Annie Besant on Reproductive Physiology and Birth Control and an Account of the Bradlaugh-Besant Trial*, 22-23.

⁴⁶ Chandrasekhar, *A Dirty Filthy Book: The Writings of Charles Knowlton and Annie Besant on Reproductive Physiology and Birth Control and an Account of the Bradlaugh-Besant Trial*, 24.

⁴⁷ Charles Knowlton, "Fruits of Philosophy" in Chandrasekhar, *A Dirty Filthy Book: The Writings of Charles Knowlton and Annie Besant on Reproductive Physiology and Birth Control and an Account of the Bradlaugh-Besant Trial*, 99.

be, or the time will come when millions will be born but to suffer and to perish for the necessities of life.”⁴⁸ It was for this reason that he advocated contraception. He argued that over population contributed to the problem of lowering wages while perpetuating poverty, prostitution, and causing prices to rise as staple goods became scarcer. Finally, contraception gave women direct control over their sexual reproduction.

For sex and reproduction to be a topic of rational discourse, Besant and Bradlaugh had to overcome religious teachings that saw women as the vessel of a divine plan. Sex and its results were part of God’s design. The prevailing notion of conception was that sex was a “natural” or “normal” act that occurred between a heterosexual man and woman. Men and women were naturally attracted to one another and this led to marriage and the creation of a family. Only, in this way was sex to be praised or discussed. The Victorian era, heavily influenced by ideas about religious piety, saw a decline in public acceptance of sexual acts outside of marriage. The pinnacle of immorality was adultery committed by the wife. The reality behind the public moralizing discourse of “natural” sex was that men were able to indulge in adultery with impunity while women were subject to a double standard. Given the restraints on women and the acceptance of the philandering of men, women’s sexuality was to attract a mate while men’s sexuality could be used to gratify himself.⁴⁹

Discussing sex openly was dirty and vulgar. Additionally, Besant and Bradlaugh were defending the lower class, who were judged by middle class standards. The lower classes were expected to aspire to rise to the standards of the higher class. The lower classes’ inability or

⁴⁸ Charles Knowlton, “Fruits of Philosophy” in Chandrasekhar. *A Dirty Filthy Book: The Writings of Charles Knowlton and Annie Besant on Reproductive Physiology and Birth Control and an Account of the Bradlaugh-Besant Trial*, 99.

⁴⁹ Patricia Anderson, *When Passion Reigns: Sex and the Victorians* (New York: Basic Books: 1995), 18-20.

unwillingness to adapt or accept middle class morality, and thus fit in with middle class society, was seen as another sign of their weakness. The literature written about sex was designed for well-to-do middle class families, often in religious language, and where feeding extra mouths was not a large concern.⁵⁰ Sexual feeling, wrote Dr. Mary Wood-Allen in her 1899 advice book *What a Young Women Ought to Know*, “is the indication of the possession of the most sacred powers, that of the perpetuation of life. Passion is the instinct for preservation of one’s kind, the voice of the life principle, the sign of creative power.”⁵¹

Besant and Bradlaugh had to address sex in order to discuss the problem of over population, which conflicted with the laws of obscenity. To explain contraception, Besant and Bradlaugh had to talk openly about human anatomy and sexual intercourse. Atheists wished to take away the “sacred” and “natural” element from the discourse surrounding sexuality. Besant and Bradlaugh presented a positivistic and utilitarian argument that saw contemporary standards of conventional morality as the greater evil. Besant and Bradlaugh wrote in the published transcripts of the trial:

It is as a contribution to the discussion of the Population Question that we issue this report of the prosecution against ourselves...Dr. Knowlton’s pamphlet...is not, of itself, of vital importance; its importance lies in the fact that it is condemned—says Lord Chief Justice Cockburn—because it advocated prudential restraint to population, while also advocating early marriage. It is the advocacy of prudential checks *after* marriage that is now said to be a punishable offence. Many a better book than that of Dr. Knowlton might be written on the same subject to-day...until, however, the judgment against Knowlton is reversed, no better book can be published, for doctors will not write, and publishers will not sell, a work which may bring them within the walls of the gaol...It was for the sake of free discussion that we published the assailed pamphlet, as to make the way possible for others dealing with the same topic...Ignorance has again become a cardinal virtue, and the tree of knowledge is again guarded by the fiery sword of the law...The discussion of a question of ethics, of social science, of medicine, is an attack on no one; no one’s

⁵⁰ Anderson, *When Passion Reigned: Sex and the Victorians*, 86.

⁵¹ Quoted in Anderson, *When Passion Reigned: Sex and the Victorians*, 86.

reputation is injured by it; it can have nothing in it of the nature of slander. Such discussion has always been the medium of progress, and the right to it must be won at all hazards.⁵²

What made Knowlton's work so radical was that it sought to teach people to make their own individual choices about sexuality. This meant that rich and poor alike could determine when they wished to have children—running against the notion that souls in Heaven must be propagated as quickly as possible to sustain an ordained plan. God does not figure into Knowlton's argument and there is an obvious omission of a higher plan being worked out. Knowlton's underlying argument suggested that the destiny of human society was a secular human problem, and without secular intervention, society would suffer disastrous calamities. Underneath the arguments of the trial was the collision of a traditional religious morality and a revolutionary radical new secular morality. The Lord Chief Justice accused Knowlton's work of exciting "unholy desires" and later, the Lord Chief Justice paraphrased the prosecution saying, "The learned counsel for the prosecution, says, in emphatic terms, that these means are contrary to the law of God and the law of man; in other words, to prevent the natural fruits of matrimonial union is contrary to the law of God and man, and contrary to the sound morals which ought to prevail."⁵³

To the prosecutor, Solicitor-General Sir Harding Gifford, sex was considered a sin outside of marriage. Contraception was feared to lead to pre-marital sex, to bolster the trade of prostitution, and to lead to general debauchery rather than chiefly leading to population constraint. As the court case makes evident, the state acted as the paternal guardian of social morality. The poor were thought to be in need of special paternal care because they could not

⁵² *The Queen v. Charles Bradlaugh and Annie Besant* (London: Freethought Publishing Company), i-ii.

⁵³ *The Queen v. Charles Bradlaugh and Annie Besant*, 262 .

help themselves. The prosecuting Solicitor-General said “It is not whether a work of this kind can be submitted to a college of philosophy, but whether it can be sold at the price of sixpence about the streets of London and elsewhere...induced amongst an enormous population, there will be so many sold to boys and girls and persons who may obtain it with perfect facility in the streets...”⁵⁴ The prosecution stated very confidently that the work would deprave the minds and morals of the people, arguing to the jury that Knowlton did not sincerely care about marriage, but was using it as a cover to promote unbridled sex.

What was at stake was the level of control that the state had over private life and especially of the lower classes. The Lord Chief Justice argued that unrestricted knowledge could lead to unfavorable outcomes, thus it was better to keep people ignorant. During the prosecution he said “The argument is that it is unnecessary to give these details to the general public, and I refer to it because I think that if the argument can be met it should be, and they are so given the tendency is to corrupt the public mind.”⁵⁵

Sir Henry Gifford defended Christian morality that he saw as being necessarily intertwined with the law. Gifford used religion as a significant factor in his argument to justify how the pamphlet was criminal. “The Christian religion is happily still a part of the law of this country, and if it were confined simply to that recommendation, I certainly should have a great deal to say to you, and would point out that it is immoral in the higher sense to which my lord at the commencement of the case referred.”⁵⁶ The prosecution argued that contraception was against God’s plan and would excite corrupting desires:

⁵⁴ *The Queen v. Charles Bradlaugh and Annie Besant*, 22.

⁵⁵ *The Queen v. Charles Bradlaugh and Annie Besant*, 132.

⁵⁶ *The Queen v. Charles Bradlaugh and Annie Besant*, 22.

Their notion is that the population should be limited and that it would be a desirable thing that conception should be prevented. I say that this is contrary both to the law of God and the law of man, and if they choose to circulate a document of this sort, which is intended to produce that result, and intended to produce that result in that way, I say that it is immoral, and under the circumstances of the case, an obscene book...I say that this is a dirty, filthy book, and the test of it is that no human being would allow that book to lie on his table; no decently educated English husband would allow even his wife to have it, and yet it is to be told to me, forsooth, that anybody may have this book in the City of London or elsewhere, who can pay sixpence for it!...the object of it is to enable persons to have sexual intercourse, and not to have that which in the order of Providence is the natural result of that sexual intercourse...of checking conception and preventing life...of treating the holy state of matrimony as a sham...that it has the tendency to excite unholy desires...that whatever outrages decency, whatever tends to corrupt the morals of society, and especially the morals and purity of women...is an offence against the state.⁵⁷

The members of the press who supported the prosecution displayed the same kind of Christian mentality that expressed indignation over the open treatment of sex. J.A. and Olive Banks did an exhaustive study in 1954 of the coverage of the 1877 trial in Britain in an article titled "The Bradlaugh-Besant Trial and the English Newspapers."⁵⁸ They argued that the trial holds a special place in British history because never before had ideas promoting population control and contraception been so widely brought to public view. The trial also received a great deal of attention because Bradlaugh was mired in infamy for being a prominent atheist who had now involved Annie Besant, an innocent English woman, in a dirty sex trial. J.A. and Olive Banks noted that newspapers exclaimed that Bradlaugh had overreached himself this time by taking another man's wife down with him.⁵⁹

Ignoring the arguments of Bradlaugh and Besant, the prosecution saw sexual liberation and contraception as immoral. Although they did not advocate "free love," Bradlaugh and

⁵⁷ *The Queen v. Charles Bradlaugh and Annie Besant*, 259.

⁵⁸ J. A. Banks and Olive Banks, "The Bradlaugh-Besant Trial and the English Newspapers," *Population Studies*, Vol. 8, No. 1 (Jul., 1954)

⁵⁹ J. A. Banks and Olive Banks, "The Bradlaugh-Besant Trial and the English Newspapers," *Population Studies*, Vol. 8, No. 1 (Jul., 1954), 22-34.

Besant were accused of practicing it. Promiscuity was described as diametrically opposed to moral living. Sexual license would ruin the population. Public morality was thought to be built on a foundation of marriage and abstinence. The *Liverpool Mail* said: "the single object of this work as expressed in a single sentence, is to tear down one of the greatest protections public morality has."⁶⁰

In the *Glasgow Herald*, also published June 22, the author expressed exasperation over the effects the trial had on popularizing the "abomination" propagated in *Fruits of Philosophy* by Knowlton:

When it became known that the authorities regarded it as immoral and obscene, all the prurient-minded in the community—and we are afraid their numbers are not small—were anxious to obtain a copy. The demand became so great that it could not be supplied, and, whatever evil was in the pamphlet, we may be certain that, getting such an enormous circulation, it would be assimilated by evil minded readers.⁶¹

Others felt that limiting contraception also challenged the state and its power. One of the papers criticized the Malthusian argument because they felt the empire needed more people—not less—and still had a great deal of land to settle abroad. It was the destiny of the English to populate the Earth with their stock. In the *Evening Standard* someone wrote: "We don't think that the Malthusians make out their case so long as there is abundance of fertile land waiting for men to till it." The English were "a blessing with the command to increase and multiply and replenish the earth...and its promised destiny with that of any other people differing from it in certain sentiments."⁶² The author uses the language of divine Providence, viewing the English

⁶⁰ Quoted in J.A. and Olive Banks, "The Bradlaugh-Besant Trial and the English Newspapers," 28.

⁶¹ *Glasgow Herald*, June 22, 1877.

⁶² Quoted in J.A. and Olive Banks, "The Bradlaugh-Besant Trial and the English Newspapers," p. 28.

people as part of a Christian plan to spread their culture and religion to the rest of the world.

Besant and Bradlaugh were interrupting natural population growth and the spiritual order.

The June 22 *Daily Telegraph* criticized Bradlaugh and Besant for threatening the body and soul of the nation with “monstrous doctrines.” The fear of denying the power of Providence and the decline of the British population were grounds to censor the discussion on contraception:

We have been told, to put the matter plainly, that there are means short of infanticide, but equally abominable—short of public licentiousness, but equally degrading and detestable—by which the increase of the human race can be checked; and honest men and women have actually been advised to violate those divine laws by which Nature is regulated and to lend themselves to practices too shameful to be hinted at...while professing to deal with questions of population and national prosperity, in reality suggests vice of a character so abandoned, revolting, and unnatural, that to see its precepts accepted as “philosophical fruit” would be to witness the first beginnings of the downfall of this nation...whose pernicious teachings would, if allowed to go unchecked by the strong arm of the law, destroy body and soul alike...this vile work in its tendency and effects that if they had offered poisoned food for sale in the markets, or thrown deadly drugs into wells and drinking fountains.⁶³

The *Saturday Review* published a piece titled “The Nasty Case” after the verdict was given on June 22. The author vindicated the prosecution and celebrated the verdict: “The prosecution of a man and woman for publishing an obscene book has ended, as was to be expected, in the conviction of the defendants; a result which appears to be fully justified by the facts of the case, and which may perhaps compensate in some small degree for the mischief of the publicity which has, unfortunately, been given to a most disgusting subject, by placing a check in future on the dissemination of such corrupting literature.”⁶⁴

J.A. and Olive Banks concluded that the hysterical resistance to the case by conservatives was due to the insecurity of middle class morality being challenged by Bradlaugh’s revolutionary

⁶³ *Daily Telegraph*, June 22, 1877.

⁶⁴ *Saturday Review*, June 22, 1877.

doctrines. In response to Bradlaugh's challenge to conventional morality, they expressed clear disapproval. Critics in the press displayed a clear sense of anxiety in stark contrast to the readers in the general population. J.A. and Olive Banks argued that the press was a vehicle of rearguard opinion and did not represent the changing mores within British society.⁶⁵ What they fail to mention is that the press represented the discourse of a collective religious consciousness that was more exhortation than reality and saw atheist and contraception as morally repugnant. The new attitude to sex can best be seen within Bradlaugh's own publication, the National Reformer, which made it a point to reprint many of the responses of other papers of the trial each week.

One reader, J. Robinson of a Durham mining district wrote on May 13, 1877:

I am glad to inform you that the case is causing a deep interest among the working classes in this quarter, and all I have spoken to, that have read the Pamphlet, agree that Mr. Bradlaugh and Mrs. Besant are taking the right and proper course. It is pleasing to observe that nearly all who condemn the work have never read it, and consequently do not understand it.⁶⁶

A man calling himself an old Glasgow Radical wrote on the same day:

I have a copy of the book, published at London, by J. Watson, in 1844, and see nothing in it to justify the prosecution, the effect of which will only increase the demand for it. I perfectly recollect the prosecution of Carlile for publishing Paine's 'Age of Reason,' in 1826 or 1827. I had never heard of it before, but naturally I, and a great many others, procured copies. The result will be the same in this case.⁶⁷

The Freethought movement, as represented by Bradlaugh and Besant, sought a redefinition in the understanding of reproduction by challenging the religious, ethical, and paternal prohibitions on the lower classes. Bryan M. Yates, whose work *A prosecution Fraught with Danger: The Trial of Charles Bradlaugh and Annie Besant* is a result of research similar to the Bank's article,

⁶⁵ J.A. and Olive Banks, "The Bradlaugh-Besant Trial and the English Newspapers," 22-34.

⁶⁶ *National Reformer*, May 13, 1877.

⁶⁷ *National Reformer*, May 13, 1877.

largely based on newspaper coverage of the trial and the trial transcripts. He was partly surprised by the lack of outrage, suggesting that family planning might already have been under reconstruction. Family planning was not an unheard of phenomenon. Besant mentioned in the trial that France, with its exceptionally low birth rate, had already set a precedent. Yates argues that those newspapers which chose to respond did so “within the framework of Victorian sexual and class ideology.”⁶⁸ He argues that ideas that could lead to a more sexually active lower class caused fears and anxiety. The work by Yates and the work by J.A. and Olive Banks failed to mention the fear that atheism, licentiousness, and the lower classes evoked in the religious population of Victorian Britain. Besant and Bradlaugh symbolized a challenge to the conventional morality and norms established in British Christian culture. They were eroding religious authority by using secular arguments to change the policies of censorship and regulation by the state. The court, in contrast sought to safeguard morality and to protect the Christian world view. In fact, atheism, free speech, and sexual emancipation were intricately connected and under indictment.

In addition to ideas of gender, the trial displayed how the discourse of secularism and individualism pitted itself against religious paternalism. State and religion combined, as seen by the language of the prosecution and its supporters in the press, to control the behavior of the population. State and church wished to control sexuality, families, and morality through state power and spiritual admonishment. In the face of advancing ideas based on research and empirical arguments, as given by Knowlton and later the Malthusian League, the state and church were confronted with a new mode of personal conduct that had legitimate ethical

⁶⁸ Bryan M. Yates, “A Prosecution Fraught with Danger: The Trial of Charles Bradlaugh and Annie Besant” (MA Thesis, Arizona State University Press, 1996), 63.

arguments of its own. The Freethought movement, based among the lower classes, attempted to autonomously define itself from religious convention, demanding spheres of autonomy from old notions of a middle class Christian world view.

Besant and Bradlaugh wanted to undermine the foundation of a morality based on religion and change it to one based on material reality. They challenged conventional morality by arguing for a positivistic epistemological basis for morality that was based on material facts and not one based on divine revelation. They sought to extend the limits of liberty by using arguments of medical facts from the material world to overturn religious notions of purity and piety. One man, who wrote into the *National Reformer* on May 20, illustrated this point clearly, going so far as to suggest that precisely because Besant and Bradlaugh were atheists they were put on trial:

It is a great burning shame that the government while allowing the sale (public) of such books as the Bible, and those vile rags exhibited on bookstalls in every market town (tied with string to excite curiosity), can dare to authorize the deprivation of liberty of a man, who honestly differing from orthodox people on theological and religious questions, reprints a medical work, which intended to, and will, in my opinion, elevate the social and moral status of the majority of the people.⁶⁹

Besant spoke first in the trial and she used the language of an atheist, speaking of human instincts and human nature shared across an animal kingdom. She argued that accusing people of desiring sex was to “blame the constitution of the world.”⁷⁰ In their defense, both Bradlaugh and Besant contended that men “will not lead a celibate life, whether they are married or unmarried, and that what you have got to deal with is, that which we advocate—early marriage with restraint upon the numbers of the family—or else a simple mass of unlicensed

⁶⁹ *National Reformer*, May 20, 1877.

⁷⁰ *The Queen v. Charles Bradlaugh and Annie Besant*, 139.

prostitution...”⁷¹ According to Besant’s arguments, early marriage and an excess of early births could be equally as detrimental as late marriage, which could either lead to a lack of sentiment or marriage for monetary gain.

To Besant, marriage itself remained problematic. The British state, as represented by the prosecution, wished to protect people from their own individual liberty by limiting knowledge of contraception that could lead to sinful damnation and the corruption of the young by allowing them to have sex at a young, unmarried age. In order to do this the state preached abstinence and purity, two things that neither Besant nor Bradlaugh thought were unrealistic. Besant said, “You will never get any large majority of men or women whose natural instincts lead them to join their hands in marriage to forbear, and, therefore, I consider that this is one of the most impracticable schemes which ever entered into the brain of a man of intelligence to propound.”⁷² Besant and Bradlaugh both recognized that human nature led people to procreate and this issue had to be resolved by confronting it realistically. By ignoring the implications of sexual desire, overpopulation, and crowding the state compounded the problem.

For the first two days of the trial, Besant used arguments that focused on physiological and demographic realities, a positivistic approach, while the prosecution spoke of conventional morality. Due to her secular views, Besant wished to deal with the human animal as it was, not how it was hoped to be. Besant directly challenged notions of Providence, declaring that there was overwhelming contradictory evidence for such claims. Using the ideas of Malthus, the society was subject to checks and balances that historically consisted of “war, famine, disease, misery, starvation, overcrowding, preventable disease, infanticide, baby-farming, and all other

⁷¹ Quoted in Manvell, *The Trial of Annie Besant*, 86.

⁷² *The Queen v. Charles Bradlaugh and Annie Besant*, 101.

horrors of civilization: those are the means which the Solicitor-General says God and Providence give us in order to prevent the over increase of our population.”⁷³ Human misery was the product human nature and human choices entirely. Nature was not contained but ran rampant with over production where the weakest were forced to die out. Besant argued that humans had the ability to use their reason to manipulate and improve their lives. The results had to be measured with long term vision. Besant’s concluding words for the first day were:

The moment you admit man’s reason into nature, that death-producing check is no longer a natural check, because man’s reason is given him by nature, in order that by being thrown into the mass of a number of mute laws he may use his reason to bring him out of the terrible crushing wheel of nature, that breaks down the lower organisms that have not our brain. I plea for preventive check. Preventive check means that man’s brain is used—preventive check means birth-restricting check as opposed to death-producing check...it is more moral to prevent the birth of children than it is after they are born to murder them as you do to-day by want of food, and air and clothing, and sustenance....I say man’s reason is given to him by nature in order that he may, by his reason and by his intellect, prevent that suffering which results from the laws of nature, if you take nature without man.⁷⁴

Besant argued it was the moral duty of humanity to alleviate the struggle of life.⁷⁵ It was immoral, she argued, to cram poor people into hovels and not to teach them to control their birth rates. To convince the jury, Besant described in detail some of the conditions of abject poverty where families could have eight children who were all sharing the same space. The cramming of these populations into unsatisfactory living conditions produced crime and prostitution and a lack of general modesty, not to mention extremely high death rates among children below the age of five. Besant connected the indecent living conditions of the working class poor with the state, implying the latter’s failure in taking care of the British people.

⁷³ *The Queen v. Charles Bradlaugh and Annie Besant*, 70.

⁷⁴ *The Queen v. Charles Bradlaugh and Annie Besant*, 73.

⁷⁵ *The Queen v. Charles Bradlaugh and Annie Besant*, 96.

Historians of secularism argue that the social problems of poverty were a significant reason for a lack of confidence in the rule of Church and State, and contributed to the rise of disbelief. If this is the case, then Besant was expressing deep seated feelings that were really attacks upon religion and beliefs that looked to an afterlife. Reports through the 1870s and 1880s exposed the conditions of the working classes. Many British citizens, fed on imperial pride and not living among the destitute within London's underbelly, found it difficult to confront the injustices of inequality. Before the depression of 1879, a researcher, Fredrick Harrison, found areas in London where the death rate was twice that of elsewhere. Much of the harm came from home industries such as matchbox-making that had arsenic and sulphur fumes, causing bone and lung damage. Children below working ages were often drugged on opium, so that when they were old enough to work, they lived a half-conscious treadmill-like existence, leading to early death.⁷⁶ The radical social reformer Beatrice Web thought that the profits and gain among the men of intellect and property caused a sense of collective guilt about industrial organization, which had failed to provide adequately for millions of Britons. The industrial workplace helped pay the rent but failed to provide a tolerable existence.⁷⁷ A report from 1882 by Reverend Andrew Mearns, entitled *The Bitter Cry of Outcast London*, found that on a single street of thirty-five houses, thirty-two were dedicated to prostitution. He made a rough estimate that there were 400 prostitutes per 10,000 people. In one of the most degraded living conditions documented, he found that in one East-End cellar lived father, mother, three children, and four pigs. In another room lived a man with smallpox, a wife recovering from her "eighth

⁷⁶ Warren Sylvester Smith, *The London Heretics 1870-1914* (New York: Dodd, Mead & Company 1968), 11.

⁷⁷ Smith, *The London Heretics 1870-1914*, 11.

confinement” and her children, who were half naked and filthy. Mearns also noted that seventeen hour work days were not uncommon and church attendance was non-existent.⁷⁸

In a similar vein, the Englishman Charles Booth created an eighteen volume study that more deeply examined such conditions. He used the census figures of 1881 and 1891 and paid canvassers to ask questions about occupation, income, housing, servants, among others.⁷⁹ Booth found that London in the late 1880s had approximately four million inhabitants, of which Booth studied the most destitute million. He concluded that while half of those in London lived in relative comfort, 30% of the million inhabitants lived below subsistence, with 8.4% in extreme poverty. The lower twelve percent lived three or four to a room while the upper twelve percent averaged suites of rooms per person with servants.⁸⁰ Thus the subject studied in the period before and after Annie Besant and Charles Bradlaugh’s life was a period of poverty and disenchantment for many people. Living standards later improved with free compulsory education, reform legislation, public health, and factory laws but were introduced in the late 1890s—too late for the workers of the nineteenth century. Behind the uprightness of the prosecution in the trial was an embarrassing mess of poverty where crime and irresponsibility plagued the poor. Besant and Bradlaugh were addressing this reality by making secular arguments of how poverty could be alleviated. The impoverishment of many working class people provided the space to exploit a sexual and social taboo and push society towards a more secular morality.

⁷⁸ Smith, *The London Heretics 1870-1914*, 12.

⁷⁹ Smith, *The London Heretics 1870-1914*, 13.

⁸⁰ Smith, *The London Heretics 1870-1914*, 14.

The suffering of the poor was the central thrust for Besant and Bradlaugh's argument and represented the material evidence to overturn the censorship of contraception literature. One of the witnesses called by Bradlaugh, a Dr. Drysdale, argued that overpopulation condemned many poor to an unjust death. Drysdale claimed that even with advances in medicine, infant mortality rates remained extremely high in London. He said that twenty years ago 22.2 per thousand children died in birth. By 1876, 22.3 per thousand children died in birth, a miniscule change. The problem, he argued, was that the children of the poor died three times as fast as the children of the rich. He referenced the Registrar-General's returns that found that of 100,000 children of the wealthy classes, 8,000 had died in the first year. Among the lower classes, 15,000 had died within the first year. But the statistics represented the entire population, and if only the poor within the London were considered, 24,000 had died within the first year. Drysdale said accusingly, "So that you see, the children of the poor are simply brought into the world to be murdered."⁸¹

Bradlaugh took over the defense during the third and fourth days of the trial. He painstakingly went through numerous textbooks on physiology and compared them to what Knowlton had written. Bradlaugh argued that the medical books were similar in form and instruction and to call Knowlton immoral was to call the medical books immoral. Thus, Knowlton was not guilty of trying to corrupt the public mind, but rather was merely educating it. Bradlaugh was also clearly fighting for the freedom of the lower classes. He argued it was unjust to withhold information that the upper classes readily had access to, and could take advantage of, while the lower classes could not. Bradlaugh said "My contention is that the rich have certain

⁸¹ *The Queen v. Charles Bradlaugh and Annie Besant*, 223-224.

useful information within their reach which they have no more right to have at their disposal for 1s. 6d. than the poor have at 6d...I plead here simply for the class to which I belong, and for the right to tell them what may redeem their poverty and alleviate their misery”⁸² The power of the lower classes to acquire their own personal liberty from the confines of nature permeates the trial in both Bradlaugh and Besant’s arguments. The poor had to be given the tools to make their own decisions. Bradlaugh said, “I now submit that it is impossible to advocate sexual restraint after marriage amongst the poor without such medical or physiological instructions as may enable them to comprehend the advocacy and utilize it.”⁸³

To Besant and Bradlaugh, they were fighting for more than sexual emancipation. They were fighting a moral cause just as much as the prosecution (thus their willingness to defend this particular case) but also their right to existence as freethinkers. The secular movement held different assumptions about society that led them to non-traditional conclusions. If those conclusions were not recognized within the legal or moral boundaries of custom, they had to face censorship. Fighting for freedom of the press was fighting to overturn the mechanisms of power that silenced the secular movement and future progress. Open and public discussion was obstructed because the state was afraid of *too much of an open discussion*, evidenced by how the prosecution emphasized the *Fruits of Philosophy*’s sixpence price. The defenders of public morality were afraid that atheists were going to cause the social order to disintegrate. Critics of Besant and Bradlaugh felt the lower classes did not have the discipline or self-control to handle a discussion on sexual matters.

⁸² *The Queen v. Charles Bradlaugh and Annie Besant*, 206.

⁸³ *The Queen v. Charles Bradlaugh and Annie Besant*, 174.

Defending the position of Freethought, Besant said, “There are various rights of speech which the public enjoy. The right of discussion in theology is won, the right of publicly discussing politics is won; but as to discussion on social subjects, there is at present no right...Difference of opinion is not to be taken as proof of obscenity against any particular subject, and the more you may differ you guard his right of discussion.”⁸⁴

Knowlton himself a Freethinker, defended his work to his critics within *Fruits of Philosophy*. As Besant and Bradlaugh wished to do, he believed it important to talk openly and frankly about the problems of life and society. Knowlton wrote,

I hold the following to be important and undeniable truths: That every man has a natural right both to receive and convey a knowledge of all the facts and discoveries of every art and science, excepting such only as may be secured to some particular person or persons by copyright or patent. That a physical truth in its general effect cannot be a moral evil. That no fact in physics or in morals ought to be concealed from the enquiring mind...The subject of generation is not only interesting as a branch of science, but it is so connected with the happiness of mankind that it is highly important in a practical point of view.⁸⁵

Atheists argued that censorship due to moral convention caused harm and hindered the ability to resolve issues considered sensitive. Atheists like Knowlton, Besant, and Bradlaugh wanted to change the basis of morality and to do that they had to demonstrate the importance of physical facts. Religious morality depended on religious truths from sacred texts and traditional teachings. Atheists used the new discoveries of science and a positivistic method to understand the human condition. Undoubtedly, both sides wanted the best for humanity. The religious view was built upon different reasoning because they were concerned about disqualifying an individual’s chance for a promised future life by unnecessary temptations, and so religious

⁸⁴ *The Queen v. Charles Bradlaugh and Annie Besant*, 49.

⁸⁵ Charles Knowlton, “Fruits of Philosophy,” in Chandrasekhar, *A Dirty Filthy Book: The Writings of Charles Knowlton and Annie Besant on Reproductive Physiology and Birth Control and an Account of the Bradlaugh-Besant Trial*, 105.

morality repressed discussions over topics such as sexuality. Religious critics were concerned that too much freedom would break down the social order. Atheists did not believe in an afterlife and thought the realities immediately confronting them had to be discussed. For Atheists to find the space for their beliefs, the laws of censorship had to be changed. Since this was a step towards secularization, Victorian religious culture had put atheism on trial to preserve itself.

RESULTS OF THE VERDICT

After four days of argument, the jury departed the scene to deliberate on the verdict. For those who witnessed the case, many felt that Bradlaugh and Besant had sufficiently made their case. The two had even received a general applause after they finished. She recounts in her autobiography: “Everyone in court thought that we had won our case, but they had not taken into account the religious and political hatred against us and the presence on the jury of such men as Mr. Walter, of the *The Times*.”⁸⁶ Bradlaugh’s daughter, who was also present that day, wrote “During the time they were locked in they discussed so loudly that they were heard outside, and their discussion was found to be by no means confined to the offense which they were supposed to be considering, as it included amongst other things the heretical views of the defendants.”⁸⁷ After about an hour, the jury came out and gave a rather mixed verdict: “We are unanimously of

⁸⁶ Besant, *Annie Besant: an Autobiography*, 137.

⁸⁷ Bonner, *Charles Bradlaugh: A Record of His life and Work, Vol II.*, 25.

opinion that the book in question is calculated to deprave the public morals, but at the same time we entirely exonerate the defendants from any corrupt motives in publishing it.”⁸⁸

The Lord Chief Justice, on hearing the mixed verdict told, the jury that if the book was considered obscene, the verdict must therefore be guilty. After the Lord Chief Justice’s statement, the Clerk asked the foreman whether they found the defendants guilty, and he affirmed it. A verdict of guilty was thus determined. However, Hypatia later recounted the jury was by no means unanimously in agreement with regard to the foreman’s decision. Afterwards, two members of the jury returned their jury payments to be given to the expense of Bradlaugh and Besant’s defense. One of jurymen later told Bradlaugh and Besant that he had disagreed with the verdict of guilty and it had been pre-arranged, that if the special verdict was not accepted by the Lord Chief Justice, the jury was to re-convene.⁸⁹ The religious prejudice of the foremen had resulted in the guilty verdict.

The next step was for the court to decide on the level of punishment, to be given in one week’s time. Bradlaugh and Besant expected to pay a heavy penalty but thought a sentence in prison unlikely. Bradlaugh submitted three propositions to the court for judgment. Hypatia recounts, “(1) A motion to quash the indictment; (2) a motion for arrest of judgment; and (3) a motion for a new trial. But the Lord Chief Justice would neither consent to a new trial nor to a rule for an arrest of judgment.” The Lord Chief Justice left the question of quashing the indictment to the Court of Error and was not going to let them escape imprisonment until the error was determined. After a morning of debate the judge sentenced them to six months imprisonment and a fine of £200 each. But as they were leaving the court in custody, and stood

⁸⁸ *The Queen v. Charles Bradlaugh and Annie Besant*, 267.

⁸⁹ *The Queen v. Charles Bradlaugh and Annie Besant*, 24-25.

next to the door, the Lord Chief Justice offered to suspend execution of the sentence if Bradlaugh promised not to publish the work until the Court of Appeal's verdict. Bradlaugh agreed. Then the trial went to the Court of Appeal which was decided in the favor of Bradlaugh and Besant, causing the indictment to be dropped on the grounds that "the words relied upon by the prosecution was not expressly set out."⁹⁰ The name of the prosecutor was never given. In his research on the case, Roger Manvell concluded that it was not the Vice Society but rather the City Police, directed by a man named Alderman Ellis for reasons that remain unclear today.⁹¹

The obscenity law was not taken from the books but neither was the case against the *Fruits of Philosophy* picked up again. Knowlton's pamphlet was not banned and it continued to circulate. Besant actually decided to do one better and wrote *The Law of Population: Its Consequences and Its bearing upon Human Conduct and Morals* in 1877. Her book was dedicated to the poor and well received, selling hundreds of thousands of copies. Next she tested the waters further by publishing a work titled *Is the Bible Indictable?* to see if the Bible fell within the definition of what the Lord Chief Justice considered to be obscene. No prosecution was conducted.

The parallel case against Edward Truelove, who had issued 650 copies of the *Fruits of Philosophy*, which had been seized by the Vice Society, did not do as well as Besant and Bradlaugh. Truelove was tried twice. The first trial ended without a sentence due to a hung jury but in the second trial in 1878 he was found guilty, sentenced to six months in prison, and fined £50. He was nearly seventy years old and his conviction aroused the sympathy of a great deal of people within the Freethought movement who relieved him of his fine. The trial also inspired

⁹⁰ Bonner, Charles *Bradlaugh: A Record of His life and Work, Vol II.*, 27.

⁹¹ Roger Manvell, *The Trial of Annie Besant and Charles Bradlaugh*, 156.

the creation of the Malthusian League in 1877, which sought to propagate ideas of population control and educated the populace on the issues raised by Knowlton's pamphlet.

However, the case also had negative repercussions, and became the justification by which Annie Besant lost custody of her daughter. Annie Besant had custody of her daughter Mabel after her separation from her husband Frank Besant, who had retained custody of their son. Besant feared that the Knowlton trial would be resumed but was instead shocked to find herself embroiled in an entirely different kind of trial. She said that the establishment of state and religion had an even "worse weapon" in store for her. This was actually the second time that her husband had attempted to take custody of Mabel. With new ammunition to use against her due to the trial on contraception, Frank Besant tried again. During the trial, Besant was attacked solely on the grounds of her atheism. The petition against her read:

The said Annie Besant is, by addresses, lectures, and writings, endeavoring to propagate the principles of Atheism, and has published a book entitled 'the Gospel of Atheism.' She has also associated herself with an infidel lecturer and author named Charles Bradlaugh in giving lectures and in publishing books and pamphlets, whereby the truth of the Christian religion is impeached, and disbelief in all religion inculcated.⁹²

According to Besant, the prosecution, a Mr. Ince and Mr. Bardswell, also accused her of publishing the *Law of Population*. Besant said that the counsel overseeing her case and the prosecution were in agreement. The only peculiarity about the trial was that the counsel overseeing the case was Jewish and not Christian, showing that religious freedom was meant only for those that believed in a God. Besant admitted in the trial that she was an atheist, that she had withdrawn Mabel from the Christian church, and that she had written anti-Christian books.

⁹² Besant, *Annie Besant: an Autobiography*, 139.

It was admitted during the trial that the child was “admirably cared for” and no attacks against her personal character were made.⁹³ Besant wrote:

The judge stated that I had taken the greatest possible care of the child, but decided that the mere fact my refusing to give the child religious instruction was sufficient ground for depriving me of her custody. Secular education he regarded as “not only reprehensible, but detestable, and likely to work utter ruin to the child, and I certainly should upon this ground alone decide that this child ought not to remain another day under the care of the mother.”⁹⁴

CONCLUSION

The British population began to decline in the twentieth century. One of the speculated causes was the growing awareness of birth control. J.A and Olive Banks argue that the 1877 Bradlaugh-Besant trial served to popularize contraception more widely than ever before. Hypatia Bradlaugh also credited the case and work of the Malthusian league for having a direct effect on slowing down the birth rate of Britain.

But an important social victory came at the price for Besant and Bradlaugh who had to face the possibility of imprisonment, heavy fines, and public condemnation. Other atheists were not as lucky as Besant and Bradlaugh. Henry Cook, Charles Watts, and Edward Truelove were all found guilty of publishing *Fruits of Philosophy*. Cook was sentenced for two years, Watts fined £25, and Truelove was sentenced for six months. The difference for Besant and Bradlaugh’s trial was one of publicity and strategy. They made sure their voices were heard loudly by spending four days in tireless argument. Additionally, they took advantage of Bradlaugh’s legal expertise. Besant and Bradlaugh created cracks in the Victorian religious

⁹³ Besant, *Annie Besant: an Autobiography*, 140-141.

⁹⁴ Besant, *Annie Besant: an Autobiography*, 142.

world view by providing rational arguments that it was not evil to manipulate physiological destiny through contraception. They appealed to the suffering of the poor to challenge what was once solely God's domain. They argued that the body belonged to the individual and not to religious institutions. Society was being slowly secularized by arguments that overturned a belief in Providence, calling for human intervention, which would of course further remove religion and God from the everyday mindset of the common person.

Once atheists made moves to influence society with their views, the establishment stepped in to preserve its hold on religious authority and conventional morality. A case on contraception was enough of a condemnation for Besant to lose her child to her Christian husband. Morality, determined within the confines of religious assumptions, was the tool by which society legally suppressed diversity. The defenders of the status quo united in order to stop the spread of secular ideas and to protect the religious foundations of morality. The government response sent a message to the other leaders of the secular movement: either they had to be as clever as Bradlaugh and Besant, or they should abstain from activity that would lead to their prosecution. Henry Cook, Charles Watts, and Edward Truelove were not as clever, and spent time in jail. According to the historian Alex Craig, this case was also one of the last challenges to obscenity put forth by a freethinker. Early leaders of the Freethought movement like Godwin, Wollstonecraft and Shelley thought reason had to encompass all areas and facets of life, including sexuality. Bradlaugh was the last freethinker to boldly follow this path. Craig says, "After his time the main body of radicalism and free-thought purchased an easy victory in the field of theological and political thought by hauling down its flag in the sexual and ethical

field.”⁹⁵ Craig argues that the radical freethinker after this point mainly blended into the sexual standards of the day. This is actually quite false. Freethinkers were afraid that their ideas would be smeared by accusations of “free love” but they never stopped pushing the boundaries on the repressive norms on sexuality. For example, the journal, *The Freethinker*, publicly defended the book *The Well of Loneliness* in the 1920s. *The Well of Loneliness* was a literary work that came under condemnation because it appealed for toleration and fair treatment of “masculine women” (i.e., homosexuality).⁹⁶

However, Craig illuminates an interesting point: freethinkers had trouble challenging the norms of society unless a glaring weakness or a fault existed to exploit. Without such an opportunity, the weight of tradition and convention were too heavy. Atheism exploited the Christian religious ideology that held detrimental domination over the body and hindered sexual emancipation. It was only through the overbearing weight of an argument, clearly beneficial for the health of the impoverished, that freedom of thought was able to make progress at the expense of the religious collective consciousness. Only when Freethought was so armed could it challenge the dominant norms and create a space for itself within the discourse of society. Without such a lofty reason, people were cowed into accepting the damaging results of present societal norms. Besant and Bradlaugh argued for the necessity of limiting population growth by giving couples the ability to limit their number of children. *Fruits of Philosophy* used Malthus as moral justification to limit population and family size. Overpopulation and the suffering it caused provided the proof that Britain was not being properly governed by law or cultural mores, undermining the religious claim of a providential plan and putting society further within a

⁹⁵ Craig, *The Banned Books of England and Other Countries*, 47.

⁹⁶ Jim Herrick, *Vision and Realism: A hundred years of The Freethinker* (London: G.W. Foote & Co., 1982), 64-64.

secular realm. Population was a force of chaos, giving pause for those that believed a benevolent God looked out for them. Charles Bradlaugh, Annie Besant, and Charles Knowlton's arguments sought to demonstrate that Providence was altogether missing. Humans had to take control of their own reproductive destiny to limit the suffering of the poor.

Politically, morally, and socially, atheists had to martyr themselves in order to promote their secular view points, while focusing on small increments of society that could be challenged. Annie Besant and Charles Bradlaugh risked imprisonment and their present livelihoods to take a stand and expose a weakness, allowing them to secure a rightful place in the cultural dialogue.

The marginalization of atheism can be seen in Bradlaugh and Besant's efforts to break apart the Christian framework that barred their way. Only when such actors stepped forward did the true limits to British liberty become evident. Only by speaking out did it become clear that society provided very limited space for Freethought, as evidenced by the prosecution itself, the many verdicts of guilty, and Besant's subsequent loss of custody of her child. Contraception and immorality were the scare words used to put atheism on trial, in hopes of limiting an undesirable cultural phenomenon.

CHAPTER 3

THE WOLF IS AT THE GATE: THE RELIGIOUS ELEMENT OF CHARLES BRADLAUGH'S EXCLUSION FROM PARLIAMENT

The fear expressed during the trial of Annie Besant and Charles Bradlaugh centered on the threat that atheists posed to the preservation of the moral order among the masses. Their alleged crime was disseminating immoral literature that would socially corrupt and ruin conventional standards. Besant and Bradlaugh defended the right of atheists to speak openly about contraception in a highly visible public trial. Similarly, Charles Bradlaugh's entry into Parliament challenged public traditions for atheists in a visible way. Bradlaugh insulted the moral decorum of the elected Members of Parliament because he was an atheist. Bradlaugh's opponents sought to exclude him because his leadership would disseminate morally corrosive and anti-religious ideas among the masses. Elites ruled by decree and public example, thus Bradlaugh undermined their moral and religious magisterium. As the leaders of society, elites were not supposed to poison the minds of the people or undermine the religious function of institutions.

Charles Bradlaugh was legally elected to Parliament in 1880 as a representative of Northampton, a working class borough that had recently had its voting bloc increased due to the Reform Act of 1867. Upon entering Parliament for the first time and after each election, members were required to swear-in with a solemn oath that declared loyalty to the Queen and to God. Bradlaugh wished to enter Parliament by modifying the oath and using an affirmation, but he was hindered by the lack of a precedent for a nonbeliever wishing to swear in. In 1866 and

1868, the parliamentary oath was simplified to the form that Bradlaugh was required to take.¹

The oath required members to say, “I will be faithful and bear true allegiance to Queen Victoria, her heirs and successors, according to law, so help me God.”² Since Bradlaugh was an atheist, the oath contradicted his religious beliefs and he wished to use an alternative form. He had notified the Speaker of the House, Sir Henry Brand of his desire to make an affirmation that would swear his loyalty to the British government without invoking the word “God.” Sir Henry Brand was not sure if it was possible to change the oath and planned to have Parliament decide.

On May 3, 1880 Bradlaugh went before the Speaker’s Table in the House of Commons and requested permission to take an affirmation instead of the customary Parliamentary oath. Instead of using the oath, Bradlaugh appealed to the Evidence Amendment Acts of 1869 and 1870 and the Promissory Oaths Act of 1866. The Evidence Amendment Acts had a provision that allowed “Quakers and every other person for the time being” to make an alternative affirmation. In addition, Bradlaugh stated that the Promissory Oaths Act of 1868 “gave the right to affirm in Parliament to every person for the time being by law permitted to man an affirmation in lieu of taking an oath.”³ By making this demand, Bradlaugh became the first Member of Parliament to attempt to enter as a declared atheist. Bradlaugh could have avoided the controversy as other nonbelievers had entered Parliament by using the oath, regardless of their personal beliefs: John Stuart Mill entered parliament in 1865 without obstruction, as had Edward Gibbon in the 18th century by using the traditional form. But as a crusader for the atheist cause,

¹ As quoted in Carmichael, “The Parliamentary Oath Controversy,” 21

² *London Times*, May 4, 1880

³ *London Times*, May 21, 1880

Bradlaugh sought legal and formal recognition of his beliefs by asking permission to take an affirmation.

Instead of being allowed entry into Parliament, Sir Henry Brand expressed his doubts on Bradlaugh's legal claims. Gladstone was absent that day, so Lord Frederick Cavendish moved to form a special committee to consider Bradlaugh's request. Bradlaugh had to wait to hear back from the committee, which gave its recommendation on May 20 that Bradlaugh should *not* be allowed to affirm. On May 21, in response, Bradlaugh wrote a letter to the *Times* that he would take the oath if he were not allowed the affirmation. Bradlaugh admitted to the public that the oath in its present form held an "idle and meaningless character" and that "it would have been an act of hypocrisy to voluntarily take this form if any had been open to me."⁴ The majority of Parliament, however, would not let him do this either because he already said that the oath was meaningless to him. When Bradlaugh walked in to take the oath on May 21, Sir Henry Wolff made a formal objection, which the Speaker of the House allowed. Wolff then made a motion that Bradlaugh not be allowed to take the oath and the House erupted into debate.⁵

Thus, Bradlaugh's bid to take an affirmation turned his situation into a national controversy. He had opened himself up for criticism as a recognized public atheist and gave his opposition an opportunity to voice their opinion on the matter. In a culture dominated by religion, his safest bet was to remain inconspicuous. Bradlaugh's refusal to hide his beliefs provoked his opponents to act in concert against him. If he would not play by the rules of traditional society, Parliament would insure he would not be permitted to participate. His denied

⁴ *London Times*, May 21, 1880

⁵ Joseph Anthony Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891(PhD diss., University of Illinois, 1969), 56-62

entry quickly became a matter of religious liberty and toleration. The majority of members within Parliament, given the choice, preferred to bar atheists from Parliament.

Several works have been written on the chronology of Bradlaugh's Parliamentary experiences and the point of this chapter is not to provide a further account, but rather to examine the arguments that led to Bradlaugh's exclusion.⁶ Bradlaugh's lack of conformity to religious norms served to exclude him from Parliament. Bradlaugh represented a cultural challenge on several fronts. To start, he was the first declared atheist attempting to enter Parliament. In this way, Bradlaugh weakened the claim that Parliament was a Christian institution. Second, the process of parliamentary democracy allowed citizens to choose their own representatives. Not allowing Bradlaugh to enter parliament because of atheism displayed the limits of both democracy and religious freedom in Britain. Third, admitting an atheist into Parliament was believed to weaken and delegitimize the moral example of elites within Parliament. To uphold an image of a Christian Britain, religiously minded MPs sought to portray Bradlaugh as immoral and unfit to serve. Fourth, once a respectable atheist such as Bradlaugh entered parliament, atheism displayed that its adherents were not the degenerates they were said to be. Parliament was a symbol of the nation as a whole, embodied by its elected representatives, and members of the House wished to exclude Bradlaugh in order to deny any kind of recognition of atheism as a

⁶ See the following works of Walter Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics* (Oxford: Oxford University Press 1965); Bonner, Hypatia Bradlaugh. *Charles Bradlaugh" A Record of His life and Work by His Daughter Hypatia Bradlaugh Bonner*, Vol II. (London: T. Fisher Unwin Paternoster Square 1902); Joseph Anthony Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891" (PhD diss., University of Illinois, 1969); Gordon Robertson, Jr., "Charles Bradlaugh and the Affirmation Controversy" (MA, University of North Carolina – Chapel Hill, 1962); Ruth Pearce Carmichael, "The Parliamentary Oath Controversy" (MA thesis, University of Washington 1933); Fergus A. D'Arcy, "Charles Bradlaugh and the World of Popular Radicalism, 1833-1891(PhD diss, University of Hull, 1978)

legitimate and respectable kind of belief. The first step of atheism to enter public discourse was its legal validation.

Bradlaugh's struggle for religious tolerance harkened back to prior cases in the 17th century when tolerance had first been declared. The struggle for religious toleration in Britain was a slow process, which advanced step by step. The Toleration Act of 1689 suspended the operation of penal laws against those who abstained from the Anglican Church, provided they still took the Oath of Supremacy and Allegiance and declared they were against transubstantiation. This allowed the inclusion of Nonconformists, Baptists and Congregationalists. Quakers who refrained from taking oaths were permitted to hold assemblies without molestation so long as they confessed Christian belief, promised their loyalty to the government, and signed a declaration against transubstantiation. Roman Catholics, however, were excluded, and those who denied the Trinity, Jews and Socinians (forerunners to the Unitarians), were also excluded from the benefits of the Act.⁷

Englishmen thought of themselves as Protestants and had traditionally excluded Catholics from Parliament. This view became difficult with the election to Parliament of Daniel O'Connell in 1828 an Irish Catholic. The agitation by Daniel O'Connell caused Catholics to be admitted, but only after the chief ministers of Peel's government threatened to resign to overcome King George IV's opposition.⁸ This still troubled many people, causing some to invoke images of Bloody Mary and religious war to illiterate citizens.⁹ In 1832 Parliament

⁷ Ruth Pearce Carmichael, "The Parliamentary Oath Controversy" (MA thesis, University of Washington 1933), 13

⁸ William B. Willcox and Walter L. Arnstein, *The Age of Aristocracy 1688-1830* (Lexington, Massachusetts: D.C. Heath and Company 1996), 322

⁹ Owen Chadwick, *The Victorian Church: An Ecclesiastical History of England, Part I* (New York: Oxford University Press, 1966), 8

removed all oaths required of electors except that of identity of the sworn in person with the passing of the Reform Act of 1832. By 1849 Quakers and Moravians could affirm, but Jews were still excluded due to the required words “in the true faith of a Christian.” This requirement was removed in 1858 after the agitation of a legally elected Jew, Baron Rothschild and years of failed bills. Rothschild had patiently agitated to be allowed entry into Parliament for ten years. He had been elected into Parliament originally in 1847 and year after year he was reelected to further his protest.¹⁰ Thus, O’Connell and Rothschild’s elections had helped change the law. Similarly it was by the election of the declared atheists Charles Bradlaugh that Parliamentary religious limitations were again challenged by a similar process. Each time the law was challenged, religious liberty was advanced. As shall be shown in the Parliamentary debates, many of the same perceptions that were held against Catholics and Jews were also leveled against atheists. Admitting atheists was distinctive in that it freed Parliament from any restrictions on religious belief and advanced the cause of true religious liberty.

Of interesting note, but rarely mentioned, is that John Douglas, 9th Marquis of Queensbury, and later prosecutor of Oscar Wilde’s homosexual affair with his son Alfred Douglas, was also a declared atheist and was not allowed into Parliament. In Scotland, Douglas had been elected to the Scotch Representative Peers but was turned out because he held similar views to that of Charles Bradlaugh. Unfortunately, very little research exists about his exclusion.

BRIEF OUTLINE OF EVENTS SURROUNDING THE DEBATE

¹⁰ Carmichael, “The Parliamentary Oath Controversy,” 18

Bradlaugh's request to take an affirmation instead of the oath was heard by the Speaker of the House, Sir Henry Brand, who thought it best to submit the question to the House. The House then debated the issue and created a committee made of select MPs to investigate the issue further. On May 20, the committee deliberated and came to a decision by a vote of nine to eight that Bradlaugh should *not* be allowed to affirm.¹¹ On May 21, 1880, Bradlaugh replied in a letter to the *Times* that not being allowed to take the affirmation, he intended to take the oath instead. This led to a three day debate during which 47 speakers gave their opinion on the matter, and this resulted in a second committee. The second committee reported that Bradlaugh *ought* to be permitted to take an affirmation instead of the oath. Henry Labouchere, the senior member from the Northampton Borough, decided on June 20 to move that Bradlaugh be allowed to affirm instead of taking the solemn oath.¹²

In response, Sir Harding Giffard moved to amend Laboucheres's motion so that Bradlaugh would not be able to affirm or swear. The House debated for two days and when put to the vote, Giffards's amendment was admitted by a vote of 275 to 230, giving Gladstone's government its first major defeat. Gladstone personally felt that Parliament had little responsibility for dealing with the issue and did not react. Instead, Bradlaugh took the initiative and on June 23, he walked up to the Table before the assembled House and asked to be sworn in. Bradlaugh made a short speech but the House refused to change its mind and so Bradlaugh refused to leave. Parliament was forced to call for Bradlaugh to be escorted out by the Sergeant-

¹¹ *House of Commons Parliamentary Papers Online*, "Report from the Select Committee on the Parliamentary Oath; with the Proceedings of the Committee, 20 May 1880"

¹² Joseph Anthony Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891," 62-63

at-Arms and imprisoned within the clock tower. He was released the next day but nothing had changed in regard to his status.

On July, 1 1880, Gladstone made a move to allow the affirmation based on the Parliamentary Oaths Act of 1866 and the Promisory Oaths Act of 1868. This launched the House again into a heated debate where another 26 MPs rose to speak. With Gladstone's support, the motion passed by a vote of 303 to 249. Bradlaugh triumphantly took his seat for the first time, but after taking his first vote, he was served with a writ by Henry Clarke, who charged him with having sat and voted in Parliament illegally—a violation of the Parliamentary Oaths Act of 1866. This launched the case of *Clark v. Bradlaugh* that came before the courts in March of 1881. Before the case could be heard Bradlaugh had sat for nine months in Parliament as an active member. Bradlaugh behaved in this time as a respectful Member of Parliament and a good Liberal. His only idiosyncrasy was missing the daily prayer that opened the day. He supported Irish conciliation and advocated “radical” causes as they presented themselves, such as supporting a committee to inquire into government grants of perpetual pensions to particular citizens and their heirs.¹³

The March court case did not end in his favor, however. The judge declared that Bradlaugh was not legally entitled to substitute the affirmation for the oath. Bradlaugh was then forced to re-campaign for his seat in Northampton in 1881. He won the election and defeated Edward Corbett by a vote of 3,437 to 3,305. Upon his return, Sir Stafford Northcote, the leader of the Tory party, moved that Bradlaugh not be allowed to take the oath, which passed with a vote of 208 to 175. Bradlaugh once again walked into the House, spoke at the Bar, and again

¹³ Ilardo, “The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891,” 63-72

refused to withdraw until forced. After being removed he simply walked back, repeating the charade. He did not leave until Gladstone formally announced he would introduce legislation to permit Bradlaugh to take his seat. The opposition obstructed the bill for ten days by filibuster, pursuing minor points, and repeating similar arguments over and over until Gladstone admitted defeat and gave up, upon which Bradlaugh came again into the House of Commons.¹⁴

Northcote responded by making a motion that the Sergeant-at-Arms remove Bradlaugh to the effect that he no longer disturb the House, which passed. Gladstone's Oaths bill was pushed to the wayside until it eventually was dropped altogether.¹⁵

Bradlaugh responded by declaring his intention to take his seat on August 3, regardless if his opposition sought to restrain him, saying he would resist any such efforts. On the same day he announced he would hold a large rally before the House of Commons, causing serious concern among the members of the House. After spending three months whipping up support around England, on August 3 Bradlaugh hosted a massive rally with 150,000 people around Parliament Square. The people cheered him on as he made his way into Parliament. When Bradlaugh entered after the daily prayer, four men on cue stepped up to obstruct him and forcibly removed him from the building and into the courtyard where six policemen jumped in to help, so that all told, ten men were involved in his expulsion.¹⁶ Annie Besant, who was with him, recounted his words, "I nearly did wrong at the door," he said afterwards, 'I was very angry. I said to inspector Denning, 'I shall come again with force enough to overcome it,' He said

¹⁴ Walter Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics* (Oxford: Oxford University Press 1965), 111-114

¹⁵ Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891," 73-77

¹⁶ Walter Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, (Oxford: Oxford University Press, 1965), 120-121

‘When?’ I said, ‘Within a minute if I raise my hand.’¹⁷ Bradlaugh however did not use violence in response. Besant called it his most triumphant moment, because when he had the power and his pride was most wounded, he resisted the urge to forcefully make his way into Parliament.

August 3, 1880 represented the climax of Bradlaugh’s struggle, showing to the country that Parliament would resort to force to reject a legally elected Member of Parliament. Besant said that his struggle that day both physically and mentally injured him, damaging his great respect for his country’s honor with respect to law. On February 7, 1882 Bradlaugh once again tried to swear-in and Northcote made the now customary motion for his exclusion. While a resolution was debated on February 21 to allow Bradlaugh to be admitted, Bradlaugh walked up to the Bar with the New Testament in his hand and administered the Parliamentary Oath to himself, signed a piece of paper to represent the roll of Members, and walked over to take his seat. He was ordered to vacate his seat several times to which he eventually complied, but not before remarking that he had now formally taken his seat. Northcote made a successful motion for Bradlaugh to be removed from the proceedings and he once again departed. On March 2, Bradlaugh was elected for the third time as a representative of Northampton to which Northcote and Bradlaugh repeated their dance of entrance and expulsion.¹⁸

Between 1883 and 1886, Bradlaugh mostly repeated his earlier actions. In 1883, Gladstone’s government moved to introduce an Affirmations Bill, which was debated May 23 and ended in its defeat by a vote of 292 to 289. Bradlaugh responded by walking into the House and again asking to be sworn and delivered his fourth speech and appeal to Parliament to be

¹⁷ Annie Besant, *An Autobiography* (London: Dodo Press 1893), 177

¹⁸ Ilardo, “The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891,” 303-306

allowed to take his seat. Northcote once again made a motion to exclude him, which succeeded. On February 11th, 1884 Bradlaugh entered Parliament and again administered the oath to himself, causing Northcote to again move to exclude him. But before he was excluded, he took his seat in the House and participated in the day's events, which meant that he voted on Northcote's motion and a motion of the Irishman Timothy Healy that Bradlaugh's vote could be disallowed. He turned the proceedings into farce as he twice voted with the "Noes" for motions that sought to exclude him.

In 1885, the Tories and Lord Salisbury took power, which presented a window of opportunity. On July of 1885, Bradlaugh presented himself before the new Conservative ministry taking office, which again refused him. On November 25, 1885 Bradlaugh was elected as a representative of Northampton for the fifth time. At the same time a new Speaker of the House, Sir Robert Peel was elected with the new government, who was the one who administered the oath. After his election, Peel announced he would allow Bradlaugh to swear the oath. And then finally, Peel formally permitted Bradlaugh to take the oath, refused any interference, and allowed Bradlaugh to take his seat in a most anti-climactic fashion.¹⁹

Bradlaugh's dogged persistence to represent his constituency had finally paid off. He had spent six years in legal wrangling while plotting his responses. He sponsored several petitions, collecting several hundred thousand signatures (that actually provoked a greater number of petitions and signatures against him). Starting in the year 1881, Bradlaugh also juggled a series of court cases. In *Clarke v Bradlaugh*, Bradlaugh defended his right to sit in Parliament by virtue of the Evidence Act of 1869, which he lost but appealed to the House of Lords, which

¹⁹ Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891," 303-306.

resulted in Clarke having to pay Bradlaugh's fees since Clarke had acted as "a common informer."²⁰ In *Bradlaugh v Erskine*, Bradlaugh sued the Sergeant-at-Arms Erskine for physically removing him from a place he had a legal right to be, which Bradlaugh lost. In *Bradlaugh v Gossett*, Bradlaugh challenged the legality of the Sergeant-at-Arms' declared intention to exclude Bradlaugh from the House, which Bradlaugh lost.²¹ In *Attorney General v Bradlaugh*, Bradlaugh was declared incapable by law of taking the oath.²² All the court cases represented Bradlaugh's attempt to seek the legal pathways into Parliament.

As should be evident, Bradlaugh's experience in Parliament was steeped in complications. The technicalities and complexities of the political and legal issues shall be mostly ignored in favor of exposing the ideas and culture of nineteenth-century Victorian Britain. The focus of this chapter will be to examine the argument of the individual members and public response.

THE WOLF AT THE GATES

The Liberal government was a blend of different religious groups that consisted of Nonconformists and pious Anglicans, a rare Catholic and indifferent skeptics. The Whigs and Radicals made up the two wings of the party, but the Whigs were part of a long Radical tradition that went back to the Revolution of 1688. One of the primary tenets of their political beliefs was civil and religious liberty and representative government. Many members were Churchmen,

²⁰ Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, 248

²¹ Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891," 101.

²² Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891," 111.

believed in the monarchy, and the institutions of church and state, so their support of Bradlaugh was always tepid and obligatory. The most Radical members, Joseph Chamberlain, Sir Wilfred Lawson, and John Bright willingly supported Bradlaugh as a Radical, though disagreeing with his religious views. Bradlaugh lost some support among the Nonconformists, who were tormented by his atheistic views and this caused the issue to drag on because. Whenever Bradlaugh's admittance came to a vote, the Nonconformists tipped the balance in favor of excluding Bradlaugh.²³ Gladstone's Government had been elected with a majority of 347 Liberals to 240 Conservatives and 65 Irish Home Rulers.²⁴ Gladstone, deeply religious, dragged his feet and was non-committal until July of 1880 after the matter had already reached the point of crisis.

The Conservatives were defenders of the status quo, led by Sir Stafford Henry Northcote. But it was Sir Henry Drummond Wolff who continued to deny a tolerant resolution to the Parliamentary Oath crisis for the gain of his own party, by delaying, disputing, and dragging on the debate. It has been suggested that Wolf really did not care much for Bradlaugh and it really concerned him little whether he sat in the House; Bradlaugh simply presented a weakness to exploit in Gladstone's ministry. Sir Randolph Churchill became a rising star during the controversy and established his reputation as he passionately denounced Bradlaugh and turned the debate into a religious issue.²⁵ Politically, the Tory opposition had found a weak spot within Gladstone's new government in 1880. Fresh from winning a large majority, the Liberals

²³ Gordon Robertson, Jr., "Charles Bradlaugh and the Affirmation Controversy" (MA, University of North Carolina – Chapel Hill, 1962), 45-56.

²⁴ Walter Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics* (Oxford: Oxford University Press 1965), 1.

²⁵ Robertson, Jr., "Charles Bradlaugh and the Affirmation Controversy," 50-53.

looked as strong, while the Tories were forced to find a way to redefine their appeal. Since many MPs thought of Britain as a Christian country, they exploited the Liberals' defense of an outspoken atheist. A small group, called the Fourth Party, used this occasion to propel their own political careers and to hamper their Liberal opponents. First and foremost was Sir Randolph Churchill, the third son of the seventh Duke of Marlborough. Sir Henry Drummond Wolff, John Eldon Gorst, and A.J. Balfour (nephew to Lord Salisbury) were the other members of the Fourth Party. The four of them always sat up front in the House below the gangway, with Churchill taking the corner seat, traditionally associated with being the seat for the most critical opposition member.²⁶ The Fourth Party had no specific creed other than criticizing and harassing the Liberal government every chance it received. Bradlaugh had provided the perfect opportunity to do just that. Bradlaugh provided an ideal blend of political and religious elements to garner political momentum for the Tories. Once the Tories took power in 1885, the Fourth Party dissolved as it lost reason of existence as an opposition group.²⁷ However, the historian R. E. Quinault argues that the Fourth Party's religious interests were not as expedient as other historians have described them to be. In their personal lives, Churchill and Wolff felt that religion was a high and honorable cause. When Gorst, Churchill, and Wolff created the Primrose League in 1883 to support Tory candidates, religion was one of its core values. The league declared its commitment to the defense of religion and the obstruction of republicanism and atheism. Therefore, the Fourth Party was still acting as Church and King Tories, the traditional

²⁶ Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, 44-45.

²⁷ R. E. Quinault, "The Fourth Party and the Conservative Opposition to Bradlaugh 1880-1888," *The English Historical Review*, Vol. 91, No. 359 (Apr., 1976), pp. 315-340.

stance of their party.²⁸ When the Fourth Party dropped the issue in 1886, it would have been with distinctive displeasure, but as good Tories they would not have wished to obstruct their own government as they had Gladstone's Liberal government.

There was a great deal of argument that was often repeated and restated during the 1880 Parliamentary Oath debates. The first issue was one of law: should Bradlaugh be allowed to make an affirmation, which had no precedent in Parliament. The second legal issue revolved around the same technicality: since Bradlaugh admitted that the religious oath was to him a meaningless formality, should he be allowed to take the Oath after his having stated such if he were not permitted to affirm. If Bradlaugh were not permitted to sit in the House, then Parliament had denied a legally elected member to sit, negating the will of the Northampton constituency. There were also the political motivations of the opposition Tories who sought to undermine and harass Gladstone's government, capitalizing on a weakness. On these points, this chapter will pass over.²⁹ The cultural issue that drove the controversy was the religious question. The legal issues were important for Bradlaugh to voice his rights as an elected Member of Parliament, but the House would not let him sit because he was an atheist. Members such as Mr. Newdegate, Sir Henry Taylor, Sir Randolph Churchill, Mr. A More, Sir Stafford Henry Northcote, Sir Henry Drummond Wolf and the conservatives in general, thought the issue to be one of religious self-definition. While there were political motivations behind each argument, Bradlaugh's case cannot simply be deemed a political ploy (although Bradlaugh's defendants

²⁸ R. E. Quinault, "The Fourth Party and the Conservative Opposition to Bradlaugh 1880-1888," 336-339.

²⁹ For a thorough discussion of all the legal points considered in Parliament, see Joseph Anthony Ilardo, "The Bradlaugh Case: A Study of the Parliamentary Debates Concerning the Affirmation Oath Controversy, 1880-1891" (PhD diss., University of Illinois, 1969).

liked to accuse them of such).³⁰ The defection of Liberals against Bradlaugh tells how important the religious issue was. They saw Britain as a Christian country and since Bradlaugh brought attention upon himself as an atheist, the debate centered on whether an atheist should be permitted to violate their sacred oath and a body of law united with belief in a just Creator. Members split on whether Britain should permit religious freedom and freedom of conscience or whether they were the defenders of the religious institutions of their country.

Randolph Churchill argued that if Bradlaugh were allowed entry, the religious connection between Parliament and the divine would be broken. The Parliamentary Oath was a check intended to stop the nonbeliever at the door. Bradlaugh, having admitted that the oath held no binding affect on his conscience, mocked the hallowed traditions of Parliament, implying the oath “was based on superstitions, upon a mummerly and a mockery which were degrading and absurd.”³¹ Admitting Bradlaugh, he argued, required that they surrender to Bradlaugh’s theological views:

that the words “So help me God” were merely a ridiculous and superstitious invocation, utterly devoid of any moral force, then the whole connection between the proceedings of Parliament and a Divine Sanction was in danger, and the idea, he might also say the faith, which had for centuries animated the House of Commons that its proceedings were under the Supervisions and would be guided by the wisdom of a beneficent Providence, lost all force. It could not be doubted, and history could prove, that when persons, and even nations, suffered what were believed to be their most cherished convictions to be trampled upon and insulted and held up to public derision they could not be far from abandoning those convictions.³²

Churchill argued that Bradlaugh represented the first step in a slippery slope toward allowing a declining influence of religion, not only in Parliament, but in society in general. In order to

³⁰ See *The National Reformer*, May 1880, Vol. XXXV—No 23.

³¹ Great Britain, Parliament, *Hansard’s Parliamentary Debates, Third Series*, 29 April 1880 – 14 June 1880, 334

³² *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 334.

maintain Parliament's cherished traditions, Churchill claimed it was necessary to defend them from abuse. Since the Parliament was the symbolic representation of the country and its people, the defense of their values had to start with each member of the House. The elites were the leaders of society who led by example. Admitting Bradlaugh was validating a person as a leading member of society who thought God to be an empty concept devoid of significance.

The MP, Patrick Smyth thought Bradlaugh put the country in peril. Smyth said "The wolf is at the gate; and instead of uniting to drive him away, the British Legislature discuss the formalities with which he shall be received within the fold."³³ According to Smyth, Bradlaugh represented a real and perceived threat; he was a predator who could ravage and destroy the vulnerable and must not be allowed to sit in the House. For Smyth the issue at stake was not religious liberty but the assault upon religion. "We are warned in the name of religious liberty that in order to satisfy his conscientious scruples we must efface the religious character of Parliament. Material progress and political improvement apart, the distinguishing characteristics of the age are a decline in high intellect and an increase in audacious impiety." Smyth recognized Bradlaugh as a symbolic challenge to religious authority that existed within a cultural war and to admit Bradlaugh would be to acquiesce to the enemy. He insinuated that Bradlaugh did not want religious liberty but rather sought entrance into the Halls of power to determine the mores of society and eradicate religious belief. Religious liberty was a ploy to further aid Bradlaugh in his atheistic agenda. Elites ruled by example and if they admitted Bradlaugh, a new example would be set that would corrupt the country by Bradlaugh's degenerate and immoral leadership.

³³ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 1289.

Explicit by Smyth's exhortation is the recognition of religion within Parliament. He saw Parliament as the headquarters of cultural preservation and tradition. Religion tied society together, protecting the British people and preventing their slide into a form of scientific morality that was upheld by a human religion, leading to disaster. Admitting Bradlaugh undermined the power of Parliament's claim to authority that made obedience and respect for law possible. Religion was what legitimized the authority of Parliament and the rule of law, and without it, the governing power lost its most persuasive method for cultural and moral conformity.

Law requires for its sustainment the aids and defenses which religion alone can supply. Without them it would fail, the idea of duty would disappear, and mankind would be left dependent for their moral government on a scientific morality sustained by a human religion. They have justified the description of Burke—that a nation is a moral essence, not a geographical definition. So long as that essence remains uncontaminated and undefiled, the nation lives, though it may be in chains. But once contaminate it by foreign mixtures, by false theories, and by pernicious doctrines, the process of national decay is rapid, and most fatal, perhaps, in its operation amongst Catholic people long subject to misgovernment.³⁴

This notion was expressed in numerous ways in the 1880 debates. Dr. Lyons argued that Parliament would become a kind of advertising agency for Bradlaugh's "wretched and unfortunate views."³⁵ Philip Callan had provided much more damning evidence against Bradlaugh by quoting Bradlaugh's sacrilegious words to Parliament, validating the claims of Smyth. Bradlaugh's pamphlet read

They preach ideas interfering with children domestically and in schools, and I am obliged to destroy Theism in order to make way for Secularism. Jesus Christ is a fiction. Christianity is a corroding and eating cancer, the enemy of progress and the foe of all science. What is Christianity? It is blasphemy against humanity, crushing our efforts and hopes.³⁶

³⁴ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 1289.

³⁵ *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 359.

³⁶ *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 410.

Bradlaugh was a blasphemer and had a clear agenda according to his own words. Nor was Bradlaugh an apathetic atheist, indifferent to religious issues, but a passionate crusader. Callan argued that letting in Jews and Unitarians into Parliament was radically different than admitting Bradlaugh. Jews and Unitarians were respectful of religious belief, Bradlaugh was not.

Frank O'Donnell argued that it was not a matter of being intolerant to differing opinion but rather tolerating an opinion openly and purposefully insulting to religious minded individuals (which O'Donnell implied that most everyone else was).

Was it speculative Atheism to teach that Christianity was an eating cancer, poisoning the whole lifeblood of the world; that it was blasphemy against humanity? Was it speculative Atheism to teach that Christianity was a natural production like typhus fever? Was it speculative Atheism to teach that Christ's mission was a sham, and that Christ himself was a coward and a craven, and that the atonement stamped God as an inhuman monster, and a foul and bloody-minded being?³⁷

Within the arguments of Churchill, Callan, and Smyth was a much deeper issue. In regards to religious belief, British culture instituted blasphemy and obscenity laws to maintain societal order. Societies protect their cultural traditions with their laws and when the boundaries are broken, formal repression and punishment is instituted as an appeal to order. Britain already had laws for the punishing those who went too far. Although the laws of blasphemy had become unfashionable since the 1850s, they were still on the books. To reject Bradlaugh's bid into Parliament was to act in accordance with an already established cultural sentiment. Bradlaugh wished to be tolerated and accepted into Parliament as a contributing member after he had publicly denounced and ridiculed Britain's cherished traditions. His bid for a seat in Parliament brought up the issue of granting validation and acceptance to those who publicly denigrated and insulted the institution they sought recognition from. Bradlaugh represented the free expression

³⁷ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 1332.

of religious intolerance. Churchill and Smyth were touching on the heart of the matter, by pointing to the fact that Bradlaugh now asked the government to honor those who abused beliefs deeply ingrained within the government. In reality this meant the free expression of religious intolerance for both sides (Christianity had always passionately denounced unbelief as damning). By admitting Bradlaugh, they had to admit an extension to the borders of a cultural discourse that would surrender “sacred” ground to critique. Bradlaugh’s entry would create a chink in the armor of religious defenses that sought to resist secular corrosion. Sir Henry Taylor said the House had to decide whether it was really “on the side of Atheism, irreligion, and immorality.”³⁸ John Daly worried the message they would send to the rest of the country, believing that the unthinking members of society would conclude that Parliament had condoned atheism.³⁹ Bradlaugh could infect the masses of society with his creeds. They wondered: if the sacred beliefs of Britain need not be respected, how could their religious traditions possibly be maintained?

It could be argued that the basis for Britain being a country of faith started its decline on the day of Bradlaugh’s admittance. Once allowed in, Britain’s Parliament no longer stood united by belief in God and become something else. Alexander Sullivan argued this point:

Under the name of freedom of thought, and under the name of religious liberty, skepticism and infidelity, speculative or practical, had made more ravages in English society than England would wish to recognize. And greatly [Sullivan] feared that if they came to a decision that night to admit Mr. Bradlaugh—who himself, not they, raised this painful question—they would change the whole current of English political history, they would materially alter the whole character of the Constitution.⁴⁰

³⁸ *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 369.

³⁹ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 617.

⁴⁰ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 606.

Cardinal Manning, a vocal critic of Bradlaugh, wrote two articles for the journal, *The Nineteenth Century*, one in July 1880 and another two years later in March. He claimed that all societies from ancient Israel and Persia to Greece were founded upon Theism and the natural order. British society had for centuries been Christian, formed in divine and natural law, and to go against this tradition foretold anarchy and chaos. The natural order that upheld all of human society was God, which was the only truly binding force, “for no will by human authority can bind another.”⁴¹ The authority of husbands, rulers, and masters all came from God. Denying God was to deny the “lights and laws of nature” that would lead to a state “where “morality [has been] passed out of the life and soul of man.”⁴² Manning suggested that humanity would drift into a kind of Hobbesian nightmare where “men become herds or hordes...[and] civilized men no longer.”⁴³ Britain would fall lower than the ancient races of the imperial pagan world. To stave off such a threat, the law makers of England must continue to be believers. Once Bradlaugh were admitted all citizens should fear that Parliament would begin the process of destroying England. Manning restated the same argument two years later but added that relying upon man made laws was to rely on a foundation resting over an abyss. Allowing religious liberty did not mean that Parliament had to lower theism to the level of atheism; he feared if Theism were only tolerated, then atheism would be supreme. Allowing atheists into Parliament was an act of surrender to secularism.⁴⁴

Count Arthur Moore worried what message this would send to Britain’s subjects about their Empire.

⁴¹ *The Nineteenth Century*, Vol III, July-December 1880, 178.

⁴² *The Nineteenth Century*, Vol III, July-December 1880, 180.

⁴³ *The Nineteenth Century*, Vol III, July-December 1880, 179.

⁴⁴ *The Nineteenth Century*, Vol XI, January-June 1882, 488-492.

Let them look all over the habitable globe at millions of subjects of different nations which this country was called upon to rule differing in customs, manners, and institutions; but all universally uniting in the worship of one Supreme Being. Those subjects and nations looked to this country for freedom and protection, for guidance and light; and he asked the House was that the first message they were prepared to send out in the plenitude of fullness of their strength and youth, to be one which should exalt an Atheist and dignify an unbeliever?⁴⁵

An article in the January 1881 issue of the *Church Quarterly Review* claimed that Gladstone's words "to accept the absolute separation that has been drawn in the spirit of the law of this land, and in the letter of the law of this land, between civil duty and religious belief" were tantamount to a revolutionary declaration against tradition. The author of the article states that these are the most "momentous words" uttered in an entire generation. By removing religion from the form of law, Gladstone could with a single stroke remove the link between religious belief and the state. Gladstone was going to allow Bradlaugh to remove Parliament from its holy place and "withdraw its allegiance from God..." It was the duty of Gladstone to recognize that religious and civil duties were inseparable and it was his obligation to remove the intruder within their house. Unless Gladstone changed his stance, he would be guilty of committing one of Parliament's worst blunders in its recorded history.⁴⁶

Churchill said that the "triumph of Mr. Bradlaugh in this matter would be regarded with feelings of shame and grief....that the House of Commons might become a place where the solemn forms and practices of the Christian religion might be safely derided, and the existence of a God publicly and with scorn denied."⁴⁷ Churchill also quoted Bradlaugh's writings against the Monarchy, which Bradlaugh believed should be abolished due to its parasitical nature. Thus,

⁴⁵ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 599.

⁴⁶ *Church Quarterly Review*, January 1881, 420.

⁴⁷ *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 334.

Bradlaugh contradicted the oath in not one but two ways since the oath required professing loyalty both to the monarch and to God. Bradlaugh of course disagreed; he was willing to take the affirmation or the oath “in spirit” in order to swear his loyalty to Britain—not the Queen or to a God he did not believe in.⁴⁸ A. M. Sullivan agreed, saying that loyalty to God and Monarch were the two requirements: “There were only two tests put to a man at the Table of the House; one of them political, and the other religious.”⁴⁹

The fact that Britain was a Christian country also led some to argue that they should vote with their religious conscience. Religion ought to be the highest appeal. J.G. Hubbard said it “was impossible to deal with the question on mere legal grounds; it must be dealt with by the religious instinct which Jew and Christian alike possessed.”⁵⁰ Smyth argued that no new test need be created to keep Bradlaugh out because the oath was the defense already designed to exclude him. “The test of Theism has always existed. It is implied in every act and in every form of Parliament. It pervades the whole body of the Constitution, of which, like the soul in man, it is the animating principle. Is the prayer with which Parliament opens each day its proceedings an empty formula; or is it not an humble action of acknowledgment of its absolute dependence on an Allwise Providence?”⁵¹

Charles Warton, expressing his sincere concern, asked “Where are we now?”⁵² Warton implied that Britain had lost its way, confused and fettered by rules of rights and laws enough to allow an atheist into Parliament. He made a gesture to both Gladstone and Bright’s religious

⁴⁸ *London Times*, May 12th, 1880.

⁴⁹ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 604

⁵⁰ *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 373

⁵¹ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 1287

⁵² *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 467

sentiments, pleading for them not to “throw their shields over an infidel and a blasphemer.”⁵³

Warton referenced the phrase in the Bible, the “fool who hath said in his heart there is no God” as justification for Bradlaugh’s exclusion.⁵⁴

The fear that underlie all of the arguments for Bradlaugh’s exclusion was the fear of social anarchy, immorality, and degeneration. Without fear of future punishment enforced by a Divine authority, anything was permissible. Members of the House liked to imply that atheists were licentiousness; however, examination of Freethought literature did not vindicate this view. Yet, some atheists and secular opinions were radical enough to cause critics to see their degeneracy as a realistic accusation. Robert Fowler said that the motto of an atheist must necessarily be “Let us eat and drink, for to-morrow we die.”⁵⁵

Charles Newdegate referenced France as evidence of the effect that atheists caused in society. He argued that Louis Napoleon III had been forced to execute thousands of “Atheistic Communists” to protect France from their ideas of socialism. Then the republican Thiers had likewise been forced to execute the French Communards, after he had condemned Louis Napoleon as an enemy of the people for doing so. This was evidence that atheism was an aggressive principle, and if allowed to rise, would have to violently be put down. Newdegate further contended that for Napoleon I to reconstitute society, he had to make a Concordat with the Pope in 1801 and reestablishment Roman Catholicism in France, further evidence that religion truly was the social cement of society.⁵⁶ Similarly, Sullivan thought atheism and the

⁵³ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 467

⁵⁴ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 467

⁵⁵ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 462.

⁵⁶ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 553-560.

loss of the worship of God risked sliding back into pagan barbarism.⁵⁷ Sir Henry Tyler implied that atheists ought to be considered with the highest form of criminality, “They thought nothing of deciding upon the punishment of a criminal who had stolen a pocket handkerchief, or the execution of one who had been guilty of poisoning bodies. But what should they think of a man who had poisoned and was poisoning the minds and souls of millions of his fellow creatures?”⁵⁸

A widely distributed pamphlet (the author claimed a 100,000 copies were circulated) published in 1882 argued that Bradlaugh ought not to be admitted in Parliament due to his public denunciations of religious belief. In the document entitled “Mr. Bradlaugh shown to be utterly unfit to represent any English constituency; an appeal to the men of England,” Henry Varley exposes Bradlaugh’s blasphemous declarations directed towards Christianity, some of which have already been quoted above by members of Parliament. Varley accuses Bradlaugh of being a liar due to a mistaken reference and then denounces Bradlaugh based on his support of a book, the “Elements of Social Science.” Varley’s criticisms of the book suggest that the “Elements of Social Science” took a radical position towards marriage, arguing that divorce should be freely available and that marriage laws robbed the rights of women. Varley took such notions as a declaration for free love and a rejection of conventional, family morality. Bradlaugh was condemned for suggesting that the burden of guilt in seduction cases should be equally placed upon both agents and in fairness such sex crimes ought to be removed from the books. Varley wrote “on behalf of home and women and children...I affirm that our objection to Mr. Bradlaugh

⁵⁷ *Parliamentary Debates*, 15 June 1880 – 08 July 1880, 599.

⁵⁸ *Parliamentary Debates*, 29 April 1880 – 14 June 1880, 369.

is, that he is socially lawless, devoid of moral sense, untruthful, morally unclean, a coarse blasphemer, and an avowed atheist.”⁵⁹

On the opposite side, Bradlaugh’s supporters argued for the sake of religious liberty and the freedom of conscience. No one defended atheism as a legitimate world view, only that people had the freedom to choose their own world view. Bradlaugh’s colleague Henry Labouchere from Northampton acted as his mouthpiece throughout the entire affair. He argued that the oath was not intended to be a religious disability but was meant simply as an oath of allegiance. Further, he thought it repugnant that Parliament should judge other men by their opinions “regarding another world.”⁶⁰ His remarks caused gasps in the House. Labouchere argued amidst harassment that Parliament was creating a farce because Bradlaugh could not be wished away.

We can declare the election void. Mr. Bradlaugh would go down to Northampton. He would be re-elected. ["No!"] Hon. Gentlemen will allow me to say that I do know something about that. I can assure the House—of course I cannot be certain—but I can assure hon. Members that, to the best of my belief, Mr. Bradlaugh will be re-elected. ["No!"] Well, possibly; I say very probably he would be re-elected.⁶¹

Labouchere, when Gladstone would not, took responsibility for pushing through the Affirmation Bill for Bradlaugh. He accused Parliament of acting as if they were an Inquisition from Rome by creating a religious requirement. No secular tribunal had a right to say whether a member of the House had to be a Quaker, Moravian, or a Separatists and so it should be with

⁵⁹ Henry Varley, *Mr. Bradlaugh shown to be utterly unfit to represent any English constituency; an appeal to the men of England* (London: John F. Shaw & Co., 1882), 1-18

⁶⁰ *HC Deb* 15 June 1880 – 08 July 1880,, 451

⁶¹ *HC Deb* 15 June 1880 – 08 July 1880,, 451

atheism as well. Pronouncing judgment on religious belief was outside the purpose and jurisdiction of Parliament and not in accordance to a free people he argued.⁶²

Sir Charles M'Laren contended that they were making a new requirement that new members could not sit unless they conformed to the majority. John Bright accused them of creating a Theistic test that would cause them in the future to create a hierarchy of beliefs. This would cause members of one faith to treat other faiths as less equal members. Worse, they were setting a precedent that would allow Members of Parliament to object to the religious beliefs of incoming members. Bright along with other members reminded them that Catholics were not permitted entry for two hundred years and were now guilty of committing the same injustice to another group.⁶³ Gladstone pushed this form of argument forward as well, saying

It was observed and insisted upon that nothing could be so injurious, so destructive to the religious character of the country, as the admission of Jews. For thirty years that controversy raged. There was another rallying cry to adhere to the Christian character of the constitution. That era was closed by Jewish emancipation, if, indeed, it can even now be said to be absolutely closed, because I am under the impression that even at this moment another branch of the Legislature reserves for decision within its own discretion the question whether this or that particular Jew shall be allowed to take his seat upon the Benches.⁶⁴

Gladstone felt that once atheists were rejected a dangerous admission of intolerance would be committed. He wondered whether they would next exclude pantheists, materialists, agnostics, or positivists.⁶⁵ Charles Parnell told the House that Catholics had been refused entry into the House for the same reason that Bradlaugh was being refused. Protestants had believed that Catholics would corrupt the Protestant religion. Excluding someone because their religious

⁶² *HC* 15 June 1880 – 08 July 1880,, 451

⁶³ *HC Deb* 15 June 1880 – 08 July 1880,, 504

⁶⁴ *HC Deb* 15 June 1880 – 08 July 1880,, 571

⁶⁵ *HC Deb* 15 June 1880 – 08 July 1880,, 571

beliefs were injurious to one's own, Parnell said, was "odious" and contrary to civil and religious liberty.

The Westminster Review published two articles in 1880—both supporting Bradlaugh's entry into Parliament. The first saw Bradlaugh's entry as a certainty, being a matter of time as it was for both the Catholics and Jews. The second article made the point that Bradlaugh was not alone in his beliefs within the House and that there were other people in Parliament who found the word "God" to be meaningless. The only difference was that they were not willing to make it an issue. The formality of the oath was really just a cover for a reality that did not exist. The oath had already lost its significance as a religious test and Parliament already possessed those who did not believe.⁶⁶ Defenders of Bradlaugh in *The National Reformer* also made this claim, saying that it was "well known that there are many Atheists and Freethinkers in the House of Commons besides Mr. Bradlaugh, but who among them was bold enough to avow his sympathy with opinions which, however unpopular at the moment, only differed from his own in being more clearly and definitely formulated."⁶⁷

Conclusion

Beyond the political motivations of the Tories to delay and harass the Liberals within Gladstone's newly elected ministry was a clear concern for a culture felt to be changing. Without doubt, the many references to Parliament as a religious institution and the form of the oath showed that the powers of religious continuity were strong within Parliament. However, since at least the time of the Enlightenment, thinkers such as Hobbes, Hume, and Gibbon—open

⁶⁶ *Westminster Review*, Volume CXIII, January-April, 1880, The Parliamentary Oath Question: Mr Bradlaugh's Case, 162-172, and "'The Religious Instinct' of the House of Commons" 210-220

⁶⁷ *The National Reformer*, July 11, 1880

non-theists and Deist—had existed. It is plausible to assume that since their works were widely read, they were not alone in their views. Yet British traditions and culture created a façade that made all of those entering Parliament required to conform to a religious discourse, whether it was valid or not. Bradlaugh's entry was an admission that Britain could no longer define its institutions in the same fashion. As stated in *The Quarterly Church Review*, Gladstone made a clear and "absolute" division between civil law and religious belief. Bradlaugh refused to conform to a culture he had spent his life campaigning against. The Nonconformists, Moravians, Catholics, and Jews had stripped away the Protestant and Christian definition of Parliament. The British Parliament could not, by law, call itself Christian since 1858, and it was now under threat of having to admit it was not even bound by a god, but was instead a government of men and manmade laws—a completely secular institution. Religious belief was being pushed further into a place of personal subjectivity—freedom of conscience as John Bright called it. This was a significant accomplishment for atheism. To have space within the culture of nineteenth-century Victorian society, freethinkers had to acquire validation for their lack of belief as a personal freedom. Atheism could not gain that freedom until they were able to admit their views, and the continual denial, denouncement, and suppression of their views was a method to maintain a rigid and uniform society based on the vague admittance of a Creator or God. Victorian religious culture could be maintained so long as atheism was declared wrong and immoral by all the institutions within the culture. Allowing Bradlaugh entry into Parliament delegitimized this process. It meant admitting that atheists could be moral, upright, and productive citizens.

British culture embraced a notion of liberty and freedom since at least the Toleration Act of 1689. The narrow definition of its original conception had been expanded over the years. In

the nineteenth century, the advancement of Unitarians, Catholics, and Jews had already pushed the boundaries outward. However, British culture still held the internal conflict of supporting toleration and repressing atheism as a socially undesirable creed. Further, Britain was faced with the blatant contradiction of a society that declared religious liberty and a Parliament that denied it. But British culture and law held within it the possibility of Bradlaugh's inclusion, containing the necessary ingredients to overturn such prejudice. Bradlaugh's opponents were essentially fighting a rearguard action.

The debate surrounding Bradlaugh's entry clearly showed how religion was entangled within ideas of morality and law. It was felt that religion granted the justification for obedience and conformity to law and order. All justification to obey the law and mores of society received their validation through supernatural right. It was belief in God that gave sanction to secular rule. Removing this connection, the Members of Parliament feared that social anarchy would ensue because they would have lost their claims to obedience. Further, the Members of Parliament were the models of ethical behavior, and allowing an atheist in would be corrosive to social stability. In such a culture, atheism was permitted no space to exist or contribute. However, Bradlaugh's critics were clearly right about one thing: once they removed the religious requirement for entrance into Parliament, they were permitting the space for the further development of atheism. Religious freedom meant granting atheists the space to recognizably exist, the right to grow as a group, and to speak their minds within British culture—the logical and final outcome of religious liberty.

CONCLUSION

While Bradlaugh struggled to enter Parliamentary, one of the most significant cases for blasphemy came to a close. G. W. Foote in 1883, the editor of *Freethinker*, was prosecuted for publishing blasphemous and obscene cartoons. He endured three public trials that eventually led to his conviction, requiring him to serve one year in prison. During the trials, the Lord Chief Justice Coleridge said that “it is no longer true...that Christianity is the law of the land” and “the mere denial of the truth of Christianity is not enough to constitute the offense of blasphemy.” Coleridge changed the law to now admit “if the decencies of controversy are observed, even the fundamentals of religion may be attacked.”¹ The new interpretation according to Coleridge was “indecent and offensive attacks on Christianity or the Scriptures or sacred objects or persons, calculated to outrage the feelings of the general body of the community, do constitute the offense of blasphemy.”² Coleridge’s ruling for blasphemy made the issue on the *manner of expression* versus the *matter expressed*. After being released, Foote continued to produce cartoons in the same fashion as before but was not further prosecuted. Foote’s trials further extended the public space for atheists alongside Bradlaugh’s entrance into Parliament.

After Foote’s conviction, there was no persecution for blasphemy for nearly two decades, although Robert Ferguson was forced to serve a short sentence in 1885 for selling the *Freethinker*. In response to Foote’s trial, a group of Freethinkers and progressive Christians formed a group called an Association for the Repeal of the Blasphemy Laws, inspiring W.H. Hunter to publish a pamphlet entitled “The Blasphemy Laws: Should They Be Abolished?” In

¹ Quoted in Nicolas Walter, *Blasphemy Ancient & Modern* (London: Rationalist Press Association, 1990), 52.

² Quoted in Walter, *Blasphemy Ancient & Modern*, 52.

1886, Courtney Kenny introduced into the House a Religious Persecutions Abolition Bill that sought to make illegal the intentional insult of all religions, but this made neither Christian nor Freethinkers happy and the bill failed. Once inside Parliament Bradlaugh also made it one of his goals to overturn the Blasphemy laws, but he was never able to overcome the opposition. To his credit, Bradlaugh pushed through the House a bill that amended the Parliamentary oath. In 1888 he was able to pass an Affirmation Bill, although Bradlaugh was forced to concede an amendment. The bill required that the person wishing to take the affirmation state the reason they were unwilling to take the oath. This meant they had to openly declare they had no religious belief or that it was against their religious belief.³ Bradlaugh also expunged from the Journals of the House of Commons the resolution on June 23, 1880 that would not allow him to take his seat, paralleling John Wilkes' actions in the seventeenth century. Unfortunately, Bradlaugh went into a coma from sickness and never learned of his victory. He died on January 30, 1891 and his funeral was attended by five thousand mourners, Mohandas Gandhi being one among them. There was no ceremony and no formal words were spoken; in complete silence his coffin was lowered into its grave, according to his express wishes.⁴

With Bradlaugh's victories, the persecution and marginalization of atheists did not come to an end. Freethinkers endured another wave of persecutions between the years of 1908-1921 that coincided with the political unrest that came before and after the First World War. Freethinkers and progressive Christians again united to try to abolish the Blasphemy laws but failed. J.W. Gott was the last to be persecuted for half a century. Gott had already served four

³ Walter Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, (Oxford: Oxford University Press, 1965), 315-316.

⁴ Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, 322.

months in 1911, and was prosecuted again in 1921 for disturbing materials that treated religious subjects in a humorous manner. He was sentenced to nine months hard labor and, having diabetes, died a few weeks after being released.⁵

After World War II, the blasphemy laws were considered all but dead, but the blasphemy libel came up again in a nationally controversial case referred to as “Gay News” in 1978, that put on trial the publisher of *Gay News*, Denis Lemon for publishing a poem by James Kirkup. The case is something of an anomaly. James Kirkup was a well established writer and also an open homosexual. The case centered around one of Kirkup’s poems, “The Love That Dares To Speak Its Name” (the title was a reference to Oscar Wilde’s trial). His poem had a line where the Roman Centurion who killed Jesus with his spear made love to Jesus’s dead body. Kirkup actually intended the work as a spiritual poem, not a blasphemous one. Lemon, the publisher and defendant, gained community support, collected £20,000 of donations, and caused Kirkup’s work to become a collector’s item. Lemon lost the case in a trial by jury and was sentenced to nine months imprisonment and fined £500. The case was the first successful blasphemy case since 1921, the first blasphemy libel against the press since 1883, and the first blasphemy libel against literature since 1841.⁶

The next major issue involving blasphemy occurred in 1988 and it was heard across the world. In 1988 Salman Rushdie published his book *Satanic Verses*, a work that won the Whitbread Prize for fiction. The book denigrated the Muslim religion (among other subjects), and caused the Ayatollah Khomeini to issue a *fatwa* that Salman Rushdie be killed for blasphemy. In addition, his critics called for an expansion of the blasphemy laws, motivating

⁵ Walter, *Blasphemy Ancient & Modern*, 59-60.

⁶ Walter, *Blasphemy Ancient & Modern*, 70-77.

Rushdie's supporters to organize and oppose them. That Rushdie escaped the controversy unscathed was considered a victory for the humanist and secular movement.⁷

The actual blasphemy libel was never removed from the law books; however, no blasphemy case has been prosecuted in England and Wales since the passage of the Human Rights Act in 1998, passed by the British Parliament in order to align British laws with the European Convention of Human Rights. Further, it can be assumed that if a case did present itself, it would most likely fail. If it did succeed, it would likely be appealed by the British courts, the House of Lords, or the European Court of Human Rights. If such an instance did occur, it would constitute the end of the blasphemy law.⁸

Nineteenth-century Victorian Britain was a Christian country, but this is a much more tenuous claim than it used to be. The process of secularization in Britain consisted of the slow erosion of religious authority over institutions and society. Since Church attendance had been measured on March 30, 1851, where 60% of the population attended church, only about 20% were shown to attend church regularly in 1902.⁹ The trial of the Queen v. Charles Bradlaugh and Annie Besant showed that secular morality was moving forward, grounding their case for a more progressive morality from the suffering they saw among the poor. Contraception today is nearly a given for most in the population, readily available and sold separately in dispensers in pubs across the country. Further, atheists are now prominent and participate within a culturally legitimate space. Different surveys conducted at various times in the last ten years show that disbelief and the "non-religious" make up over a third of the British population. A study by

⁷ Walter, *Blasphemy Ancient & Modern*, 82-87.

⁸ <http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldrelof/95/9505.htm#a5>, 3/22/2009.

⁹ Mitchell, *Daily Life in England*, 2nd edition, 244.

Norris and Inglehard in 2004 found that 39% of British people did not believe in God. A similar study by BBC in the same year said that 44% did not believe in God.¹⁰ In 1958, 6.5 percent of members in the House of Parliament had affirmed instead of using the oath.¹¹ The admittance of Unitarians, Catholics, Jews, and lastly atheists into Parliament was symbolic of the decline of religious prominence within society.

Yet the Church is still part of the establishment of Britain. Since Bradlaugh's entry into Parliament the cry for disestablishment had died down because Britain achieved religious liberty without having to disestablish the Anglican Church. It has been maintained for many of the reasons that were voiced in Bradlaugh's Parliamentary struggles, i.e. many say it needs to remain established on moral grounds and as a cultural defense. Those that wish for no formal change argue that Christianity would be injured if its ancient connections between Church and State came to an end.¹² The Church, however, no longer receives funding from the state and must collect its own income, mainly from donations, property administered by the Church, endowments, and fees for marriage and burial customs.¹³

The laws for public morality in regards to obscenity, which Bradlaugh and Besant endured in their 1877 trial, demonstrate how society went to great extents to limit liberty. A profound antipathy to free love, sex, and reproduction exposed how much freedom was actually restrained. Atheists who rejected morality derived from sacred texts re-examined their culture and sought to redefine the limits of what was permissible. This was a direct affront to

¹⁰ Michael Martin, *The Cambridge Companion Guide to Atheism* (Cambridge New York: Cambridge University Press 2007), "Contemporary Numbers and Patterns," 47-65.

¹¹ Walter Arnstein, *The Bradlaugh Case: A Study in Late Victorian Opinion and Politics*, (Oxford: Oxford University Press, 1965), 330.

¹² John A. Robilliard, *Religion and the law: Religious liberty in modern English law* (Manchester: Manchester University Press 1984), 84.

¹³ Robilliard, *Religion and the law: Religious liberty in modern English law*, 88.

established conventions, and Besant and Bradlaugh's persecution exposed the level of repression inherent in the culture, pushing people to conform. While promiscuity and pornography were elements of Victorian society, there were exacting prohibitions on sexual freedom. Since atheists challenged this taboo, they were labeled supporters of "free love" to categorically condemn their ideas and further justify the present limits on the freedom of expression. In a culture where the moral norms were changing underneath the old, attacking atheists was a method by which to condemn the new trends by pointing towards the social pariahs who supported it. Besant and Bradlaugh's trial was a way to both persecute atheists and maintain convention.

Besant and Bradlaugh's trials also present a picture of how cultural mores are sometimes truer limits to liberty than the law. Even in a so-called "free society" people are really hampered by their cultural heritage in a multitude of ways. Take the example of democracy. Richard Webster, in his work *A Brief History of Blasphemy*, argues that democracy is not synonymous with liberty. In a society where most people are approximately conformed, citizens usually vote for different parties who already agree on the same basic issues but disagree on how to achieve the same goals. They have already been shaped by their culture to know what the acceptable choices are and choose among options already predetermined.¹⁴ Freedom is an elusive phenomenon and should perhaps be considered more of an illusion than a reality. People can feel themselves to be free when in fact they are not. More often, we feel free because we have more than one limited choice. Freedom is best tested in extremes, a condition most often avoided. Societies maintain order by allowing dissent in marginalized forms, meaning that

¹⁴ Richard Webster, *A Brief History of Blasphemy: Liberalism, Censorship and 'Satanic Verses'* (Suffolk: The Orwell Press, 1990), 48-49.

adopting any such marginalized position will be sure to be costly to the individual, discouraging outward declaration. Liberal societies have always had to grapple with the dilemma of permitting certain “freedoms” while also creating conformity to the norms of society.

Supporters of the established conventions cannot possibly suppress all dissenters and instead prosecuted certain cases that stood above others. This focused condemnation is aimed at reaffirming the established norm and encourages public denunciation of the case in question. It sets the standard of intolerance. Thus, Besant and Bradlaugh walked into the prepared trap by publishing an “obscene” work that advocated contraception. This was also the case for Bradlaugh entering Parliament. By his desire to take the affirmation, he presented a case where an atheist could not swear an oath, allowing society to publicly condemn atheist as dangerous. In this way, established authority maintains control and reaffirms conventional morality.

Culture and society prohibited atheism in two fashions, one social and the other institutional. In the effort of maintaining a uniform society, united in religious belief, authorities had to condemn those who wavered from conformity. The fact that religious belief was intertwined with morality implied that those who drifted from religion also drifted from the moral center and were by definition morally deviant. Thus, Christians feared that atheists had no moral prohibitions and would threaten the social order. Atheists were going to corrupt the masses and dissolve the bonds of society. When Besant and Bradlaugh defended contraception, religious defenders had the needed example to prove how the loss of religion led to the promotion of promiscuity, even though by all accounts Besant and Bradlaugh lived a repressive Victorian sexual life.

Atheists also threatened traditional institutions that were intertwined with religion. During the Parliamentary debates, it was argued that admitting Bradlaugh, a declared atheist, into Parliament would jeopardize the authority of law and government. Religion was used as the ultimate justification for obedience and Members of Parliament appealed to religion for granting legitimacy to the law and their authority to enforce it. Bradlaugh weakened this connection and threatened one of the strongest arguments for social conformity. Elites were to represent the norms and traditions of society as the model for all those below them. Bradlaugh's admittance challenged religious authority and it was feared he would poison society by his example.

Despite the condemnations made against atheists and the efforts used to marginalize their existence, British culture contained within it the avenues and pathways to include it. The rhetoric of freedom and religious toleration jarred with the exclusion of atheists, something the Liberals recognized. Gladstone, Parnell, and John Bright all recognized the problem of allowing some religious beliefs and rejecting others as hypocritical. The language of "rights" was on Bradlaugh's side and he continually appealed to them. He said "no legal disqualification is ventured" and "I speak within the limits of the law...I am pleading at its bar for justice. It is the right in the name of those who sent me here."¹⁵ He appealed to the freedom of opinion as well, in his first of four speeches to the House that he gave during his six years of exclusion, he said

I am no more ashamed of my own opinions, which I did not choose, opinions into which I have grown, than any member of this House is ashamed of his; and much as I value the right to sit here, and much as I believe that the justice of this House will accord it to me before the struggle is finished, I would rather relinquish it for ever than it should be thought that by any shadow of hypocrisy I had tried to gain a feigned entrance here by pretending to be what I am not (cheers, and cries of Order)...It is the first time that the House has made itself a court of law from which there may be no appeal, and deprived a

¹⁵ Charles Bradlaugh, "Mr. Bradlaugh's Speeches," in Charles Bradlaugh, *The True Story of My Parliamentary Struggle* (London: Freethought Publishing Company, 1882), 79-80.

citizen of his constitutional right of appeal to a court of law to make out what the statute means in dealing with him.¹⁶

Bradlaugh foresaw that British tradition and law were on his side. Just because the majority of members in Parliament found his views distasteful, they did not have the right to strip him of the privileges that they all enjoyed.

Bradlaugh's eventual admittance into Parliament was achieved within greater speed than the Jews, who had struggled to overcome their opposition through the 1830s, 40s, and 50s. Reform Bills to allow Jews to take a different oath had been brought to the house in 1833, 1834, and 1836. David Salomons had led the campaign for Jewish rights. In 1835 he was permitted to become a sheriff and later an officer in municipal corporations. In the light of increasing inclusion, Lionel Rothschild ran for elections in 1847 and underwent a similar process as Bradlaugh. Bradlaugh had in fact mimicked some of the strategies that Rothschild had used. But it took eleven years for Rothschild to take his rightful seat, whereas it took Bradlaugh only six. Civil rights for atheists were part of a larger trend within British culture to include those who had been unfairly excluded—something Bradlaugh also believed.¹⁷

Alongside this enforcement is the discourse that existed within the contraception court case that used religious language in order to ignore the need to limit the births for those within the slums of Britain. By appealing to Providence, conventional morality could remain undisturbed even if conditions required that moral norms be modified. The appeal to Providence also allowed the denial of a changing culture that had already adopted the new practice of

¹⁶ Charles Bradlaugh, "Mr. Bradlaugh's Speeches," in Charles Bradlaugh, *The True Story of My Parliamentary Struggle*, 80-81.

¹⁷ Owen Chadwick, *An Ecclesiastical History of England: The Victorian Church, Part I* (New York: Oxford University Press, 1966), 484-486.

contraception, as was suggested by Bryan M. Yates in his thesis, *A Prosecution Fraught with Danger: The Trial of Charles Bradlaugh and Annie Besant*. Yates noted a lack of outrage in many of the sources he checked, suggesting that contraception was an already established practice. The *Westminster Review's* observation that Parliament already contained unbelievers exposed the discourse that overlay the House, not as a reality but as a safeguard to maintain a perception. The perception of a reality served to manufacture the sense that Parliament was united under the belief in God. So long as people perceived that such was the case, no one would cross the line and the authorities would continue to police transgressors to uphold the norm. The enforcement of tradition allowed Britain to continue to call itself Christian or God fearing, even as changes in society were radically and markedly changing underneath it.

The norms of control in a society dedicated to liberty will constantly run into such practices. Maintaining order in a society requires the internalization of its values. A totalitarian society deals with disturbances by murder and political exile, easily causing a population to internalize feelings of terror. Britain, being a society of progressive "rights," has to appeal to morality and exhortation. The ideal of freedom of conscience must be balanced with the requirements of running society, which in reality is steeped in conformity that limits freedom.

Were Bradlaugh and Besant being immoral? In both the trial and the parliamentary debates, there was little concrete proof that disbelief damaged society and undermined the social mores. Certainly the French Revolution provided a condemning reference, but Besant and Bradlaugh were not revolutionaries. They sought change thorough the traditional channels, i.e. in lecture halls, education, court houses, and Parliament. Their condemnation depended upon a religious tradition that was used to denounce atheism as immoral in order to assert that religious

belief was the foundation of good behavior and moral example. This was especially true in Besant's custody trial following the trial over *Fruits of Philosophy*. Her personal character never came under personal attack, only her atheism, which served as the grounds by which to take away her daughter Mabel. The judge said that secular education was "not only reprehensible, but detestable..."¹⁸ Religious ideology was so intertwined with conventional morality and British institutions that Besant and Bradlaugh's opponents never really had to prove that disbelievers were in fact immoral.

Yet it was just this assertion that was under attack and caused secular thinkers to increase in numbers as religious belief wavered. Besant and Bradlaugh appealed to a morality that required open discussion of sex in order to deal with the inequities of lower class life. In their opinion, religion stood in the way of achieving social justice. One of Bradlaugh's most significant accomplishments was to show that an atheist could internalize the morals of his age, despite his radical support of contraception and divorce. He did not enter Parliament and destroy the country, nor live up to Smyth's image of a wolf seeking entry into British society. He earnestly believed in law, non-violence, and greatly respected the House of Commons. Within the House of Commons Bradlaugh practiced compromise and he received a considerable amount of respect whenever he spoke in the House, even when the Conservatives held power. In his time, he defended the people he saw as oppressed, such as the Irish cotters and abandoned wives without legal rights. He supported women's suffrage, Irish Home Rule, defended the rights of Indians and natives within the empire, and opposed what he thought was superstition and class

¹⁸ Annie Besant. *Annie Besant: an Autobiography* (Dodo Press: London 1893), 142.

distinctions. The Radical Bradlaugh was respectful in his personal and public life, something an atheist was not supposed to be.¹⁹

Many religious people in nineteenth-century Britain could not honestly conceive of morality without religious belief. If a custom is ingrained and longstanding, people come to think it a foundational and irreplaceable element, when in fact it is interchangeable. The nineteenth century represented the time that secular morality began to transplant that of religious morality. The process itself began by secular thinkers having already internalized religious ideals and then tossing away the religious accoutrements.²⁰ In “Sayings of Cardinal Newman,” printed in 1880, Newman said:

Religion is [now] in no sense the bond of society. Hitherto the civil power has been Christian....Now everywhere that goodly frame of society, which is the creation of Christianity, is throwing off Christianity. The dictum to which I have referred, with a hundred others which followed upon it, is gone or is going everywhere, and by the end of the century, unless the Almighty interferes, it will be forgotten. Hitherto it has been considered that religions alone, with its supernatural sanctions, was strong enough to secure the submission of the mass of the population to law and order. Now, philosophers and politicians are bent on satisfying this problem without the aid of Christianity.²¹

Atheists defended a different moral order, but it was not the antithesis of the present one. Atheists mostly adopted the customs of the time and expanded or changed what was already present. In Charles Bradlaugh’s writing “A Plea for Atheism,” he said the pious often accuse atheists of “favoring immorality” and preaching disbelief as a way to defend their own lives. This is wrong he argued. “Atheism, properly understood, is in nowise a cold, barren negative; it is on the contrary, a hearty, fruitful affirmation of all truth, and involves the positive assertion

¹⁹ Ruth Pearce Carmichael, “The Parliamentary Oath Controversy” (MA thesis, University of Washington 1933), 67-75.

²⁰ Owen Chadwick, *The Secularization of the European Mind in the 19th Century* (New York: Cambridge University Press, 1975), 237.

²¹ Quoted in J.M. Robertson, *A History of Freethought in the Nineteenth Century*, Volume II, (London: Watts & Co. 1929), 417.

and action of highest humanity.”²² The atheist believed that evil was not a result of supernatural forces but was something natural that could be ameliorated and avoided with the expansion of knowledge. As far as avoiding crime, Bradlaugh said that atheists preached against it by properly teaching humans the true path to happiness. Atheism as represented in Bradlaugh and the National Secular Society were arguing they were better moralists than the Theists. “Atheists would teach men to be moral now, not because God offers as in inducement reward by and by, but because in the virtuous act itself immediate good is insured to the doer and the circle surrounding him.”²³ The historian George Watson argues that the *political* ethics of nineteenth-century Britain should be put into a secular sphere because both believer and nonbeliever coincided in their views. Where Gladstone thought he was enforcing God’s will, atheists wanted to make the best of the only world they had.²⁴ Neither one wished to destroy society or unravel the social order. In this way, Bradlaugh fit directly into Parliament, not as a firebrand revolutionary, but as a respectable and concerned member.

The problem of evil and the basis of morality are still hotly debated today between theists and non-theists. Although, when these arguments hit the mainstream of British culture, an important turning point came in the advancement of secularism. Interestingly, the historian David Berman in his work *A History of Atheism in Britain: From Hobbes to Russell* argues that this was the moment when British culture shifted. Berman says “As righteousness was perceived to pass from the champions of belief (Bishop Wilberforce and Dean Mansel) to the critics,

²² Charles Bradlaugh, “A Plea for Atheism” in Gerald B. Kauvar and Gerald C. Sorenson, *The Victorian Mind* (New York: G.P. Putnam’s Sons), 224.

²³ Bradlaugh, “A Plea for Atheism,” 226.

²⁴ George Watson, *The English Ideology: Studies in the Language of Victorian politics* (London: Allen Lane, 1973), 49-50.

Huxley and Mill, so, I shall argue, the onus of proof passed from unbelievers to the believers.”²⁵

The historian of nineteenth-century Freethought, J.M. Robertson says, “It is in the eighth decade of the century that the turning of the balance of educated intelligence from the current creed to ‘unbelief’ is recognized in England as actually coming about.”²⁶

For many disbelievers, it was the problem of evil that caused them to turn away from what their counterparts claimed to be a morally ordered universe. Mill described the disbelief of his father as based on a rejection of the Puritan notion of hell. His father demonstrated how the problem of evil and a loving God was irreconcilable for many atheists:

These particulars are important because they show that my father’s rejection of all that is called religious belief was not, as many might suppose, primarily a matter of logic and evidence; the grounds of it were moral, still more intellectual. He found it impossible to believe that a world so full of evil was the work of an Author combining infinite power with perfect goodness and righteousness. His intellect spurned the subtleties by which men attempt to blind themselves to this open contradiction...Think (he used to say) of a being who would make a hell—who would create the human race with the infallible foreknowledge, and therefore with the intention, that the great majority of them were to be consigned to horrible and everlasting torment.”²⁷

Once arguments such as this became prominent, disbelievers created a culture where Victorians were no longer able to frighten people with images of hell in order to force people into worship and religious belief.

If religious authority rests most firmly upon its claims of providing the foundation to which morality must depend, substituting this foundation seriously challenged the requirement of religious conformity and its necessity in society. When freethinkers argued that religion obstructed the progress of moral values, they attacked an essential role of religion. By replacing

²⁵ David Berman, *A History of Atheism in Britain: From Hobbes to Russell* (New York: Croom Helm, 1988), 235.

²⁶ Robertson, *A History of Freethought in the Nineteenth Century*, Volume II, 391.

²⁷ Mill, *On Liberty*, 49-50.

religious morality, atheists delegitimized the traditional equation of religion and morality.

Further, when atheists were given the reins of power and had the power to legislate the rules of society, they become guardians of public morality themselves. Morality was the way by which secular ideology began to turn the tables upon religious ideology, clearly seen in the exhortations of the radicals, atheists, secularists, and socialists across Europe.

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