

Divide and Tolerate: Imperial Secularisms in Ireland, India, and Britain, 1774-
1815

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Dedication

This thesis is dedicated to my family: Tim, Melanie, Anga, and Caroline Biel; Anduin, Doug, and Jean Wilhide.

Abstract

Exploring the published polemic, unpublished memoranda, and private correspondence of colonial policy-shapers, this dissertation analyzes debates over the possibility of Catholic emancipation in Ireland and government superintendence of the “native” religious infrastructure in India. It asks how colonialism influenced British understandings of religious toleration and, in turn, how changing notions of toleration organized the discussion of secularist policy in India, Ireland, and Britain. In general, it argues, toleration in the colonies followed a “prudential” pattern. Its advocates stressed that governments should grant concessions to enable the religious practices of particular groups of subjects. In exchange, the authorities expected loyalty from the groups tolerated in this potentially quite divisive manner.

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Introduction

This is a dissertation about how British imperial notions of religious toleration shaped the development of secularisms in colonial India and Ireland. I argue that the strategies developed in the eighteenth century for managing Ireland's religious plurality informed British thinking in the nineteenth on how India's religious diversity could work to the advantage of the colonizing power.¹ That is to say, the framework of political rationality that guided extensions of "religious toleration" for Catholics and Presbyterians in Ireland eventually became a template for British engagement with Hindus, Muslims, Parsis, Sikhs, Christians and other religious minorities in India. But this transfer of a governmental technology of toleration, in Foucault's sense of the term, from Ireland to India only came about in response to the pressures of a particular historical conjuncture: the French Revolutionary and Napoleonic Wars of the 1790s and early 1800s.² With imperial defense at the front of the policy agenda and with sharply polarized reactions to

¹ Clearly, as the enduring "politics of enmity" in Ireland and Northern Ireland have shown most emphatically, these were not failsafe strategies. See Paul Bew's recent synthesis *Ireland: The Politics of Enmity, 1789-2006* (Oxford, 2007).

² A technology, for Foucault, is a regime of practices that is organized by a certain internal logic. He often talks about trying to "grasp the level of reflection in the practice." For example, he analyzes liberalism "not as a theory or an ideology," but rather as "a practice, that is to say, a 'way of doing things' directed towards objectives and regulating itself by continuous reflection." Michel Senellart, editor of Foucault's 1978 and 1979 lectures at the *Collège de France*, explains the Foucauldian notion of a technology as follows: "it is not so much a question of studying the practices as the programmatic structure inherent in them." Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (New York, 2007); Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79*, ed. Michel Senellart, trans. Graham Burchell (New York, 2008), at 2, 318; Michel Senellart, "Course Context," in *Security, Territory, Population*, 387.

“French principles” dividing public opinion, British governments aimed to mobilize toleration practices that might garner loyalty from key religious constituencies.³

Two important points need to be registered right from the start. First, some of the ideas of religious toleration that informed colonial politicking in Ireland and India originated outside of Britain. For example, as I show in Chapter 2, East India Company personnel in later eighteenth-century Bengal often sensed that their Mughal predecessors had established practices that could be glossed as “tolerant.” For a variety of reasons, they sought to continue these patterns where they found them in operation. In turn, this transculturation process injected new rationales for, and new understandings of, “toleration” into the culture of Anglophone political debate. Second, and relatedly, there was no uniform British understanding of “toleration.” Even to this day, commentators invoke different, and often competing, ideals when they appeal to “toleration” or “tolerance” as a value that should guide political action. On the one hand, to tolerate can mean to recognize, or even applaud, the dignity of all forms of religious devotion. On the other hand, to tolerate can mean to pose as equally indifferent, or even equally skeptical,

³ Thus Thomas Malthus, a man who wrote about Ireland but who was also well-positioned to influence the young men for whom he was a professor of political economy at the East India Company College at Haileybury, expected Irishmen to swell the empire’s armies’ ranks once Catholic loyalties to the king and Parliament were secured through toleration. As Malthus put it for the *Edinburgh Review*, “If, even under the present system, in spite of the irritation they are taught to feel at the power which degrades them; in spite of their exclusion from military distinctions, the discouragement of their priests and friends, and the inconveniences to which they are subject in the performance of their religious duties, they still offer their services in considerable numbers; what would they do, if these causes of alienation were removed, and their hearts were really and cordially with us?” [Malthus], “Newenham and Others on the State of Ireland,” *Edinburgh Review* 12, no. 24 (July 1808): 336-355, at 351.

toward all traditions of religious belief. Indeed, it was during the period covered in this dissertation that these loose constellations of impulses first crystallized into two distinct traditions of toleration from which colonial policy-makers could select their tactics when framing proposals for specific policy measures. I attempt to encapsulate the differences between these two tolerationist traditions by referring to them as the “prudential” and the “Lockean” modes of toleration.

Prudential toleration had pragmatic motivations. As a full-fledged philosophy of toleration, it received some of its most able articulation from the mature Edmund Burke. In keeping with Burke’s lifelong resistance to abstract reasoning, it was not based on the religious individual’s right to formulate and advocate his own beliefs.⁴ Rather, it typically proceeded in the form of an exchange. Authorities with the power to do so would agree to facilitate the religious practices of a particular group of subjects. In return, they expected loyalty from the tolerated group, and in particular from its leaders. The 1689 English Toleration Act partook of this transactional logic, as did the *regium donum* payments to Presbyterian clergy in Ireland instituted by Charles II in 1672.⁵ In both of these cases, the

⁴ R. B. McDowell writes that Burke “was careful not to assert that religious freedom was a natural right. ‘Abstract ideas were too airy [a] diet’; rather, he based the case for toleration on wisdom and justice (concepts which took account both of principle and of the realities of human existence and practical politics.)” McDowell, “Introduction to Part II,” in *The Writings and Speeches of Edmund Burke, Volume IX*, ed. R. B. McDowell (Oxford, 1991), 408-09, citing Burke, “Speech on a motion to relieve Unitarians from certain penal statutes,” 11 May 1792, in *Parliamentary History, 1791-92*, vol. 29, col. 1389.

⁵ Indeed, following on from the Toleration Act, William doubled the *regium donum* in 1690. Ursula Henriques notes that the English Act of Toleration of 1689 “recognized in practice the principle that toleration meant the undisturbed conduct of religious *worship*,

currency guaranteeing a felicitous exchange was the presumption on all sides that the tolerating authority was under no obligation to permit it. It had to come across as a magnanimous gesture. Indeed, within this frame of understanding, and in an epoch guided by the assumption *cuius regio, eius religio*, the paradigmatic agent of toleration was the Schmittian sovereign: the one who decides on the exception.⁶

Lockean toleration, on the other hand, sprang from the idea that a person's religious *beliefs* were his personal property. They were entities with which he had ostensibly mixed his (mental) labor, and he had presumably appropriated them thereby. He had a right to maintain them so long as the actions he pursued in doing so did not constitute crimes against his country's civil laws.⁷ With its characteristic definition of religion as a set of beliefs or propositions to which one ascribes, Lockean toleration has, according to many critics, become the template for modern liberal secularism and has had

within certain doctrinal limits and subject to certain regulations." Ursula Henriques, *Religious Toleration in England, 1787-1833* (London, 1961), 3, my emphasis.

⁶ "Sovereign is he who decides on the exception" is one way of expressing the basic paradox that sovereignty consists in being both within and outside of the law. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, Mass., 1985 [1922]), 5-7, at 5.

⁷ Historian John Marshall argues for Locke (along with Pierre Bayle) as an early advocate of "universal religious toleration." John Marshall, *John Locke, Toleration and Early Enlightenment Culture: Religious Intolerance and Arguments for Religious Toleration in Early Modern Europe and 'Early Enlightenment' Europe* (Cambridge, 2006). Kirstie McClure and Saba Mahmood (citing McClure) have placed a stronger accent on Locke's assertion that toleration ends where crime begins. They stress that the caveat accompanying the right to believe as one wants in the Lockean system is its call for mechanical adherence to empiricist protocols for assessing and intervening against the threat of worldly harm. Kirstie McClure, "Difference, Diversity, and the Limits of Toleration," *Political Theory* 18, no. 3 (August 1990): 361-91; Saba Mahmood, "Religious Reason and Secular Affect: An Incommensurable Divide?" *Critical Inquiry*, no. 35 (Summer 2009): 836-64.

the effect of “privatizing” religion in the modern world.⁸ It should also be noted that “Lockean toleration” is a category that has acquired much of its theoretical consistency with the aid of hindsight. I use it because I want to communicate with scholars in history, political theory, and anthropology who have used it in their analyses. Obviously, Locke wrote about toleration in a particular controversial context, in answer to a particular set of questions.⁹ It is impossible to be certain that he intended his anatomy of a religious belief to follow from his account of property acquisition from the *Second Treatise on Civil Government*.¹⁰ This philosophical coherence has been drawn out in retrospect. As the historian Martin Fitzpatrick has argued, Locke combined elements of as many as six early modern “traditions of toleration” in composing his famous *Letter Concerning Toleration*.¹¹ So for “Lockean toleration” to have come to signify that type of *toleration that respects individuals’ right to believe as they wish, which entails a concomitant mandate to intervene against forms of religious expression liable to cause worldly harm,*

⁸ See (lamenting:) Curtis White, “Notebook: Hot Air Gods,” *Harper’s*, December 2007, 13-15; (lambasting:) Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton, 2006), and Jonathan Israel, “Spinoza, Locke, and the Enlightenment Battle for Toleration,” in *Toleration in Enlightenment Europe*, ed. Ole Peter Grell and Roy Porter (Cambridge, 2000), 102-13; (celebrating:) Joan Smith, “I’ll take no lectures on ethics from Ratzinger,” *Independent on Sunday*, 19 September 2010.

⁹ The context was initially a Dutch one. Locke was living in exile in the Netherlands at the time that he composed his *Epistola de Tolerantia* in the winter of 1685. He addressed it to his friend the Remonstrant minister and theologian Philipp van Limborch, and it was van Limborch who arranged for its publication in 1689, unbeknownst to Locke. For a thorough treatment of the context, see Marshall, *Locke, Toleration*.

¹⁰ Locke published his *Two Treatises on Civil Government* 1689, but they are thought to have been written several years earlier—before Locke went into exile in the Netherlands in 1683.

¹¹ Martin Fitzpatrick, “Toleration and the Enlightenment Movement,” in *Toleration in Enlightenment Europe*, 23-68, esp. 38-40.

Locke has to have been read in light of later figures like Thomas Jefferson, who extended Locke's logic when he made his famous "wall of separation between church and state" comment.¹²

Locke only began to outline this framework in his *Letter Concerning Toleration* (first published in English in 1689). Locke himself had disqualified Catholics as candidates for toleration on the ground that they owed their first allegiance to a foreign monarch: the pope. Because of caveats like this, most of Locke's eighteenth-century readers thought of him as a proponent of the doctrine that toleration should extend to all groups *except those* who presented a danger to the state. This should not surprise us. Locke was, after all, immersed in a political culture in which toleration was typically understood prudentially: as an "indulgence" on the part of the state's sovereign, given to a deserving set of subjects in exchange for their loyalty. On the question of toleration for atheists, for example, Locke says that because atheists' oaths are not guaranteed by fear of ultimate punishment, they can "have no pretence of religion whereupon to challenge the *privilege* of a toleration."¹³ Clearly, to call a toleration a privilege is to imply that the authority that might grant it should expect gratitude in return.

All of this said, the ground for Locke's argument throughout the *Letter* is that compulsion produces conformity in religion, not conviction. Later commentators often took this point to imply that state authorities should be impartial toward "speculative opinions" or "articles of faith," but should intervene against religious rituals or practices

¹² On Jefferson as an extender of Locke's argument, see Marshall, *Locke, Toleration*, 13.

¹³ John Locke, *A Letter Concerning Toleration*, ed. J. Cockin (Huddersfield, Yorks., 1796 [1689]), emphasis mine.

liable to cause worldly harm. As Locke noted, “These things are not lawful in the ordinary course of life, nor in any private house; ... therefore neither are they so in the worship of God, or in any religious meeting.”¹⁴ For an illustration of how Locke’s arguments were already being reshaped by their users in the eighteenth century, we might take the case of Jefferson’s confidant Joseph Priestley. In the late 1760s, Priestley began writing to convince his fellow Dissenters that, by the rationale Locke had offered in the late seventeenth century, Catholics deserved all of the religious and political rights that Dissenters were trying to gain for themselves.¹⁵ Priestley maintained that because religious opinions should be of no concern to civil authorities, Catholics should be subject to a “complete” toleration, along with every other sort of religious person. If a Catholic were to cause a breach of the peace, then, of course, the magistrate would simply need to do his job and enforce the civil law.¹⁶

In the explanation above, I have presented a sharper contrast between the prudential and Lockean modes of toleration than contemporaries would have recognized, especially at the outset of my period. Throughout the dissertation, I strive to disentangle

¹⁴ Locke, *Letter Concerning Toleration*, 40.

¹⁵ Martin Fitzpatrick, “Joseph Priestley and the Cause of Universal Toleration,” *Price-Priestley Newsletter*, no. 1 (1977): 3-30, esp. 9-15. See also [Joseph Priestley], *A free address to Protestant Dissenters, as such. By a Dissenter* (London, 1769); Joseph Priestley, *An Essay on the first principles of government and on the nature of political, civil, and religious liberty, including remarks on Dr. Brown’s Code of education, and on Dr. Balguy’s Sermon on church authority. The second edition, corrected and enlarged* (London, 1771), esp. 111, 120; [Joseph Priestley], *A free address to those who have petitioned for the repeal of the late Act of Parliament in favour of the Roman Catholics by a lover of peace and truth* (London, 1780); Joseph Priestley, *Lectures on History and Civil Policy* (London, 1788).

¹⁶ Priestley, *Principles of Government* (1768), 128, 119.

categories of analysis from “categories of practice.” Categories of practice are those that were put to use by historical actors with the aim of accomplishing certain ends. Whether their endeavors succeeded or failed—and sometimes they failed precisely because they attempted to fix the meaning of a category in ways that did not resonate with their contemporaries—the salient feature of a category of practice is that its meaning was contested in the period being studied.¹⁷ “Toleration” was a category of practice in this sense in the eighteenth century, and it remains one today. That is why I do not claim to offer a history of religious toleration, nor of tolerance, but rather a history of how colonial and imperial exigencies influenced the conceptualization of “religious toleration.” Because the pertinent category’s very meaning was a site of contestation, this dissertation cannot evaluate how “tolerant” or “intolerant” the British were as a colonizing power. Of course, they always claimed to be tolerant, but the point is that they staked these claims on shifting understandings of precisely what “toleration” might entail. Their competing understandings of toleration formed the basis for different *secularisms*.

“Secularism” I use strictly as a category of analysis. In the eighteenth and early nineteenth centuries, contemporaries did not go around trying to persuade others that they should support “secularism.” The term was not put to this kind of normative use at the time. This gives it a certain advantage as a category of analysis: it can be used in a manner consistent with the way in which it has been defined by social theorists of our day. This practice allows interdisciplinary conversation to illuminate new aspects of past

¹⁷ I am indebted to an article by historical sociologists Rogers Brubaker and Frederic Cooper for this notion of “categories of practice.” See their “Beyond ‘Identity,’” *Theory and Society* 29, no. 1 (February 2000), 1-47, esp. 4-6.

realities. Historians usually caution against assuming the existence of historical universals. “Democracy,” for instance, will not have meant the same thing in a circumstance in which “the people” was taken to mean “the property-holding men” of a given nation. But our categories of analysis, derived from reading across the disciplines, can be marked as such, and we can use them to clarify which types of past struggles fit within the lineage of which present ones.

Combining insights from the historian J. G. A. Pocock and the anthropologist Talal Asad, I stress that there are and have been multiple historical secularisms. Asad has described his object of inquiry as “what secularism means historically—how certain practices, concepts, and sensibilities have helped to organize, in different places and at different times, political arrangements called secularism.”¹⁸ The notion of “political arrangements” is a little ambiguous; I take it to mean that a secularism is a strategy for ensuring that religious authority remains subordinated to civil authority within a given polity.¹⁹ For example, the *laïcité* practiced by the French state, which strives to limit the *publicness* of religious expression, is one such strategy. The non-establishment and free exercise clauses in the United States’ constitution represent another. The “toleration” that elicited much admiration for the Dutch Republic in eighteenth-century Europe shared

¹⁸ Talal Asad, “Response to Chatterjee,” in *Powers of the Secular Modern: Talal Asad and His Interlocutors*, ed. David Scott and Charles Hirschkind (Stanford, 2006), 219.

¹⁹ This definition also partakes of J. G. A. Pocock’s strategy for historicizing the profusion of secularisms in early modern Europe in Volume 1 of his *Barbarism and Religion* series. That is to say that the “impulse to subordinate spiritual to civil authority” became widespread for the first time in response to the seventeenth-century wars of religion. See Pocock, *Barbarism and Religion, Volume 1: The Enlightenments of Edward Gibbon, 1737-1764*, esp. 7, 296.

some features with modern French *laïcité*. It forced Catholics to meet for worship in private—in buildings that could not be made to look like houses of worship from the outside.²⁰ (Interestingly, the Hindu kingdom of Assam appeared, to some eighteenth-century commentators, to have developed a similar strategy. Once Muslims had been taken as slaves, “the [Assamese] conquerors allowed the vanquished the private exercise of their religion, but prohibited them the ceremony of Ezam”—the call to prayer sounded from minarets.²¹) In eighteenth-century Britain, the Dutch example served as a possible counterpoint to “the system of church establishment and toleration” defended by William Warburton in his *Alliance between Church and State, or the Necessity and Equity of an Established Religion and a Test-law Demonstrated* (1736). Warburton was an apologist for the English secularism that came about as part of the Glorious Revolution settlement. This included the famous Toleration Act of 1689 for Trinitarian dissenters but also left intact the Test Act that prohibited them as well as Catholics and anti-Trinitarians from holding public office.²²

²⁰ E.g., a century before Priestley, Sir William Temple, *Observations on the United Provinces of the Netherlands* (London, 1673). Temple was the English ambassador in Amsterdam.

²¹ Munshi Salim Allah, *A Narrative of the Transactions in Bengal during the Soobahdaries of Azeem Us Shan, Jaffer Khan, Shuja Khan, Sirafraz Khan, and Alivardy Khan, Translated from the Original Persian by Francis Gladwin, Esq.*, (Calcutta, 1788), 48-49. Given that the quotation comes from an English translator’s rendering of a historical account originally recorded in Persian, one has to wonder about the layering of the language when a phrase so formulaic as “the private exercise of their religion” enters the scene. Whose notions of the private and the public are we encountering here? Gladwin’s, the Mughal munshi’s, the Assamese monarch’s? Is this Gladwin’s gloss on the original text? How else might the same passage have been translated?

²² On Warburton’s *Alliance between Church and State*, see Henriques, *Religious Toleration*, 121-22. It should be added that states are not the only practitioners of

In the British imperial context, “toleration” was a vital organizing concept in the delineation of secularist political arrangements. Yet as I have been indicating, this does not mean that it was a neatly organized concept. It was always possible that differing interpretations of what toleration should entail could lead to quite different evaluations of actual secularist policy proposals. In the seventeenth century, the key issue for a would-be tolerating sovereign was the question of where a potentially-tolerated group’s allegiances lay. Catholics were at an obvious disadvantage under this system as long as the monarch was Protestant. After all, it was unlikely that an English king would relinquish his claim to headship of the Church, and one could hardly identify as a Catholic *and* realistically maintain that one did not support the pope’s claim to superior jurisdiction—especially with the European religious wars raging on the Continent.

Then there was the aftermath of the English Civil War. When Charles II was restored to the throne in 1660, Protestant clergymen who refused to conduct services according to the Book of Common Prayer appeared likely to foment congregationalism and disloyalty—of the sort that had led to the regicide of Charles I. Under statutes passed between 1661 and 1665, these “dissenting” clergy lost their offices in the established Church and were prohibited from preaching within five miles of any town. Religious tests, which tested one’s conformity with the Anglican Church, were added to the requirements for all political, military, and municipal offices. Effectively, in other words, these statutes placed nonconformist Protestants on the same legal footing as Catholic

secularisms. Wide-scale publication of Richard Dawkins’ *God Delusion* (2006) could also count as a secularist strategy—the strategy’s pursuers being the network responsible for distribution.

clergy and their parishioners. In 1672, Charles tried to grant a Declaration of Indulgence that would have automatically exempted both Nonconformists and Catholics caught disobeying these “penal laws” from prosecution. Given that the statutes would have remained on the books, Charles’s indulgence would have consisted in *relieving* the various Acts’ violators from suffering punishment. In the end, Parliament forced him to retract this bid to secure religious minorities’ loyalties to his person. But the stymied declaration was only the first of several such gambits in prudential toleration attempted in the British Isles.²³

However, this longer English history of prudential toleration should not lead us to assume that toleration in the British colonies fulfilled, or even was intended by its advocates to fulfill, all of the same functions as in the metropole. The story I have to tell is, instead, one of appropriations of prudential tolerationist techniques in novel, colonial circumstances. After all, the question of how toleration of religious *majorities* should work did not arise until it emerged in Ireland and India. And prior to the mid 1760s, different historical factors in each place precluded much consideration of the issue. In

²³ Charles did manage, for example, to institute his *regium donum* payments to Presbyterian clergymen in Ireland in the same year, and the rationale was no different: “all the Ministers must be gratified, or at least not disobliged if you will have a continuous content. If you have the Ministers you have all.” Almost twenty years later, Parliament recognized English Dissenters’ record of loyalty to William and Mary by agreeing to license nonconforming, Trinitarian preachers under the terms of the Toleration Act in 1689. Taking a page out of Charles’s playbook, William then followed suit by reviving and doubling the *regium donum* in Ireland. The quotation comes from: Letter from Dr. Butler to Joseph Williamson, 19 March 1672, in *State Papers, Domestic, Car. II*, 304, no. 47, fol. 80, quoted in Clement E. Pike, “The Origin of the Regium Donum,” *Transactions of the Royal Historical Society*, 3rd Series, 3 (1909): 255-69, at 263.

Ireland, the impetus to relax the penal laws in force against Catholics was weak as long as there remained a credible Jacobite threat to Hanoverian sovereignty, which was the case, arguably, until 1766.²⁴ Jacobites were supporters of the Catholic Stuart princes whose line had been deposed with Parliament's offer of the crown to William and Mary in 1688-1689. In India, the British-administered territories were noncontiguous trading towns until after the British victory at Plassey, Bengal, in 1757. It was not really until the East India Company became the Mughal Empire's *diwan* (principal revenue collector) for Bengal and Bihar in 1765 that it exercised *de facto* sovereignty over an Indian territory comprised predominantly of Hindu and Muslim inhabitants. After the mid 1760s, then, the Anglican Protestants in charge of government in both colonies faced a similar dilemma: how to translate "toleration" into policy that would apply to immense numerical majorities—of Catholics in Ireland and of Hindus and Muslims in India.²⁵

Bearing in mind that we cannot assume that colonial toleration was beholden to models developed in the metropole, I contend nonetheless that the "religious toleration"

²⁴ The Vatican continued to recognize Stuart claims to the English throne and Stuart nominations to Irish sees until the Old Pretender, James Francis Edward Stuart (1688-1766), died. See Jacqueline Hill, "Religious Toleration and the Relaxation of the Penal Laws: An Imperial Perspective, 1763-1780," *Archivium Hibernicum*, no. 44 (1989): 98-109, at 104; Jacqueline Hill, "Popery and Protestantism, Civil and Religious Liberty: The Disputed Lessons of Irish History," *Past & Present*, no. 118 (February 1988), 96-128, esp. 106.

²⁵ If, that is, the problem even presented itself as one of translation? That is to say, if the problem presented itself as one of the application of a familiar principle of toleration, this would probably speak to its having arisen amidst the dynamic of mercantilist belt-tightening that led to the American War. For a suggestive article along these lines, see Jacqueline Hill's argument situating the relaxation of the Irish penal laws in the context of the imperial crisis that also spawned the Quebec Act. Hill, "Religious Toleration," 98-109.

touted by the vast majority of policy-shapers and polemicists in India and Ireland in the late eighteenth and early nineteenth centuries was prudential in nature—not Lockean. In fact, in both the Irish and the Indian cases, the Lockean approach to toleration only came to appear as a clear alternative to prudential toleration after it became associated with American and French Revolutionary politics. Even then, however, for a mix of cultural, economic, and politically expedient reasons, the British continued to enact prudential measures of toleration, which they rationalized as bids to secure the loyalties of particular religious groups by currying favor with their elite members.

Historiography

Most histories of religious toleration suggest that prudential toleration became outmoded in the modern period. There are a couple of intertwined reasons for this. First, classic histories of religious toleration assumed that it was an essential step on the path to broader individual freedoms. Second, we usually assume that religious toleration shifted toward the Lockean paradigm in the early Enlightenment.²⁶ In academia, both of these

²⁶ In a way, this is even performatively true of Jonathan Israel’s work on “Radical Enlightenment,” which is a sustained broadside against treatments of the European Enlightenment that would place Locke in a starring role. See Israel, *Radical Enlightenment: Philosophy and the Making of Modernity 1650-1750* (Oxford, 2002); “Intellectual Origins of Modern Democratic Republicanism,” *European Journal of Political Theory* 3, no. 1 (January 2004): 7-36; *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man 1670-1752* (Oxford, 2009); *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton, 2009); and “Spinoza, Locke, and the Enlightenment Battle for Toleration,” in *Toleration in Enlightenment Europe*, 102-13. Israel interrogates Locke’s ideas on toleration and finds that they fall short of Spinoza’s (and therefore John Toland’s, and therefore those of Locke’s own milieu when he was in the Netherlands) in offering guarantees for both freedom of conscience and freedom of expression. For example, Locke’s argument that Catholics should have no entitlement to toleration because they

assumptions have probably only gained appeal from the fact that liberals in the mold of John Rawls look back all the way to “the Reformation and its aftermath, with the long controversies over religious toleration in the sixteenth and seventeenth centuries” to find the “historical origin of political liberalism.”²⁷ In this line of thought, the seventeenth-century religious wars are presumed to have been the most dramatic episodes in a series of struggles *aimed all along* at creating institutional guarantees for the sovereignty of the individual conscience as declared by Martin Luther. Several histories of religious toleration, such as W. K. Jordan’s *The Development of Toleration in England, 1640-1660* (four volumes, 1932-1940) and Henry Kamen’s *The Rise of Toleration* (1967), along with Perez Zagorin’s more recent *How the Idea of Religious Toleration Came to the West* (2003), seem to suggest that early modern advocates for religious toleration and Lutheran

owe allegiance to a foreign potentate means in practice that even if they are formally allowed to believe what they want, there are beliefs that they can never express. Yet the very naming of positions that were to the left of Locke’s as instantiations of Radical Enlightenment risks reifying a category that might be called Compromised Enlightenment and associated with Locke. This does very little to upset the general impression that Locke inaugurated the central strand of Enlightenment thought. Given the sheer weight of previous scholarship that places Locke’s philosophy at the forefront of the liberal tradition, Locke comes to appear as a thinker who failed to go as far as he should have down a path that he set for himself and others. Clearly this is not Israel’s intent, as Spinoza preceded Locke. But with the subsequent *de facto* adoption of Locke’s framework for religious toleration in institutions like the U. S. Constitution and the European Court of Human Rights, the designation of some eighteenth-century secularist options as more radical than Locke’s seems to relegate them to an undertow against a Lockean mainstream. This serves rather to entrench than dislodge older orthodoxies.

²⁷ John Rawls, *Political Liberalism* (New York, 1993), xxiv.

religious reformers were *avant la lettre* apologists for the (Anglo-American) liberal democratic tradition.²⁸

However, recent writing on religious toleration in medieval and Reformation-era Europe has challenged the Rawlsian liberal narrative by demonstrating that religious toleration has not necessarily been a one-way street to individual religious autonomy. István Bejczy has defined the medieval concept of *tolerantia* as “the forbearance of bad people (the immoral, the heterodox, the infidel) by those who had the power to dispose of them.” Thus, canon law specialists often conceded that it was prudent to tolerate some bad people (e.g. Jews, Muslims) in the interest of preventing greater evils (e.g. internal social discord).²⁹ Alexandra Walsham’s excellent study on “tolerance *and* intolerance” in early modern England shows how, in the sixteenth and seventeenth centuries, the political gains to be gotten by exercising toleration toward particular groups could only have seemed possible if the *intolerant* posture was presumed to be the norm.³⁰ In either of these contexts, extra-religious pressures would only have magnified the individual’s duty to conform to religious authorities’ precepts, given that the religious freedoms the subject enjoyed were contingent upon his being identifiable as a member of his sect.

Yet scholars still tend to assume that toleration shifted away from such prudential protocols in the early Enlightenment. C. A. Bayly, author of an important global history

²⁸ See Jeffrey R. Collins, “Redeeming the Enlightenment: New Histories of Religious Toleration,” *Modern History* 81, no. 3 (September 2009): 607-36, esp. 609-612; and Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester, 2006), 6-13.

²⁹ István Bejczy, “*Tolerantia*: A Medieval Concept,” *Journal of the History of Ideas* 58, no. 3 (July 1997): 365-84, at 368.

³⁰ Walsham, *Charitable Hatred*.

of the modern world, speaks for many when he says in his most recent book that “toleration, the right to religious freedom, in the modern world springs from my recognition of your *right* to pray to your own god, even if I think you are deluded.”³¹

Political theorists Wendy Brown and Will Kymlicka have qualified this assessment, noting that models of toleration based on “community rights” rather than individual rights have persisted alongside Lockean toleration in the modern world. But in doing so, they have also implied in their own ways that this “hypercommunitarian model [of toleration] based on group rights” is at odds with modern liberalism and secularism.³²

We can take Brown’s political critique of “tolerance” as an example. Brown starts from semantic history: the very naming of a social more as “tolerance,” she maintains, cannot help but imply that it is a type of action done by a dominant group toward an alien entity to which it is “naturally” disposed to be averse—a type of indulgence that the dominant group would prefer not to have to grant in the first place. It thereby tacitly reaffirms the dominant group’s perception of itself as the normative majority.³³

Following Kymlicka, she also notes that in the Ottoman Empire until its dissolution at the end of the First World War, Jewish and Christian areas were given religious freedom and rights of self-governance *as communities* under the “*millet* system.” Brown recognizes that “this model ... describes as well the various edicts of tolerance (governing minority

³¹ C. A. Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire* (Cambridge: Cambridge University Press, 2012), 35. Bayly is author of *The Birth of the Modern World, 1780-1914* (Oxford, 2004), as well.

³² Brown, *Regulating Aversion*, 33, citing Will Kymlicka, “Two Models of Pluralism and Tolerance,” in *Toleration: An Elusive Virtue*, ed. David Heyd (Princeton, 1996), 81-105.

³³ Brown, *Regulating Aversion*, 25-28.

religious communities, mainly those of Protestants and Jews) episodically promulgated in various nations from the end of the sixteenth well into the nineteenth [century].”³⁴

However, after making this acknowledgment, she goes on to assert, “Though tolerance of subcommunities by a hegemonic one is a crucial part of the story of tolerance in the West, the Lockean version of tolerance that radically individualizes and privatizes religion, and is therefore also most closely fitted to Protestantism, tends to overshadow it.”³⁵ Her main historical chapter, which covers the “Jewish Question” in post-revolutionary France and the “Woman Question” in nineteenth-century Europe, then follows suit. It contends that the incorporation of Jews into the citizenry of France fulfilled the logic of modern state-formation, in which corporate barriers intermediating between the state and the individual subject/citizen were struck down. “Jews had to be individuated, denationalized, decorporatized as Jews,” Brown writes; “Jewishness could no longer consist in belonging to a distinct community bound by religious law, ritualized practices, and generational continuity; rather, it would consist at most in privately held and conducted belief.”³⁶ But this kind of individualization and “protestantization” of religiosity is quite patently *not* what happened to Irish Catholics and Presbyterians or Indian Muslims and Hindus under the influence of British toleration in the modern

³⁴ Ibid., 33. See also Kymlicka, “Two Models.” Kymlicka, by way of comparison between the Ottoman Empire’s *millet* system and a “liberal” model of toleration based on individual rights, emphasizes to a greater degree than Brown that many early modern and some contemporary examples of religious toleration have been “milletlike” in that they ultimately collude *against* tolerance of dissent within religious communities.

³⁵ Brown, *Regulating Aversion*, 34.

³⁶ Ibid., 52.

period. Even Presbyterians came to consist in belonging to a distinct community bound by ritualized practices and generational continuity.

To privilege one modern narrative of toleration as a mechanism for “individuation and privatization” is, I think, a critical choice that effectively places the colonial history of religious toleration in a time outside modernity. Yet today in Syria, any self-ascribed “secular” challenge to the Bashar al-Assad regime has to reassure each of the substantial Alawite, Druze, and Christian minorities that it will receive at least as good a deal, as a community, as Assad’s Ba’ath Party has offered it. One of the “protections” that each of these communities has received in the past, and that the Assad regime honors as part of its secularism, dates back to a guarantee issued by none other than the French. This was the French Mandate government’s allocation of 25 percent of the seats in the national assembly specifically for Christians, Kurds, Druzes, Alawites, Circassians, Turkomans, and Jews.³⁷ In short, Brown and Kymlicka are entirely right to hint that these kinds of prudential deals offered to particular constituencies are a crucial part of the story of modern toleration; they are overhasty, however, in dissociating prudential toleration from the history of liberalism and secularism.

We have to expect that liberalism and secularism emerged and changed in and through their affiliation with the colonial encounter; this is the lesson to be taken from

³⁷ Majid Rafizadeh, “For Syria’s Minorities, Assad is Security,” *Al Jazeera* (English) Opinion, 16 September 2011, www.aljazeera.com/indepth/opinion/2011/09/2011912135213927196.html, accessed 5 December 2012.

work done in the vein of “new imperial history” over the last twenty years.³⁸ The new imperial history has been about how being part of an “imperial social formation” changed everyone’s ways of living and horizons of expectation in the British Empire—those in mainland Britain as well as those in the colonies.³⁹ So for example, the assumption that used to guide scholarship on liberal imperialism was that if liberalism reached the peripheries of European empires, it did so because it flowed outward from the metropolises in Europe to their colonies.⁴⁰ But this assumption has been roundly challenged. Recent

³⁸ Seminal works in “new imperial history” include Mrinalini Sinha, *Colonial Masculinity: The “Manly Englishman” and the “Effeminate Bengali” in the Late Nineteenth Century* (Manchester, 1995); Robert J. C. Young, *Colonial Desire: Hybridity in Theory, Culture and Race* (London, 1995); Simon Gikandi, *Maps of Englishness: Writing Englishness in the Culture of Colonialism* (New York, 1996); Ann Laura Stoler and Frederic Cooper, “Between Metropole and Colony: Rethinking a Research Agenda,” in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Stoler and Cooper (Berkeley, Calif., 1997), 1-56; Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Chicago, 2002); Kathleen Wilson, ed. *A New Imperial History: Culture, Identity and Modernity in Britain and Empire, 1660-1840* (Cambridge, 2004); essays in *At Home with the Empire: Metropolitan Culture and the Imperial World*, ed. Catherine Hall and Sonya O. Rose (Cambridge, 2006). For criticism of this historiographical trend, see Bernard Porter, *The Absent-Minded Imperialists: Empire, Society, and Culture in Britain*; see also Richard Price, “One Big Thing: Britain, its Empire, and their Imperial Culture,” *Journal of British Studies* 45, no. 3 (Summer 2006): 602-27.

³⁹ The phrase “imperial social formation” comes from Sinha, *Colonial Masculinity*.

⁴⁰ A classic work within this framework is Eric Stokes, *The English Utilitarians and India* (Oxford, 1959). Other examples include John Rosselli, *Lord William Bentinck: The Making of a Liberal Imperialist, 1774-1839* (Berkeley, CA, 1974); Sir Charles Jeffries, *The Colonial Police* (London, 1952) and reassessment in Richard Hawkins, “The ‘Irish Model’ and the Empire: a Case for Reassessment,” in *Policing the Empire: Government, Authority and Control, 1830-1940*, ed. David M. Anderson and David Killingray (Manchester, 1991), 18-32. This literature on liberal imperialism bleeds over into the scholarship on how colonies functioned as “laboratories of modernity” in European empires. See also Bernard Cohn, “Introduction,” in *Colonialism and Its Forms of Knowledge* (Princeton, 1996), 3-15; also discussion in Stoler and Cooper, “Between Metropole and Colony,” 5.

work on British rule in India, for example, has sought to chart a course between older “diffusionist” arguments about the advent of liberal imperialism and older approaches that highlight long-term South Asian continuities.⁴¹ In his work, Robert Travers pleads for dialogue between the school of thought that emphasizes the epistemic violence

⁴¹ Historians have divided opinions over what difference it made in Indian history that the British took control of so much of the subcontinent when they did in the latter half of the eighteenth century. Each of these schools of thought can be assigned a representative historian or two, and it can be distinguished by the geographical direction in which it casts the flow of norms, ideas, and values. At the diffusion-from-the-metropole end of the spectrum, the works of Sudipta Sen have argued in the strongest terms that the British sought to erect a facsimile of the English fiscal-military state in India. The target for Sen’s diffusionist thesis has often been C. A. Bayly, whose prodigious scholarship on South Asian continuities from pre-colonial to colonial times challenged conclusions like those reached by Ranajit Guha in *A Rule of Property for Bengal*. The theme running through much of Bayly’s earlier work is that the Indian context essentially transformed the British into one of a number of South Asian social groups competing for supremacy in the twilight epoch of the Mughal Empire. The East India Company’s traders and armies learned the rules of a South Asian game and became reasonably adept at playing it. See Sudipta Sen, “Colonial Frontiers of the Georgian State: East India Company’s Rule in India,” *Journal of Historical Sociology* 7, no. 4 (December 1994): 368-92; Sudipta Sen, *Empire of Free Trade: The East India Company and the Making of the Colonial Marketplace* (Philadelphia, 1998); Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (New York and London, 2002). See also Ranajit Guha, *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement*, 2nd ed. (New Delhi, 1982). Gayatri Chakravorty Spivak, “The Rani of Sirmur: An Essay in Reading the Archives,” *History and Theory* 24, no. 3 (October 1985): 247-72; Nicholas Dirks, “Postcolonialism and Its Discontents: History, Anthropology, and Postcolonial Critique,” in *Schools of Thought: Twenty-five Years of Interpretative Social Science*, ed. Joan W. Scott and Debra Keates (Princeton, 2001), 227-51; Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, 2001). For the opposed perspective, see C. A. Bayly, *Rulers, Townsmen, and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870*; C. A. Bayly, *Indian Society and the Making of the British Empire* (Cambridge, 1988); C. A. Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830* (London, 1989). See also Burton Stein, “State Formation and Economy Reconsidered,” *Modern Asian Studies* 19, no. 3 (1985): 387-413, and “Eighteenth Century India: Another View,” *Studies in History* 5, no. 1 (February 1989): 1-26; D. A. Washbrook, “Progress and Problems: South Asian Economic and Social History, c. 1750-1830,” *Modern Asian Studies* 22, no. 1 (1988): 57-91.

wrought by British hegemony over representations of Indian life and the school of thought that emphasizes the continuing vitality of Indian intermediary groups in the consolidation of British power.⁴² He therefore looks at “the intersection of exported European concepts and appropriated indigenous categories.” In his study of British efforts to justify their political interventions in Bengal through a flexible language of appeal to “the ancient Mughal constitution,” he concludes that “British views of the state in India were shaped by political presuppositions exported from British politics,” yet “were also rethought through a process of encounter with indigenous political culture.”⁴³

Jon E. Wilson has offered a similar yet distinctive take on British political maneuvering in late eighteenth-century Bengal. Wilson makes much of Ranajit Guha’s insight that the most striking feature of British rule right from the start was the alienation

⁴² Again, Bayly’s *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1810* (Cambridge, 1997) might be taken as representative of the latter school of thought, whereas the essays collected in Bernard Cohn’s *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, 1996) were pioneering works in the former line of argument. For other statements suggesting that these approaches, though different, are more compatible than they might at first appear, see Ian Barrow and Douglas Haynes, “The Colonial Transition: South Asia, 1780-1840,” *Modern Asian Studies* 38 (2004): 469-78; C. A. Bayly, “The British Military-Fiscal State on the Periphery,” in *Origins of Nationality in South Asia: Patriotism and Ethical Government in the Making of Modern India* (New Delhi, 1998), 238-75; and Sanjay Subrahmanyam, “Frank Submissions: the Company and the Mughals between Sir Thomas Roe and Sir William Norris,” in *The Worlds of the East India Company*, ed. H. V. Bowen, Margarete Lincoln, and Nigel Rigby (Woodbridge, Suffolk, 2002): 69-96, esp. 93-94.

⁴³ Robert Travers, *Ideology and Empire in Eighteenth-Century India: The British in Bengal* (Cambridge, 2007): 9-30, 250-53, at 12, 14, 250. See also Lata Mani’s formulation: “although indigenous persons were integrally involved in the production of colonial knowledge, their writings were recast in specific ways, making their discourse a structurally subordinate one.” Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley, 1998), 192-93, at 193.

from indigenous culture and social networks that the British Company servants felt.⁴⁴ Wilson argues that the resulting anxiety felt by British officials triggered impulses to form routinized, objectivity-oriented procedures of governance that were unprecedented both in India and in Britain.⁴⁵ One of the means by which we can differentiate Wilson's model from Travers's is the way in which each historian projects the geographical flows of political norms. Both concern themselves with the intricacies of the British engagement with Indian social and political practice. In neither is it the case that the holders of one stable repertoire of political images comes up against the holders of another, and both sets are doomed to misunderstand each other until one group gains supremacy over the other. In both, the colonial situation is a site of political creativity. The difference is that Travers details the emergence of a style of political argumentation that stays in India. Wilson sees the mood of restlessness—and consequent penchant for abstraction—among the British in Bengal as the signature of a style of governing that would eventually come to characterize the modern state in Europe.⁴⁶

Wilson's geographico-historiographical point seems to be achieving some buy-in at present.⁴⁷ Theodore Koditschek, in another recent book on liberal imperialism, looks to the “*failure* of the Permanent Settlement” of 1793—which had been premised on the idea

⁴⁴ Ranajit Guha, “Not at Home in Empire,” *Critical Inquiry* 23, no. 3 (Spring 1997): 482-93; Ranajit Guha, *Dominance Without Hegemony: History and Power in Colonial India* (Cambridge, Mass., 1997), 161-63.

⁴⁵ Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (Basingstoke, 2008), 1-132, 182-194, at 47.

⁴⁶ Wilson, *Domination of Strangers*, 190.

⁴⁷ See, for example, Andrew Sartori, *Bengal in Global Concept History* (Chicago, 2008), Ch. 3; Lynn Zastoupil, *Rammohun Roy and the Making of Victorian Britain* (New York and London, 2010).

of making improving landlords of Bengal's *zamindars* by securing their property rights—as the event that set the British spinning their wheels in search of new governmental solutions.⁴⁸ He quotes the famous Orientalist H. T. Colebrooke, who, as a member of the Board of Revenue in Calcutta, had to think through this problem in 1795: “If Bengal had a capital in the hands of enterprising proprietors ... the situation of the labourers would be less precarious ... Under a system of government which neither drained its wealth, nor curbed rational enterprise, Bengal could not fail to revive.”⁴⁹ Though Koditschek employs a more traditional definition of liberal imperialism, in which liberal imperialists were typically those who accorded to Britain a world-historical duty to install its civilization in its colonies, he intimates that Colebrooke's argument that a “road to Bengali modernization ... could be grounded in foundations that had ancient Indian roots” need not be considered an illiberal one. He finds, after all, that liberal imperialist history-writers remained aware of, if also troubled by, Sir Walter Scott's implicit injunction that “the progress narrative can only be consummated when it leaves sufficient room for cultural autonomy.”⁵⁰

Methodologically, Koditschek and Wilson both succeed at drawing out the ways in which discourse impinges upon practice and practice upon discourse. Koditschek's main argument encapsulates this aspect of his study particularly nicely: the liberal projects that induced the British middle class to influence the course of imperial

⁴⁸ Theodore Koditschek, *Liberalism, Imperialism, and the Historical Imagination: Nineteenth-Century Visions of a Greater Britain* (Cambridge, 2011), 61.

⁴⁹ H. T. Colebrooke, *Remarks on the State of Husbandry and Commerce in Bengal* (Calcutta, 1795), 29-30, quoted in Koditschek, *Liberalism*, 63.

⁵⁰ Koditschek, *Liberalism*, 63, 55.

development were consistently justified by reference to some variation or another of Adam Smith's "progress narrative" (from savagery to barbarism to agriculture to commercial society). Koditscheck writes, "Though aristocrats benefited disproportionately as soldiers and colonial administrators, many motives drew in sectors of the middle class: the desire to spread Christianity, to redeem the suffering slaves, to save aborigines (or to settle their lands), to protect existing possessions, and to cure the evils that the first Empire had left behind all inspired the second Empire in different ways. In each case the call to action was built on a particular reading of history that drew out the progress narrative in a particular way." In other words, everyday historicization played a material role in assuring that empire would be a national effort.⁵¹ Wilson is keen to obliterate the distinction between the theoretical and the practical altogether. Following Foucault, he argues, "It is impossible to separate the structure of thought from the active contexts that produced it."⁵² In this way, throughout their engagement with the history of political thought, both Koditscheck and Wilson offer models of liberalism that find an important role for the "relative autonomy" of historical (and thus political) discourse.⁵³

What, then, should a historian who sees colonies as sites of political creativity say about the relationship between liberal imperialism and colonial secularisms? Nandini Chatterjee's recent study of *The Making of Indian Secularism* is, like Wilson's history of East India Company governance in Bengal, a story of political practice in response to

⁵¹ Koditscheck, *Liberalism*, 4.

⁵² Wilson, *Domination of Strangers*, 9.

⁵³ See James Epstein, "Chapter 1: Rethinking the Categories of Working-Class History," in *In Practice: Studies in the Language and Culture of Popular Politics in Modern Britain* (Stanford, 2003), 15-33.

specifically colonial exigencies. As Chatterjee notes, “Indian secularism” is a category that “always needs a long footnote,” in part because it remains a contested quantity in present-day India. Suffice it to say for now that it refers to a whole political cultural atmosphere in which certain types of claims made in the name of religious people’s rights stand better chances of succeeding than others.⁵⁴ Chatterjee contends that Indian secularism is not the product of a transposition of any pre-existing model of secularism from Britain to India. To be sure, she argues, a coalition between British evangelical Christians and utilitarian politicians formed around specific liberal imperial policy aims in the 1830s, and this resulted in new public pronouncements on “the formal equidistance of all religions from the [Company] state.”⁵⁵ However, this “political moment did not in itself transfer from Britain to India a ready-made policy called ‘secularism,’ as a mask for Christian motives or otherwise.” Rather, it carved out the “ideological space” within which “Christians, of various races, classes and castes” were able to “[play] a disproportionately significant role in shaping Indian secularism, *under the specific conditions created by British imperial rule in India.*”⁵⁶

Overall, this engagement with the specificities of the colony as a transactional space from which new articulations in political thought emerged is an approach that I try to follow.⁵⁷ I take inspiration from Chatterjee’s narration of the “complex process of

⁵⁴ Nandini Chatterjee, *The Making of Indian Secularism: Empire, Law, and Christianity, 1830-1960* (Cambridge, 2011), 2, and discussion, 2-7.

⁵⁵ Chatterjee, *Making of Indian Secularism*, 48.

⁵⁶ *Ibid.*, 10, 2, my emphasis.

⁵⁷ This, I should reiterate, is the point of methodological intersection between Wilson and Travers. See Travers, *Ideology and Empire*, vii.

appropriation, reformulation, and transformation” of secularist norms and ideas after the 1830s. However, I do take issue with her specific claim about the period before the 1830s that what “had become an administrative and legal tradition” in which the Company engaged in “a parallel patronage of the principal Indian religions” was “something entirely novel to British political experience.”⁵⁸ As I argue in the transition from Chapter 4 to Chapter 5, the index for understanding this practice as a tolerationist technique came from British experience in Ireland. Not coincidentally, both the practice and the liberal governmental understanding of it received a new animus under Richard Wellesley as governor general of India from 1798 to 1803.

Method and Theory

How can a historian remain attentive to the slipperiness of the conceptual terrain on which debates concerning religious toleration in Ireland and India played out and still tell a conceptually tight story? After all, various practical understandings of toleration maintained a hold within the process of secularist policy formulation. My task is to disaggregate these practical understandings and to account for how they changed over time in order to illuminate how “toleration,” as a category of practice, evolved in the period under consideration. The result is intellectual history, but one in which the distinction between ideas and practices dissolves. It is an intellectual history of toleration practices—in Foucault’s sense of “practices” as “as places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and

⁵⁸ Chatterjee, *Making of Indian Secularism*, 11, 10.

interconnect.”⁵⁹ As such, it is informed by a particular theory of everyday conceptualization, which I piece together from the points of intersection among the philosophies of Martin Heidegger, Foucault, and Slavoj Žižek.

With the term “practical understandings,” I mean to invoke something akin to what Heidegger intended with the word *verstehen* (literally, “understanding”). For Heidegger, *verstehen* referred in large part to the instinctive, unreflective relationship people have to the things and concepts they put to use. It was thus closely related to words that connote a practical or technical kind of knowledge: “skill” or “know-how.” What he was getting at was that before they were objects of thought, these things and concepts were instruments with which particular purposes could be achieved. As the historian Jon Wilson has explained, “Objects or concepts such as these are what Heidegger calls ready-to-hand in a world of purposive action that precedes reflection. This is the world that subjects practically ‘grasp in advance’ before they reflect cognitively upon it.”⁶⁰ Heidegger’s theory of ready-to-hand conceptualization is particularly well-suited for understanding the overall grain of colonial government archives, which consist in large part of relatively spontaneous commentary offered by functionaries in the course of highly varied daily activities. It also helps account for why “toleration” was never a completely transparent concept in the British Empire.

⁵⁹ Michel Foucault, “Questions of Method,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago, 1991), 75.

⁶⁰ Wilson, *Domination of Strangers*, 10. I am indebted to the whole passage in Wilson’s book for this summary of Heidegger’s theory of practical conceptualization.

In *most* of the Anglophone world for most of the eighteenth century, the connotations of “religious toleration” cleaved closely to the commonsense denotation of “to tolerate”: to forbear that which one finds repugnant. Take the following story from the early decades of British possession of Bombay, for example. The anecdote has nothing to do with *religious* toleration but everything to do with the narrative formula for prudential toleration. The three key moments in this narrative structure were petition, decision, and the expression of gratitude. European travelers to Bombay in the late seventeenth and early eighteenth centuries often complained of a stench that they smelled upon arriving there. The source of the foul scent was *coot*: dried fish that native rice- and coconut-farmers in Bombay used as a fertilizer.⁶¹ In 1709, the English governing council in Bombay banned the use of fish to manure fields, citing public health concerns.⁶² After about a decade of poor production, the coconut-farmers got together and petitioned the Bombay Council to re-allow the use of *coot* (1724). On the day that the Council met, the farmers’ representatives waited outside the door of the meeting room. When the Council decided in favor of the petition, they opened the doors and invited the representatives in. The representatives entered and formally expressed thanks to the Council for having granted them the “liberty” to use *coot* again.⁶³ The council’s enactment had completed

⁶¹ Dr. John Fryer, F. R. S., *A New Account of East-India and Persia, in Eight Letters, Being Nine Years Travels, Begun 1672 and Finished 1681* (London, 1698), xvi, 68.

⁶² Abstract of President and Council at Bombay to Court of Directors, 11 February 1709/10, Letters Received from Bombay, British Library (BL), Asia, Pacific, and Africa Collection (APAC) India Office Records (IOR) E/4/449, p. 138.

⁶³ *Gazetteer of the Bombay Presidency: Materials Towards a Statistical Account of the Town and Island of Bombay, vol. 3: Administration* (Bombay, 1894); Abstract of

the full narrative structure encapsulated in the prudential conception of toleration. It was not accidental that, two years later, the Council members reported to the home authorities in London that their “toleration” of *coot* had helped improve coconut production.⁶⁴ Near the end of the eighteenth century, Edmund Burke took recourse to the very same tripartite narrative structure in a debate in the House of Commons on the subject of religious toleration for Unitarians.

In June 1792, an Edinburgh radical named James Tytler sat down to digest the recent business in the House of Commons. He probably consulted the *Morning Chronicle* or maybe the *Courier* of London to find out how Parliament proposed to respond to the Birmingham (Priestley) Riots that had taken place the year before. Tytler had featured those riots in his *Historical Register* news magazine in July 1791. In the reports he now read, he encountered a brief exchange in which Edmund Burke, Charles James Fox, and William Pitt all weighed in with some thoughts on religious toleration. On 11 May, Fox had introduced a “motion for the repeal of certain statutes, which subjected persons who held certain [non-Trinitarian] religious tenets to severe punishments.” In Tytler’s rendering of the session, Burke and Pitt objected that what Fox was trying to pass off as a “distinct proposition to relieve [Unitarians] from grievance” was actually calculated to

President and Council at Bombay to Court of Directors, 8 November 1723, Letters Received from Bombay, BL, APAC IOR E/4/449, p. 518.

⁶⁴ President and Council at Bombay to Court of Directors, 25 January 1725/6, Letters Received from Bombay, BL, APAC IOR E/4/460, p. 40.

undermine the British constitution’s “whole system of laws relating to religion”—the country’s “general system of toleration.”⁶⁵

Why would Burke and Pitt—two resolute advocates for toleration with regard to British and Irish Catholics—have balked at Fox’s proposal? Tytler’s excerpts cut to the crux of the matter: Burke and Pitt were perturbed by Fox’s failure to approach the issue properly as a “question of prudence,” as (Tytler’s) Burke put it.⁶⁶ In their eyes, a measure whose effects would apply indiscriminately to members of all religious sects posed an implicit threat to Parliament’s sovereignty. Burke indicated that if Fox had simply come forward with a distinct proposition to relieve from any grievance the Presbyterians, the Quakers, the Roman Catholics, the Anabaptists, & c. the House would have been called upon to relieve bodies of men recognized and tolerated by the laws of the land; and men whom they knew, whose principles were known, and whose grievances being stated, a specific remedy might consequently be applied for their relief; such a mode of application, and such a proceeding would have been proper; but it would not be like the present, which way was as general a way as he had heard prescribed in the hospital manner of treating patients, whatever their

⁶⁵ James Tytler, “Relief to Unitarians,” *Historical Register, or Edinburgh Monthly Intelligencer* 1, no. 11 (May 1792): 481-85, at 481, 482, 484.

⁶⁶ *Ibid.*, 482.

complaints might be, by the general order of bleed to the right—purge to the left.⁶⁷

Petition, decision, relief: this, for Burke, was the proper structure of the practice of toleration. One can find Burke acting upon this practical understanding of toleration on multiple occasions during his political career.⁶⁸ And Burke-like insistence upon the sovereign's prerogative to dispense religious toleration in this selective manner continued to inform debates over religious toleration in the British Empire for at least the next half century.

The same type of argument, grounded in political expediency and framed to appeal to aristocrats steeped in civic humanist ideology, usually carried the day in British India well into the nineteenth century.⁶⁹ East India Company servants routinely formatted and answered policy questions regarding their government's management of native religious infrastructure in terms of whether or not, and by whom specifically, proposed

⁶⁷ Edmund Burke, Speech on Fox's motion to relieve Unitarians from certain penal statutes, 11 May 1792, [John Stockdale's], *History and Proceedings of the Lords and Commons during the Second Session of the Seventeenth Parliament* (London, 1792), 420.

⁶⁸ See also the petition he drew up on behalf of the Irish Catholics in 1764: "Address and Petition of the Irish Catholics," 1764, in *Writings and Speeches, Volume 9*, 429-34. The Catholic Committee used this petition in its campaign for relief from penal laws in 1777-78.

⁶⁹ For the civic humanist ideological tradition: J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975); Pocock, *Virtue, Commerce, and History* (Cambridge, 1985), esp. chis. 3-6: 51-124; John Barrell, *The Birth of Pandora: and the Division of Knowledge* (Philadelphia, 1992). For lucid summations and re-assessment: Nancy J. Curtin, *The United Irishmen: Popular Politics in Ulster and Dublin, 1791-98* (Oxford: Clarendon Press, 1994), Ch. 1: 13-37; Anna Clark, *Scandal: the Sexual Politics of the British Constitution* (Princeton, 2004).

measures “would be received as a boon.”⁷⁰ Not until the later 1830s did most administrative elites in India reconcile themselves to Lockean toleration, and even then their commentary evinces accommodation more than embrace. For instance, when evangelical general Sir Peregrine Maitland resigned his command in Madras in 1838 to protest Christian and Muslim troops’ ““being compelled to attend at the Hindoo festivals”” in clear violation of the ““plain boundaries of toleration,”” Madras governor Lord John Elphinstone was asked to draw up a report in defense of the Company.⁷¹ Elphinstone saw nothing creditable in Maitland’s conduct, but he ultimately defended Company policy by conceding that it had become, by virtue of a recent clarification, “well adapted to promote such a system of toleration” as that called for by Maitland. He skillfully avoided mentioning that this clarification had been issued by the home authorities *in response to* Maitland’s resignation.⁷²

To be sure, the archives of British imperialism are rife with examples of influential statesmen declaring that “impartiality, toleration and protection, to all religions, and a just and considerate regard for all conscience are the guiding principles

⁷⁰ Letter from Robert M. Bird, judge at Gorakhpur, to R. Benson, Military Secretary to the Governor, 8 June 1829, Board’s Collections, November 1831, BL, APAC IOR F/4/1306/51856, pp. 181-82. For the full context, see Extract of Governor General Lord William Bentinck’s Minute, 8 November 1829, *ibid.*, pp. 159-60; Circular letter from Captain R. Benson “to different individuals at present in charge of the districts where the pilgrim tax is collected,” 16 February 1829, *ibid.*, 163.

⁷¹ Letter from Sir John Cam Hobhouse, President of the Board of Control, to Lord John Elphinstone, 16 September 1839, Broughton Letter Book, BL, APAC MSS Eur F213/7, p. 206.

⁷² [Elphinstone], Remarks on the Bishop of London’s Speech in the House of Lords on Idolatry in India, [17 November 1839], Baron Broughton Papers, BL, APAC MSS Eur F213/88.

by which our policy must be regulated.”⁷³ But as this quotation from an Indian governor general suggests—as long as one does not read it too quickly—this does not mean they were all willing to conflate toleration and impartiality. In fact, Lord Auckland, the author of the above statement, more frequently prioritized “toleration and protection” in his pronouncements on the duties of government with regard to the native religions of India.⁷⁴ Auckland’s counterpart at Madras, Lord John Elphinstone, wrote in 1837 that “the course to be pursued appears to me clear and plain—as much protection and as little interference as possible, but,” he went on, “it is difficult to draw the limits between them. Interference is, in some instances, so inseparable from the nature of a govt like this, that if we refuse to interfere, we must cease to protect, and here, in my opinion, lies our great difficulty.”⁷⁵ So exactly how clear and plain could the course to be pursued have been? Particularly when the answer Elphinstone received from Sir John Cam Hobhouse at the Board of Control referred to “the *toleration* secured by treaty and by usage to the Natives of India—part of which toleration is, that, upon certain solemnities, our armed force, which has superseded all other military power, shall do what would have been done by native soldiers: i.e. keep the peace, and add to the solemnities or rather the pageantry of the day.” Thus, according to Hobhouse, “If we discontinue this practice, we, in fact, cease

⁷³ Lord George Auckland, Governor General of India’s Minute on Pilgrim Taxes at the Temple of Jagannath, 17 November 1838, Auckland “Minute Books,” vol. 3, BL, MSS Add. 37,711, fol. 4. Original punctuation.

⁷⁴ As, indeed, he did in *ibid.*, fols. 3-5, as well as in his letter to Sir John Cam Hobhouse, President of the Board of Control, 15 February 1837, Hobhouse letterbook, 1836-37, BL, APAC MSS Eur F213/6, p. 71.

⁷⁵ Letter from Lord John Elphinstone to Sir John Cam Hobhouse, President of the Board of Control, 19 April 1837, *ibid.*, p. 142. Original spelling and punctuation.

to tolerate the religion of our Indian subjects.”⁷⁶ In short, the definition of toleration was still *in play* in British India in the 1830s.

Now, if multiple practical understandings of toleration retained validity in British governments’ deliberations regarding secularist policy right up through the 1830s, how are we to pinpoint the nature of change over time between 1774 and 1815? My practice has been to read eighteenth- and early nineteenth-century commentary on the political value of religious toleration as an index of how people responded to changing norms concerning the exercise of political power.⁷⁷ This is where Foucault’s excursions into the history of “governmentality” come to my aid. One of the virtues of Foucault’s method is that he starts from the premise that political expediency is not a historical constant—“Let’s suppose that [historical] universals do not exist.”⁷⁸ The cue to be taken from that assumption is that explaining change over time in British imperial subjects’ understandings of religious toleration requires insight into how their notions of political utility changed. Furthermore, since the individual subjects I study involved themselves in statecraft and were presumed by contemporaries to speak in the name of the state, I suggest that we, just as their contemporaries had every reason to do, should treat their statements as *practices* articulating what Foucault saw as “technologies” in the history of governance.⁷⁹

⁷⁶ Letter from Hobhouse to Lord John Elphinstone, 30 August 1837, Hobhouse letterbook, 1836-37, BL, APAC MS Eur F213/6, p. 116. Emphasis in original.

⁷⁷ This strategy follows the example of “Act One: The Ship” in Greg Dening, *Mr. Bligh’s Bad Language: Passion, Power and Theatre on the Bounty* (Cambridge, 1992), 19-156.

⁷⁸ Michel Foucault, Lecture 1, 10 January 1979, in *Birth of Biopolitics*, 3.

⁷⁹ Michel Foucault, “Governmentality,” in *Foucault Effect*, 87-104.

There are clear echoes of Heidegger's theory of ready-to-hand conceptualization in Foucault's notions of "practices" and "technologies." For Foucault, practices hover, like Heideggerian *verstehen*, on the border of preconsciousness and consciousness. They are spontaneous, but they also obey particular organizing rationalities. Foucault sought to bring these rationalities to light by showing that they were oriented around particular algorithms for determining what kinds of knowledge were adequate to what types of tasks. When he turned his attention, in his lectures on governmentality, to uncovering the organizing rationalities behind distinct *ensembles* of techniques for exercising sovereign power, he made it clear that "technologies" are closely linked to practices in his sense of the term.⁸⁰ Literally combining *techne*—art or technique—and *-logy*—knowledge of—a governmental "technology" is a "regulative schema of governmental practice."⁸¹

Governmental technologies can be discerned by examining the traditional intellectual history of reflection on governance *in conjunction with* the record of the decision-making patterns that actual governments have followed.⁸² This is precisely what a history of "religious toleration" that shuttles between polished tracts on toleration and the colonial archive of statements in which in which interlocutors sought to put notions of "toleration" to work in the service of particular governmental aims is poised to offer. The goal is to

⁸⁰ Recall again that Foucault wants to analyze practices as "places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect." Foucault, "Questions of Method," in *Foucault Effect*, 75.

⁸¹ Michel Foucault, "Course Summary," in *Birth of Biopolitics*, 320.

⁸² I take this to be the meaning of Foucault's statement of his overall objective: "I have tried, and would like to try again this year, to grasp the way in which this practice that consists in governing was conceptualized both within and outside government, and anyway as close as possible to governmental practice." Foucault, Lecture 1, 10 January 1979, in *Birth of Biopolitics*, 2.

tease out the governmental logics that informed these interlocutors' statements concerning toleration.

Shifts in the linguistic practices in the colonial archive reflected broader developments in "technologies of power." This is why, in my selection of source material, I emphasize the interface between manuscript sources and published polemic.⁸³ Because I lay out the prevailing discursive contexts in Chapters 1 and 2, the fruits of this approach come later in the dissertation. In the opening sections of Chapter 3, I triangulate between newspaper accounts, private journal reflections, and Governor General Warren Hastings's preface to the first English translation of the *Bhagavad Gita* to tease out what the facilitative impulse in British prudential toleration in Bengal meant for British Indian secularism when confronted with the problem of interreligious strife. When violence broke out between Hindus and Muslims during overlapping observances of *Durga Puja* and *Muharram* for three successive years from 1787 to 1789, British authorities reacted, but never acted preemptively. They, and the newspaper editors who critiqued them, and their colleagues in administration, all indicated that they were constrained against any more proactive style of intervention by the norms of the religious toleration that had developed on the ground in early colonial India. In Chapter 4, which studies the disjunction between the Lockean tolerationist secularism espoused by the radical United Irishmen and the prudential tolerationist secularism advanced by Irish Whigs during the run-up to the Irish Rebellion in the 1790s, I triangulate between United Irish speeches

⁸³ See Peter Lake and Steve Pincus, "Rethinking the Public Sphere in Early Modern England," *Journal of British Studies* 45, no. 2 (April 2006): 270-92.

and handbills, spies' reports, and Tom Paine's *Rights of Man* pamphlets to compile a picture of United Irish secularism. Then, in the concluding movement of the chapter, I turn to examine the writerly dimensions of the informer's reports submitted to government by the spy Leonard MacNally. In rapid-fire form, we see MacNally mobilizing, in order to magnify the threat presented by the United Irish movement, the tropes and themes that had resonated through Irish Whig writing on toleration since Edmund Burke's first forays in the mid 1760s.

In this way, my analysis documents not only the constative content, but also elicits the performative and rhetorical dimensions of historical actors' utterances. The distinction between constative and performative language comes from speech-act theory, and it underscores the difference between what is said (constatively; *énoncé*) and what is accomplished (performatively) by the saying of what is said (*l' énonciation*).⁸⁴ To return to an earlier example, Lord Elphinstone's omission to mention the circumstances of the Company's compliance with the "plain" dictates of toleration was skillful because in a single stroke of silence he *accomplished* a couple of things. He conjured a history of Company religious policy as a series of adjustments aimed all along at conforming to (what had become over time) the dominant (Lockean) mode of toleration. He thus testified that the Company saw itself as answerable to British public opinion in general. And by downplaying evangelical influence over Company policy in this very way, he

⁸⁴ J. L. Austin, *How to Do Things with Words* (Cambridge, Mass., 1962); Jacques Lacan, *The Four Fundamental Concepts of Psychoanalysis: the Seminar of Jacques Lacan, Book II*, ed. Jacques-Alain Miller (London, 1998), 138-40; Slavoj Žižek, *The Sublime Object of Ideology*, new ed. (London, 2008 [1989]), 196-97.

cast the Company as protector of native Indians' feelings by accomplishing that mandate with words (or, in this case, by leaving out words).

“Cambridge School” intellectual historians in the line of Quentin Skinner, J. G. A. Pocock, and Keith Michael Baker have made this method of analysis an established one in the history of political thought.⁸⁵ But Jacques Derrida’s criticism of speech-act theory that it reproduces the myth of the autonomous self needs to be borne in mind. Derrida argues that speech-act theorists assume that the subject of performative utterance delivers on his or her *intention* by making an unerring appraisal of the context in which the audience receives his or her words. Yet such a felicitous exchange of meaning is far from guaranteed.⁸⁶ My response at this point is to underscore my preference for Žižek’s formulation, drawn from Jacques Lacan, of the “difference between the *sujet d’énoncé* (subject of the statement) and the *sujet d’énonciation* (subject of the enunciation)” because it accentuates the double genitive status of the “of.”⁸⁷ The subject of the statement can be treated as the subject who formulates and who exercises autonomy in

⁸⁵ Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory* 8, no. 1 (1969): 3-53; J. G. A. Pocock, “Machiavelli, Harrington and English Political Ideology,” *William and Mary Quarterly*, Third Series 22, no. 4 (October 1965): 549-83; J. G. A. Pocock, “Introduction: the State of the Art,” in *Virtue, Commerce, and History*, 1-36; Keith Michael Baker, *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century* (Cambridge and New York, 1990). For a good extension of this line of inquiry, see Darrin M. McMahon, *Enemies of the Enlightenment: The French Counter-Enlightenment and the Making of Modernity* (New York, 2001).

⁸⁶ Jacques Derrida, “Signature, Event, Context,” in *Margins of Philosophy*, trans. Alan Bass (Chicago, 1985): 308-330.

⁸⁷ Žižek, *Sublime Object*, 196-97.

this capacity, but the subject of the enunciation exercises a heteronomous agency—subject *to* the conditions of intelligibility of the enunciation.

Conditions of intelligibility change as contexts of reception change.⁸⁸ In a way, this is what Elphinstone was pointing out to Hobhouse in affirming that new regulations would bring East India Company practice into line with a “system of toleration” adapted to the demands of evangelicals like Maitland. In essence, he was telling Hobhouse: Sir, your idea of what “toleration” means is not what toleration has come to mean to your audience. The contested legacy of the famous Orientalist and Calcutta Supreme Court Justice Sir William Jones provides another example. Jones believed in what he called “universal toleration” all of his life. He relished his appointment to a judgeship in India because he saw it as an opportunity to put this belief into practice on a daily basis.⁸⁹ But after he died, there was still controversy over what his support for “universal toleration” had meant in practical terms. In 1808, in a dispute between the Court of Directors and the Board of Control in London over the instructions to be sent to Bengal regarding management of the massive pilgrimage and temple complex at Puri, Orissa, the Board president cited Jones’s preface to the *Institutes of Manu* in support of his belief that the Company should oversee the appointment of temple priests. He argued that this involvement in the running of the temple was part and parcel of the “universal toleration”

⁸⁸ The classic statement is Roland Barthes, “The Death of the Author” (1968), in *Image—Music—Text*, trans. Stephen Heath (London, 1977).

⁸⁹ This is a central argument in most biographies of Jones—most recently Michael J. Franklin, “*Orientalist Jones*”: *Sir William Jones, Poet, Lawyer, and Linguist, 1746-1794* (Oxford, 2011).

that Jones had said was owed to India's natives.⁹⁰ Making notes on the Board president's remarks in preparation to reply, one of the chairs of the Court of Directors wrote that this citation of Jones had failed to take into consideration that, during the time that Jones was in India, it would have been outrageous to suggest active regulation of this kind.⁹¹ The point is not whether this admonishment was well-founded or not. The point is that what the chairman's notes do not say is that his objection rested on a particular memory of the norms in force in 1780s and 1790s India—a memory that his interlocutor at the Board of Control was unlikely to have shared. The lesson, as historian Jon Wilson puts it, is that all “varieties of political thought occur within worlds of action and interaction that their authors cannot fully control nor, more importantly, comprehend, so meaning can never be reduced to intention alone.”⁹²

A particular variant of postcolonial theory informs my thinking on how colonialism will have affected the conditions of intelligibility of British imperial subjects' statements concerning toleration.⁹³ After all, one of the signature ways in which the

⁹⁰ Robert Dundas to Edward Parry, 6 September 1808, in Home Miscellaneous Series, BL, APAC IOR H/59, pp. 471-78.

⁹¹ Notes on Dundas's Letter to Parry, n.d., in Home Miscellaneous Series, BL, APAC IOR H/59, pp. 479-94.

⁹² Wilson, *Domination of Strangers*, 9.

⁹³ This version of postcolonial theory, in turn, has roots in a theory of re-presentation that can be traced all the way back to Saussurean linguistics, as Catherine Hall is quick to point out. See her “Introduction: Thinking the Postcolonial, Thinking the Empire,” in *Cultures of Empire: A Reader: Colonisers in Britain and the Empire in the Nineteenth and Twentieth Centuries*, ed. Catherine Hall (Manchester, 2000), 11-12, 16-17. Ethnographic historian Greg Dening offers some lyrical reflections on method that amount to the same suggestion. Dening says, “I have no experience of the past that I represent other than that past transformed into words, symbolized.” On how that past gets symbolized in the first place, Dening adds this: “There is always a play, a ritual, to

British “constituted themselves as colonizers,” to use Catherine Hall’s phrase, was to circulate ideas on the religious toleration appropriate to colonial settings in and through their empire.⁹⁴ Conversely, one of the signal ways in which colonized people constituted themselves as colonial *subjects* was to respond, whether positively or dismissively, to what they perceived to be the terms of British religious toleration. In other words, as colonial subjects often realized, the price of entry into the whole game of colonial religious toleration required an in-practice adoption of British assumptions surrounding “toleration.” (The realization sometimes prevented the colonized from being inclined to play along, as in the case of the United Irish movement in the 1790s; see Chapter 4 below.) In this way, the colonial conceptualization of “religious toleration” can be studied as an instance in how, as Frantz Fanon put it, “every colonized people... finds itself face to face with the language of the civilizing nation; that is, with the culture of the mother country.”⁹⁵ This, of course, carries the entirely Fanonian proviso that the language of the

present the meaning. There are always words to tell the story, to make the meanings explicit. There are always things that, in their colour or shape or in their association, make an environment of signs. The sequence of actions draws their elements together, like a melody of notes. The environment of signs makes an ambience, like a harmony of notes. But the significance of these plays is never automatically effective or static. The rituals are conditioned by the circumstantiality of human existence and all the endless creativity of meaning construction. Above all, they are always historical: the meanings of signs are always being changed by being read, by being interpreted.” Thus, “there needs to be an element of otherness for the signs to be seen. Outsiders—ethnographers—see signs and structures: insiders are too much engulfed in the speech (*parole*) of them to see their language (*langue*). When everything is customary in this theatre, the mind goes backstage.” Postcolonial analysts of colonialism try to pick out what was customary in its theater: the language (*langue*) mediating colonial power relations. Denning, *Bligh’s Bad Language*, 5, 228; for an example, see *Ibid.*, 373.

⁹⁴ Hall, *Civilising Subjects*, 12.

⁹⁵ Frantz Fanon, *Black Skin, White Masks* (New York, 1967 [1952]), 18.

metropole is not a static, inherited system but rather a symbolic order that changes in and through the process of colonization.⁹⁶

The language of the colonizer is a variegated thing. As Catherine Hall points out, there were always different sorts of colonizers engaged in different kinds of colonial projects; “antagonisms between different conceptions of what colonizers should do were often sharp.”⁹⁷ Furthermore, as post-structuralists have insisted, “language” consists of more than just the literal meanings of “words.” Any language or culture is a process of “the creation of meaning through differentiation.” This process catches up concepts, images, narratives, rituals, and institutional practices in its evolving net of signification. As a result, “meanings are not fixed in a culture’s lexicon but are rather dynamic, always potentially in flux.”⁹⁸ However, there are also power plays that succeed in rigidifying meanings over certain spans of time in certain locales. So although colonial cultural constructs were inherently unstable,⁹⁹ they often stabilized in retrospect—or better said, through retrospective action, everyday historicization.

⁹⁶ This is the critical point that Catherine Hall draws from Fanon to form the framework for *Civilising Subjects*. Hall, *Civilising Subjects*, 14-15, citing Jean-Paul Sartre, “Introduction,” in *The Wretched of the Earth* (New York, 1967), 21-23 and Frantz Fanon, “Concerning Violence,” in *Ibid.*, 27, 39-40, 81. See also Fanon, *Black Skin, White Masks*, Chapter 6: 141-209.

⁹⁷ Hall, “Introduction,” in *Cultures of Empire*, 16.

⁹⁸ Joan W. Scott, “On Language, Gender, and Working-Class History,” in *Gender and the Politics of History* (New York, 1999 [1988]), 53-67, at 55; and Scott, “Introduction,” in *Gender*, 1-11, at 5.

⁹⁹ Hall’s work and Ann Laura Stoler’s work attend particularly thoroughly to this constitutive instability of colonial discourses. Hall, *Civilising Subjects*; Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*; Stoler and Cooper, eds., *Tensions of Empire*. See also Homi Bhabha, *The Location of Culture* (London, 1994), esp. Chs. 4-6.

Žižek’s theory of the ideological “quilting point” helps illuminate how these power plays work. In any chain of signifiers, he proposes, there is a “certain nodal point (the Lacanian *point de capiton*)” that snaps all of the other links into alignment—that “‘quilts’ them, stops their sliding and fixes their meaning.” The classic *isms*—liberalism, Communism, nationalism, classical republicanism—include neat examples of ideological quilting. In Communism, the quilting point is “class struggle,” so that “democracy,” “feminism,” what Žižek calls “ecologism,” and “freedom” all take on precise meanings that are linked through class struggle.¹⁰⁰ The “exploitation of women” means the exploitation of women that ensues from the division of labor as produced by class struggle.¹⁰¹ The “exploitation of the environment” means the exploitation of nature that results from the capitalist quest for profit. And so on down the line. “What is at stake in the ideological struggle,” Žižek contends, “is which of the ‘nodal points,’ *points de capiton*, will totalize, include in its series of equivalences, these free-floating elements.”¹⁰²

At a cultural level, historical contestation—contestation over the meaning of events—can be seen in this light. As Žižek puts it, we all know that “a certain historical constellation can be symbolized in different ways; the Real itself contains no necessary mode of its symbolization.” But he agrees with what he sees as the crux of Walter

¹⁰⁰ Žižek, *Sublime Object*, 95-96.

¹⁰¹ Thus Engels: “The modern [bourgeois] individual family is founded on the open or concealed domestic slavery of the wife.” Frederick Engels, *The Origin of the Family, Private Property and the State: In the Light of the Researches of Lewis H. Morgan*, ed. Eleanor Burke Leacock (New York, 1972 [1884]), 137.

¹⁰² Žižek, *Sublime Object*, 96.

Benjamin's "Theses on the Philosophy of History." Benjamin observed that the dominant historiography of an epoch associates itself with a particular temporality: a march of events through "homogenous, empty time." Žižek likes that this formula attends to the "uninterrupted connection between progress and domination." In other words, the ruling class's historiography is a continuous one.¹⁰³ One has only to think of Stalin's Marxism, which found a "progressive" role for each preceding ruling class. It is not surprising, then, that in colonial ideology, the colonizer's historicization of the colonial encounter refers back to a hyperreal "conquest" that supplies the line of continuity connecting past and the present.

Now why have I placed "conquest" in quotes? This is in keeping with the precise kind of foundational fact it is for colonialism. It is an assumed, effective fact if not an empirically demonstrable one. A considerable amount of scholarly energy has gone into proving that "conquest" is a rather poor description of what happened at the origins of any number of colonial situations. The very slow process of Irish colonial subjection is a case in point. English overlordship in Ireland, acquired in the 1170s, can only have mattered to a very small number of people outside of the area around Dublin until the confiscations of land from Catholic landlords and the "plantations" of Protestant English and Scottish settlers during the sixteenth and seventeenth centuries. But these points do not invalidate postcolonial theory's fundamental insight that colonial "conquest" became the horizon of a radically new order of knowing and experiencing things. A collective memory of *dispossession* lay at the heart of Irish Catholics' sense of how they differed

¹⁰³ Žižek, *Sublime Object*, 160.

from the English, even if the actual confiscation and regranteeing procedures had not touched them directly.¹⁰⁴ What makes the colonial situation colonial is precisely that, at least on the shared plane of colonizer-colonized interaction, which is the plane we historians access through the colonial archive, the originary moment is *understood* to have been a conquest: the abridgement of one sovereignty through the assertion of another. And this particular historicization contains, in its implicit binary conquering race/subjected race, the seeds of all further nodal points in colonial ideology.¹⁰⁵ In short, what Žižek's theory of ideological quilting offers us is an interpretive key for Fanon's fundamental premise: colonial conquest initiates a wholly new symbolic order, a new field of subject positions. Colonialism's quilting point is "conquest."¹⁰⁶

¹⁰⁴ Marianne Elliott, *Partners in Revolution: The United Irishmen and France* (New Haven, Conn., 1982), xvi-xvii, 6-7; Breandán Ó Buachalla, "Irish Jacobite Poetry," *The Irish Review*, no. 12 (1992): 40-49; Tom Dunne, *Rebellions: Memoir, Memory, and 1798* (Dublin, 2004), 133-39.

¹⁰⁵ This was the thrust of the argument that gave birth to the field of colonial discourse analysis: Edward W. Said, *Orientalism* (New York, 1979 [1978]).

¹⁰⁶ Clearly, I am using "colonialism"—with a heavy accent on the *ism* part—in a manner that parallels Marxist scholars' use of the term "capitalism." For Marxians, capitalism designates both a power relationship that obtains between a certain dominant group (owners of the means of production) and a certain subordinate one (the *proletariat*) as well as an ideology—a way of knowing, seeing, and experiencing things—that is hegemonic when capitalist power relationships predominate. Postcolonial studies scholars use colonialism to denominate both a set of power relations *and* its attendant hegemonizing ideology. Catherine Hall's distinction between "colonialism" and "imperialism" encapsulates this nicely, as long as one bears in mind that the sense of colonialism as an ideological formation is implied in her use of inverted commas. (She is, after all, in conversation with "historians and cultural critics concerned with understanding colonialism as a culture.") For Hall, "colonialism" is used "to describe the European pattern of exploration and 'discovery,' of settlement, of dominance over geographically separate 'others,' which resulted in the uneven development of forms of capitalism across the world and the destruction and/or transformation of other forms of social organization and life. I use 'imperialism' to refer to the late nineteenth/early

Finally, there is the question of *how*, exactly, colonialism as ideology is borne, and this brings us full circle to the idea of practical understandings that I have been developing from Heidegger and Foucault. Žižek asks whether ideological knowledge is maintained in beliefs or in practices—“in the ‘*knowing*’ or in the ‘*doing*’?” He comes down strongly on the side of “in the doing.” The example *par excellence* is how we behave when we use money. Money—the coin, the bill—has physical properties. It shines when new, deteriorates when old, and so forth. Furthermore, its function as a universal equivalent is only guaranteed by social convention. All of this we know, yet when we use money, we implicitly postulate that what money *really is* exceeds all that. We give material effectivity to a certain “as if:” “in what [we] are *doing*, [we] are *acting* as if money, in its material reality, is the immediate embodiment of wealth as such.” As Žižek puts it, we are “fetishists in practice, not in theory.”¹⁰⁷ His point is that reification is not so much a mental operation as a social process: an institutionalization in social practice of an affirmed (if not necessarily empirical) reality.¹⁰⁸ My point is that the various political gambits in which colonizers and colonized subjects debated the broader stakes of British “religious toleration” must be seen as part of the process through which the “fact” of British colonial conquest—the colonizer’s historicization—was institutionalized as an always-already given.

twentieth century moment when European empires reached their formal apogee.” Catherine Hall, “Introduction: Thinking the Postcolonial, Thinking the Empire,” in *Cultures of Empire*, 1-33, at 12, 5.

¹⁰⁷ Žižek, *Sublime Object*, 27, 28.

¹⁰⁸ See also Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe*, 15-16, 24-25; Brubaker and Cooper, “Beyond Identity,” 5.

When British colonizers and colonial subjects traded in the currency of religious toleration, they retroactively *posited* the precise structure of British colonial sovereignty. After all, as Kathleen Davis points out, the link between conquest and sovereignty had a recognized and long-established significance in European juristic tradition.¹⁰⁹ From the perspective of the European *ius gentium*, or the “law of nations,” conquest was the legally recognized mode of establishing a sovereignty that was in principle absolute, undivided. Limits on sovereignty were held to derive from the degree to which the form of accession to power differed from conquest. So it mattered a great deal to jurists if they could say that a ruler’s power had been established initially through conquest.

The various iterations of debate in England over whether the English “ancient constitution” had Norman or Anglo-Saxon origins were carried out within this tradition. These debates hinged on whether the Normans had or had not *introduced* “feudal” tenures in England. Their having done so would have been taken as proof that the Norman conquest truly was a conquest—rather than some sort of contractual arrangement between William I and the English to maintain their existing laws. Naturally, writers articulating a royalist position found that it would help their cause if they could establish that the Normans had enacted conquest—not submitted to a consensual agreement. What no participant in these debates questioned was that if the king’s authority had been

¹⁰⁹ This seems to be Davis’s meaning when she says that “Foucault’s historical analysis often reinstates versions of spatio-temporality established through struggles over history and the possession of sovereignty, mediated by contests over national boundaries and expanding colonial opportunity.” Davis, *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time* (Philadelphia, 2008), 19.

established through conquest, then royal sovereignty would be absolute in nature.¹¹⁰

Assent as to the “absolute power of a conqueror” was, in other words, the condition of intelligibility of all of the possible positions articulated in these contests.¹¹¹ And what they brought into existence were several ready-to-hand histories of the Norman invasion in which the prior integrity of Anglo-Saxon sovereignty took on the status of an assumed fact.

The question is, how did this particular type of sovereignty that retroactively posits earlier unitary sovereignties become institutionalized in colonial political practice? My answer is, through repeated performance of the petition-decision-relief narrative structure embedded in prudential toleration. Practices such as prudential toleration that had an implicit retrospective dimension abetted the naturalization of colonial culture.

Chapter Outline

Did British officials looking to implement “religious toleration” in the colonies view their task as one of fitting an established English governmental practice to new realities? Yes and no.

As I show in the contrast between Chapters 1 and 2, the answer will vary depending upon whether we are talking about Ireland in the 1770s and 1780s or India in

¹¹⁰ See J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge, 1957).

¹¹¹ Contextualization and commentary comes from Davis, *Periodization and Sovereignty*, 23-66; Francisco Suárez, *De Legibus*, (1612), Book 5, Chapter 17, quoted on both sides of parliamentary debate in discussion of whether the Petition of Right should include a statement “saving” the king’s absolute authority, in *Commons Debates 1628*, ed. Robert C. Johnson et al., vol. 3, 528, 536, 540, 549-50, cited by Davis, *Periodization and Sovereignty*, 56.

the 1770s and 1780s. In Ireland, as Chapter 1 argues, most commentators did treat the “Catholic Question” as though it could be resolved by an extension of the basic logic of the English Toleration Act. In other words, advocates for what was called, not misleadingly, “Catholic Relief” sought to identify Catholics as loyal subjects and reward them for their loyalty, just as Parliament was perceived to have done for Trinitarian Dissenters as part of the Glorious Revolution settlement in 1689. In India, as I show in Chapter 2, there would have been considerably less consensus about whether the East India Company’s model of toleration was anything like what Protestant Dissenters experienced in England. East India Company servants had, at least to some degree, to regard themselves as implementers of late-Mughal forms of “toleration”—not as heralds of the English brand of toleration in a new land. In this situation, the British in the subcontinent grafted their conceptions of toleration onto a variety of overlapping South Asian traditions of pluralist religious interrelationships. However, even as this process of engagement with pre-existing South Asian norms enabled a broader array of secularist positions to be articulated, most writers from within the East India Company ranks were still at pains to represent the *stakes* of their favored measures of toleration as the securing of subjects’ loyalties.

In Chapter 3, however, I show that a tolerationist technology understood and justified in prudential terms was not necessarily at odds with a self-consciously reforming liberalism. I examine the Bengal Permanent Settlement as an extension of the logic of several pilgrimage-encouragement measures that Governor General Charles Cornwallis and his top aides supported in the late 1780s and early 1790s. This approach to the

Permanent Settlement places population politics, and prudential toleration as a key mechanism for attracting migrants, at its core as a reform program. However, these population politics were less about ensuring strength in numbers of inhabitants than they were about simply ingraining habits of interregional mobility and circulation in and around British Bengal. The Permanent Settlement's architects desired uniformity in governmental practice throughout British territory not as an end in itself but as a mechanism for promoting flexible habits of movement in Indian natives. Such habits of mobility would work as a counterbalancing flow against the natural forces that had been known to produce periodic famines in Bengal's past. In short, in this particular deployment, prudential toleration was meant to function as an aid to liberal imperialism: the effort, as David Scott has written, to oblige native peoples to transform themselves.¹¹² In this way, both the Permanent Settlement and the East India Company's appropriation of prudential toleration in Bengal can be seen as examples of how the colony itself was a key site of political creativity, independent of developments that were taking place in the metropole.

Chapter 4 examines the fissure in 1790s Ireland between those who took inspiration from American and French "universal toleration"—i.e. Lockean toleration—and those who rejected it as an unnecessarily innovative approach to the Catholic and Nonconformist questions. Again, I draw attention to the theme of the colony as the site of ideological and political creativity. Part of my argument is that the United Irish

¹¹² David Scott, "Colonial Governmentality," *Social Text*, no. 43 (Autumn 1995): 191-220.

movement adopted a Paineite ideology in the lead-up to the Irish Rebellion of 1798 precisely because of Paine's critique of British prudential toleration. What Paine found objectionable about prudential toleration was also what the United Irishmen objected to: that it implicated its targets in a sovereign-mediated nationhood that, as they saw it, made a mockery of popular sovereignty. However, the United Irishmen were not the only players in the field of liberal political innovation during the 1790s. Indeed, I argue that it may well have been the transforming-effects to which the United Irishmen could see prudential toleration being turned in a colonial context that alerted them to the need to object in the first place. To reach these assessments, they took cues from the political performances of the Burkean-liberal Whigs. Since the American crisis, Whig parliamentarians like Edmund Burke himself, his protégé the Earl Fitzwilliam, and the great orator Henry Grattan had been elaborating a new, *liberal* appropriation of the rights of conquerors in their pleas for extensions of religious toleration in colonial settings.

Chapter 5 begins by observing that, although neither the Lockean tolerationist United Irishmen nor the prudential tolerationist Irish Whigs got what they wanted with the Union between Ireland and Great Britain in 1800, the Irish Whigs' innovations in prudential tolerationist argument were better-suited to thrive in the political climate of the Napoleonic Wars. In fact, Richard Wellesley personally carried their insights to India when he took office as governor general in Calcutta in 1798. We see this in his instructions to military officers handling the transfer of the famous Jagannath Temple (a massive Hindu pilgrimage site) at Puri, Orissa, from Maratha to British management. Throughout the remainder of the Napoleonic War period, a regime of prudential

tolerationist practice stabilized in British India, but with a new undercurrent of criticism against the Company's toleration practices being advanced from a Lockean tolerationist perspective. I show this through case studies of two controversies: that over the 1806 Vellore Mutiny and whether or not it should have been understood as a religious rebellion; and that over whether or not the East India Company should be permitted to restrict Christian missionaries' access to British India. In this way, this chapter suggests, the broader imperial legacy of the Irish 1790s in the context of the Revolutionary and Napoleonic Wars was a much sharper polarization of liberal secularisms than had ever before been in evidence in the Anglophone world.

In the conclusion, I come back to the issue of what these vicissitudes in the early colonial portion of the genealogy of Indian secularism can tell us about modern secularisms more generally. I suggest that most are riven by a tension between prudential tolerationist and Lockean impulses, between mechanisms of re-corporatization and individuation. I argue that this is particularly true in contemporary Britain, where secularism is now a category of practice upon which self-ascribed liberals have found themselves divided. I observe that, as they have come down through the generations, all three—modern British, modern Indian, modern Irish—models of secularism license, even encourage, vast expenditures across international boundaries in the name of maintaining the faith. In a globalized order of things, in which state governments stand and fall on their ability to facilitate economic growth, they have very little incentive to interrupt a closed circuit of exchange that poses only an apparently distant threat to public tranquility. This leads me to wonder if the standard narrative of privatization of religion

in secular polities functions to obscure another privatization of religion story—analogueous to the privatization of industries—that provides a better account for why liberal secularism has become a rather strong recipe for religious politicization.

Chapter 1: The Prudential Paradigm: Burke and Catholic Ireland, 1774-1792

The story of British religious toleration in Ireland in the later eighteenth century begins with Edmund Burke and ends with William Pitt the Younger. As part of his first political job, Burke began preparing notes on the situation of Irish Catholics under the penal laws in the early 1760s. He was serving as personal secretary to his patron at the time: the young English MP William Gerard Hamilton, who was Chief Secretary in Ireland from 1761 to 1764. Before returning to England in 1764, Burke drafted a petition on behalf of Irish Catholics that eventually got presented to the king in 1777. This was his first of several intercessions in favor of repealing the penal laws that affected Catholics. In 1793, it was Pitt who finally convinced the Irish ministry to secure passage of a Catholic Relief Act that gave property-holding Catholics the franchise. Eventually, in 1800, Pitt resigned his ministry when King George III refused to grant Irish and English Catholics equal voting rights and the right to sit in Parliament as part of the Act of Union.

What do these actions reveal about the nature of Burke and Pitt's toleration; and what of their "Enlightenment"? At first blush, it seems possible to regard Burke and Pitt as profoundly "tolerant" (and therefore "enlightened") gentlemen. This was certainly how the great nineteenth-century historian W. E. H. Lecky saw them. As he put it in his classic *History of Ireland in the Eighteenth Century*, which followed on the heels of a *History of the Rise and Influence of the Spirit of Rationalism in Europe*, "Pitt and the

majority of the other ministers were free from every vestige of religious intolerance.”¹¹³

Lecky’s suggestion that only vestiges of intolerance remained among the liberally educated class to which Pitt and Burke belonged implies that Enlightenment arguments for toleration cut in only one direction and that they set a clear agenda for political action.¹¹⁴ But the problem with this insinuation, as historians since Lecky have pointed out, is that Burke and Pitt’s efforts on behalf of Irish Catholics shaped a series of Relief Acts that were only brought into effect for pragmatic reasons and that never aimed at placing all religious groups on an equal footing with respect to the state.¹¹⁵ The 1778 Catholic Relief Act restored to Catholics the ability to bequeath freehold property and to acquire 999-year (i.e. heritable) leaseholds. The 1782 Relief Act removed the remaining restrictions on their right to buy property outright. It also officially allowed priests to perform mass so long as it took place in registered chapels or private houses. Further Relief Acts in 1792 admitted Catholics to the legal profession, and in 1793, property-holding Catholics acquired the vote on the same terms as property-holding Protestants—whereas English Catholics still had to wait another thirty-six years for equal voting rights.

¹¹³ W. E. H. Lecky, *A History of Ireland in the Eighteenth Century*, 2nd ed., 5 vols. (London, 1903 [1890-91]), 3:29.

¹¹⁴ It seems to me that a similar characterization of the general thrust of “the Enlightenment” ensues from the argument that the great transformation brought about by new forms of sociability in Enlightenment Europe was a much-deepened capacity for empathy. See Lynn Hunt, *Inventing Human Rights: A History* (New York, 2007), and also Lynn Hunt, Margaret Jacob, and Wijnand Mijnhardt, *The Book that Changed Europe: Picart and Bernard’s Religious Ceremonies of the World* (Cambridge, Mass., 2010).

¹¹⁵ The political history of the 1778, 1782, 1792, and 1793 Catholic Relief Acts in Ireland is narrated most thoroughly in Thomas Bartlett, *The Fall and Rise of the Irish Nation: The Catholic Question 1690-1830* (Savage, Md., 1992), esp. 66-172.

The 1793 Relief Act stopped short of permitting Catholics to sit in Parliament and, in this way, preserved a barrier between them and full citizenship. Indeed, as everyone who has ever studied the 1793 Relief Act has recognized, Pitt's goal was to appease Irish Catholics, reward them for their loyalty, and keep them from finding common cause with increasingly vocal constitutional reformers, many of whom were Belfast Presbyterians.¹¹⁶

So if there was a fit between politicians' latitudinarian tendencies in matters of dogma and the program of Irish Catholic Relief, the former still cannot be presumed to explain the latter.¹¹⁷ In eighteenth-century Ireland, "tolerant" religious attitudes were at best a precondition for official acts of prudential toleration; in many cases, as in Pitt's, they were beside the point of government action. This Catholic Relief program of the last quarter of the eighteenth century typifies how prudential toleration formed the basis for a certain secularism: i.e. a strategy for ensuring the subordination of religious authority to civil authority. Pitt expressed this in no uncertain terms. Hinting at why, in 1793, he would not couple voting rights for Catholics with rights to be represented by Catholics in Parliament, he instructed his Home Secretary in charge of Irish affairs to display

¹¹⁶ McDowell, *Ireland in the Age of Imperialism and Revolution, 1760-1801* (Oxford, 1979), 394-399, 403; Paul Bew, *Ireland: The Politics of Enmity 1789-2006* (Oxford, 2007), 24-26; Bartlett, *Fall and Rise*, 146-72; Jacqueline Hill, "Popery and Protestantism, Civil and Religious Liberty: The Disputed Lessons of Irish History 1690-1812," *Past and Present*, no. 118 (February 1988): 96-129, esp. 124-25; and, indeed, Lecky, *History of Ireland*, 3:30, 36-41.

¹¹⁷ This has been the prevailing thrust of arguments since articles by Jacqueline Hill, "Religious Toleration and the Relaxation of the Penal Laws: An Imperial Perspective, 1763-1780," *Archivium Hibernicum*, no. 44 (1989): 98-109, esp. 104-05; and Robert Kent Donovan, "The Military Origins of the Roman Catholic Relief Programme of 1778," *Historical Journal* 28, no. 1 (March 1985): 79-102.

“symptoms of a disposition to conciliate and ... [to hold out] ... at least the possibility of future concession *in return for a perseverance in peaceable and loyal conduct.*”¹¹⁸

But it is Burke who looms especially large in the discussion that follows because he wrote and spoke extensively on what he called “Catholic toleration” in Ireland for three decades. Members of both the Irish Parliament and Ireland’s Catholic Committee—the main channel of Catholic political activism in the 1770s, 1780s, and early part of the 1790s—sought his advice on how to negotiate with one another. There can be little doubt that Burke had sympathy for Ireland’s Catholics. He had Catholic relatives in Munster on his mother’s side, and spent a good deal of time with them during his youth. He deplored the idea that new-moneyed Presbyterians from the North had a voice in government that older Catholic landholding families had had taken away from them. Yet it remains significant that at least some contemporaries saw the political calculation embodied in the 1793 Relief Act as Burke’s handiwork—not Pitt’s—and that they regarded Pitt’s effort to incorporate Catholic emancipation into the Act of Union as a marker of Burke’s posthumous influence.

Indeed most politicians prominent in Irish affairs in the last quarter of the eighteenth century understood the practice of toleration primarily in prudential terms, and their observers had every opportunity to be keenly aware of this. Those who put their understandings of toleration to work in advocating the removal of penal restrictions that affected Catholics routinely appealed to their audiences’ sense of political “prudence.”

¹¹⁸ Pitt to Henry Dundas, 8 November 1792, Pitt Papers, W. L. Clements Library, Ann Arbor, quoted in Bartlett, *Fall and Rise*, 153, emphasis mine.

They stressed that “toleration,” or its close synonyms “indulgence,” “concession,” and “conciliation,” could be counted upon to produce loyal subjects. If none of this is very surprising, what was new for Ireland in the later eighteenth century was the suggestion that this kind of toleration should form part of the practice of good colonial governance. In the earlier part of the century, some Protestant individuals in Ireland may have regretted the penal laws in force against Catholics on moral grounds. Strongly Calvinist Presbyterian ministers in Ulster objected to penal legislation on religious grounds, insisting that the interpretation of Scripture for oneself was a fundamental Christian duty.¹¹⁹ But in the later eighteenth century, what marks the debates concerning the possibility of Catholic Relief in Ireland as symptoms of the spread of “Enlightenment” attitudes is the participants’ elaboration of secularist strategies on the basis of their understanding of toleration.

New Histories of Enlightenment, Religious Toleration, and Liberal Imperialism

Eighteenth-century boosterism for “tolerance” can only have reinforced Burke and Pitt’s faith in prudential toleration as a facet of good governance. This is an argument that runs somewhat against the grain of older portrayals of the European Enlightenment, but it finds support in some of the more recent writing on the relationship between “Enlightenment” and religious toleration.¹²⁰

¹¹⁹ Ian McBride, “William Drennan and the Dissenting Tradition,” in *The United Irishmen: Republicanism, Radicalism and Rebellion*, ed. David Dickson, Dáire Keogh, and Kevin Whelan (Dublin, 1993), 49-61, esp. 52-55.

¹²⁰ In particular, see Sylvana Tomaselli, “Intolerance, the Virtue of Princes and Radicals,” in *Toleration in Enlightenment Europe*, ed. Ole Peter Grell and Roy Porter (Cambridge, 2000), 86-101; Martin Fitzpatrick, “Toleration and the Enlightenment Movement,” in

The Enlightenment was once seen as a liberal reform program advanced by a small group of writers and thinkers, centered in Paris, who sought to organize human life on the basis of scientific reason. Moreover—from Lecky’s *History of the Rise and Influence of the Spirit of Rationalism in Europe* (two volumes, 1866) through Peter Gay’s *The Enlightenment, an Interpretation* (two volumes, 1966-69)—historians often regarded skepticism toward religious truth-claims and hostility to organized religion as identifying features of Enlightenment thought.¹²¹ Their logic was that people who did not like being told what to think made natural liberal reformers, and the reforms they championed most were those that afforded them safe space to believe as they saw fit. So they embraced Locke’s view of religion as a matter of private belief and, accordingly, his claim that it would be morally wrong for an individual or government to use force to bring someone else’s religious convictions into alignment with one’s own.

But over the last forty years one major shift in Enlightenment studies has been a challenge to the notion that there was *one* Enlightenment: i.e. an intellectual movement held together across Europe and the American hemisphere by its ideological coherence. In the 1980s and 1990s, intellectual historians scrambled to conferences about

Toleration in Enlightenment Europe, 23-68; and suggestions in Jeffrey R. Collins, “Redeeming the Enlightenment: New Histories of Religious Toleration,” *Modern History* 81, no. 3 (September 2009): 607-36; Ole Peter Grell and Roy Porter, “Toleration in Enlightenment Europe,” in *Toleration in Enlightenment Europe*, 1-22.

¹²¹ See also Sir Leslie Stephen, *English Thought in the Eighteenth Century*, 2 vols. (New York, 1876). But for early criticism of these “general characterizations of the age of Enlightenment” see Ernst Cassirer, *The Philosophy of the Enlightenment*, trans. Fritz C. A. Koelln and James P. Pettegrove (Princeton, 1951 [1932]), 132-84, at 132; Carl Becker, *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven, Conn., 1932).

“Pluralizing Enlightenment(s).”¹²² They found that they were more comfortable discussing a constellation of contemporaneous Enlightenment *debates*, characterized more by the expansively public form in which they were carried out, than by any particular hierarchy of (liberal) *demands*.¹²³ Scholars examining British Enlightenment thought, for example, have determined that the average controversialist in eighteenth-century England was less anticlerical and less critical of church establishments than his Parisian counterpart.¹²⁴ This makes sense because, as Linda Colley has emphasized, most Britons still thought of the (limited) toleration their Parliament had given to certain groups of religious dissenters as an achievement that simply could not have happened in “despotic” Catholic countries like France and Spain.¹²⁵ This increased attention to the cultural contexts in which Enlightenment debates played out has effectively demoted Locke from his former status as progenitor of Enlightenment by indicating that his influence was rather muted—and perhaps in no place more so than in his own native Britain.

¹²² See Sankar Muthu, *Enlightenment against Empire* (Princeton, 2003), esp. xii, 260-66; Jonathan Sheehan, “Enlightenment, Religion, and the Enigma of Secularization: A Review Essay,” *American Historical Review* 108, no. 4 (October 2003): 1061-80; J. G. A. Pocock, *Barbarism and Religion, vol. 1: The Enlightenments of Edward Gibbon, 1737-1764* (Cambridge, 1999), 1-10.

¹²³ Dorinda Outram, *The Enlightenment* (Cambridge and New York, 1995).

¹²⁴ Roy Porter, “The Enlightenment in England,” in *The Enlightenment in National Context*, ed. Roy Porter and Mikuláš Teich (Cambridge, 1981), 1-18; B. W. Young, *Religion and Enlightenment in Eighteenth-Century England: Theological Debate from Locke to Burke* (Oxford, 1998); Pocock, *Barbarism and Religion, vol. 1*, and *Barbarism and Religion, vol. 2: Narratives of Civil Government* (Cambridge, 2001).

¹²⁵ Linda Colley, *Britons: Forging the Nation* (New Haven and London, 1992), 11-54, at 31.

This chapter builds from a smaller strand of rejoinders to the view of a Locke-led Enlightenment, a strand which has influenced the writing that exists on prudential toleration in post-1700 Europe. Two especially generative essays in the edited volume *Toleration in Enlightenment Europe* (2000), one by Sylvana Tomaselli and the other by Martin Fitzpatrick, argue for “the flexibility of the arguments and traditions in favour of toleration” in Enlightenment Europe.¹²⁶ Tomaselli scrutinizes and contextualizes the arguments made by such giants as Locke, Voltaire, Montesquieu, and Bentham for religious toleration. She finds that Enlightenment thinkers tended to stress utility—or, better said, the disutility of persecution—in their advocacy for toleration. “Individuals,” she writes, “were not encouraged to develop a forbearance of differences because it would make them better human beings. Toleration, or more accurately, the end of intolerance, it was thought, would make for a better world, one with less pain and civil as well as intellectual disorder.”¹²⁷ Emphasizing that Locke, Voltaire, and Montesquieu all rationalized toleration as a means to political stability or commercial prosperity rather than as an end in itself, Tomaselli supports Fitzpatrick’s contention that Enlightenment thinkers said very little that was new on the subject of religious toleration. Rather, they drew from and sometimes recombined as many as six already-established “approaches, intellectual and practical, to the issue of toleration.”¹²⁸

Fitzpatrick schematizes these “identifiable [tolerationist] traditions” as the religious (indefatigable rights of conscience—Lutheran), the irenic (Renaissance

¹²⁶ Fitzpatrick, “Toleration,” 29.

¹²⁷ Tomaselli, “Intolerance,” 86-101, at 86.

¹²⁸ Fitzpatrick, “Toleration,” 23-68, at 27.

humanist—Erasmian), the “sceptical humanistic” or fallibilist (perhaps along the lines of Nicholas of Cusa and Marsilio Ficino—though neither fifteenth-century thinker might have imagined himself being appropriated by a Pierre Bayle or John Locke in this way¹²⁹), the “sceptical *libertin*” (à la Montaigne), the republican (emphasizing the classical principle that a minimal belief in the transcendental significance of one’s moral choices entitled such beliefs’ holders to citizenship), and the *politique* (like medieval *tolerantia*—tolerating certain practices one might personally find repugnant in order to prevent a greater evil). For Fitzpatrick, the inventiveness of Locke’s *Letter Concerning Toleration* (1689) consisted in how it interwove “the traditions of toleration in a way which was both cautious and pragmatic, and principled.”¹³⁰ Fitzpatrick’s survey concludes that even later eighteenth-century figures like Immanuel Kant or Tom Paine,

¹²⁹ Peter Harrison explains that in the fifteenth-century context in which Cusanus and Ficino wrote, the notion that multiple modes of piety were essentially reflections of one “true religion” may not have implied that these thinkers saw the likelihood or unlikelihood of verifying religious truth claims as central concerns. “When,” Harrison notes, “there is no *propositional* ‘religion’ supposedly at the heart of the religious life, and when there are no ‘religions’ construed as mutually contradictory sets of propositions, then the modern problem of ‘conflicting religious truth claims’ cannot come into play. The concessions which Cusanus and Ficino made to other peoples were made on the basis of an assumed common piety, which for them was the primary element of the religious life.” Peter Harrison, “*Religion*” and the Religions in the English Enlightenment (Cambridge, 1990), 11-14, at 14, emphasis in original.

¹³⁰ Fitzpatrick, “Toleration,” 38. For example, Locke objected to tolerating atheists on quasi-republican grounds—if no ultimate concern is at stake in the oaths one makes to his fellow citizens, what is to prevent him from making false pledges to further his private interests?—while still coming across as unrelentingly Protestant in his commitment to the autonomy of the individual conscience—“for everyone is orthodox to himself.” The latter adage evokes the sense in which the fallibilist and the religious impulses might blend with one another. John Locke, *A Letter Concerning Toleration, Being a Translation of the Epistola de Tolerantia*, trans. William Popple, in *The Works of John Locke*, 12th edition, 9 vols. (London, 1824 [1689]), 5:1-58, at 47, 5.

who rejected “toleration” on the grounds that it implied that some authority retained a “right of granting [or withholding] liberty of conscience,”¹³¹ melded “the new Enlightened language of rights and the older languages in which toleration was implicitly or explicitly a dispensation or [magnanimous] favour.”¹³²

Fitzpatrick and Tomaselli urge scholars to see Enlightenment arguments for religious toleration as bound up with innovations in statecraft, some of which began before the Treaty of Westphalia but all of which bore implications for those trying to strengthen Europe’s confessional states after 1648. This is why Tomaselli goes so far as to suggest, “It may well be that the Enlightenment proves to be first and foremost a movement calling for good government and well-policed countries, and that pleas for toleration are to be considered, and hence judged, primarily in that context.”¹³³ A claim of this sort hints at the influence Foucault’s studies on early modern innovations in “police” (as in, the science of policy) might exert on our interpretations of Enlightenment. Foucault, Pasquale Pasquino, and Colin Gordon note that whereas statesmanship in the Machiavellian tradition consisted, theoretically, in doing whatever one needed to do in order to maintain oneself as the state’s recognized sovereign, the critics of Machiavellian statecraft, particularly the German Cameralists, emphasized the

¹³¹ Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke’s Attack on the French Revolution* (Dublin, 1791), 74.

¹³² Fitzpatrick, “Toleration,” 27-29, 46, at 29. Paine’s company in repudiating the concept of toleration on these grounds included Mirabeau, Goethe, and Schiller. See also Joachim Whaley, “A Tolerant Society? Religious Toleration in the Holy Roman Empire, 1648-1806,” 175-95, and Ernestine Van der Wall, “Toleration and Enlightenment in the Dutch Republic,” 114-32, in *Toleration in Enlightenment Europe*. For Immanuel Kant’s quarrel with “the haughty name of tolerance,” see his essay “What is Enlightenment?” (1784).

¹³³ Tomaselli, “Intolerance,” 87.

alignment between the sovereign's and subjects' worldly interests.¹³⁴ This change of perspective ensured that arguments for and against toleration would be pitched primarily at those tasked with calculating states' interests: princes, legislators, and bureaucrats.¹³⁵ Consequently, "whether one stressed the role of the State in providing toleration, or suggested that the State should not interfere in matters of religion, proponents of conservative or radical theories of toleration all believed that their policies were beneficial in secular terms."¹³⁶

Tomaselli's take on Voltaire's *Treatise on Toleration* (1763) exemplifies this perspective. She compares Voltaire with Bentham, whose thinking on the issue of toleration consistently adhered to the "eighteenth-century belief that population growth is the true measure of a people's happiness." Accordingly, she quotes from Voltaire's *Treatise* at the point where he "venture[s] to suppose, that some spirited and enlightened minister, some humane and provident prelate, or some prince who knows that his interest consists in the multitude of his subjects, and his glory in their happiness, ... will naturally say to himself, 'What risk can I run, in seeing my lands well-cultivated and inhabited by more numerous labourers, in seeing my revenues augmented, and my states rendered more flourishing?'" From here, she goes on to remind her reader that Voltaire had already

¹³⁴ See Colin Gordon, "Governmental Rationality: An Introduction," in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago, 1991), esp. 8-12; see also Michel Foucault, "Governmentality," 87-104, and Pasquale Pasquino, "Theatrum Politicum: The Genealogy of Capital—Police and the State of Prosperity," 105-118, in *The Foucault Effect*.

¹³⁵ Tomaselli, "Intolerance," 91.

¹³⁶ Fitzpatrick, "Toleration," 33. The most widely-read work in *Polizeiwissenschaft* in eighteenth-century Europe was probably Frederick the Great and Voltaire's collaboration: the *Anti-Machiavel* (1740).

heaped praised on England in his 1733 *Lettres philosophiques* for, as he saw it, recognizing that toleration could help a nation to prosper by promoting immigration, brisk commerce, and an open scientific and philosophical culture.¹³⁷ In short, Tomaselli's Voltaire is the Voltaire of his major work in eighteenth-century "police" science: the *Anti-Machiavel* (1740). The basic argument of the *Anti-Machiavel* is that it is better for a prince to aid his subjects in the pursuit of their own interests than it is to make his subjects fearful of him.¹³⁸ Voltaire ghostwrote the text with Frederick the Great of Prussia, who, not coincidentally, became a prince widely regarded as a virtuoso of both religious toleration and good governance by the end of the eighteenth century.

I will not go so far as to argue that *all* eighteenth-century claims on behalf of religious toleration were subsumed within visions of good government. For instance, Tomaselli's reading of Voltaire may place too strong an accent on the opening movement in his *Treatise*. It is true that in the first five chapters of the text (i.e. roughly the first third

¹³⁷ Tomaselli, "Intolerance," 92; Voltaire, *Treatise on Toleration*, 1763, quoted in *Ibid.*, 93; *Ibid.* As Fitzpatrick points out in a footnote, Voltaire's *Lettres philosophiques* underestimated the limits on freedom of speech in early eighteenth-century England. He implied that the fourth of the Cambridge theologian Thomas Woolston's six *Discourses on the Miracles of our Saviour* (1727-9) "would be published with impunity, whereas it led to Woolston's trial and imprisonment in 1729. ... Nor did Voltaire pay much attention to the limitations of the Toleration Act [of 1689] (he seemed to have been unaware that Dissent was officially a crime until the Mansfield verdict of 1767) and of intolerance towards Roman Catholics, who in the 1720s were undergoing particularly hard times." Fitzpatrick," 62 n. 68.

¹³⁸ As the text has it, Machiavelli's "most captious Argument" is that "a Prince will find his Account more in making himself feared than loved; ... because Affection is a Tye which the Baseness of Human Nature has rendered extremely weak." The *Anti-Machiavel* preaches instead "that a Prince who has the Talent of making himself beloved, will reign over the Hearts of his Subjects, that his Subjects will think it their Interest to obey such a Master." *Anti-Machiavel: or, An Examination of Machiavel's Prince, with Notes Historical and Political. Published by M. de Voltaire* (London, 1741) 188, 190.

of it) he continually returns to the idea that measures of “indulgence” in religion, wherever they occur, contribute to the creation of “rich and populous” provinces.¹³⁹ It is also true that, throughout those chapters, his primary interest remains the “prudent” utilization of toleration to foster allegiance and to prevent Protestant dissatisfaction with the French state.¹⁴⁰ He even specifies that his viewpoint in these opening chapters is the viewpoint of the state’s strength: “I have had only the interest of nations in view.”¹⁴¹ Nevertheless, Voltaire does switch gears as he goes along. He moves through an endorsement of what he believes to be the central message of Locke’s *Letter Concerning Toleration*—“man has it not in his power to believe or disbelieve*; but he has it in his power to pay a proper respect to the established customs of his country”—en route to what is, ultimately, an argument encouraging individuals to forebear differences in order to become better persons: “Religion is instituted to make us happy in this life and the next. But what is required to make us happy in the life to come? to be just; and in this? to

¹³⁹ *A Treatise Upon Toleration by Mr. de Voltaire. Carefully Corrected* (Glasgow, 1765), at 29, 32. He says this of Alsace in France, but thinks similarly about Carolina in the Americas, the Ottoman Empire in the Middle East, and England across the Channel. *Ibid.*, at 32-33, 37, 34, 39-40. Wherever Voltaire mentions the ill consequences of persecutory policies, he offers some account of the loss in terms of cultivation and trade. For example, he notes that “the intendant of Rouen says, that, the manufacture of hats at Caudebec and Neufchatel is greatly fallen off since the refugees left that country.” Recounting a massacre of Calvinists in Provence that occurred back in the sixteenth century, he insists that the notable thing about the 6,000 or so victims prior to the violence was simply that they “had been settled for upwards of three hundred years in deserts and on mountains, which they had rendered fertile by incredible labour.” *Ibid.*, 38 n. 26.

¹⁴⁰ *Ibid.*, 34.

¹⁴¹ *A Treatise Upon Toleration by Mr. de Voltaire. Carefully Corrected* (Glasgow, 1765), 38.

be merciful and forbearing.”¹⁴² Still, it remains appropriate to stress, as Tomaselli does, that Voltaire’s starting point for the whole discussion is the disutility of persecution if one’s goal is “to render [Protestants in France] useful to the state, and to prevent them from ever becoming dangerous.”¹⁴³

This framing of the question in Voltaire’s *Treatise* suggests, as Foucault’s history of governmentality in the eighteenth century would predict, that a “mercantilist/cameralist” outlook on how to govern predominated for most of the century.¹⁴⁴ For Foucault, mercantilism names a style of practicing governance that aims to maximize the state’s strength and wealth in a context of competition with relatively equal states pursuing their own growth in strength and wealth.¹⁴⁵ This is a helpful understanding of mercantilism. As Voltaire and Frederick the Great imply in the *Anti-Machiavel*, the question of how to multiply the state’s natural and human resources

¹⁴² Voltaire’s footnote (at *) says, “See Mr. Locke’s excellent letter upon toleration.” *A Treatise Upon Toleration by Mr. de Voltaire. Carefully Corrected* (Glasgow, 1765), 81, 147.

¹⁴³ *A Treatise Upon Toleration by Mr. de Voltaire. Carefully Corrected* (Glasgow, 1765), 40. Or, as Voltaire poses it at the outset, the question to “examine maturely” is “whether there is any reason to apprehend, that indulgence would occasion the same rebellions as cruelty and oppression.” *Ibid.*, 29.

¹⁴⁴ Foucault always identifies mercantilism and Cameralist “police science” with one another—and suggests that they are thoroughly compatible with enlightened absolutism, as well. See Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (Basingstoke, 2007) 68, 70, 101. In Lecture 1, given on 11 January 1978, he says of the seventeenth century in France, “I don’t need to tell you that in his period, and in this region of Europe, we are right in the middle of mercantilism, or rather of cameralism, that is to say, of the problem of how to ensure maximum economic development within a rigid system of sovereignty.” *Ibid.*, 15.

¹⁴⁵ Foucault, Lecture 13, 5 April 1978, in *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (Basingstoke, 2007), 337.

dominated mercantilist/cameralist reasoning in governance. “As the Nature of Countries is very different,” they say, “there are some whose Riches and Strength depend upon Agriculture, others upon Vineyards, some upon Manufactures, and others upon Commerce ... Princes who choose this mild and amiable way of increasing their Power, will be obliged to study the particular Nature of their Country, in order to know which of those Arts is most likely to thrive in it, and consequently which of them they ought most to encourage.”¹⁴⁶ The idea that the chief index of governmental success is a thriving, growing population is emphatically a mercantilist idea. What emerges with distinct clarity in Foucault’s portrayal of mercantilism, then, is the way in which mercantilist governmental techniques are organized around what Foucault calls “sovereignty.”¹⁴⁷ Sovereignty is about continuing one’s own or one’s dynasty’s recognition as the highest authority over a territory. Mercantilism, Foucault argues, “took as its essential objective the might of the sovereign; it sought a way not so much to increase the wealth of the country as to allow *the ruler* to accumulate wealth, build up his treasury and create the army with which he could carry out his policies. And the instruments mercantilism used were laws, decrees, regulations: that is to say, the traditional weapons of sovereignty.”¹⁴⁸

¹⁴⁶ *Anti-Machiavel*, 264-65.

¹⁴⁷ On sovereignty, see Michel Foucault, “Governmentality,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago, 1991), 89-91, 96-99; David Scott, “Colonial Governmentality,” *Social Text*, no. 43 (Autumn 1995): 191-220, at 202.

¹⁴⁸ Foucault, “Governmentality,” 98. Later in the same year’s lectures, Foucault elaborated on this understanding of mercantilism, maintaining that “mercantilism requires, first, that every country try to have the largest possible population, second, that the entire population be put to work, third, that the wages given to the population be as low as possible so that, fourth, the cost price of goods is the lowest possible and one can

Figured as a technique for soliciting subjects' affections (as it is in the early portion of Voltaire's *Treatise*), toleration addressed this problematic of sovereignty; it was conceived of primarily as an aid to ruling regimes in their attempts to prolong their hold on the reins of state.

Arguing along these lines, I share Wendy Brown's theoretical concern to incorporate modern processes of state legitimation within a Foucauldian account of *modern* governmentality. Foucault's notion of sovereignty undoubtedly offers a helpful key to British imperial and colonial government perspectives on toleration in this period. But his summation of the process of modern state formation as a transition from the "mental and institutional structure ... of sovereignty" to the "governmentalization of the state" runs the risk of implying that at some point the techniques used in the consolidation of sovereignty should have disappeared from the repertoire of modern governmental practice.¹⁴⁹ As Brown notes, Foucault wished to distinguish exceptionally clearly between sovereignty—the authority, as in the family, to say what is permitted and what is not—and government, in which the juridical role of the state can be very minor.

thus sell the maximum amount abroad, which will bring about the import of gold, the transfer of gold into the royal treasury, or in any case, in this way the country will triumph commercially. In the first place gold will, of course, provide for the recruitment of soldiers and for the military force indispensable for the growth of the state and its game in the European equilibrium, and it will also provide for the stimulation of production, and hence new commercial progress." This is his re-articulation of a briefer formulation: "ultimately it is not men who must be rich; it is the state itself. This is in fact one of the fundamental features of mercantilist politics at this time. The problem is the wealth of the state and not that of the population." Foucault, Lecture 13, 5 April 1978, and Lecture 11, 15 March 1978, in *Security, Territory, Population*, 337, 277, respectively.

¹⁴⁹ Foucault, "Governmentality," 98, 103.

Yet “if state legitimacy needs determine at least some portion of political life,” writes Brown, “then this is a fact with which a theory of the imperatives conditioning and organizing governance ought to reckon—and Foucault’s theory does not.”¹⁵⁰ Or it may simply be the case that the precise form taken of what Foucault called the “tricky adjustment” between the state’s function as “object of political accountability” and its articulation with nonstate conduits of governance always requires historical specification. As Brown recognizes, Foucault suggests as much with his notion of a “triangle” of sovereignty, discipline, and government: “we need to see things not in terms of a replacement of a disciplinary society and the subsequent replacement of a disciplinary society by a society of government; in reality one has a triangle, sovereignty-discipline-government, which has as its primary target the population and its essential mechanism the apparatuses of security.”¹⁵¹ By examining religious toleration in Ireland along with some of the reflection on its practice from the later eighteenth century, we can see how certain British and Irish politicians aimed at transforming a time-honored technique for consolidating colonial sovereignty into what Foucault calls an “apparatus of security.” This is to say that they broached the possibility that prudential toleration would become, over time, part of the infrastructure ensuring “natural regulation” in a society marked as colonial.¹⁵²

In a qualified way, then, I embrace Foucault’s suggestion that the advent of liberalism brought changes in governmental reasoning. For Foucault, liberalism is, at its

¹⁵⁰ Wendy Brown, *Regulating Aversion*, 83.

¹⁵¹ Foucault, “Governmentality,” 102, quoted in Brown, *Regulating Aversion*, 82.

¹⁵² Gordon, “Governmental Rationality,” 17.

core, a flexible style of practicing governance rather than an economic doctrine centered in private property or a theory of legitimate rule of law. It is the search for a best “principle of self-limitation of governmental reason”—for a reliable method of determining what Bentham called “the *agenda* and the *non-agenda* of government.”¹⁵³ Foucault contends that liberals began to practice government in a distinctly liberal way when they adopted Adam Smith’s economics as axiomatic social theory. On the surface this was a well-worn argument, but Foucault stressed that the key principle in Smith’s idea of the invisible hand was precisely the reduced visual scope it prescribed for the governor. It was best that *no one* know by what magic the sovereign’s pursuit of his own interests and everyone else’s pursuit of their own interests produces what is in the interest of all. Thus, “real-liberal” insights into how to govern people and populations are those that do their reckoning under the assumption that the interests of individuals, as economic and social creatures, retain a degree of inscrutability that cannot be grasped in full by the ruler or manager. Ultimately, a manager signals his embrace of this blind-spotted rationality by making *infrastructure* the privileged site of his or her activity: seeking, as Patrick Joyce puts it, “to secure interventions in conduct which were neither arbitrary nor

¹⁵³ Michel Foucault, Lecture 1, 10 January 1979, in *The Birth of Biopolitics: Lectures at the Collège de France, 1978-79*, ed. Michel Senellart, trans. Graham Burchell (New York, 2008), 10; Gordon, “Governmental Rationality,” 18. For Foucault’s definition of “liberalism,” see Lecture 1, 10 January 1979, in *Birth of Biopolitics*, 10-22, esp. 20-21; Michel Senellart, “Course Context,” in *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (New York, 2007), 382-85.

direct” by erecting or maintaining the mechanisms that “permitted the ‘social’ to operate freely, and according to its own equilibrium as a natural system.”¹⁵⁴

The market is only one such realm of social activity. In his account of nineteenth-century liberalism, Foucauldian scholar Graham Burchell maintains that it was “in the name of *society* and its economic processes, in the name of their specific naturalness and immanent mechanisms of ‘self-government’ or self-regulation, that government by the state [was] *both criticized and, so to speak, demanded.*”¹⁵⁵ In so far as the representatives of the state, and those who held their feet to the fire, committed themselves to lodging government within the fabric of society—i.e. securing the mechanisms that “civil society” generated through its own “internal ... play of egoistic and non-egoistic interests”—they exercised a mandate to derive “forms of regulation which permit and facilitate natural regulation.”¹⁵⁶ In domains such as the nineteenth-century factory, where the adequate supervisory techniques appeared to require little or even no visible presence of the state, government had financial as well as legitimizing incentives to adopt it.¹⁵⁷

As it turns out, the same could be said of religion operating under a regime of across-the-board prudential toleration. Joseph Priestley suggested as much as early as 1768. Even though the bulk of his writing on toleration offered a Lockean rationale for

¹⁵⁴ Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London and New York, 2003), 70.

¹⁵⁵ Graham Burchell, “Peculiar Interests: Civil Society and Governing ‘the system of natural liberty,’” in *Foucault Effect*, 140-41, at 140, my emphasis.

¹⁵⁶ *Ibid.*; Colin Gordon, “Governmental Rationality,” 19, citing Foucault, Lecture, Collège de France, 5 April 1978.

¹⁵⁷ See Jacques Donzelot, *L’invention du social* (Paris, 1984), 144-46, cited by Colin Gordon, “Governmental Rationality,” 25-26.

why civic authorities could have no claim to influence over religious matters—i.e. religious matters were matters of individual belief—he did allow civic authorities an indirect influence upon religious authorities’ precepts. He suggested that religious toleration, extended to all sects indiscriminately, could turn religions themselves into partners in governance. How would this be the case? Priestley observed that “all the modes of religion, which subsist among mankind ... endorse the more essential parts, at least, of that conduct, which the good order of society requires.” This was true even with the term religion “understood in its greatest latitude, ... comprehending enthusiasm, superstition, and every species of false religion, as well as the true.” Therefore, “it might be expected that if all the modes of religion were equally protected by the civil magistrate, they would all vie with one another, which should best deserve that protection.”¹⁵⁸ At this particular moment in his essay, in other words, Priestley suddenly slipped in a bit of prudential tolerationist common sense. The suggestion that a toleration that struck religious groups as *protective* in nature would induce competition among them for the right to future favors from the state could only have seemed convincing if its readers shared the assumption that the state was not obliged to treat the groups in question so generously. Fortunately for Priestley’s rhetorical aims, “toleration” typically referred to this kind of prudential transaction for most of the eighteenth century in most of the Anglophone world. In this way, Priestley’s principle on this form of “alliance that can take place between religion and civil policy” came across as a governmental

¹⁵⁸ Joseph Priestley, *An Essay on the first principles of government and on the nature of political, civil, and religious liberty* (Dublin, 1768), 120-21.

universal, even as his mission was to define principles of government only for the “present advanced state of human society.”¹⁵⁹

So while I agree with historian David Scott that the Foucauldian account of liberalism as a type of governmentality offers a viable method for revising the history of liberal imperialism, I add that later liberals could see pre-modern regimes as having already discovered how to “create regulations that enable natural regulation to work.”¹⁶⁰ This is not so much in evidence if one assumes that economic (non-)intervention must have been the original training ground for liberal *laissez-faire*.¹⁶¹ Yet prudential toleration—understood as a magnanimous abstention from religious persecution—may have supplied another model of permitting processes of population to keep from “veering off course,” as Foucault would put it.¹⁶² After all, part of ensuring that “society” reliably reproduces itself across the generations is keeping intact the positive reinforcements people find in forming affective networks in the way that they do. This is by no means a well-understood, thoroughly-diagrammable phenomenon; the sphere of social institutions’ cohesion and/or dissolution—what Adam Ferguson began to analyze under

¹⁵⁹ Ibid., 121, 119.

¹⁶⁰ Foucault, Lecture 13, 5 April 1978, in *Security, Territory, Population*, 353. See Scott, “Colonial Governmentality,” 191-220.

¹⁶¹ Unless one understands the term, as the French Physiocrats did, in the most active possible sense of “letting,” or “permitting to,” *go*. See Gordon, “Governmental Rationality,” 15-17.

¹⁶² Foucault, Lecture 13, 5 April 1978, in *Security, Territory, Population: Lectures at the Collège de France*, ed. Michel Senellart and trans. Graham Burchell (New York, 2007), 353.

the heading “civil society” in 1767—is obdurately complex.¹⁶³ Nevertheless, experience would at least have indicated that co-religionists usually saw their fates as bound up together, and, as we have seen Priestley implying above, prudential toleration could be expected to reinforce this evidently *natural* pattern of bonding, no matter how its internal dynamics actually worked.

There is, finally, no need to share Foucault’s assumption that this black-boxing knowledge operation that coordinates liberal governmental praxis has an entirely metropolitan European history. That assumption reproduces the implication in much scholarship on liberal imperialism that if liberalism reached the colonies, it did so because ideas and norms flowed outward from the metropolises in Europe. But liberal governmentality also emerged in the colonies—in accordance with distinctly colonial rationales. Colonial political exigencies gave imperial liberals ample opportunity to play out the notion that toleration might transform religions into delegated structures of government management. Over the course of his career, Edmund Burke approached this realization—though, of course, not by consciously adopting Priestley’s schema. The inspiration and the stakes for Burke’s initiatives on behalf of Ireland’s Catholics were

¹⁶³ Ferguson held that “the multiplicity of forms ... which different societies offer to our view, is almost infinite. The classes into which they distribute their members, the manner in which they establish the legislative and executive powers, the imperceptible circumstances by which they are led to have different customs, and to confer on their governors unequal measures of power and authority, give rise to perpetual distinction between constitutions the most nearly resembling one another, and give to human affairs a variety in detail, which, in its full extent, no understanding can comprehend, and no memory retain.” *An Essay on the History of Civil Society*, ed. Duncan Forbes (Edinburgh, 1966 [1767]), 64.

imperial, not domestic, and his tolerationist instincts fell into line with those of actual liberals in the colonies, such as James Murray, the first British governor in Quebec.

Real-Functioning Imperial Liberalism ... Before Liberalism?

In 1774, Parliament passed the Quebec Act, which included one of the earliest applications of (prudential) toleration to a religious majority. The Quebec Act guaranteed Catholics “in the said province” the “free exercise” of their religion, and permitted them to hold public offices there. This also meant that paying tithes to the Catholic Church in Quebec exempted one from having to pay tithes to the Anglican episcopacy.¹⁶⁴ As Jacqueline Hill has emphasized in a seminal article, the Quebec Act is worthy of attention because the Irish Catholic Relief Acts of 1778 and 1782 shared the same underlying logic: the unrulier the (Protestant) American colonists got, the more urgent it became for Parliament to reward loyal constituencies of subjects and consolidate their allegiance.¹⁶⁵ The Acts’ religious provisions reflected Governor Murray’s input; Burke invoked them as a suitable model for Ireland in Parliament and in print.

The substance of Murray’s advice is of particular interest. As early as 1764, he began suggesting that the French Canadians were “a race, who could they be indulged with a few privileges which the laws of England deny to Roman Catholics at home, would soon get the better of every national antipathy to their conquerors and become the

¹⁶⁴ An Act for making more effectual Provision for the Government of the Province of Quebec in North America, 14 Geo. III.

¹⁶⁵ Jacqueline Hill, “Religious Toleration,” esp. 104-05. See also Donovan, “Military Origins”; Jacqueline Hill, *From Patriots to Unionists: Dublin Civic Politics and Irish Protestant Patriotism, 1660-1840* (Oxford, 1997), 213-18; Robert E. Burns, “The Catholic Relief Act in Ireland, 1778,” *Church History* 32, no. 2 (June 1963): 181-206, esp. 187-90.

most faithful and most useful set of men in this American empire.”¹⁶⁶ Clearly, by faithful, Murray meant loyal—not that he wanted them to become more devout. However, what interests me in Murray’s formulation is his confident assumption of the post of conqueror (along with the seemingly consequent naming of the Canadians as a race/nation in and of themselves now that France had ceded their territory to the British). Down through the end of the century, Whig arguments for concessions to Irish Catholics would share a similar embrace of the rights of the conqueror as the embodiment of the prerogative *not* to tolerate. The Whigs considered this prerogative integral to their apparatus of toleration because they found it to be an indispensable tool for managing subjects’ dispositions.

Irish politicians took immediate notice of the prudential logic behind the Quebec Act. As parliamentary agent for New York, Burke felt duty-bound to speak out against the bill because it failed to establish an elected legislative assembly. This would deprive British landholders, particularly those living in the disputed Quebec/New York border territory, of representation against the authority of the crown. However, he exempted the Quebec Act’s religious provisions from scorn. These he cited as a model for “Catholic toleration” that should be applied with all possible speed in Ireland, Scotland, and England.¹⁶⁷ In the Irish House of Commons, Henry Grattan picked up where Burke left off. From the start of his parliamentary career in 1775, Grattan advocated enfranchising

¹⁶⁶ Quoted in Hill, “Religious Toleration,” 102.

¹⁶⁷ Edmund Burke, Speech in the House of Commons, 7 June 1774, cited in Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005), 95. On Burke’s support for toleration of Catholics as something that distinguished him from most other opponents of the Quebec Act, see also Philip Lawson, *The Imperial Challenge: Quebec and Britain in the Age of the American Revolution* (Kingston, Ont., 1989), 138-144.

Catholics in order to give them a more evident stake in Ireland's aristocratic government.¹⁶⁸ The question he posed for the Irish House of Commons in 1782—"not [simply] whether we shall show mercy to the Roman Catholics, but whether we shall mould the inhabitants of Ireland into a *people*"—was a Burkean (and, indeed, a Murrayan) one. And insofar as it inquired into how governing-effects might transform subjects' habits, it was also a liberal one. Thus, Grattan went on, "If you love the Roman Catholic, you may be sure of a return from him; but if you treat him with cruelty, you must always live in fear, conscious that you merit his resentment. ... [The] gentlemen who speak of the enormities committed by Catholics groaning under a system of penal laws, do not take into account the enlightening and softening of men's minds by toleration."¹⁶⁹ He would continue to champion Catholic emancipation in this manner

¹⁶⁸ Lecky, *History of Ireland*, 2:209. Historians since Lecky have continually stressed that Grattan was a reformer in the sense that Burke was. No democrat: a true Whig; a classical liberal. "At every period of his life," Lecky wrote, "he contended that Ireland could only be well governed when its political system was so organized that the direction of the country was in the hands of Irish property and Irish intelligence." Lecky, *History of Ireland*, 3:18. For a similar characterization, see R. B. McDowell, *Grattan: A Life* (Dublin, 2001). For a perspective that challenges this consensus, see Danny Mansergh, *Grattan's Failure: Parliamentary Opposition and the People in Ireland 1779-1800* (Dublin, 2005).

¹⁶⁹ Catholic Question, 20 February 1782, in *Speeches of Henry Grattan*, 54, italics in original. "[N]or do they consider," Grattan continued, "that as they increase in wealth they will increase in learning and politeness." This idea of a "softening" effect of toleration suggests that Grattan, like Burke, was a technologist in soft power. It is also interesting that Grattan so immediately annexes economic rehabilitation to religious habilitation here. His argument would be used again by the Edinburgh Reviewer and political economist Francis Jeffrey in an 1807 essay on the Catholic question. Jeffrey argued that the example of Scottish presbyterians showed that "the stiffness of their original Calvinism [has] been softened by the indulgence with which they have been treated" since the late seventeenth century. [Francis Jeffrey], "Pamphlets on the Catholic Question," *Edinburgh Review*, vol. 10, no. 21 (1807): 130. On the expectations that the

through the 1790s, even after he realized, with the recall of his Whig ally (and Burke's protégé) the Earl Fitzwilliam from the lord-lieutenancy in 1795, that the British cabinet and their Irish council would not let it happen.¹⁷⁰

Burke, it has to be said, sought to safeguard the sovereign's right to withhold toleration in a distinctively muted manner. For starters, any abstract language of "rights" sat uneasily with him.¹⁷¹ As he wrote in 1766, "This speculative Idea of a right [being] deduced from the unlimited Nature of the supreme authority, [is] very clear and very undeniable, but ... Practical, executive, exertion of this Right may be impractical, may be inequitable and may be contrary to the Genius and Spirit of the Constitution which gives this right at least contrary to the principles of Liberty."¹⁷² In general, he found "abstract ideas too airy [a] diet." He found them particularly out of place in a discussion of religious toleration, as he told Parliament in reply to a disquisition by Charles James Fox on how the "religious rights" of Unitarians to "interpret the scriptures in [their] own way" were "unalienable rights" that carried over from the state of nature into the state of

introduction of political economy in Irish classrooms would ultimately have a *doux commerce* ideological function and serve as an antidote to Protestant-Catholic strife, see Thomas A. Boylan and Timothy P. Foley, "'Next to Godliness': Political Economy, Ireland, and Ideology," in *Political Economy and Colonial Ireland: The Propagation and Ideological Function of Economic Discourse in the Nineteenth Century* (London and New York, 1992), 116-60.

¹⁷⁰ Henry Grattan to Edmund Burke, 15 April 1795, National Library of Ireland (NLI), Fitzwilliam MSS, microfilm P5641.

¹⁷¹ For an expert elaboration of Burke's reasoning on this front, see Richard Bourke, "Liberty, Authority, and Trust in Burke's Idea of Empire," *Journal of the History of Ideas* 61, no. 3 (July 2000): 453-71, esp. 461-65.

¹⁷² Burke, Draft speech on the Rockingham Administration's Declaratory Resolution, 1766, quoted in Bourke, "Liberty, Authority, and Trust," 456.

society.¹⁷³ In addition, as Richard Bourke has argued persuasively, Burke's conception of what it took to "perfect" a colonial conquest involved the steady erasure of the "spirit of conquest." Eighteenth-century Europeans commonly understood the spirit of conquest to refer to the arbitrary pursuit of a ruler's own military glory. Burke subscribed to this understanding; he conceived of the "politics of conquest" as the antidote to the conqueror's militant mindset. In other words, as Bourke puts it, "Politics had to be brought to the experience of conquest since it provided the only method of progressing beyond that raw and embittered condition. ... The politics of conquest looked towards the transcendence of militancy, and with this the institution of progressively enlightened accommodation." This approach to empire—this disavowal of the spirit of conquest by means of what Bourke astutely calls a "displacement" of it—underpinned Burke's tireless call for "generosity" in newly acquired territories.¹⁷⁴

¹⁷³ I have also quoted Burke's line about "abstract ideas" in my introduction. See above, p. 3. Edmund Burke, "Speech on a motion to relieve Unitarians from certain penal statutes," 11 May 1792, in [William Cobbett's] *Parliamentary History*, vol. 29, col. 1389; Charles James Fox, "Speech introducing a motion to relieve Unitarians from certain penal statutes," 11 May 1792, in *Ibid.*, col. 1373, col. 1380, col. 1373. See also Charles James Fox, "Speech introducing a motion to relieve Unitarians from certain penal statutes," 11 May 1792, in *The History and Proceedings of the Lords and Commons During the Second Session of the Seventeenth Parliament of Great Britain* (London, 1792), 417, for a succinct, contemporary rendering of Fox's conception of "religious rights" as a "[man's] right to think for himself in all points of religion." (For Fox's side of the exchange with Burke, Cobbett apparently followed the more prolix summary of Fox's speech given by John Debrett in [Debrett's] *Parliamentary Register; or History of the Proceedings and Debates of the House of Lords and House of Commons*, 112 vols. (London, 1775-1813), 33:17-27.

¹⁷⁴ Richard Bourke, "Edmund Burke and the Politics of Conquest," *Modern Intellectual History* 4, no. 3 (November 2007): 403-32, at 412, 416, 428, and 422. On Burke's particular view of "generosity" in conquest, see also Bourke, "Liberty, Authority and Trust."

For Burke, to be generous was not to abandon all sovereign prerogatives—just those that militated against the perfecting of conquests. For instance, he looked at the debate over the political structure to be secured by the Quebec Act as an opportunity to give the French Canadians the gift of some British institutions, whether or not they had any basis in French political experience. In Parliament, he was unabashed to proclaim the superiority of English law over the “Germanic”-inspired French law that had been in effect in Canada prior to British possession.¹⁷⁵ Why this sudden burst of cultural chauvinism? The Burkean epithet “Germanic” encoded a criticism of French law that it had been forged in a time when it was calculated to favor aristocracy—at the expense of the people and the executive—in government. Burke therefore implored Parliament to impose a dose of top-down reform, targeted around instituting trial by jury in Canada, so that a mechanism of self-correction against the grasping designs of nobles would be included within the colonial legal structure.¹⁷⁶ The stakes for Burke’s suggestions went all the way to the fabric of society itself. He was banking on the paradoxical idea that natural habits of appropriate subordination and deference could only be brought about and regularized in due course under a “moderate” governmental structure of some sort—like, but not necessarily equivalent to, the English constitution.¹⁷⁷ Reforms that could be

¹⁷⁵ Edmund Burke, “Speech on the Quebec Bill,” 31 May 1774, in *Debates of the House of Commons in the Year 1774, on the Bill for Making More Effectual Provision for the Government of the Province of Quebec*, ed. John Wright (London, 1839), 85, cited in Bourke, “Burke and the Politics of Conquest,” 421.

¹⁷⁶ Bourke, “Burke and the Politics of Conquest,” 412-23.

¹⁷⁷ Bourke, “Liberty, Authority and Trust,” esp. 467-71; Bourke, “Burke and the Politics of Conquest,” 423: “Aristocratic opposition to the uses of juries in civil cases was plainly based on a misunderstanding of the true interests of the *noblesse*, Burke asserted. A jury

trusted to bring a conquered province's constitutional order into balance were, for Burke, good uses of sovereign power. This concern, which Burke felt as a responsibility, to enact measured political improvement was one reason that Burke never waived from the belief that sovereignty had to be "absolute in principle."¹⁷⁸ People, like the French in Canada, could not always be expected to know what they would come to see as benefits until such imposed reforms were given time to have their social effects.¹⁷⁹

In her recent book on "imperial liberalism," historian Jennifer Pitts places a threshold between earlier critics of empire, such as Adam Smith, Burke, and Jeremy Bentham, and nineteenth-century liberals who took the "turn to empire," like James and

system would act as a restraint upon their ambition, thus reconciling the many to the ascendancy of the few. Without such reconciliation, no polity could reasonably be expected to endure. Unrestrained ambition ... bred arrogance and chauvinism, which together generated social division."

¹⁷⁸ Bourke, "Liberty, Authority, and Trust," 455; Richard Bourke, "Sovereignty, Opinion, and Revolution in Edmund Burke," *History of European Ideas* 25, no. 5 (September 1999), 99-120; I have quoted above from his 1766 statement to this effect. In 1791, he adhered to the same basic assertion in his *Appeal from the New to the Old Whigs*, drawing on Hobbes's arguments from the 1640s against any sort of natural right of revolt against established political authority. Edmund Burke, *An Appeal from the New to the Old Whigs*, 1791, in *The Works of the Right Honourable Edmund Burke, vol. VI* (London, 1803), 210-11, cited in Bourke, "Sovereignty, Opinion," 99.

¹⁷⁹ Edmund Burke, Speeches in the House of Commons, 31 May and 8 June 1774, in *Debates of the House of Commons in the Year 1774, on the Bill for Making More Effectual Provision for the Government of the Province of Quebec*, ed. John Wright (London, 1839), 88, 288-89, cited in Bourke, "Burke and the Politics of Conquest," 411. Significantly, as Richard Bourke explains, Burke was drawing from the argument of Sir John Davies' *Discoverie of the True Causes Why Ireland was never Entirely Subdued, nor Brought under the Obedience of the Crowne of England, until His Majesties Happie Raigne* (London, 1612). Davies had served as attorney general in Ireland under James I, and had been a key player in carrying out the plantation of Ulster from c. 1606-1613. His basic argument was that, between 1171 and the death of Queen Elizabeth I, England had failed at every turn to "perfect" its conquest of Ireland by failing to "communicate their Lawes to the rude & barbarous people, whom they had conquered." Bourke, "Burke and the Politics of Conquest," 415-20, at 417.

John Stuart Mill. Though all of these thinkers shared basic “values of equal human dignity, freedom, the rule of law, and accountable, representative government,” what separates the imperial liberals, for Pitts, is a certain “civilizational self-confidence” that their predecessors did not share. Their sense “that the commercial and civil society in Europe granted Europeans authority to bring about progress elsewhere” was the ground beneath their advocacy for “increasingly interventionist policies in colonized societies’ systems of education, law, property, and religion.”¹⁸⁰ So in its defining features, Pitts’s category “imperial liberalism” matches with what other scholars have rendered as “liberal imperialism.”¹⁸¹ But one can surmise that Pitts prefers “imperial liberalism” because it connotes deep intellectual affinities between earlier criticisms of empire and liberal imperialism—while facilitating, at the same time, a clearer distinction than scholars have traditionally drawn between essentially eighteenth-century liberals like Smith and Bentham and their self-ascribed disciples of the nineteenth century.¹⁸² Another terminological advantage of “imperial liberalism” is the connotation that its geographical provenance might simply be imperial—in the manner, for example, of a Rammohan Roy

¹⁸⁰ Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005), 1, 4, 240, 32-33, 21.

¹⁸¹ E.g. Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton and Oxford, 2010); Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, 1999); Thomas Metcalf, *Ideologies of the Raj* (Cambridge, 1995), Ch. 2.

¹⁸² There is not an explicit discussion of her preference for “imperial liberalism” over “liberal imperialism” in Pitts’s book. In a footnote in her chapter on Bentham, however, she criticizes Donald Winch for eliding major differences by placing Smith and Bentham “in a tradition of ‘classical liberal imperialism’ stretching from the eighteenth century through J. S. Mill.” Pitts, *Turn to Empire*, 295 n. 27.

or, indeed, of an Edmund Burke—rather than necessarily projected outward from the metropole to the colonies.¹⁸³

In Burke's case, I would actually place him more firmly within the imperial liberal fold. At first glance, he is probably the most controversial of Pitts's selections as an intellectual predecessor of the liberal civilizing mission in the colonies, and he is unquestionably a complex case—perhaps because it is hard to know how much to privilege the Burke of the *Reflections*.¹⁸⁴ Yet as we have just seen, he was a subtle supporter of interventionist policies in certain colonial circumstances, and this support clearly stemmed from a confidence that post-1688 England had worked out a model of mixed monarchy that suited a commercial age.¹⁸⁵ Furthermore, as Pitts has shown, his criticism of the East India Company and the Irish Protestant Ascendancy reflected the liberal impulses in his thought, especially “its suspicion of the exercise of arbitrary and unaccountable power and its commitment to the moral equality of all human beings.”¹⁸⁶ Several scholars have noted that the causes Burke championed in the House of Commons carried radical, reformist implications with respect to Ireland and India, whether or not he

¹⁸³ For recent scholarship that treats Rammohan Roy in this way, see, e.g., Lynn Zastoupil, *Rammohun Roy and the Making of Victorian Britain* (New York and London, 2010); Andrew Sartori, *Bengal in Global Concept History* (Chicago, 2008), Ch. 3.

¹⁸⁴ Eric Stokes, for example, took the *Reflections* to epitomize Burke's political thought. Stokes, *The English Utilitarians and India* (Oxford, 1959), xvi, 8-25.

¹⁸⁵ Bourke, “Burke and the Politics of Conquest,” 422.

¹⁸⁶ Pitts, *Turn to Empire*, 63.

wanted them to.¹⁸⁷ His career-long advocacy for Catholic relief in Ireland is, in this light, a case in point.

Indeed, Burke's prime example of how the "spirit of conquest" could be overindulged was the exclusionary legislation in force against Catholics in Ireland.¹⁸⁸ In his draft of "Tracts Relating to Popery Laws," begun in the early 1760s, he complained of the penal laws enacted under Queen Anne that "These Bills met no opposition either in the Irish Parliament or in the English Council, ... And, to say the truth, these Laws at first view have rather an appearance of a plan of vexatious Legislation and crooked law-chicanery, than of a direct and sanguinary attack upon the rights of private conscience."¹⁸⁹ What was immediately crooked about them was that they were made to promote Protestant landholding at the clear expense of Catholics. They even gave Catholic children an incentive to dispossess their parents and/or their siblings of their inheritance by converting to Anglican Protestantism.¹⁹⁰ What was vexatious about them was that they barred Catholics from acquiring new land on any terms other than leases of

¹⁸⁷ Kevin Whelan, "Introduction to Section 1," in *1798: A Bicentenary Perspective*, ed. Thomas Bartlett, David Dickson, Dáire Keogh, and Kevin Whelan (Dublin, 2003), 4; Conor Cruise O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke* (Chicago, 1992); Seamus Deane, "Factions and Fictions: Burke, Colonialism, and Revolution," in *Foreign Affections: Essays on Edmund Burke* (Notre Dame, IN, 2005), 86-102; Mehta, *Liberalism and Empire*.

¹⁸⁸ Bourke, "Burke and the Politics of Conquest," 427, 432. On how the contrasts he saw between the relative tranquility of eighteenth-century England and the enduring antagonism and resentment that plagued his native Ireland motivated Burke's political philosophizing, see also Thomas Mahoney, *Edmund Burke and Ireland* (Cambridge, Mass., 1960); Séan Patrick Donlan, ed., *Edmund Burke's Irish Identities* (Dublin, 2007).

¹⁸⁹ Edmund Burke, "Tracts Relating to Popery Laws," 1765, in *The Writings and Speeches of Edmund Burke, Volume IX*, ed. R. B. McDowell (Oxford, 1991), 481.

¹⁹⁰ *Ibid.*, 437-42.

thirty-one or fewer years.¹⁹¹ “This confinement of landed property to one set of hands, and preventing its free circulation through the community,” Burke argued, “is a most leading article of ill policy, because it is one of the most capital discouragements to all that industry which may be employed on the lasting improvement of the soil ... The desire of acquisition,” he added, “is always a passion of long views. Confine a man to momentary possession, and you at once cut off that laudable avarice which every wise State has cherished as one of the first principles of its greatness.”¹⁹² His economic logic was nothing out of the ordinary for the time; the cry in favor of security of tenure was already well on its way to becoming a platitude in British India. What ultimately grieved Burke about the penal laws in Ireland was that they only snowballed after Anne’s reign: “as the Chief Governours found that such things were extremely acceptable to the leading people in that Country, they were willing enough to gratify them with the ruin of their fellow citizens; ... for many years there was no speech from the Throne, which did not with great appearance of seriousness recommend the passing of such Laws, and scarce a Session went over without in effect passing some of them; until they have by degrees grown to be the most considerable head in the Irish Statute Book.”¹⁹³ If the crux of Burke’s complaint was that “a Law which shuts out from all secure and valuable property the bulk of the people, ... would be repugnant to the essence of Law, which requires that

¹⁹¹ The statutes Burke was referring to were “An Act to Prevent the Further Growth of Popery” and “An Act for Explaining and Amending an Act Intituled, An Act to Prevent the Further Growth of Popery,” 2 Anne, c. 6 (1704) and 8 Anne, c. 3 (1709).

¹⁹² Burke, “Tracts Relating to Popery Laws,” 476-77.

¹⁹³ *Ibid.*, 481.

it be made as much as possible for the benefit of the whole,”¹⁹⁴ it was this fact about the statute book that evoked the specter of the spirit of conquest.

We get a sense of how Burke linked the accumulation of penal laws to the spirit of conquest from his letter to the Catholic Committee leader Lord Kenmare of 1782. As he perused a first draft of the heads of that year’s Catholic Relief Bill, Burke sniped, “One would imagine, that a Bill inflicting such a multitude of incapacities, had followed on the heels of a conquest made by a very fierce Enemy under the impression of recent animosity and resentment.”¹⁹⁵ He did not need to say that the litany of Catholic incapacities that accumulated in the statute book in the earlier eighteenth century evinced precisely the same animating spirit. Significantly, the version of the 1782 relief bill that drew Burke’s ire was that proposed in the Irish House of Commons on 5 February 1782 by John Dillon, acting on behalf of Luke Gardiner. In devising his Relief Bill, Gardiner had realized that there were so many penal laws in place against Catholics that it might be unmanageable to have debates on all of those that he specifically wished to repeal. He therefore planned to have an opening clause that would place Catholics on the same footing as Protestants, which he would then follow with a series of clauses naming the things that Catholics could not do—e.g. sit in Parliament, vote, hold municipal office, be

¹⁹⁴ *Ibid.*, 456-67.

¹⁹⁵ Edmund Burke, Letter to Lord Kenmare, 21 February 1782, in *The Writings and Speeches of Edmund Burke, Volume IX*, ed. R. B. McDowell (Oxford, 1991), 567. Spelling and punctuation as in original. The letter was published a year later, with a few tactful omissions, under the title *A Letter from a Distinguished English Commoner, (Rt. Hon. Ed—d B—ke) to a Peer of Ireland on the Penal Laws against Catholics ... printed for Matthew Doyle* (Dublin, 1783). It was the first of Burke’s writings on the subject of Catholic relief to appear in print.

members of a corporation, enter the legal profession, or keep firearms in their houses. As the bill was being discussed in committee, its format changed to one in which the particular disabilities to be repealed were enumerated, and the reshaped bill ultimately passed.¹⁹⁶ But the final form of the bill was not the one that Burke reviewed. Burke called the bill in its original format, as introduced by Dillon, “a Table of proscription [rather] than an act of Grace.” Its list of specified exclusions was what prompted Burke to inveigh, “No man, in reading that Bill, could imagine he was reading an act of amnesty and indulgence, following a recital of the good behaviour of those who are the objects of it[.]”¹⁹⁷ In these pithy remarks, Burke showed that his knee-jerk conception of toleration was as a practice of grace, amnesty, and indulgence toward a deserving group of good subjects, and he insinuated that such prudential toleration belonged among the politics of conquest that ought to mitigate the spirit of conquest. As he mentioned to his dear son Richard in 1792, he appreciated how, since the accession of George III, the Westminster government had been “wearing out the vestiges of conquest [in Ireland], and settling all descriptions of people on the bottom of one protecting and constitutional System,” but he worried that “the Castle has omitted nothing to break that [highly politic] Line of policy.”¹⁹⁸ This insistence upon imperial grace, amnesty, and indulgence was the subtle manner in which Burke carved out a space in his politics of conquest for the absolute

¹⁹⁶ R. B. McDowell, Editor’s note on Burke, Letter to Lord Kenmare, in *The Writings and Speeches of Edmund Burke, Volume IX*, ed. R. B. McDowell (Oxford, 1991), 564-65.

¹⁹⁷ Burke, Letter to Lord Kenmare, 568, 567.

¹⁹⁸ Edmund Burke to Richard Burke, Jr., 26 January 1792, in *The Correspondence of Edmund Burke, Vol. VII: January 1792-August 1794*, ed. P. J. Marshall and John A. Woods (Cambridge and Chicago, 1968), 40.

authority of the sovereign. One could not felicitously perform such generous gestures without sovereign rights that were, at least in principle, unaccountable.

Burke conveyed this practical understanding of toleration at both ends of his political career. In 1764, he drafted a petition on behalf of Ireland's Catholics to the English crown for relief from the penal laws. The Catholic Committee eventually put this document to use in their campaign for a relaxation of the penal laws in 1778. In it, Burke pleaded that all the Irish Catholics asked was that "that behaviour, which your majesty's benignity and condescension will esteem a merit in our circumstances, may entitle us, not to reward, but to such toleration as may enable us to become useful citizens to our country, and subjects as profitable, as we are loyal to your majesty."¹⁹⁹ Throughout the document, he structured the main ideas of paragraphs accordingly: "We your Majesty's most dutiful subjects, the Roman Catholics of your Kingdom of Ireland, with hearts full of loyalty, ... beg leave to lay at your majesty's feet some small part of those numerous and insupportable grievances under which we have long groaned"; "We are deeply sensible of your majesty's clemency"; "We are, may it please your majesty, a numerous and very industrious part of your majesty's subjects"; "Permit us, most gracious sovereign, on this occasion, to reiterate the assurances of our unshaken loyalty"; "we neither wish, nor desire, to receive any thing, but as a mere act of your majesty's clemency, and of the indulgence and equity of your parliament."²⁰⁰ There was, of course,

¹⁹⁹ [Edmund Burke], "Address and Petition of the Irish Catholics," [1764] in *The Writings and Speeches of Edmund Burke, Volume IX*, ed. R. B. McDowell (Oxford, 1991), 432-33.

²⁰⁰ *Ibid.*, 429-434, at 429, 430, 433.

an established formula for petitioning, and Burke, as a lawyer, knew how to follow it. But later in his career, he defended the formula itself as part of how toleration needed to operate. In 1792, he told his son Richard, who had taken a job as Secretary to the Catholic Committee in Ireland, that “it is of infinite Moment, that *matters of Grace* should emanate from the old sovereign authority. The Harmony of the two Kingdoms requires, that the King’s Government should not stand chargeable with any thing proscriptive or oppressive, or which leans with a weight of odium and prejudice *on any quiet description* of his Subjects.”²⁰¹

Again, I have teased out these elements of Burke’s ideological armature not to paint him as a “Burkean conservative” but rather to suggest a way in which we might discuss continuities between what he would have called “liberality” and later liberals’ liberalism. Burke’s advocacy for extensions of toleration to majority religions in the Americas, Ireland, and the Indian subcontinent rested on the idea of reinforcing “natural governments,” which would have their own semblances of established churches whether Protestant, Catholic, or Hindu.²⁰² As the Foucauldian scholars working on governmentality have pointed out, liberalism can be considered an open-ended repertoire for criticizing the fit between politico-cultural institutions and the “natural” reality that

²⁰¹ Edmund Burke to Richard Burke, Jr., 26 January 1792, in *The Correspondence of Edmund Burke, Vol. VII: January 1792-August 1794*, ed. P. J. Marshall and John A. Woods (Cambridge and Chicago, 1968), 40-41, my emphases.

²⁰² Edmund Burke, “Thoughts on French Affairs,” December 1791 (published posthumously), quoted in Hill, *Patriots to Unionists*, 215. Significantly, one of his clearest articulations of this principle came in his *Letter to Sir Hercules Langrishe* in February 1792. There he argued that the 1688 revolution settlement had mandated that the king of England be “of the Christian religion” but not necessarily Protestant if the law of the land were to change.

they purport to govern.²⁰³ Rather than identify liberal thinkers by their adherence to certain abstract principles concerning the legitimate exercise of sovereignty, Foucault chose to define liberalism through its anxious “concern with the adequate technical form of governmental action.”²⁰⁴ Thus, while it may be true that liberals have consistently shown “a commitment to certain individual rights (specifically equality before the law, freedom of the press, and religious freedom),”²⁰⁵ Foucault would contend that the reason for this is not “liberalism’s affinity for the juridical as such, but because law provides general forms of intervention which preclude particular, individual exceptional measures.”²⁰⁶ Burke could play the role of a problematizer in this sense, as his remarks on Fox’s East India Bill from 1783 indicate: “We are in general, Sir, so little acquainted with Indian details; the instruments of oppression under which the people suffer are so hard to be understood; and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. ... All these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all.”²⁰⁷ As Pitts observes, Burke frequently hinted that India was too unfamiliar to be governed in line with a British sense of the normative. Yet he groped after its comparable aspects (e.g. property laws, a national religion), decided that it

²⁰³ Graham Burchell, “Peculiar Interests,” 140-41.

²⁰⁴ Colin Gordon, “Governmental Rationality,” 18.

²⁰⁵ Cheryl Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York, 1984), 4. Quoted by Pitts, *Turn to Empire*, 3.

²⁰⁶ Michel Foucault, “History of Systems of Thought, 1979,” trans. James Bernauer, *Philosophy and Social Criticism* 8, no. 3 (Fall, 1981): 357.

²⁰⁷ Speech on Fox’s East India Bill, 1 December 1783, in *Writings and Speeches, vol. V*, 403-04. Quoted in Pitts, *Turn to Empire*, 73.

possessed a sophisticated and time-honored civilization, and, in the end, formally condemned Warren Hastings for failing to uphold European norms of good governance—norms he thus implicitly proposed to recalibrate. In this restless manner, he “set extraordinarily high standards of governance, which not only the British Empire itself, but even its most high-minded defenders in the nineteenth century, persistently failed to meet.”²⁰⁸ His scrupulous attention to the specific (“gracious, ... conciliatory, ... and politick”) “mode” in which religious toleration should be extended to Irish Catholics was of a piece with *this* liberalism.²⁰⁹

Imperial Liberalism and Enlightenment: Burke

Part of what makes it difficult, however, to “capture a true Burke” is that he channeled several currents of Enlightenment thought.²¹⁰ One of these was certainly the civic humanist’s obsession with the degree to which different types of political community induced citizens’ virtuous engagement with the affairs of the commonwealth. Adam Ferguson and Denis Diderot shared Burke’s fear that territorial expansion would confer dignity on the pursuit of spoils and create a periphery in which inhabitants were likely to attend exclusively to their private interests.²¹¹ At the same time, Burke was a

²⁰⁸ Pitts, *Turn to Empire*, 60-73, at 61.

²⁰⁹ Edmund to Richard, 26 January 1792, 41.

²¹⁰ Stephen K. White, *Edmund Burke: Modernity, Politics, and Aesthetics* (Lanham, MD: 2000), xx. See also J. G. A. Pocock, “Burke and the Ancient Constitution: A Problem in the History of Ideas,” in *Politics, Language, and Time: Essays on Political Thought and History* (Chicago and London, 1971), 202-32, at 231-32.

²¹¹ Muthu, *Enlightenment Against Empire*, 95, 120, with particular reference throughout this section to [Denis Diderot], *Histoire philosophique et politique des établissements des Européens dans les Deux Indes*, Book XIII, ed. Abbé (Guillaume-Thomas-François) Raynal (Paris, 1774). See also Iain Hampsher-Monk, “Edmund Burke and Empire,” in

friend and sympathetic reader of Adam Smith, as one might guess from the objections to short-term leases that he raised in his “Tracts Relating to Popery Laws.”²¹² Here it is also worth recalling that Smith’s *Wealth of Nations* (1776) followed up his “Lectures on Jurisprudence” as a foray into the science of *police*.²¹³ This is to say that Burke was conversant with that mercantilist/cameralist strand of Enlightenment, highlighted by Tomaselli, that was “first and foremost a movement calling for good government and well-policed countries.”²¹⁴ Finally, if one were to isolate portions of his “Tracts Relating to Popery Laws,” one might be led to argue that he was a Lockean liberal where toleration was concerned. Like Voltaire, Burke wrote that it was not “in a man’s moral power to change his religion whenever his convenience requires it.” Furthermore, he trusted that the state should only need to bare its coercive power when persons’ “vices

Proceedings of the British Academy, vol. 155: Lineages of Empire: The Historical Roots of British Imperial Thought, ed. Duncan Kelly (Oxford, 2009), 117-36, esp. 124-25 and 132-33. Along similar lines, Adam Ferguson wrote, “Distance from the feats of administration, and indifference to the persons who contend for preferment, teach the majority to consider themselves as the subjects of a sovereignty, not as the members of a political body.” See Ferguson, *An Essay on the History of Civil Society, 1767*, ed. Duncan Forbes (Edinburgh, 1966), 271-72.

²¹² Both were members of the estimable Turk’s Head Club, along with Samuel Johnson, Sir William Jones, Edward Gibbon, and Sir Joshua Reynolds. Burke was an original member of the Club, which Johnson and Reynolds had started in 1764. Smith was elected to membership in 1775. Garland Cannon, *The Life and Mind of Oriental Jones: Sir William Jones, the Father of Modern Linguistics* (Cambridge, 1990), 58-60.

²¹³ See Gordon, “Governmental Rationality,” 16, for this reminder.

²¹⁴ Tomaselli, “Intolerance,” 87. In this connection, see also Richard Bourke’s conclusion to his “Burke and the Politics of Conquest” essay: “For Burke . . . the spirit of conquest would always thrive where chance combined with poor political design to permit the human weakness for either perfidy or resentment to get the better of trust and moderation. The best that one could hope for from human skill was the contrivance of a science of legislation that would prescribe systematic arrangements by which exposure to such hazards could be reduced.” Bourke, “Burke and the Politics of Conquest,” 432.

and follies ... actually strike at the root of order.” At this early point in his career, he was even comfortable saying that “a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society.”²¹⁵

But Burke’s practical activities on behalf of Irish Catholics force us to balance our appraisal. All of these revolved around demonstrating that Catholics were loyal subjects whose “quietness,” as we saw above, should be met halfway with prudential toleration. In light of the petition that reached the king, the letter to Lord Kenmare of 1782, and the guidance that he gave to his son, who was himself in a position to steer Catholic Committee activism in the early 1790s, the passage that best sums up the “Tracts Relating to Popery Laws” is Burke’s blunt remark, “I think the real danger to every State is to render its subjects justly discontented.”²¹⁶ This was a frank expression of his instinct that governance consisted above all in the building of trust throughout an extended web of essentially personal relationships between those in ruling positions and those whom they governed.²¹⁷

Much like Voltaire, who wrote his *Treatise on Toleration* at the same time that he was spearheading a letter-writing and pamphlet campaign against the Toulouse *parlement*’s execution of Calvinist Jean Calas on murder charges, Burke had his feet firmly planted in a world of practical political action when he was drawing up his notes

²¹⁵ Burke, “Tracts Relating to Popery Laws,” 464, 468, 463.

²¹⁶ *Ibid.*, 479.

²¹⁷ See Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (Basingstoke, 2008), 29-41, 50-57; and Bourke, “Liberty, Authority, and Trust,” esp. 470.

on the Irish penal laws.²¹⁸ In Voltaire's case, once he had become convinced that Calas was innocent, he made sure to portray Calas as a peaceable, dutiful "*père de famille*" who would doubtless make a fine citizen as long as he suffered no persecution at the hands of authorities claiming to be protecting Catholicism.²¹⁹ In Burke's case, perhaps even more so than in Voltaire's, we do well to remember that his "Tracts Relating to the Popery Laws" were conceived first and foremost as a screed against the disutility of persecution rather than an incitement to individuals to act more tolerantly toward one another. Burke's plan for the document, which survives, makes this much clear. Chapter 1, which does not survive, was to be devoted to

introductory matter, and in stating the Popery Laws in general as one leading cause of the imbecility of the Country.

Ch. II. states particularly the Laws themselves, in a plain and popular manner.

Ch. III. begins the Remarks upon them, under the heads of, 1st. The Object, which is a numerous people. 2dly. Their means, a restraint on Property. 3dly. Their instruments of execution, corrupted morals; which affect the national prosperity.

Ch. IV. The impolicy of those Laws as they affect the national security.

²¹⁸ As R. B. McDowell suggests, he jotted them down not only with publication in mind but also in the event that he might discuss the Catholic question with Chief Secretary Hamilton. McDowell, Editor's note on Burke, "Tracts Relating to Popery Laws," 434.

²¹⁹ David D. Bien, "Religious Persecution in the French Enlightenment," *Church History* 30, no. 3 (September 1961), 325-33, at 332. Marisa Linton, "Citizenship and Religious Toleration in France," in *Toleration in Enlightenment Europe*, 165-66, adds that Calas's lawyers, both before his death and posthumously, kept up the same type of portrayal of Calas and his family. On the Calas case and Voltaire's campaign more generally, see David D. Bien, *The Calas Affair: Persecution, Toleration and Heresy in Eighteenth-Century Toulouse* (Princeton, 1960).

Ch. V. Reasons by which the Laws are supported, and answers to them.²²⁰

This condemnatory framework enabled Burke to marshal every kind of anti-persecution argument he could muster. These included the Lockean refrains mentioned above, as well as a direct citation from Pierre Bayle to the effect that “if the principle of [penal laws’] final and beneficial intention be admitted as a just ground for such proceedings, there never was, in the blameable sense of the word, nor never can be such a thing, as a religious persecution in the world. Such an intention is pretended by all men.”²²¹

The point here is that Enlightenment arguments for religious toleration cannot be expected to have fit into a presumed commitment on the part of Enlightenment thinkers to freedom of thought and/or written expression. In the next chapter, we encounter British East India Company servants who had read their Gibbon and Hume, and who shared their fear that too much encouragement of public debate might open the floodgates of fanaticism derived from “enthusiasm”—the claim to be guided in religious matters solely by a light that comes directly from God, with no need of mediation.²²² For Voltaire, the bogey to be dreaded was the fanaticism that came about when people dug in their heels in response to insults hurled at their religion. As David Bien points out, Voltaire considered religious minorities every bit as likely to engage in this kind of haughty saber-rattling as majority groups, and for this reason suggested that they should be allowed to manifest it

²²⁰ Burke, “Tracts Relating to Popery Laws,” 435. Chapters 2 through 4 survive. Chapter 2 is actually one of the most comprehensive records of the penal laws in force in mid eighteenth-century Ireland available for historians.

²²¹ *Ibid.*, 463.

²²² J. G. A. Pocock, *Barbarism and Religion, Volume 2: Narratives of Civil Government* (Cambridge, 1999), 94, 194-95.

only in small gatherings in private homes.²²³ The guiding maxim of “Cambridge School” historiography applies here: the precise political and practical contexts in which eighteenth-century authors formulated their utterances concerning religious toleration conditioned the ways in which they framed each particular written performance. The chapter on “Religious Liberty and Toleration” in Priestley’s *Essay on the First Principles of Government* is, again, a good concluding example. The substance of that chapter took shape as Priestley wrote to convince fellow Dissenters that Catholics in England deserved all of the religious and political rights that Dissenters were trying to gain for themselves.²²⁴ Perhaps because he knew he needed to overturn a massive weight of anti-Catholic prejudice, Priestley drew upon a whole battery of “enlightened” arguments for

²²³ Bien, “Religious Persecution in the French Enlightenment,” 331. This helps explain his support for the expulsion of the Jesuits from France, his unwillingness to intercede on behalf of a Protestant Toulouse pastor named Rochette, who was executed in 1762 for inciting rebellion by preaching the doctrines of Calvin, and his initial outrage over the murder that Jean Calas was accused of committing. Before inquiring into the matter and eventually meeting Calas’s widow, Voltaire wrote: “this saintly Protestant thought his action was good, since his son wanted to become a Catholic, and this averted an apostasy. He had sacrificed his son to the Lord, and thought himself far superior to Abraham, for Abraham had done no more than obey, while our Calvinist hanged his son of his own accord, to keep his conscience clear. We are not worth very much, but the Huguenots are worse than us.” Voltaire to Antoine Le Bault, 22 March 1762, quoted in Voltaire, *Selected Writings*, ed. Christopher Thacker (London, 1995), 141.

²²⁴ Martin Fitzpatrick, “Joseph Priestley and the Cause of Universal Toleration,” *Price-Priestley Newsletter*, no. 1 (1977): 3-30, esp. 9-15. See also [Joseph Priestley], *A free address to Protestant Dissenters as such by a Dissenter* (London, 1769); Joseph Priestley, *An Essay on the first principles of government and on the nature of political, civil, and religious liberty, including remarks on Dr. Brown’s Code of education, and on Dr. Balguy’s Sermon on church authority. The second edition, corrected and enlarged* (London, 1771), esp. 111, 120; [Joseph Priestley], *A free address to those who have petitioned for the repeal of the late Act of Parliament in favour of the Roman Catholics by a lover of peace and truth* (London, 1780); Joseph Priestley, *Lectures on History and Civil Policy* (London, 1788).

the “full toleration” he had in mind. These included the empirical point that countries where the state interfered as little as possible in religious matters (as in the Netherlands) were peaceable and had flourishing trade. There was also the practical point that “an open enemy is less dangerous than a secret one.”²²⁵ Finally, there was the suggestion, highlighted earlier in this chapter, that a toleration that came across to religious communities as *protective* in nature would induce competition among them for the right to future favors from the state. Not unlike the Burke of the “Tracts Relating to Popery Laws,” he mounted all of these arguments on top of what, according to Priestley expert Martin Fitzpatrick, he self-consciously “considered to be a radicalization of Lockean theory.”²²⁶

Colonial Enlightenment and Liberalism: Arthur O’Leary

The Irish Enlightenment’s second-most celebrated campaigner, behind Burke, for religious toleration should, similarly, be read with a close eye on context. In 1781, Father Arthur O’Leary of Cork published his own *Essay on Toleration*, which ran to three editions by 1782 and was reprinted in Dublin, London, and Philadelphia over the ensuing 15 years. O’Leary wrote that Locke had approached the topic from the perspective of “a profound philosopher; Voltaire as a partial satirist in a declamatory style.” For his part,

²²⁵ Priestley, *Principles of Government* (1768), 117, 134. See also Locke, *Letter*, 58: “let those dissenters but enjoy the same privileges in civils as [the magistrate’s] other subjects, and he will quickly find that these religious meetings will no longer be dangerous: for if men enter into religious conspiracies, it is not religion that inspires them to it in their meetings, but their sufferings and oppressions that make them willing to ease themselves. Just and moderate governments are every where quiet, and every where safe: but oppression raises ferments, and makes men struggle to cast off an uneasy and tyrannical yoke.”

²²⁶ Fitzpatrick, “Toleration,” 41.

“confined to the province of a divine,” he planned to “arraign at the bar of religion itself, the calamities to which the mistakes, or passions of men, have given rise, under pretence of vindicating the deity.”²²⁷ So here again we find a promise to obey the generic conventions of the anti-persecution screed. And this is exactly what the opening movement of the essay delivers. Despite O’Leary’s disclaimer that “time does not allow me to enter into a detail of those melancholy scenes, which misconstrued religion has displayed,” the first ten pages of the tract are full of those details, from the early Roman persecutions of the Christian sect through to the Gordon Riots in London that had taken place the previous year.²²⁸ Once the essay takes its turn past Locke and Voltaire to an elaboration of the strictly religious case against persecution, the essay’s claim to be doing something different has space to justify itself. But the timing and packaging of O’Leary’s

²²⁷ Arthur O’Leary, *Essay on Toleration; or, Mr. O’Leary’s Plea for Liberty of Conscience*, in *Miscellaneous Tracts by the Rev. Arthur O’Leary*, printed by Thomas McDonnell (Dublin, 1781), 14.

²²⁸ O’Leary, *Essay on Toleration*, 4-14, at 5. The Gordon Riots receive only passing mention in this dissertation; they are often seen as a final crescendo of the anti-Catholic/anti-“Papist” sentiment that Dissenting and Anglican Protestants alike brandished as a badge of British national identification in the eighteenth century. They occurred in June of 1780 when Lord George Gordon, the head of the national Protestant Association based in London, whipped up a mob of 40,000 to 60,000 supporters to march on Parliament in support of a petition for a repeal of the 1778 Catholic Relief Acts in England and Wales. The march quickly turned ugly; members of the House of Lords faced attacks as they arrived for the day’s session on 2 June, embassies of Catholic countries were torched, and over the next four days, rampaging, sacking, and burning occurred in Irish areas of the City and targeted Catholic churches and houses. For the standard treatment of the Gordon Riots, see Colin Haydon, *Anti-Catholicism in Eighteenth-Century England: A Political and Social Study* (Manchester, 1993), 204-44. See additional discussion in Colley, *Britons*, 22-23; Carol Houlihan Flynn, “Whatever Happened to the Gordon Riots?” in *A Companion to the Eighteenth-Century English Novel and Culture*, ed. Paula Backscheider and Catherine Ingrassia (Chichester, West Sussex, 2009), 459-80.

essay should lead us to consider the contextual significance of an Irish Catholic priest's simple, non-anonymous claim to be articulating the common Christian justification for toleration in the early 1780s.

If one context for O'Leary's essay was the response to the Gordon Riots in London, its immediate Irish context was the Volunteer movement. During the American War for Independence, the prospect of an enemy invasion of Ireland became a realistic possibility when the French entered the war on the American side in 1779. In response, Parliament decided to raise a volunteer militia in Ireland. One complicating factor in this defense scheme was that Catholics were officially prohibited, under the penal laws, from having guns in their houses or serving in the armed forces until 1793. In the event, individual counties negotiated this difficulty in their own ways, which meant that by the end of the war, many Volunteer corps included significant numbers of Catholics and even some Catholic officers.²²⁹ O'Leary was himself named a chaplain to the Irish Brigade of Volunteers from Dublin in 1782. He was also, from the start, a known proponent of the idea that Catholics should be allowed to serve in the military. They were loyal subjects, as they had proven by abstaining from involvement during the last Jacobite invasion in mainland Britain back in 1745; serving in the Volunteer Corps would allow them to redouble the proof of that loyalty and would merit civil and religious rehabilitation under the law. As he suggested in his 1776 pamphlet *Loyalty Asserted*, "[E]qually destitute of property and arms to defend it, our duty is confined to passive loyalty, enforced by

²²⁹ Padhraig Higgins, *A Nation of Politicians: Gender, Patriotism, and Political Culture in Late Eighteenth-Century Ireland* (Madison, Wisc., 2010), 218-222.

religion. Let interest and the liberty of purchasing step in as an active principle, and you will not find one Catholic in the kingdom but will be as sanguine as yourself in defense of his substance, and the common cause, against Pope or Pretender.”²³⁰ He returned to the proposition in 1779 in an address to the common ranks of Catholics in Ireland, noting that the “Prussian, Dutch, and Hanoverian Catholics live under Protestant governments, and join their sovereigns against Catholic powers. Their religion is the same with yours; and this religion enforces obedience to the king and magistrates under whom we live.” He exhorted his addressees, “Your unshaken loyalty under the most trying circumstances, ... the quiet and peaceful manner you in which you behaved on a late occasion when you imagined the enemy at your doors, ... are pledges of your loyalty and good conduct, and happy omens of your steady perseverance in the same line.”²³¹ And so were O’Leary’s literary performances in the context of a nascent Volunteering movement.

The titles that his pamphlets bore in publication suggest a consistent *modus operandi* of loyalty assertion. Their frequent appearance together in one volume suggests that this strategy may have come from O’Leary’s Dublin publisher Thomas McDonnell as much as from O’Leary himself. McDonnell was a Catholic printer, who in the early 1790s joined and then withdrew from the Dublin Society of United Irishmen. McDonnell

²³⁰ Arthur O’Leary, *Loyalty Asserted; or, The New Test Oath Vindicated, and Proved by the Principles of the Canon and Civil Laws, and the Authority of the Most Eminent Writers. With an Enquiry into the Pope’s Deposing Powers and the Groundless Claims of the Stuarts, in a Letter to a Protestant Gentleman*, [1776], in *Miscellaneous Tracts by the Reverend Arthur O’Leary*, 20.

²³¹ Arthur O’Leary, *An Address to the Common People of the Roman Catholic Religion, Concerning the Apprehended French Invasion*, [1779], in *The Life and Writings of the Rev. Arthur O’Leary*, comp. Rev. M. B. Buckley (Dublin, 1868) 110, 101.

was also the publisher, in 1791, of a new edition of Burke's letter to Lord Kenmare, which, after a remove of nine years, could easily have been read as a barefaced complaint that the 1782 Catholic Relief Act was the type of legislation that only the most severe conqueror would dare to decree. In any case, McDonnell printed the *Essay on Toleration; or, Mr. O'Leary's Plea for Liberty of Conscience* in a volume that also included the earlier O'Leary pamphlets *Loyalty Asserted* and the *Address to the Common People of Ireland, on Occasion of an Apprehended Invasion by the French and Spaniards, in July 1779*. Two Dublin editions of this collection of *Miscellaneous Tracts* appeared in 1781, followed by an "enlarged and corrected" third edition printed in London in 1782. In 1797, McDonnell issued a third Dublin edition of the volume. Rounding out a collection of writings that included O'Leary's earlier pieces as it did in McDonnell's hands, O'Leary's "plea for liberty of conscience" sat poised to capitalize on a fundamental ambiguity. It could have registered as an argument in favor of liberty of conscience in general, or, just as easily, it could have appeared to be a plea for the particular liberty of O'Leary's ("enlightened Catholic"²³²) conscience, depending on different kinds of sympathetic readers' tolerationist pre-inclinations. For those inclined to agree with O'Leary that "by toleration we mean impunity, safety, and protection granted by the state to every sect that does not maintain doctrines inconsistent with the public peace," the mere fact that the *Essay on Toleration* was attempting to prove that Catholic doctrine supported tolerance—

²³² For the idea of a developing "enlightened Catholic" consciousness regarding Ireland's past in the latter half of the eighteenth century, see Hill, "Popery and Protestantism."

rather than any kind of “inquisition” against “heretics”—would count for a great deal.²³³ It would “evince the justness of entitling the Roman Catholicks to the lenity of government, and the confidence of their fellow-subjects.”²³⁴ It would also demonstrate, by the by, that its author had considered the matter from an “enlightened” perspective on good imperial governance.

Like Burke, O’Leary was under no illusion that the traces of the “spirit of conquest” had been erased in Ireland. There can be little doubt that he identified with the colonized Catholics to whom he addressed his remarks on maintaining loyalty in 1779. As he wrote in response to whispers that a French invasion might help them repossess lost lands, “[Y]our gain would fall short of your expectations ... The remains of old castles, formerly the seats of hospitality, and the territories which still bear our names, may remind us of our origin, and inspire us with spirited sentiments, to which the lower classes of people in other countries are strangers, and which a wise government could improve to the advantage of the State. Yet these memorials of ancient grandeur and family importance, entitle us to no other pretension than that of scorning to do anything base, vile, or treacherous.”²³⁵ He continued his use of the first person plural voice to ask rhetorically, “If a French general sounded a trumpet, and desired us to take our lands, would not there be a thousand pretenders to every estate?”²³⁶ For O’Leary, the only real solution to this quagmire of competing claims was to accept the verdict of the *ius gentium*

²³³ O’Leary, *Loyalty Asserted*, 3; O’Leary, *Essay on Toleration*, 36.

²³⁴ O’Leary, *Loyalty Asserted*, 3.

²³⁵ O’Leary, *Address to the Common People*, 106-07.

²³⁶ *Ibid.*, 107.

regarding conquests, and move on: “For, where property is once settled, secured by the laws of any realm, and confirmed by a long possession, there is no disturbing the proprietor. . . . And, by the same principles, every Protestant gentleman in Ireland has as good a right to his estate as any Milesian had before him.”²³⁷ Indeed, even if the French were to come in and conquer Ireland, they “could not, by the laws of war, and the principles of conquest, universally agreed upon by all civilized nations, take a foot of ground from any person in the kingdom.”²³⁸

But for me, the intriguing moment in the passage is the brief aside about how a “wise government” would know how to “improve” the “spirited sentiment” of the colonized populace “to the advantage of the State.” This momentary break in character intimates that common Catholics were not the only audience for whom O’Leary intended his performance in the *Address to the Common People of Ireland*. The audience of liberal gentlemen, in the sense that Burke and Pitt were liberal gentlemen, should have recognized itself being hailed at points like these. Then there is the claim that, because of memories of dispossession, the common people of Ireland have an uncommonly spirited sentiment. This has a vaguely Montesquieuian ring to it, and it is also clear that O’Leary’s view that the “principles of conquest, universally agreed upon by all civilized nations” guarantee such things as continuity in the property and legal regimes and that “the natives will be secured in the free exercise of their religion” is very close to Montesquieu’s (and Burke’s) at-least-half prescriptive description: “This right of nations,

²³⁷ Ibid., 108.

²³⁸ Ibid., 108.

among ourselves, has the result that victory leaves to the vanquished these great things: life, liberty, laws, goods, and always religion, when one does not bind oneself.”²³⁹

However, at the same time, the one claim about the Irish lower classes’ uniquely spirited sentiment seems partially to contradict another moment in the address that would have pandered to the liberal gentleman more than to the common Catholic. There, O’Leary maintained that “the doctrine of the learned, prudent, and better sort of your profession, should be the only rule of your conduct; for, in all countries, the generality of the common people are ill-qualified to judge or determine for themselves.” In this passage, what is reliable about the common people is that they are the same everywhere: “easily governed by the senses, hurried by their passions, and misled by a wild and extravagant fancy, that intrudes itself into the province of reason.”²⁴⁰ What I think we find in the gap of irresolution between O’Leary’s differing depictions of the Irish lower classes is a display of absolute certainty, nonetheless, that the most adroit government would require a knowledge of their nature under the particular historical conditions that influence them. If, on the one hand, O’Leary showed that he did not yet command this knowledge, he implicitly asserted, on the other, that he belonged among the sort of enlightened author who would grope toward it in the interest of contributing to better governance.

Accordingly, one of the subtexts that runs through O’Leary’s *Essay on Toleration* is a bringing into alignment of biblical, classical Roman, and “modern” European authorities’ guidance concerning good government. The message seems to be that the

²³⁹ Ibid., 109; Montesquieu, *The Spirit of the Laws*, Pt 5, Bk 24, Ch. 3, 461-62, quoted in Bourke, “Burke and the Politics of Conquest,” 423.

²⁴⁰ O’Leary, *Address to the Common People*, 101.

likes of Voltaire and Hume and Montesquieu could have reached many of their same conclusions about the coordination between governance and the precise state of society in which one found oneself if they had only scoured the annals of early church history more closely. “What if my authorities should prove more numerous and illustrious,” O’Leary asks, than those of “the purpled and mitred apologists of [oppression]? ... What if I should happen to demonstrate that when they allege religion as a sufficient motive for the exertion of oppressive power in such an age or in such a country, it must be the religion of time or place, *but not the religion of the Gospel.*”²⁴¹ There are a few things to note here: first among them, O’Leary’s claim for the number and luster of his sources. Because of the interweaving of church historical, Roman historical, and “enlightened” historical sources that O’Leary would perform, the claim was also one for the originality of this essay on toleration in relation to the writings of Locke, Voltaire, Montesquieu, and Hume on the same subject. Second, O’Leary would elaborate on what he meant by “the religion of time and place” by explaining how persecution and/or theocracy were functions of bygone stages in human development. For example, he considered “the Jewish theocracy” an exception to the general rule that “from the earliest ages, the boundaries of religion and the concerns of the civil magistrate were kept distinct.” But he rationalized it ethnologically: “Scattered tribes, before they subjected themselves to civil institutions, believed in God, at whose hands they expected the rewards of their virtues, and dreaded the punishment of their misdeeds.” As he emphasized later on, “In vain do Calvin, Bellarmin, and other apologists of persecution arm the magistrate with texts of

²⁴¹ O’Leary, *Essay on Toleration*, 13, punctuation and emphasis as in original.

the old law, which commands to stone the false prophets to death, to put idolatrous cities to the sword, and ‘to slay Agag before the Lord.’ The Jewish polity is quite different from modern political institutions.”²⁴²

Third, and finally, as we have seen time and again in this chapter, the focus of O’Leary’s text is on making claims about what it is right for the state to do. Coming as it did from a pastor, the essay could very easily have been a sermon encouraging individuals to develop tolerant attitudes toward one another. Indeed, at one point in the essay’s introduction, O’Leary expresses a hope that “I, in my cell, reflecting on the revolutions that religion has occasioned, not for the good but for the destruction of mankind, ... may induce others to enlist under the banner of benevolence, and pave the way for abler hands to raise the structure of human happiness on the ruins of religious frenzy.”²⁴³ But at every key point, the emphasis falls instead, as in the text’s opening sentence, on O’Leary’s “design ... *to throw open the gates of civil toleration* for all Adam’s children, whose principles are not inconsistent with the peace of civil society, or subversive of the rules of morality.”²⁴⁴ Thus also in the last paragraph of the introduction: “Death, fines, and confiscation, then, on the score of conscience, when the religionist behaves as a peaceful subject, are the ungraceful offspring of lawless rule.” And it is worth underscoring that this reference to the “offspring of lawless rule” very quickly rendered penal legislation a product of a time before that of O’Leary’s “modern political institutions.” In other words, his admonition to the state took the form of a stadialization

²⁴² Ibid., 19, 28.

²⁴³ Ibid., 13-14.

²⁴⁴ Ibid., 3.

of the history of religious persecution: “Tyranny begot it: ignorance fostered it: and barbarous divines have cloathed it with the *stolen* garments of religion.”²⁴⁵ This, ultimately, was what made his argument so “enlightened.”

Conclusion: *The Enlightenment and Toleration*

In intoning a history of tyranny, ignorance, and barbarism for persecution, O’Leary raised the familiar eighteenth-century specter of Oriental despotism. In essence, he placed the origins of the Irish penal laws on par with the “wanton” actions of “those African kings, who, leaping into their saddles, cut off their squires’ heads with one blow, to display their dexterity, or that Turkish emperor, who, to show the limner his mistake in painting the decollation of John the Baptist, called for a slave, and striking off his head, compared it with the picture, saying to the painter, ‘You see by this head that the veins in the picture are not sufficiently shriveled.’”²⁴⁶ He could apply this analytic of barbarism more subtly, as in his suggestion that the institution of the Inquisition belonged to a medieval epoch: “The opposition given, in Catholic countries, to the establishment of the inquisition, . . .—and the general odium it raised,—prove that sparks of the moderation and meekness recommended in the gospel, and practised in the primitive times with regard to people of a different persuasion, were not quite extinct, even in the ages of darkness and barbarism.”²⁴⁷ The barbarism that spawned the Inquisition was evidently the same barbarism that affected all of Europe when “the Catholic and Protestant princes of

²⁴⁵ Ibid., 17.

²⁴⁶ Ibid., 21.

²⁴⁷ Ibid., 44.

barbarous times ... were their subjects' executioners."²⁴⁸ But the overall effect of this language was quite similar to that intended by another "enlightened" critic of the Irish penal laws, the agrarian reformer Arthur Young, when he noted that the punishments meted out by the government of Ireland against Catholic Whiteboys in the 1760s "seemed calculated for the meridian of Barbary." The point, for Young as for O'Leary as well as for Burke, was that Britain's governance in Ireland needed to rein in the temptations of despotism. As Young put it, "it is manifest that the gentlemen of Ireland never thought of a radical cure from overlooking the real cause of the disease, which in fact lay in themselves, and not in the wretches they doomed to the gallows. ... Treat them like men who ought to be as free as yourselves: put an end to that system of religious persecution which for seventy years has divided the kingdom against itself; in these two circumstances lies the cure of insurrection, perform them completely, and you will have an affectionate poor, instead of oppressed and discontented vassals."²⁴⁹

Today's scholars tend to argue that there were various strands of Enlightenment thinking that cannot be reduced to any single unifying principle. However, if a unity is to be discovered for "*the* Enlightenment," I would argue, this needs to be done with reference to the inseparability of Enlightenment debates from eighteenth-century patterns of racialization. That is to say, the unity of the Enlightenment lies in one of the consistent stakes in the debates that comprised it: cultural literacy for an "advanced" (read:

²⁴⁸ Ibid., 16.

²⁴⁹ Arthur Young, *A Tour in Ireland, With General Observations on the Present State of that Kingdom, Made in the Years 1776, 1777, and 1778, Brought Down to the End of 1779*, 2 vols. (Dublin, 1780), 2:42.

mercantilist imperial) society. To put it another way: the Enlightenment would have been a very different phenomenon without colonialism.

Indeed, as I see it, the Enlightenment can be defined as a media system (new in the eighteenth century) for dissemination of debates concerning the touchstones of cultural literacy in a “civilized” society.²⁵⁰ Cultural literacy is a slogan of the 1980s—not the 1780s. But Greg Dening has transformed it into a helpful category of historical analysis simply by listening to how its leading proponents defined it. E. D. Hirsch, the Virginia professor who coined the term, thought of it as “possess[ion of] the basic information needed to thrive in the modern world.”²⁵¹ Reagan’s Secretary of Education William Bennett argued for it as a set of “events and images” that are part of “what Abraham Lincoln called ‘the mystic chords of memory’ ... that connect us with the past we all share.”²⁵² Dening maintains that the mystic chords of memory are “*mythic chords*”: cultural literacy is “that knowledge of the past that sustains the values of the present.”²⁵³ In the twentieth century, the new media through which cultural literacy could be disseminated included films whose producers distributed study guides to schools for use

²⁵⁰ This is my version of the argument that what produced “the Enlightenment” was a series of “Culture Wars” that may have had relatively local pertinence but could be broadcast unprecedentedly speedily throughout Europe and the colonized world. See Darrin McMahon, *Enemies of the Enlightenment: The French Counter-Enlightenment and the Making of Modernity* (Oxford, 2001); J. B. Shank, *The Newton Wars and the Beginning of the French Enlightenment* (Chicago, 2008).

²⁵¹ E. D. Hirsch, Jr., *Cultural Literacy: What Every American Needs to Know* (New York, 1988 [1987]), xiii.

²⁵² Dening, *Mr. Bligh’s Bad Language: Passion, Power, and Theatre on the Bounty* (Cambridge, 1992), 340. This version of the quotation is from William J. Bennett and John T. E. Cribb, *The American Patriot’s Almanac: Daily Readings on America* (Nashville, 2010) – which shows that Bennett is still championing the cause.

²⁵³ Dening, *Bligh’s Bad Language*, 340, my emphasis.

in classroom discussion.²⁵⁴ In the eighteenth century, the new constellation of media for broadcasting such knowledge of the past included salons, reading circles, journals of scholarship, “republics of letters,” translations, book review periodicals, dictionaries, encyclopedias, and newspapers.²⁵⁵

Knowledge of the past that sustains the values of one’s historical present operates not only by discerning that which is continuous with the present but also by fixing firmly in the past that which is “passed.” Enlightenment thinkers’ notions of “civilization” or “polish” could only have come about through facility with a particular sort of race-thinking. There were various ways of accounting for what made European societies different from others in the eighteenth century. For Scottish social evolutionists, it was the mode of production—commercial as opposed to hunting-gathering, pastoral, or agricultural. For others, it was the extent to which “reason” rather than “superstition” informed people’s appraisal of their duty and interests. Regardless, what Peter Marshall and Glyn Williams referred to as “the great map of mankind” was an indispensable backdrop for Enlightenment debates.²⁵⁶ These spatio-temporalizing geographies were, of course, contested. As Karen O’Brien and J. G. A. Pocock attest in their histories of Enlightenment historiography, the aim in most history-writing in eighteenth-century

²⁵⁴ Ibid., 356-58.

²⁵⁵ Jonathan Sheehan, *The Enlightenment Bible: Translation, Scholarship, Culture* (Princeton, 2005), xi-xii. See also Sheehan, “Enlightenment, Religion,” 1075-76; Friedrich Kittler, *Discourse Networks 1800/1900* (Stanford, 1990); Dena Goodman, *Republic of Letters: A Cultural History of the French Enlightenment* (Ithaca, N. Y., 1994).

²⁵⁶ P. J. Marshall and Glyndwr Williams, *The Great Map of Mankind: Perceptions of New Worlds in the Age of Enlightenment* (Cambridge, Mass., 1982).

Europe was to insert one's own country into a narrative of the rise, out of a former condition of "barbarism and religion," of a modern European system of states preserving a balance of power that allowed each to pursue its own internal "police" in ways conducive to commercial and financial growth.²⁵⁷ But what matters is that these geographies achieved relatively open-access and long-distance dissemination through the new media by which currents of thought were injected into conversation and, often, into immediate juxtaposition in the eighteenth century.

In the next chapter, we meet a generation of British East India Company servants who brought these stadial geographies to bear—and sometimes into immediate juxtaposition—in the context of their daily work. This chapter concluded with the example of Arthur O'Leary, who mobilized these ready-to-hand geographies as part of a polemic against the penal laws in Ireland. The media revolution in the eighteenth century is crucial in helping to explain how they would have been ready-to-hand geographies for his readers, as well. The travel accounts in which they had their ultimate basis had been processed and digested so many times over in philosophical essays, treatises, political pamphlets, on stage, excerpted in newspapers, discussed in coffee shops, salons, and debating societies that they would have been almost un-ignorable. In this Enlightenment context, a proliferation of available understandings of toleration circulated even though, as scholars have pointed out, the Enlightenment's intellectual heavyweights did not generate any new arguments for toleration. The commonsense view that they should

²⁵⁷ Karen O'Brien, *Narratives of Enlightenment: Cosmopolitan History from Voltaire to Gibbon* (Cambridge: Cambridge University Press, 1997); Pocock, *Barbarism and Religion*, 2.

have, or that if they didn't, they were still Lockean tolerationists at heart is a function of our cultural literacy about the Enlightenment—not a product of the Enlightenment's history.

Chapter 2: The British Enlightenment on the Hugli

In 1770s and 1780s Ireland, there was a dominant, well-established, prudential format for staging political claims in favor of religious toleration. By contrast, throughout the 1770s and 1780s in India, the British in Bengal grafted their notions of religious toleration onto longstanding South Asian traditions of pluralist religious interrelationships. The outcome of this engagement was not pre-destined to take any particular form. For one thing, European ideas of toleration only became more polyvalent as the European Enlightenment progressed, even as a greater degree of consensus on toleration's moral and political value emerged from a variety of angles of political and religious thought. For another, the history of the Mughal emperors' actions after Akbar provided fertile ground for competing retrospective accounts of Akbar's own "constitution" to develop. Thus, the secularist dimension of British efforts to govern in accordance with South Asian norms promoted an intellectual context in which the Company state's tolerationist pronouncements could only have reflected the basic points of overlap between a host of nascent theories of toleration.

The transition from what the British called "toleration" in India to "Indian secularism" has started to attract some deserved attention from scholars. India is, after all, a constitutionally secular democracy in which the problem of sporadic interreligious violence has cropped up in dramatic form in the last twenty years. Yet the term "Indian secularism" refers to a whole political cultural atmosphere in which certain types of claims made in the name of religious people's rights stand a strong chance of being

honored. To give a simple example, four separate categories of “personal law”—Hindu, Muslim, Christian, and Parsi—govern marriage, divorce, inheritance of property, and the religious institutions pertaining to the group in question in present-day India. A single judiciary administers all of these types of personal law, depending on the religious identity of the parties involved in cases. There is no uniform code for adjudicating torts, and so far, Muslim and Christian groups have successfully held off attempts at the creation of one by arguing that a “Uniform Civil Code” would, *de facto*, force them to assimilate to the Hindu majority’s intra-“communal” norms.²⁵⁸

In his most recent book, C. A. Bayly sketches out, in passing, an indigenous lineage for Indian secularism. First, in medieval and early modern India, there was a widespread recognition that various sects had developed their own ways of worshipping the same God. Bayly likens this sensibility to “classical doctrinal pluralism,” which he contrasts with “rights-based European toleration.” He says that whereas modern European toleration “springs from my recognition of your *right* to pray to your own God, even if I think you are deluded,” in classical antiquity, “and in much of Asia before about 1800, it sprang from a sense that different peoples have different ways of relating to the divine.” This sense, “rooted in the idea of the unity of God, ... was well developed in the

²⁵⁸ Nandini Chatterjee, *The Making of Indian Secularism: Empire, Law, and Christianity, 1830-1960* (Cambridge, 2011), Introduction, esp. 6-7. See also Partha Chatterjee, “Secularism and Toleration,” in *A Possible India: Essays in Political Criticism* (Delhi, 1997), 228-262, for an overview of secularism in India “ever since independence.”

subcontinent and this was in some cases assimilated into later liberal thought as sentiment and allusion.”²⁵⁹

The examples of the survival of this impulse that catch Bayly’s eye are noteworthy. One is Rammohan Roy, whose perspective on religious toleration is encapsulated in the aphorism attributed to him that “cows are of different colours, but the colour of the milk they give is the same.”²⁶⁰ The second is the prohibition established by the Indian National Congress in 1887 of debate on any motion that two-thirds of members from any one “community” found objectionable. For Bayly, this moment offers a particularly clear preview of “what post-independence India called secularism, which,” he explains, “was often more like holding the balance between religious and ethnic communities.”²⁶¹ It also harks back to the way in which Indian liberals like Rammohan kept up an attachment to the “doctrinal pluralism” exhibited during the early modern Mughal period.²⁶²

The part of the history of Indian secularism that has received too little scholarly attention is the early colonial part. Nandini Chatterjee has published the most thorough account of the colonial-era history of Indian secularism. Chatterjee sees the 1830s, the period when Utilitarian influence in British India reached its acme, as a watershed

²⁵⁹ C. A. Bayly, *Recovering Liberties: Indian Thought in the Age of Liberalism and Empire* (Cambridge, 2012), 50, 35-36.

²⁶⁰ Sophia Dobson Collet, *The Life and Letters of Rammohan Roy*, ed. D. K. Biswas and P. C. Ganguli (Calcutta, 1962), 33, quoted in Bayly, *Recovering Liberties*, 50. The continuation of the quote, as Collet has it, is, “Different teachers have different opinions, but the essence of every religion is to adopt the true path.”

²⁶¹ Bayly, *Recovering Liberties*, 16.

²⁶² *Ibid.*, 48-49.

moment. In her account, the utilitarian-inspired reforms of the 1830s produced the rhetorical and legal context in which Indian interest-group politicking would ultimately forge secularist legal structures in India that diverged from those maintained in Britain. Chatterjee's observations on what was happening between 1765—when the East India Company received its grant of the *diwani* (the entitlement to be the chief revenue collector) in Bengal—and 1830 are also characteristically astute. For instance, she sums up the “Company’s eighteenth-century interpretation of ‘neutrality’” in religious matters as “a parallel patronage of the principal Indian religions.”²⁶³ This is perfectly put; what remains is to explain the theory behind the practice.

This chapter’s argument is that there was no uniform philosophy guiding the East India Company’s religious policies in the later eighteenth century. Rather, the Company’s decision-making reflected the interplay of a variety of competing interpretations of “toleration” advanced by its servants in India and directors in London. Even its clearest public pronouncement—the guarantee in the 1793 “Cornwallis Code” of regulations for Bengal that the Company’s officials would “*protect* [Hindus and Muslims] in the free *exercise* of their religion”—merely gave expression to the least common denominators within a loose assortment of secularist perspectives endorsed by Company officials.²⁶⁴

²⁶³ Chatterjee, *Indian Secularism*, 10.

²⁶⁴ Regulation III of 1793, Section 1, in *Regulations Passed by the Governor General in Council of Bengal*, 3 vols. (London, 1828), 1:21, my emphasis. The full sentence reads, “The many valuable privileges and immunities which have been conferred upon the natives of these provinces, evince the solicitude of the British Government to promote their welfare, and must satisfy them that the Regulations which may be adopted for the internal government of the country, will be calculated to preserve them the laws of the Shaster and the Koran, in matters to which they have been invariably applied—to protect

For the next forty years, Company personnel typically felt that this provision in the Cornwallis Code bound them to facilitate the religious practices of distinct groups of native subjects.²⁶⁵ Yet what the Cornwallis Code's declaration of principle conceals is that the process leading to its formulation enabled an array of secularist strategies to be articulated. This was the case not only because the notions of toleration in play in the metropole were multivalent, but even more because the British in the subcontinent grafted their conceptions of toleration onto an array of already-existing South Asian political norms.

Historiography

There is a context-specific reason that the spectrum of secularist options presented in the writings of Company personnel in the 1770s remained viable all the way through the inscription of the Cornwallis Code in 1793. In the 1770s and 1780s, both the Hastings

them in the free exercise of their religion—and to afford security to their persons and property.”

²⁶⁵ For instance, even though he is known for being the utilitarian governor general who outlawed *sati* in 1829, Lord William Bentinck consistently coupled the terms “support” and “aid” with the East India Company’s “toleration.” In 1807, during his stint as governor of Madras, he touted “the universal toleration of all religions allowed by the British Government, or, *to use a more proud expression ... the universal protection and support which has been given to all religions.*” In 1831, he declared, “I consider it to be the bounden duty of a Government ruling over a Hindoo and Mussulman community and professing to respect their Religion and Customs to manifest a friendly feeling, and *to afford every protection and aid towards the exercise of those harmless rites*, which are not opposed like Suttee, infanticide, and self immolation in various modes to the dictates of humanity and of every Religious Creed.” [Lord William Bentinck], Extract of governor’s minute on the condition of native Christians in the Madras Presidency, 27 June 1807, Home Miscellaneous Series, British Library (BL), Asia, Pacific, and Africa Collection (APAC) India Office Records (IOR) H/59, p. 335, emphasis mine; [Lord William Bentinck], Extract of the governor general’s minute on the administration of roads in the Bengal Presidency from Bengal Judicial Consultations, 25 March 1831, Board’s Collections, BL, APAC IOR F/4/1306/51856, pp. 251-52, emphasis mine.

and the Cornwallis administrations were tasked first and foremost with assuring the Company's solvency from its operations in India. Both received orders, some derived from Parliamentary legislation, explaining why it was not only in the interest of the Company's merchants and investors but also in Great Britain's national interest that the Company operate profitably.²⁶⁶ This does not mean that they acted under the understanding that the Company was first of all a mercantile body and only secondarily a governing body. It means that they thought that the extraction of profits would necessarily follow from the running of a well-governed country. Well-governed countries were held to be those that had increasing populations and that magnified their wealth through trade within and beyond their boundaries.²⁶⁷ The fastest way to lose population or to disrupt trade would have been to provoke a multi-regional intrigue against the British, and the surest way to instigate such disquiet seemed to be to call for changes in the religious life of native communities. Therefore, the *official* agenda for both

²⁶⁶ Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (Basingstoke, 2008), 45, 49-50, 54-57; Robert Travers, *Ideology and Empire in Eighteenth Century India: The British in Bengal* (Cambridge, 2007), 100-15, esp. 101-03, 143-45, 150-51, and 207-13; Marshall, *The Making and Unmaking of Empires: Britain, India, and America c. 1750-1783* (Oxford, 2005), 210-14; P. J. Marshall, "Review: Robert Travers, *Ideology and Empire in Eighteenth-Century India*," *Modern Asian Studies* 42, no. 6 (2008): 1283-1303, at 1285; H. V. Bowen, *The Business of Empire: The East India Company and Imperial Britain, 1756-1833* (Cambridge, 2006), 70-83. See also "Instructions from the Court of Directors to the governor General and Council, approved by the General Court, 25 January 1774," Philip Francis Papers, BL, APAC Mss Eur E26, p. 14.

²⁶⁷ Philip Stern's work has shown that this mentality was not as new in the later eighteenth century as scholars once thought. Philip Stern, *The Company-State: Corporate Sovereignty and the Early Modern Origins of the British Empire in India* (Oxford, 2011).

administrations was simply that “the natives should be *left undisturbed* in the full enjoyment of their own laws, customs, prejudices, and religion.”²⁶⁸

The first part of this chapter examines the way in which British writers from within the East India Company’s service grappled with the examples of “toleration” that they could cite when they looked back at the Mughal era in Indian history. One figure who attracted their immediate attention was the mighty emperor Akbar. Akbar became a cipher through which particular writers disclosed the special emphases in their own pet models for British religious toleration in the subcontinent. The story told here lends support to Robert Travers’s thesis that British endeavors to appropriate Mughal records and histories were more than mere window dressing for policies that had been dreamed up in Europe. Travers contends that the worldview of East India Company officials in the eighteenth century was not so dichotomous as we tend to assume: “the rhetoric of barbarism and civilization was cut across by a view of the world as a set of ‘ancient constitutions’, closely related to the particular ‘genius’ of different peoples. ...

²⁶⁸ As Philip Francis put it, in thoroughly conventional terms, before laying out an ultimately radical “Plan for a Settlement of the Revenues of Bengal, Bahar and Orixia” in 1776. Francis, “Plan for a Settlement of the Revenues of Bengal, Bahar, and Orixia,” 22 January 1776, in *Original minutes of the Governor-General and Council of Fort William on the settlement and collection of the revenues of Bengal: with a plan of settlement, recommended to the Court of Directors in January, 1776* (London, 1782), 23-70, at 29-30, emphasis mine. The full passage holds “that the governing power should stand paramount, and hold the sword over the rest, watching the administration of every subordinate department, contented with a gross but moderate tribute, proportioned to their necessary expence, and guarding the country from being ruined in detail by Europeans. On these terms, the natives should be left undisturbed in the full enjoyment of their own laws, customs, prejudices, and religion.” It is here that, seemingly out of nowhere and yet unsurprisingly, prudential tolerationist claims for the plan emerge: “On these terms, they would as readily submit to our dominion as to any other, nor could it ever be lost, but by foreign conquest.”

[Therefore,] British strategies of colonial state-building in Bengal often involved excavating the constitutional history of India to find workable models for their own government.”²⁶⁹

My alignment with this interactive framework for understanding the nature of British religious toleration in India puts me somewhat at odds with a recent article on “the principle of toleration in early modern Europe and colonial India” by Jakob de Roover and S. N. Balagangadhara. The authors enlist British toleration in India as an example of how tolerance of religious views and practices that Christians would have seen as affronts to God’s law had become a *moral* duty, rather than simply a “prudential” decision, in Protestant Northern Europe by the end of the eighteenth century.²⁷⁰ Such a diffusionist argument can lead us to neglect a whole layer of mediation: namely, the subcontinental traditions that Europeans read in light of their own sensibilities concerning toleration. Indeed, although this process of engagement lies outside the temporal window of Nandini Chatterjee’s narrative of the making of Indian secularism, she does include a quick discussion of how, in the later eighteenth century, the East India Company sought

²⁶⁹ Travers, *Ideology and Empire*, 7-8.

²⁷⁰ Jakob de Roover and S. N. Balagangadhara, “Liberty, Tyranny, and the Will of God: The Principle of Toleration in Early Modern Europe and Colonial India,” *History of Political Thought* 30, no. 1 (Spring 2009): 111-39. Although they note that arguments from political expediency abounded in the private correspondence and internal memoranda of the Hastings era, they stress that when East India Company personnel publicly lobbied for religious toleration, they appealed to an implicit prevailing wisdom that required toleration to be principled if it was going to be regarded as legitimate. To my mind, this focus on (mostly nineteenth-century) public justifications homogenizes British toleration policies in colonial India too much across time. This conceals the full variety of ends policy-shapers saw as accomplishable through the exercise of different tolerationist strategies.

to capitalize on the “complex transactional relationships” that pre-colonial Indian rulers established with religious institutions. “These,” she explains, “involved the exchange of honours and resources, serving to mutually legitimate the sacred and royal regimes and to incorporate local elites attached to such institutions into the political hierarchy.”²⁷¹ My contention is that British commentators’ attempts to make sense of these “transactional” practices deserve analysis in their own right.

The second part of this chapter turns to examine the all but unknown secularist philosophy of Richard Johnson, Bengal civil servant and, in Calcutta, mentor to the famous Orientalist Sir William Jones.²⁷² Historians have long regarded Sir William Jones

²⁷¹ Chatterjee, *Indian Secularism*, 57.

²⁷² Seven of Johnson’s journals, commonplace books, and translation notebooks form an important part of the original manuscript collection at the University of Minnesota’s Ames Library of South Asia. However, the library catalogues have always identified these documents as Warren Hastings’ journals and commonplace books. About ten years ago, while working on a book chapter on the Warren Hastings impeachment trial, Professor Anna Clark discovered that these fascinating manuscripts belonged not to Hastings but to Johnson. Observing that the author of the notebooks regretted several aspects of Hastings policies, and noticing that he departed India for England aboard the ship *Pigot* in 1790 (five years after Hastings’ recall), Professor Clark decided to check the passenger lists for the *Pigot* in the India Office Records. She saw Richard Johnson’s name there, recognized that the dating of his shipboard commonplace book entries was fitting, and then compared handwriting samples with Johnson’s letters to Hastings in the British Library. The handwriting was a match. The seven notebooks in the Ames Library were once a part of the massive collection of manuscripts built up by the nineteenth-century “vello-maniac” Sir Thomas Phillipps. The rest of Phillipps’ East India Company-related materials are at the John Rylands Library in Manchester, comprising about 27 separate volumes and bundles. The vast majority of that collection originated with Johnson, as well. See also Anna Clark and Aaron Windel, “The Early Roots of Liberal Imperialism: ‘The science of a legislator’ in eighteenth-century India,” *Journal of Colonialism and Colonial History* 14, no. 2 (Summer 2013). On Phillipps, see Nicolas J. Barker, *Portrait of an Obsession: The Life of Sir Thomas Phillipps, the World’s Greatest Book Collector, Adapted from the Five Volumes of “Phillipps Studies” by A. N. L. Munby* (London, 1967).

as a representative figure for the “tolerant” ethos of the Company government under Warren Hastings.²⁷³ It is well known that Hastings admired several features of Persianate Mughal and Hindu culture, and he wanted to govern Indian natives in ways that were already familiar to them. For these reasons, his regime has been seen as an intentionally “neo-Mughal” one.²⁷⁴ When Jones arrived in Calcutta as a Supreme Court judge in 1783, Hastings recognized immediately that Jones was a kindred spirit. As the inaugural president of the Asiatic Society of Bengal, Jones penned several discourses and essays in which he conveyed a universalist religious message, suggesting that all religions share the same core truths.²⁷⁵ However, it was Jones’s friend Johnson who, at least as far as British governance in India was concerned, sketched out a more typical theory of toleration.

How to Make an Enlightenment Hero: the British Akbar

Again, one issue that falls outside the scope of C. A. Bayly’s genealogy of Indian secularism is how the British interacted with the South Asian pattern of doctrinal

²⁷³ See especially S. N. Mukherjee, *Sir William Jones: a Study in Eighteenth-Century British Attitudes to India* (Cambridge, 1968); Garland Cannon, *Oriental Jones: a Biography* (London, 1964); and David Kopf, *British Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization, 1773-1835* (Berkeley, 1969), 3-5.

²⁷⁴ See esp. Travers, *Ideology and Empire*; Michael J. Franklin, “Orientalist Jones”: *Sir William Jones, Poet, Lawyer, and Linguist, 1746-1794* (Oxford, 2011).

²⁷⁵ This pattern began before he took his Calcutta Supreme Court Justiceship and moved to India. His poem “Kneel to the Goddess Whom All Men Adore,” written after the Gordon Riots in 1780, prefigures the universalist vein in which he wrote essays “On the Gods of Greece, Italy, and India,” “On the Mystical Poetry of the Persians and the Hindus,” and several of his anniversary discourses for the Asiatic Society of Bengal, especially the portion of the “Eleventh Anniversary Discourse” on the “progress” of Asian thought in the field of “the religion of nature.” See Franklin, *Orientalist Jones*, 107-09, 173-74, 273-75, and 343-46.

pluralism that he identifies.²⁷⁶ But we know that they were quick to denominate it “toleration.” The returned East India Company military officer Alexander Dow led the way with his *History of Hindostan* (published in London from 1768 to 1772). Dow called India “a country ... where all religions are tolerated.”²⁷⁷ To get a sense of how he meant this, it helps to look at a passage in his third volume in which he ticks off the details of the “prudent administration” of one of the emperor Jehangir’s *viziers*: “Agriculture ... was encouraged. ... Security of property was given to the farmer; the industry of the mechanic was protected. ... The useful arts were revived and flourished in the cities. ... Insurrection and rebellion were not heard of, because there was no oppression. The revenues of the empire gradually increased.” Finally, “No distinctions were made in the administration of justice between the Mahomedan and Hindoo. *Both were worshippers of God, each in his way*; both members of the same community, and subjects of the same lord.”²⁷⁸

It is hard to know exactly how much of this vision of good governance to attribute to Dow and how much to his Persian sources. J. S. Grewal noted many years ago that Dow’s *History* reflected Dow’s own objectives, even where he translated from the

²⁷⁶ This question raises the further one, which I fear I will not be able to address adequately in this chapter, of how Indian interlocutors engaged with these British perceptions.

²⁷⁷ Alexander Dow, *The History of Hindostan From the Earliest Account of Time to the Death of Akbar; Translated from the Persian of Mahummud Casim Ferishta of Delhi*, 3 vols. (London, 1768-1772) 2:Appendix, p. 95.

²⁷⁸ Dow, *History of Hindostan*, 3:35-36.

Tarikh-i Firishta.²⁷⁹ This should have been even more the case in Volume 3, where Dow makes no claim to be translating but rather assembling a history of the Mughal Empire after Akbar from Persian manuscripts. Nevertheless it is still possible that the refrain about Hindus and Muslims each having their own ways of worshipping God was a quotation from one of his Persian sources.²⁸⁰ Wherever else he has someone uttering a formula like “every one may go to heaven his own way,” Dow has it issuing from a native voice—individual or collective.²⁸¹ Where he recommends “an absolute toleration of all religions” in the “Plan for Restoring the Kingdom of Bengal to its Former Prosperity” prefixed to volume 3, he invokes no such rationale. His point there is rather that the British need to resist any conversionist urges they have because, as the “prudent successors of Timur” learned, “the Hindoo religion” itself “prepares mankind for the government of foreign lords. It supplies, by its well-followed precepts, the place of penal laws; and it renders crimes almost unknown in the land.” For Dow, this was an inherited balance too precious to upset.²⁸²

Dow reiterated this lesson through his treatment of Akbar, the most prudent of Timur’s successors. Grewal argues that Dow initiated a durable British narrative tradition

²⁷⁹ J. S. Grewal, *Muslim Rule in India: The Assessments of British Historians* (Delhi and Oxford, 1970), 7.

²⁸⁰ For the Jehangir years, Dow said that he used two texts, “at this moment in his hands”: “The Jehangire Namma; or, the History of the Emperor Jehangire. By Matimid Chan of Delhi” and the “Mirat ul Waridat; or, The Mirror of Occurrences, written by Mahommed Shufia of Delhi.” Dow, *History of Hindostan*, 3:Advertisement.

²⁸¹ Dow, “Dissertation Concerning the Religion and Philosophy of the Brahmins,” in *History of Hindostan*, 1:xxv, xxxiii.

²⁸² Dow, “Enquiry into the State of Bengal, with a Plan for Restoring that Kingdom to its Former Prosperity and Splendour,” in *History of Hindostan*, 3:cxxviii-cxxvix.

in which Akbar represented the apotheosis of “enlightened rule” in Mughal history—and precisely because he could be regarded as a virtuoso of toleration. The back half of this narrative, in which the Mughal Empire’s decline was linked to later emperors’ departure from the Akbarian example, would be filled in by later writer/translators, such as Jonathan Scott.²⁸³ Yet Akbar’s undisputed status as a champion for toleration in these histories can obscure subtle differences in British interpretations of the genius of Akbar’s tolerationism. For Dow, Akbar “tolerated all religions; he admitted men of all persuasions into his confidence and service; and he had formed serious thoughts of promulgating a new faith, which might reconcile the minds of all his subjects. He esteemed himself as equal in abilities to Mahommed, and he had more power to enforce his doctrine. But, foreseeing the distractions which this arduous measure might occasion, he dropt his design, and, instead of establishing a new faith, contented himself with giving no credit to any of the old systems of religion.”²⁸⁴ In other words, Akbar’s virtue lay in his resistance to the temptation to compel his subjects to his own *beliefs*. Robert Orme, a returned Madras council member and the East India Company’s first official historiographer, suggested that Akbar’s toleration stemmed from “compassion” for his subjects. This required a more empathetic regard for the institutional form of their religion than that implied in Dow’s presentation of Akbar.

²⁸³ Grewal, *Muslim Rule*, 18, 34-35. See Scott’s preface to the *Memoirs of Eradut Khan* (London, 1786). Grewal reports that Scott became Warren Hastings’ Persian Secretary in 1778.

²⁸⁴ Dow, *History of Hindostan*, 3:104.

Orme's impression of Akbar's tolerationism comes across in a couple of notes in his commonplace book. He never published any histories that went as far back as Akbar's lifetime. Sometime in the early 1770s, he jotted down notes on a conversation between Akbar and Jehangir that he found in a manuscript translation of Jehangir's memoirs.²⁸⁵ Orme's notes have Jehangir asking Akbar "why he did not destroy the great temple of such immense wealth at Benaras (or Benarez) and extirpate the Indian religion?"²⁸⁶ Notice, first, how short the step is from destruction of temples to the destruction of Hindu religion. We can assume from Dow's "Dissertation Concerning the Religion and Philosophy of the Brahmins," included in the first volume of his *History of Hindostan*, that he would not have agreed. He considered the core of Hindu religion to consist in a deistic *vedantin* philosophy that he likened to pure, primitive religion.²⁸⁷ Then there is also Orme's intriguing way of praising Akbar's reply: "The answer of Acbar is of a good man & a great King."²⁸⁸ Unfortunately, the precise wording of Akbar's answer as it appeared in the manuscript on Orme's table cannot be traced. In 1829, the passage received this translation:

Having on one occasion asked my father why he had forbidden anyone to prevent or interfere with the building of these haunts of idolatry, his reply was

²⁸⁵ He received the manuscript as a gift from Col. Richard Smith, an ex-India hand, wealthy MP, and friend of Sir William Jones.

²⁸⁶ [Robert Orme], *Commonplace Book*, n.d., Orme Manuscripts, BL, APAC Mss Eur Orme OV. 134, p. 285.

²⁸⁷ Dow, "Dissertation," 1:xxi-lxix, esp. xxxviii-lv, lxviii, lxxvi. See also Grewal, *Muslim Rule*, 13-14; P. J. Marshall, "Introduction," in *The British Discovery of Hinduism*, ed. P. J. Marshall (Cambridge, 1970), 1-44, at 27-28.

²⁸⁸ [Robert Orme], *Commonplace Book*, n.d., Orme Manuscripts, BL, APAC Mss Eur Orme OV. 134, p. 285.

in the following terms: ‘My dear child,’ said he, ‘I find myself a puissant monarch, the shadow of God upon earth. I have seen that he bestows the blessings of his gracious providence upon all his creatures without distinction. Ill should I discharge the duties of my exalted station, were I to withhold my compassion and indulgence from any of those creatures entrusted to my charge. With all of the human race, with all of God’s creatures, I am at peace; why then should I permit myself, under any consideration, to be the cause of molestation or aggression to anyone. Besides, are not five parts in six of mankind either Hindús or aliens to the faith; and were I to be governed by motives of the kind suggested in your inquiry, what alternative can I have but to put them all to death! I have therefore thought it my wisest plan to let these men alone.’²⁸⁹

The “men” to be left alone can refer equally to the five-sixths of mankind that are non-Muslims or to the men who build “haunts of idolatry.” In either case, the leaving alone to be done is of a special, personal (man to man) kind: it must register as the gesture of “a good man.” In Orme’s judgment, Akbar’s virtue lay in the continuity between his private

²⁸⁹ *Memoirs of the Emperor Jahangueir, Written by Himself, and Translated from a Persian Manuscript by Major David Price, of the Bombay Army* (London, 1829), 15. Somewhat surprisingly, this exchange between Jehangir and Akbar on the father’s decision not to do what Jehangir’s grandson Aurangzeb *would* eventually do to the Benares temple was not selected by James Anderson for his “Extracts from the *Toozuké Jehangeery, or Memoirs of Jehangeer*,” published in the second volume of the *Asiatick Miscellany* in Calcutta in 1786. Francis Gladwin, ed., “Extracts from the *Toozuké Jehangeery, or Memoirs of Jehangeer*, Written by Himself, and Containing a History of the Transactions of the First Thirteen Years of his Reign—Translated by James Anderson, Esq.,” in *The Asiatick Miscellany, Volume the Second* (Calcutta, 1786).

character as a man and his public character as a king, and his toleration marked this continuity. For Dow, on the other hand, Akbar's public toleration for his subjects' "religious superstitions" had to be *discontinuous* with his private inclinations.

Why should such a subtle difference matter? Because it suggests that for all of the paeans to the importance of religious toleration that issued from East India Company pens in the 1770s, the nature of the Company's toleration was still being worked out. P. J. Marshall has argued that the writers who participated in the *British Discovery of Hinduism* in the last half of the eighteenth century "wrote with contemporary European controversies and their own religious preoccupations very much in mind" and thus "created Hinduism in their own image."²⁹⁰ One can make a similar observation about the British discovery of Mughal-era toleration. Enlightenment Europe was home to several strands of advocacy for toleration, met by various forms of rebuttal, all of which had implications with respect to the legitimate basis of political authority.²⁹¹ Dow's religious inclinations were deistic; little wonder that he should treat Akbar as a kindred spirit and delight in the emperor's refusal to define and enforce a single creed for his people. But a caveat is also in order: these writers did not take Europe to be the sphere of application for the lessons they drew from the record of their Mughal predecessors. They wrote to influence the direction of Company policy in Asia. Dow was no different from his

²⁹⁰ Marshall, "Introduction," 43.

²⁹¹ Dorinda Outram, *The Enlightenment*, 2nd ed. (Cambridge, 2005), 38-39, 114-17, 124-25. See also Sylvana Tomaselli, "Intolerance, The Virtue of Princes and Radicals," in *Toleration in Enlightenment Europe*, ed. Ole Peter Grell and Roy Porter (Cambridge, 2000), 86-101.

successors in this respect.²⁹² And this was why it was the *distance* between Akbar's private beliefs and his subjects' "superstition and credulity" that Dow carried over into his vision of an "absolute toleration" to be enacted in Bengal.²⁹³ "Attention must be paid to the usages and very prejudices of the people," he maintained, "as well as a regard for their religion. *Though many things of that kind may appear absurd and trivial among Europeans, they are of utmost importance among the Indians.*"²⁹⁴

For a viewpoint more in line with Orme's feeling that toleration should spring from sympathy, we can compare Nathaniel Brassey Halhed's preface to the *Code of Gentoo Laws* he published in 1776. Halhed expressly invoked the language of prudential toleration to characterize the policy (and political wisdom) of his employer Warren Hastings, the governor general whose term lasted from 1772 to 1785. "Nothing can so favourably conduce" to "conciliate the affections of the Natives, or ensure stability to the acquisition," Halhed opined, "as a well-timed toleration in matters of religion, and an adoption of such original Institutes of the Country, as do not immediately clash with the Laws or interests of the Conquerors." For Halhed, it was particularly the Romans who owed their success as an imperial power "to a steady pursuance of this maxim." And, "by a policy still more flattering," the Romans "even naturalized such Parts of the Mythology

²⁹² This was the case even though Dow published his *History* in full knowledge that it would mainly reach a domestic audience. This factor leads Grewal to distinguish Dow's work, in general, from that of the following generation of Company translator/redactors. He reports that "whereas Dow had addressed his work to the British nation, his late eighteenth-century successors either addressed themselves to the East India Company or wrote their work on its behalf." Grewal, *Muslim Rule*, 42.

²⁹³ Dow, "Dissertation," 1:xv.

²⁹⁴ Dow, "Enquiry into the State of Bengal," 3:cxxix, my emphasis.

of the Conquered, as were in any respect compatible with their own System.”²⁹⁵ Again, the notion of toleration as a form of flattery was one that Dow downplayed in his take on Akbar, and it figured minimally in his call for a “regard for [the people’s] religion” in Bengal.

Halhed, on the other hand, gave hints of what it might mean to naturalize the mythology of the conquered in his own depictions of Akbar and his descendants. These can be found in his draft of a translator’s preface to the *Sirr-i Akbar*, or *The Great Mystery*—a Persian rendering of Sanskrit Upanishads completed in 1657 by Dara Shukuh, heir-apparent to the Mughal throne at the time. The great secret that Prince Dara had hoped to reveal was that Hindus were actually in agreement with the tenets of Islam on the oneness of God, contrary to popular belief at the time. The work exposed Dara Shukuh to condemnation as an apostate; his brother Aurangzeb had him declared a heretic, imprisoned, and eventually executed in 1659.²⁹⁶ Although his translation of Dara Shukuh’s *Great Secret* never saw the light of publication, Halhed can only have expected

²⁹⁵ Nathaniel Brassey Halhed, “Translator’s Preface,” in *A Code of Gentoo Laws, or Ordinations of the Pundits, from a Persian Translation, Made from the Original, Written in the Shanscrit Language*, trans. and ed. Nathaniel Brassey Halhed (London, 1776), ix-x, emphasis mine.

²⁹⁶ His brother Aurangzeb had him declared a heretic, imprisoned, and eventually executed in 1659. For a good, concise introduction to Dara Shukuh’s “metaphysical and mystical” oeuvre, see Carl W. Ernst, “Muslim Studies of Hinduism? A Reconsideration of Persian and Arabic Translations from Indian Languages,” *Iranian Studies* 36, no. 2 (June 2003): 173-95, at 183-87. Ernst’s article (pp. 187-91) also gives a good indication of where the demand for works like Halhed’s translations came from: particularly in the years before Charles Wilkins issued his translation of the *Bhagavad Gita* “from the original Shanskreet” in 1785, British officials relied extensively on Persian translations of Indian-language texts to generate their understandings of Hindu law, religion, and custom.

that it would—hence the draft preface. By the time Halhed set to work on it in the later 1780s, the narrative of Akbar’s reign as a golden age in Mughal history was gospel. Halhed reiterates, “In the first place it must be recollected that the Mogul Empire attained to the summit of its grandeur in the reign of Acber.” Not coincidentally, “in Acber’s time every possible attention was paid to the learning & religion of the antient Hindoos, & that wonderful display of sound wisdom & important research the Ayēnēh Acberee bears the strongest testimony of that attention.” In the second place, this was such a high priority for Halhed’s Akbar that he put his best man on the job: Abul Fazl, the author of the *Ain-i-Akbari*, “who alone was ever worthy to be ranked with our great Bacon” and who “joined an acquaintance with the Sanscrit language to a profound knowledge of every Science then known in the world. While his Brother Feizi employed many years upon [translating] the Mahabharatt [into Persian],” Abul Fazl “amid all his laborious occupations found time to translate the Geeta.”²⁹⁷ Halhed lamented that, having arrived in India a century and a half after Akbar’s death, he personally had only come to “know the country & the indifference of the modern uninquisitive Mahometans.”²⁹⁸ But he could see that Dara Shukuh had represented a last flourishing of the Akbarian mindset. Halhed thought he could tell from Dara Shukuh’s biography and his texts that he was probably not quite “the free thinker that his enemies would have made him,” but “it is probable he seriously & bona fide thought it possible to reconcile the Mahommedan & Hindoo

²⁹⁷ [Nathaniel Brassey Halhed], “Upāneeshhād, translated into Persian by Dārā Shekoh’s order,” May 1787, Oriental Manuscripts, BL, APAC MS Add. 5658, fol. 15.

²⁹⁸ *Ibid.*, fol. 15.

Religions.”²⁹⁹ As with Akbar, so with Dara: their efforts to naturalize Hindu mythology proceeded in full sincerity.

What Halhed left out of his account of Akbar also seems significant. Halhed owned two copies of Faizi’s Persian *Mahabharata*, which included a preface by Abul Fazl. We know that Halhed studied these manuscripts closely enough to make an English abstract of the *Mahabharata*, which survives along with draft translations of the *Bhāgavata Purāna* and the *Purānārtha Prakāsa* in a manuscript volume at the British Library.³⁰⁰ It seems unlikely that he would have skipped over Abul Fazl’s preface. There, Akbar’s first minister explained that the emperor patronized this kind of work to ease tensions between Muslims and Hindus. He said that Akbar was troubled by the antipathy with which his Hindu and Muslim subjects regarded one another, and he was convinced that it “arose only from their mutual ignorance.” So far, so unsurprising. But then there was another rationale that would have sat less comfortably with Halhed, and more comfortably with Dow. Abul Fazl says that Akbar wanted to prove to Hindus that some of their “errors and superstitions had no foundation in their ancient books.” So much for flattery. At least this Akbar was an equal opportunity demystifier: he also wanted to show his Muslim subjects that the world had to have been older than the 6,000 years allowed in their creation myth.³⁰¹

²⁹⁹ Halhed, “Upāneeshhād,” fol. 16.

³⁰⁰ Charles Rieu, *Catalogue of the Persian Manuscripts in the British Museum*, 3 vols. (London, 1879-83), 1:57, 60, 63-64. Halhed’s abstract of the *Mahabharata* fills the first 18 folios of BL, APAC MS Add. 5657.

³⁰¹ Rieu, *Catalogue of Persian Manuscripts*, 1:57.

If the Akbar who appeared in Abul Fazl's preface would have rung truer to Dow's ears, there were nevertheless other elements of Akbar lore that Dow needed to suppress. In another place, he almost conceded Halhed and Orme's point, noting that Akbar "greatly favoured the Hindoo faith, and gave much offence to zealous Mahommedans, by practising some Indian customs which they thought savoured of idolatry. But," he hastened to add, "the dispassionate part of mankind have always allowed that Akbar was equally divested of all the follies of both the religious superstitions, which prevailed among his subjects."³⁰² Interestingly, Dow's assertion of Akbar's religious independence was somewhat at odds with the text he was translating. The Akbar who "broke those chains of superstition and credulity, with which his tutors had, in his early youth, fettered his mind" and sought "his own religion" forms no part of Firishta's portrayal.³⁰³ Firishta's Akbar makes regular pilgrimages to the shrine of Khaja Muinuddin in Ajmer, visits living Sufi *pirs*, and, to Dow's manifest annoyance, credits their prayers with having brought about the birth of his two sons.³⁰⁴ In his parting assessment of Akbar's character, Firishta has nothing at all to say about the emperor as a religious seeker. There we learn only that Akbar loved glory, that he was a daring warrior but not a great commander, and that "his generosity was great, and his clemency without bounds: this latter virtue he often carried beyond the bounds of prudence, and in many instances past the limits of that justice which he owed to the state; but his daring spirit made this noble error seem to proceed from a generous disposition, and not from an effeminate weakness

³⁰² Dow, "Dissertation," 1:xxxvii.

³⁰³ Dow, "Dissertation," 1:xv.

³⁰⁴ Dow, *History of Hindostan*, 2:209-98, at 231, 256-59, 259 n.

of mind.” If there was a veiled reference to Akbar’s treatment of his Hindu subjects intended in these lines regarding his mercifulness, to catch it, one would have to have had more knowledge of Akbar than what Firishta provided.³⁰⁵

To sum up, what I think we uncover in the Company historians’ appropriations of the Akbar tradition is a constellation of sometimes complementary/potentially contradictory impulses associated with toleration. These associations could be emphasized to greater or lesser degrees depending upon user and context. Halhed and Orme placed a premium on what might also have been called *comprehension* or “latitude” had they wished to invoke another venerable English tradition that was sometimes conflated with toleration. But Halhed quite consciously wrote to defend Hastings’ patronage for institutions and people engaged in scholarship that would reconcile Asian subjects with European conquerors.³⁰⁶ The opportunity to present Hastings as a latter-day Akbar was grist to his mill.³⁰⁷ Hastings’ own claim that he owed

³⁰⁵ Dow, *History of Hindostan*, 2:297-98. For the full contrast in portrayals, compare Dow, “Dissertation,” xv: “Muhammad Akbar, being a prince of elevated and extensive ideas, was totally divested of those prejudices for his own religion, which men of inferior parts not only imbibe with their mother’s milk, but retain throughout their lives. Though bred in the strictness of the Mahomedan faith, his great soul in his riper years, broke those chains of superstition and credulity, with which his tutors had, in his early youth, fettered his mind. With a design to chuse his own religion, or rather from curiosity, he made it his business to enquire minutely into all the systems of divinity, which prevailed among mankind.”

³⁰⁶ Marshall, “Warren Hastings as Scholar and Patron,” 256.

³⁰⁷ Famously, this strategy turned out to be more damaging than helpful to Hastings’ reputation when, during his impeachment trial, Hastings read a speech in his own defense that Halhed had written for him. The thrust of the speech was that, in a country where the people are accustomed to Oriental despotism, a ruler has to act the part of a despot himself to accomplish anything. This was grist to Burke’s mill. See Rosane Rocher, *Orientalism, Poetry and the Millennium: The Checkered Life of Nathaniel Brassey*

his success in India to the impression he was able to give native Indians of his “character” probably informed Halhed’s emphasis on Akbar’s sincerity, as well.³⁰⁸

As the projector of a plan for the future of Bengal, Dow wrote at a greater theoretical remove from any established routine or regime of toleration in India. He insisted that the British could hardly be beholden to the patterns of their Mughal predecessors. “The British nation have become the conquerors of Bengal,” he argued, “and they ought to extend some part of their own fundamental jurisdiction to secure their conquests. To call the possessions of the Company by any other name is to leave them undefined. . . . It is an absolute conquest, and it is so considered by the world.” By rights of conquest, the British might impose any form of religious toleration they liked in Bengal. Dow offered a Lockean recipe: “All religions must be tolerated in Bengal, except in the practice of some inhuman customs, which the Mahommedans have already, in a great measure, destroyed.” This he premised on a projected official *indifference* as to the efficacy of any religious practice, indigenous or otherwise. As he put it, “We may use the Indians for our benefit in this world, but let them serve themselves in the next.”³⁰⁹ But the

Halhed, 1751-1830 (Delhi, 1987), 134; Anna Clark, *Scandal: The Sexual Politics of the British Constitution* (Princeton, 2004); Nicholas Dirks, *Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Mass., 2006), 107-08; Travers, *Ideology and Empire*, 218.

³⁰⁸ See Wilson, *Domination of Strangers*, 52, citing Warren Hastings, *Memoirs Relative to the State of India* (London, 1787), 68; Hastings to Lord Shelburne, 13 December 1782, quoted in Marshall, *Making and Unmaking*, 263; and Hastings’ preface to Charles Wilkins, *The Bhagvat-Geeta, or Dialogues of Kreeshna and Arjoon: In Eighteen Lectures* (London, 1785), 13.

³⁰⁹ Dow, “Enquiry into the State of Bengal,” 3:cxvi, cxxviii. If the British came by their official agnosticism naturally (like Dow’s Akbar), then so much the better, he seemed to imply.

nonchalance with which he rattled off these formulae, imbued with the assumption that such universals as “humanity” and “public interest” could be trusted to guide the boundaries of British toleration, surely reflected his greater distance from any running public controversy on the tolerationist front at the time of writing. In fact, the specific customs Dow considered impermissible were *sati* and the live burial of dying persons in the mud along the Ganges. It would have vexed those who came to share Halhed or Orme’s perspective that Dow did not feel compelled to explain *how*, precisely, the Mughals had reduced these practices—just as the issue of whether it was rather the permission or the prohibition of *sati* that truly constituted “toleration” would vex British officialdom for much of the early nineteenth century.³¹⁰

The different secularist instincts underpinning Halhed and Dow’s pronouncements on toleration also help clarify what it might mean to say that the Company translator/redactors were “men of the Enlightenment.”³¹¹ When David Kopf characterized the East India Company’s scholar-administrators in these terms, he thought it “necessary to isolate those components of the European Enlightenment that predisposed [them]” to their “cultural relativism.” He argued that they were “classicist rather than ‘progressive’ in their historical outlook, cosmopolitan rather than nationalist in their view of other cultures, and rationalist rather than romantic in their quest for those ‘constant and

³¹⁰ See Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley, Calif., 1998), esp. 11-41, at 15. Ironically, it was evangelical missionaries who most frequently mobilized Dow’s Lockean argument from “humanity” in the 1810s and 1820s. See *Ibid.*, 121-57, at 154.

³¹¹ Kopf, *British Orientalism*, 24.

universal principles' that express the unity of human nature."³¹² So Kopf was well aware that there were different strands of Enlightenment thought, and he would probably have gone along with recent scholarship that has sought to "pluralize" Enlightenments.³¹³ What his model of the European Enlightenment foreclosed, however, was any room for the Enlightenment to be a dynamic that also took place in colonial crucibles—and in turn shaped empire-wide debates. Much of the scholarship now written on European colonies as "laboratories of modernity" still tends to suggest that this was how things worked in practice, as though modernity were something formulated intellectually in the metropole and then tried out in the colonies.³¹⁴ Yet, as we are seeing, the unique and shifting political contexts associated with colonies like British Bengal set the terms for the working out of novel understandings of toleration and the legitimate exercise of authority. The trick, it seems to me, lies in seeing the Enlightenment as the testing ground for a variety of coeval and sometimes contradictory sensibilities rather than as a set of worked-out visions or projects.

³¹² Ibid., 22, also citing Carl Becker, *The Heavenly City of the Eighteenth Century Philosophers* (New Haven, Conn., 1964), 103.

³¹³ See Sankar Muthu, *Enlightenment against Empire* (Princeton, 2003), esp. xii, 260-66; Jonathan Sheehan, "Enlightenment, Religion, and the Enigma of Secularization: A Review Essay," *American Historical Review* 108, no. 4 (October 2003): 1061-80; J. G. A. Pocock, *Barbarism and Religion, vol. 1: The Enlightenments of Edward Gibbon, 1737-1764* (Cambridge, 2001), 1-10.

³¹⁴ In turn, these studies often stress that modern practices received *application* in the colonies before being adopted back at home. As for instance in Bernard Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, 1996), 4; Gauri Viswanathan, *Masks of Conquest: Literary Study and British Rule in India* (New York, 1989).

At a deeper level, one can argue in the spirit of Jon Wilson's work that the competing emphases in Halhed and Dow's programmatic statements on toleration reflected different feels for the game of governing. Dow's drive to enunciate rules of operation by which British bureaucratic rule itself might be governed in Bengal would appear to anticipate colonial utilitarianism. Utilitarians liked to liken the state to a machine, the operating instructions for which were thought to lie in the common sense of abstract categories like "inhuman[e] customs."³¹⁵ Halhed's (and Hastings') sense that public opinion was something that needed to be courted and managed through personal care was much more typical in the eighteenth century.³¹⁶ It is at least possible that, beyond different contexts of articulation, the differences in approach between Halhed and Dow also reflected different social biases. Halhed was the son of a Bank of England director, and he attended Harrow and Christ Church College, Oxford.³¹⁷ Some of Harrow's leading literary lights, including Richard Brinsley Sheridan and William Jones, were among his friends there. In short, his intellectual formation was that of a political insider (in a nation that policed the boundaries of insider status pretty carefully). Was Dow an upstart radical—a man needing to disrupt familiar paradigms in order to make his mark? We have no details about his education; we know only that he was a Scot and

³¹⁵ Dow, "Enquiry into the State of Bengal," 3:cxxviii. Wilson, *Domination of Strangers*, esp. 133-94.

³¹⁶ As Wilson argues in his early chapters, this was so in both eighteenth-century Bengal and eighteenth-century Britain. Wilson, *Domination of Strangers*, 19-54, esp. 52-53.

³¹⁷ He did not, however, finish his Oxford degree. Rosane Rocher, *Orientalism, Poetry, and the Millennium: The Checkered Life of Nathaniel Brassey Halhed 1751-1830* (Delhi, 1983), 3-11.

that he entered the Company's Bengal Army at the rank of ensign in 1760. He reached the rank of colonel by the time of his death at the age of 43 or 44 in 1779.³¹⁸

In any case, whatever differences in perspective may have arisen from class differences, we need to be careful not to exaggerate the gap between these authors' governmental predispositions, especially among eighteenth-century commentators. Both Halhed and Dow represented the stakes of their proposals as the consolidation of British *sovereignty* over a conquered people. In this sense, they confirm David Scott's claim that governmental praxis in the British colonies continued to aim first and foremost at securing subject peoples' loyalties until sometime in the nineteenth century.³¹⁹ However, the shift in analytical language—from something like “visions of empire” to something more like subsurface sensibilities—on offer in Wilson and Scott's work is salubrious. It not only helps capture what happened with British ideas of toleration in India from the time of Halhed's *Code of Gentoo Laws* to the time of the Cornwallis Code. It also suggests that there may have been oral elements in the political culture of eighteenth-century Calcutta that simply cannot be tracked by reading the most polished published sources from the period.

Confessions of an Enlightenment (Anti-)hero? Richard Johnson's Tolerationism

³¹⁸ Marshall, “Introduction,” 6-7; Guha, *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement*, 2nd ed. (New Delhi, 1982), 21-41.

³¹⁹ David Scott, “Colonial Governmentality,” *Social Text*, no. 43 (Autumn 1995): 191-220, esp. 202-05. The “preoccupation” with the strength of the state, figured in terms of conjectures as to how many people are well-affected to the sovereign authorities, is even characteristic of a crusading anti-Asiatic work like Charles Grant's *Observations on the State of Society Among the Asiatic Subjects of Great Britain* (London, 1793).

Indeed, were it not for relatively ephemeral sources like the set of Richard Johnson's notebooks held by the Ames Library of South Asia at the University of Minnesota, one would easily be led to believe that the utilitarian impulses animating Dow's portrayal of Akbar entirely gave way to sympathy-derived toleration during Warren Hastings' governor generalship. Dow had said that the "prudent" among the Mughals knew that the Hindus' religion itself "renders crime almost unknown," and so they also knew that they should prop it up as best they could. But, of course, this was before Hastings and his band of Orientalists ushered in the wave of "Indomania" that culminated in Sir William Jones's Indian career.³²⁰ From what we know about them, it seems almost inevitable that men like Halhed and Hastings and Jones will have fashioned a model of toleration in British India that was anchored in respect for the universality of religious desires and doctrines. Dow's more cynical brand of toleration, so the story might go, will consequently have fallen by the wayside.

But Johnson, Sir William Jones's preceptor in Hindu mythology, offers a counterpoint to the standard narrative of what Orientalist credentials actually meant in terms of one's "tolerance" or toleration for Indian religious practices.³²¹ Johnson's studies

³²⁰ Thomas Trautmann, *Aryans and British India* (Berkeley, Calif., 1997), Ch. 3: "British Indomania," 62-98.

³²¹ Part of the difficulty here, as John MacKenzie and Tim Keirn and Norbert Schürer have noted, is that students of the British Raj have often used the term "Orientalist," as Thomas Trautmann does, to describe both a certain type of intellectual pursuit and a program or agenda for colonial governance. See Trautmann, *Aryans*, 17, 22. Orientalists were individuals who learned about Asian people and cultures by studying texts in the original languages in which they were written. Whatever motive—instrumental or academic—deserves pride of place in understanding why any one Orientalist engaged in his particular studies, the implication has often been that people like Richard Johnson and

Sir William Jones bore the standard for a more consultative method of governing Indians than the authoritarian approach that characterized British rule as the nineteenth century unfolded. Thus, in British Empire historiography, “Orientalist” colonialism is usually contrasted with harder-line Anglicization, which was advocated by the likes of Charles Grant and Thomas Macaulay. See John M. MacKenzie, *Orientalism: History, Theory, and the Arts* (Manchester, 1995), 2-3, and Tim Keirn and Norbert Schürer, “Introduction,” in *British Encounters with India, 1750-1830: A Sourcebook* (Basingstoke, Hampshire, 2011), 12-19, esp. 13.

As Keirn and Schürer note, the coming of Edward Said’s *Orientalism* (1979) shifted the ground of debate somewhat. It no longer mattered as much to determine what motivations drove these early Orientalist scholars to represent Indian people and culture in the ways that they did. The focus shifted to the question of whether or not the British Orientalists’ depictions of Indian society inaugurated the epistemological habit wherein what was Other for Europeans would always be foredoomed to appear to lack what purportedly made the European self itself. (So if the West was made by its industry, the non-West was supposedly constituted by its torpor; if the West’s genius lay in its rationality, then the East’s lay in its sentimentality, and so forth.) If the early British Orientalists’ portrayals of the world they encountered could be seen fitting into this pattern of representation, then we would have a solution to the question of why the British moved away from a mode of governance that counted on native expertise: i.e. they never genuinely believed that Indian natives were cut out for self-rule. After all, for Said, what Orientalist scholarship was most adept at proving time and again, because of its presumptions, was that the only well-adapted people in the world for organizing civilized societies were Europeans. Edward Said, *Orientalism* (New York, 1979). In the 1980s and 1990s, several studies tested out whether Said’s thesis could be applied to eighteenth-century British Orientalists’ writings on India. The earliest of these suggested that it could, arguing that British representations of India constantly counterpoised European rationality to Indian “imagination.” See Ronald B. Inden, *Imagining India* (Oxford, 1990), at 3. Then came rebuttals showing that British depictions of India were not so monolithic, that “[i]n eighteenth-century representations of India, the oppositions posited by Said – East/West, Other/Self – are significantly fragmented and eroded.” Trautmann, *Aryans*; Kate Teltscher, *India Inscribed: European and British Writing on India 1600-1800* (Delhi and Oxford, 1995), 8. Sir William Jones’s biographers, in particular, have been at pains to show that he took his interest in Indian languages, culture, and religion for humanitarian reasons that far exceeded the will to consolidate British power in the subcontinent. Cannon, *Oriental Jones*, esp. xiii-xvii; Franklin, *Orientalist Jones*, esp. 39, 226. Cannon (p. xiii) says that Jones “always resisted any political aspects of scholarship. Franklin does not go so far as to think we should expect Jones to have disavowed the instrumental applications of his scholarship: “Said’s indictment of Jones’s ambition to obtain a ‘perfect knowledge of India’ as complicit with imperial power states the blindingly obvious.” Franklin, *Orientalist Jones*, 19, citing Said, *Orientalism*, 36.

in comparative religion, pursued through the medium of Persian translation and informed by a near-addiction to reading bestsellers in Enlightenment philosophy and travel literature, led him to believe that all religions express the same basic *falsehoods*. He thought it crucial, nonetheless, to tolerate them all—*despite* the lack of grounds for assent. He aimed to promote a style of toleration that would instrumentalize people's religiosity in ways that would, whether they knew it or not, serve the "public good." He serves as a poignant—because remarkably coherent—reminder that his generation of Englishmen and Scotsmen in India usually practiced toleration not simply because they had been instructed to think that it was morally right but because they could imagine particular types of political pay-off resulting from the exercise of particular tolerationist options.

Johnson's private reflections—particularly his reading of Thomas Jefferson's Virginia Act for Establishing Religious Freedom (1786)—also illustrate how he brought twenty years of Indian experience to bear on issues of toleration wherever in the world they might surface. His long exposure to British efforts to cast themselves as heirs of the Akbarian tradition continued to influence his perceptions of what counted as tolerant behavior well past the change in styles of governance from Hastings to the reform-oriented Cornwallis. As we will see more in the next chapter, such continuity of approach where religious toleration was at issue was also typical for Johnson's colleagues like Jonathan Duncan and Thomas Law, who enjoyed promotion under Hastings and who became part of Cornwallis's brain trust in the later 1780s.

It would be hard to imagine how an Englishman might engage more deeply with Indian cultures than Richard Johnson did, but what does this really reveal about his political agenda? Was it a high opinion of things Asian—literature, leisure pursuits, art, women—that truly led Orientalist scholars of Johnson’s caliber to advocate “indirect rule” and religious toleration in India?³²² Not necessarily: Johnson’s quasi-utilitarian secularist priorities were products of the particular way in which he processed his colonial experiences.

Johnson worked for the East India Company from 1770 to 1790. He prided himself on his competency in understanding the local languages and customs in North India.³²³ He is probably best known to historians as a collector of art and manuscripts.³²⁴

³²² For the suggestion that higher levels of interest in Indian cultural forms and people should have translated into “Orientalist” political preferences, see William Dalrymple, *White Mughals: Love and Betrayal in Eighteenth-Century India* (London, 2002); Maya Jasanoff, “Collectors of Empire: Objects, Conquests and Imperial Self-Fashioning,” *Past and Present*, no. 184 (August 2004): 109-35. It should be noted that “indirect rule” is Sudipta Sen’s term for the way in which this period of Company rule has been characterized by other scholars whose work he wishes to criticize, particularly C. A. Bayly. Thus, it is often preceded by a “so-called” or given in quotation marks that are intended to mean the same thing. Sudipta Sen, *Empire of Free Trade: The East India Company and the Making of the Colonial Marketplace* (Philadelphia, 1998), e.g. at 3. Works targeted by his critique include: C. A. Bayly, *Rulers, Townsmen, and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870*; C. A. Bayly, *Indian Society and the Making of the British Empire* (Cambridge, 1988); Burton Stein, “State Formation and Economy Reconsidered,” *Modern Asian Studies* 19, no. 3 (1985): 387-413, and “Eighteenth Century India: Another View,” *Studies in History* 5, no. 1 (February 1989): 1-26; and D. A. Washbrook, “Progress and Problems: South Asian Economic and Social History, c. 1750-1830,” *Modern Asian Studies* 22, no. 1 (1988): 57-91.

³²³ See the preferment-seeking letter that Johnson’s father authored on his son’s behalf in 1785, enclosed in George Dempster to Henry Dundas, 5 September 1785, Melville Papers, John Rylands University Library (JRUL), R 68997, VIII, items 555-556. I am indebted to P. J. Marshall’s entry on Johnson in the *ODNB* and the biographical sketch by

Although he fell out of favor with Warren Hastings on a couple of occasions for exceeding his brief, Hastings did select Johnson for a couple of important diplomatic posts in princely states: first, the lucrative position of Assistant Resident in Lucknow at the court of the nawab wazir of Oudh, which he held from October 1780 to August 1782, and, second, Resident at the court of the nizam of Hyderabad from 1784 to early 1785. (He did the bulk of his collecting while at Lucknow and Hyderabad.) Not only was he an able linguist, he was a voracious reader. According to Toby Falk and Mildred Archer, the French governor of Pondicherry Jean Law observed of Johnson that “he was ‘familiar with the Arabic, Persian, Turkic and Hindustani languages. He loves reading and never passes a day without employing some hours on it.’”³²⁵ When Sir William Jones arrived in Calcutta in 1783, he immediately consulted Johnson’s expertise in Hindu mythology. The two agreed to meet for dinner every Monday and Thursday if other obligations did not prevent them.³²⁶ Jones said that he anticipated “great things” from Johnson. “First,” he wrote, “I expect from you an *Hindū Pantheon*, and next a complete tract on Hindū musick: no man has better materials than yourself for those works; none have made more

Toby Falk and Mildred Archer in their illustrated catalogue of the *Indian Miniatures in the India Office Library* for several of the biographical features highlighted here. P. J. Marshall, “Johnson, Richard (1753–1807),” *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/63514>, accessed 1 June 2007]. Toby Falk and Mildred Archer, *Indian Miniatures in the India Office Library* (London, 1981), 15-29.

³²⁴ On the extent of Johnson’s collection of manuscripts acquired in India (1,100 volumes), see Cohn, *Colonialism*, 98, and Falk and Archer, *Indian Miniatures*, 27. On Johnson’s patronage of artists and poets in Lucknow, see Falk and Archer, *Indian Miniatures*, 17-20, and Maya Jasanoff, *Edge of Empire: Lives, Culture, and Conquest in the East, 1750-1850* (New York, 2005), 52-78.

³²⁵ Falk and Archer, *Indian Miniatures*, 16.

³²⁶ Cannon, *Oriental Jones*, 203.

original observations on the subject; few have more discernment or taste.”³²⁷ When Johnson left India in 1790, Jones wrote to his boyhood friend Sir Joseph Banks to recommend Johnson for membership in the Royal Society, calling him “one of the most distinguished of the Company’s servants in India for ability as a public man, & for knowledge of various kinds.”³²⁸

We can tell from Johnson’s journals and commonplace books that he possessed “enlightened” tastes as a reader. The reading list includes the major Scottish Enlightenment figures Hume, Ferguson, Robertson, and Smith, their English aficionado Gibbon, and several of the *philosophe*-ic French: Voltaire, Helvétius, d’Holbach, Raynal/Diderot, and, from earlier generations, Pascal, Gassendi, and Bernier. The question, in the wake of the last thirty years or so of Enlightenment scholarship, is: what kind of Enlightenment interested Johnson? It becomes evident over the course of his commonplace books that he read these authors in search of insights into good governance: or, in other words, good management on the part of those tasked with legislating (and therefore ensuring social reproduction).³²⁹ One could say, in short, that he

³²⁷ Jones to [Richard Johnson], 22 June 1784, in *The Letters of Sir William Jones*, ed. Garland Cannon, 2 vols. (Oxford, 1970), 2:652.

³²⁸ Sir William Jones to Sir Joseph Banks, 10 January 1790, in *Letters of Sir William Jones*, 2:854.

³²⁹ By social reproduction, I mean the transmission of customs, ideologies, and regimes of social classification—i.e. the infrastructure underpinning a certain social structure—across time. Surely this is a Marxian concept in origin, but my understanding of it comes more directly from Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill, N. C., 2005), esp. 4-5.

made himself conversant with a strand of Enlightenment that descended from Machiavelli and those who critiqued Machiavellian political thought.³³⁰

His reading of Adam Smith is typical of his overall practice. Johnson's colleagues clearly thought of him as something of a financial whiz. Holding the post of account-general for Bengal, he became a member of the Calcutta Committee of Revenue in 1786 for reasons of convenience of information. In other words, the members agreed that it would be easier to consult his "knowledge and experience" if he were simply present at meetings rather than summoned on an *ad hoc* basis.³³¹ Soon thereafter, he became the inaugural president of the General Bank of India.³³² Nevertheless, he seems to have read the *Wealth of Nations* very much in line with Smith's aspiration to advance the "science of a statesman or legislator."³³³ One of the two passages that Johnson selected for immediate notice was: "The simple secret to promote the greatest possible improvement is Impartial admn. of Justice for the security of property, Liberty, and equality—that is

³³⁰ For a good survey of Enlightenment-era and earlier European responses and reaction to Machiavellian reason-of-state, see Outram, *Enlightenment*, 28-46. My thinking in this and the next five paragraphs has been inspired by the work that Anna Clark and Aaron Windel have done with the Richard Johnson manuscripts at the Ames Library before me. See their article: "The Early Roots of Liberal Imperialism."

³³¹ Calcutta Committee of Revenue to Governor General in Council, 19 October 1785, Bengal Revenue Consultations, 17 January 1786, Letter Received no. 50, BL, APAC India Office Records (IOR) P/50/63, p. 376. See also Richard Johnson to Governor General in Council, 21 October 1785, Letter Received no. 51, BL, APAC IOR P/50/63, pp. 377-78, and Governor General in Council to Calcutta Committee of Revenue, 23 February 1786, Bengal Revenue Consultations, 23 February 1786, Letter Sent no. 37, BL, APAC IOR P/50/64, pp. 395-97.

³³² Report on the "first quarterly meeting of the Proprietors" of the General Bank of India, *India Gazette*, 4 September 1786.

³³³ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776), Book IV, introduction, quoted in Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005), 29.

not to grant exclusive privileges to one trade or party to the detriment of the rest of the people.’ This,” Johnson wrote, “deserves to be recorded in letters of gold.”³³⁴ He was not unaware that the point about exclusive privileges could and would be extended by Smith to the East India Company; he just happened to be reading Smith at a moment when he and his colleagues in Bengal were framing the Permanent Settlement. Throughout the council-house debates of the late 1780s and early 1790s, the various position-takers routinely claimed to be promoting the security of Indian property, or liberties, or equality of incentive to participate in (landlord-led) “improvement.”³³⁵

Not coincidentally, Johnson’s other notes on Smith hint, with their emphases, at the need for a fine-grained governmental knowledge of the populace—to ensure a fair playing field. He sees that, in Smith’s “maxims of taxation,” the “*revenues*” that “each individual” is able to “respectively enjoy under the protection of the state” is the sum to be assessed to determine tax liability. Furthermore, Johnson stresses that in Smith “every tax ought to be levied at the *time* or in the *manner* most convenient for the contribr. to pay.”³³⁶ It would appear that Johnson placed the accents where he did in these passages because they confirmed thoughts that had occurred to him before—in criticism of Warren Hastings’ government, in fact. An undated draft of a statement in Johnson’s hand on “the subject of the management of the Revenues” of Bengal and Bihar resides in the John

³³⁴ [Richard Johnson], Commonplace book entry on “Smith’s Wealth of Nations,” April 1789, Phillipps MS 17,185, University of Minnesota, Ames Library of South Asia, MSS B114/2, p. 14, emphasis in original.

³³⁵ Guha, *Rule of Property*.

³³⁶ [Richard Johnson], Commonplace book entry on “Smith’s Wealth of Nations,” April 1789, Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p.13.

Rylands Library in Manchester. It is likely that Johnson prepared this plan in advance of a meeting with the new Governor General Charles Cornwallis soon after Cornwallis's arrival in Calcutta in September 1786. Throughout, Johnson stresses that the problem with the way in which the Company government has managed its Bengali populace "after thirty years possession" is still an absence of detailed knowledge. "We do not know the extent and division of our lands," he writes, "nor their quality. We are unacquainted with the objects of cultivation, the cultivators, their language, manners, nature and rights. As little informed of the rates & values of the crops nor have our Kistbundeas [i.e. collection schedules] yet proved that we even know the periods."³³⁷ At any rate, the point is that Johnson's Adam Smith was not the Smith of the invisible hand so much as the Smith who continued the work of his *Lectures on Jurisprudence* in his *magnum opus* of 1776.³³⁸

Johnson's reading of Helvétius displays a similar quasi-Cameralist bent. He found more to challenge among the quotations he picked out from Helvétius's *Treatise on Man, His Intellectual Faculties and His Education*, but he jotted down no fewer than thirteen remarks—against the five passages he quoted from Smith. Johnson makes 3 of these relate in some way to the relationship between civil and religious authority, 6 to the

³³⁷ Richard Johnson, Draft memorandum beginning, "You do me the honor to call upon me to consider the subject of the management of the Revenues of these provinces," n. d. [Fall 1786?], Phillipps Collection of East India Company Papers, JRUL, Eng MS 177/1/6, unfoliated. On 12 December 1786, Johnson refers to an interview he has recently had with Cornwallis at which the two discussed a plan for helping shore up the Company debt situation with a more efficient method of paying the Company's servants. Draft of Richard Johnson to Earl Cornwallis, 12 December 1786, Phillipps Collection of East India Company Papers, JRUL, Eng MS 183/6, unfoliated.

³³⁸ See Emma Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge, Mass., 2001), Chs. 3-5 (72-156); Pitts, *Turn to Empire*, Ch. 2 (25-58).

hidden springs of human action, 2 to the markers of accomplishment for a state, and 4 to the origins of religious doctrines. His interest in Helvétius clearly had something to do with the way in which all of these problems came across to Johnson as interlinked ones. This, I think, is why Johnson can be seen pressing the quotations into the service of somewhat different points than they advance in the original. The ninth quote, for instance, paraphrases a section in which Helvétius is working out an account of the origins of what he calls “religious tales.”³³⁹ Johnson has it, ““Hope of immortality & *fear* [(Johnson’s emphasis)] of annihilation made up the doctrine of the Soul.”” He adds, “Hope & fear are certy. our two most powerful motors”—Helvétius would simply have said pleasure and pain—and then rejoins Helvétius’s line of analysis to confirm that “with their united strength [they] may establish anything.”³⁴⁰

Again, the problem on Johnson’s mind was the question of social management—colonial and domestic. Helvétius’s reduction of human motivation to the pleasure/pain principle offered an entrée toward a solution. But Johnson’s assessment of hope and fear as “our most powerful motors” fell in line with his reaction to Helvétius’s statement that “corporeal pains & pleasures are the unknown principles of all human actions.”³⁴¹ He wrote, “This is true when the imagination does not overpower the man. As [for example,]

³³⁹ Helvétius, *A Treatise on Man, His Intellectual Faculties, and His Education*, trans. William Hooper (London, 1777), 207-13.

³⁴⁰ [Richard Johnson], Commonplace book entries on “Helvetius,” [late March 1790], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, pp. 51-53, 55, 59, emphasis in original.

³⁴¹ Helvétius, *Treatise on Man*, 120, quoted in [Richard Johnson], Commonplace book entry on “Helvetius p. 120,” n.d., Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 53.

by religious conceits[.] ... We are ever ready to be insensible to present pain or pleasure for future hope.”³⁴² So, although he resisted Helvétius’s system insofar as it failed to appreciate the role of imagination, he also sought to ground his faith in the malleability of men on a similarly universal basis. Writing some notes on “government: what shall be its principles?” he reflected, “As man is the object to be regulated His passions aim & end should form the basis. To form & guide him as well as check and control him should clearly be the object of good government.”³⁴³ He asserted elsewhere that “if we look into the conduct of individuals, whether ourselves or neighbours, If we look through the pages of history at ye conduct of nations we find the whole series an ebullition of Passion bearing every thing down before it. The American savages, the holy crusaders, the civilised English seem all impelld & moved by the same unbounded passions.”³⁴⁴ And he never wavered from a Helvétius-like belief, which evidently antedated his reading of Helvétius, that if Sarasvati, the Hindu goddess of wisdom, could “be aided by a printers devil and the Hindoos receive a free Govt. & the Education we do, and improve their astronomy by navigation, they would vary from their present state.”³⁴⁵

³⁴² [Richard Johnson], Commonplace book entry on “Helvetius p. 120,” Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 53.

³⁴³ [Richard Johnson], Commonplace book entry on “Government: what should be its principles?” n.d. [March 1790?], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, pp. 41-43.

³⁴⁴ [Richard Johnson], Commonplace book entry “Upon the Passions,” n.d. [March 1790?], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 35.

³⁴⁵ [Richard Johnson], Commonplace book entry on “Various Religions,” n. d. [late September 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 43. Years later, he repeated the point in language that sounds positively Macaulayan in a letter he wrote to Sir James Mackintosh at Bombay, in which he looked

Johnson undoubtedly shared Helvétius's urge to treat the human passions as embodied forces. In fact, nothing anchored his style of social analysis so much as what A. O. Hirschmann once termed the theory of "the countervailing passion." In the works of authors from Bacon down through Hume, Helvétius, d'Holbach, and Alexander Hamilton, Hirschmann found the idea developed that some passions, for example avarice, could act benignly if they blinded individuals to the sensation of more sordid ones, such as lust or vengefulness. Hirschmann argued that faith in this idea of the utile passions enabled gentlemanly elites, whose status did not derive from moveable property, to champion commerce nonetheless: for reasons of political and social control.³⁴⁶ Johnson read these very authors' works attentively, and it is apparent that he imbibed their rhetoric. Some form of the verb "to check" is a constant, almost unconscious presence for Johnson. It makes one wonder if he spoke this way all the time and to everyone: "Magistracy alone must check mankind"; "a state ... where religion has no check"; "the jarrings of two parties of Hindoo Durgah poojans & Mahomedan morning ashoorahs and

forward to a "time when our books shall be read by the natives." This would "instill into their minds not only attachment and gratitude towards us, but lay the foundation of the first principles of their future happiness, by instructing them in the grounds of it. To enable them to peruse this, & hence to disseminate it among others, the mind is naturally led to think of their education ... What they may learn from us, is to obtain antidotes to their poisons, to exchange ignorance for knowledge, to establish happiness upon misery. Supposing that through their education in our language & knowledge we could only so far improve their feelings & morals, as to make them shudder at offering human sacrifices of children men & women to Deities who, were they what they are supposed to be, cannot be satisfied by them. What a conquest, what a triumph would this prove!" Johnson to Mackintosh, 20 February 1805, BL, MS Add. 52451 B, fols. 70-71, spelling, punctuation, and grammar as in original.

³⁴⁶ A. O. Hirschmann, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton, 1977), 22-28, 129-34.

the agent of our Christian govt. checking the two.”³⁴⁷ And, completing the circle: “To form & guide him as well as check and control him should clearly be the object of good government.”³⁴⁸

In this way, the Richard Johnson of his commonplace books never appears to have been one of those Company servants, so astutely analyzed by Jon Wilson, who suffered from epistemic anxiety during their time in India. Wilson tracks Johnson’s contemporaries John Shore and George Barlow, both of whom were instrumental in drafting the Permanent Settlement and the accompanying judicial regulations that formed the Cornwallis Code of 1793, especially thoroughly. He concludes that their anxieties about whether native norms were knowable at all led them to advocate a modern, impersonal style of bureaucratic government. Rule carried out through inflexible procedures and adapted to the management of whole categories of the population rather than individual persons alleviated the burden of blind spots in British knowledge and, at the same time, perpetuated Britons’ habits of governing the Bengali populace as strangers to the governed. But Johnson might stand as a counterexample. As he put it in his commonplace book entry on government, “In short I would extend to the aggregate of man that Government which I would propose for the single man and assuredly that would turn upon his education & the subsequent control of his passions at a more advanced

³⁴⁷ [Richard Johnson], Commonplace book entry on “Various Religions,” Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, pp. 38, 41; [Richard Johnson], “Notes on the Debbestan,” n.d., Phillipps MS 17,208, University of Minnesota, Ames Library, MSS B114/3, p. 7.

³⁴⁸ [Richard Johnson], Commonplace book entry on “Government: what should be its principles?” n.d. [March 1790?], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, pp. 41-43.

period.”³⁴⁹ He seems, in other words, to have envisaged a type of governance tailored around the Indian iterations of human universals.

Johnson’s proposals for managing the religious passions are a case in point. His thoughts on this topic took a few forms; in the most succinct of them, he took issue with something he read (or perhaps overread) in Helvétius. Taking Helvétius to have argued for a kind of theocracy—the quote was “the reunion of the temporal & spiritual powers in the same hands is indispensable”—Johnson rejoined, “It is strange that any man should advance such a doctrine if he has ever read the histy. of the Caliphs & the Popes ... The doctors of the religious tenets of every nation shod. ... always be subservient to the temporal power. Let them be censors, preach morality, attend to education & they will be in their best state.”³⁵⁰ Ironically, Helvétius’s goal was very much the same: to keep spiritual authority permanently subordinate to civil authority.³⁵¹ But Johnson thought he saw him departing from his usual rigor on this front. Helvétius ought to have realized, Johnson contended (and I’m paraphrasing here), that anyone driven so far by superstitious passion as to become a priest in any of the existing religions would never

³⁴⁹ [Richard Johnson], Commonplace book entry on “Government: what should be its principles?” n.d. [March 1790?], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 42.

³⁵⁰ [Richard Johnson], Commonplace book entry on “Helvetius p. 89 1 vol. Eng. Trans.” n.d. [late March 1790], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 51. He continued, in a manner somewhat comparable to something David Hume would say, “To qualify them for these duties they must be kept poor & sho’d have no dignities to rise to. As censors to attend to morals a very few might have a voice in the Legislature to point the laws to these objects.”

³⁵¹ Helvétius, *Treatise on Man*, 72. Johnson’s quotation of “the reunion of the temporal & spiritual powers in the same hands is indispensable” came from Helvétius endnote (located on p. 89) for the passage on p. 72 of the main text.

put public interests above his own salvific ones.³⁵² In this way, it is apparent that Johnson never doubted the sincerity of priests or the vast majority of their parishioners. As he wrote on another occasion during his Indian career, “I ever believe that whatever is said to me [e.g. the report of a miracle] is thoro’ according to the Truth as far as the degree of blindness possessed by the Recorder is able to trace.”³⁵³ For this very reason, Johnson adopted a secularist posture more comparable to Edward Gibbon’s and David Hume’s than Helvétius’s or, for that matter, Thomas Jefferson’s.

In fact, when Johnson read the text of the Virginia Assembly’s Act for Establishing Religious Freedom while on a tour of Bihar in 1789, he gave it a spin that could only have reflected his long engagement with Indian religious diversity and a corresponding sense that religious toleration involved, above all, the preservation of variety in worship.³⁵⁴ The foundation for the Virginia Act is the legislators’ “aware[ness]

³⁵² In Johnson’s words: “Whoever believes thoroughly in any of the religions now prevailing will inevitably give up all his interests in this life & look for nothing but his entrance into the next consequently were our temporary Interests here overlookd & neglected by all the individuals of a state that state must go to immediate dissolution.” [Richard Johnson], Commonplace book entry on “Helvetius p. 89 1 vol. Eng. Trans.” n.d. [late March 1790], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 51.

³⁵³ Thus, when faced with someone claiming to have witnessed a miracle, Johnson “was satisfied that they were deceived, therefore I did not credit the miracle, tho Implicitly held that they had seen or imagined they had seen all that they utterd.” Draft letter from Richard Johnson to “Dear Doctor,” n.d., Phillipps MS 17,251, JRUL, GB 133 Eng MS 194/1, unfoliated.

³⁵⁴ He thought, of course, that he was in full agreement with the perspective of the text’s author, which is why he was excited to label the Virginia Act “[one] of the finest & most liberal arguments” “in favor of general toleration” ever “published by any body assembled.” [Richard Johnson], “Journal from Calcutta to Chittagong & Patna, March 1789 & Nov, January 1790,” 18 November 1789, Phillipps MS 17184, University of Minnesota, Ames Library, MSS B114/1, p. 47.

that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do.”³⁵⁵ In all likelihood, all Jefferson was doing at this point was reiterating the well-worn argument from Locke and others that it was futile to try to compel *beliefs*—compulsion could produce hypocrisy, not conviction. But for Johnson, these lines “advanced that the example of general toleration of religious form & sentiment was set by the Deity itself which omnipotent as it is has always admitted variety of Worship, altho’ while its omnipotence is admitted it must follow that it could have establishd but one creed among the various nations & races of men had it seen fit so to do. On the contrary it had admitted all to thrive Idolater, Mahomedan, Jew & Christian leaving each to thrive spread & prevail as it might, each by its own strength & progress.”³⁵⁶ Now at no point do idolater, Muslim, and Jew enter Jefferson’s text, and at no point does Jefferson actually say that Almighty God appreciates various styles of *worship*—Jefferson is noticeably silent on what worship may or may not accomplish.³⁵⁷ More importantly, Johnson was on the cusp of mentioning

³⁵⁵ [Thomas Jefferson], *The Virginia Act for Establishing Religious Freedom* (1786), <http://religiousfreedom.lib.virginia.edu/sacred/vaact.html>, accessed 15 May 2012.

³⁵⁶ [Richard Johnson], “Journal from Calcutta to Chittagong & Patna, March 1789 & Nov, January 1790,” 18 November 1789, Phillipps MS 17184, University of Minnesota, Ames Library of South Asia, MSS B114/1, p. 47.

³⁵⁷ In fact, Jefferson has very little to say about worship at all. Even where he suggests that all financial contributions to religious establishments should be voluntary, he seems to prefer to render these as “contributions of money for *the propagation of opinions*” or

striving as something that the deity's general toleration permits religious groups to do—as part of the complex of thriving, spreading, and prevailing. At about this same time, he was also writing in his commonplace book about “the Koran.” There he concluded, in a manner consistent with a newfound appreciation for Adam Ferguson, “This variety & opposition is the source of life & existence In man & more are in fact, however deeply the truth may lie hidden, made & preserved by this mode” than by its preemption.³⁵⁸

Thus, the precise kind of *laissez-faire* that Johnson envisioned for religions would always have a sobering edge to it. He acknowledged “upon the whole that few will deny the benefit to be more extensive & important than the evil”—i.e. “the destruction of many from opposition of religious sentiment.”³⁵⁹

Johnson's tolerationism stemmed from a sensibility that brought Helvétius and Ferguson, and Gibbon and Hume into neat alignment. Describing Rome's empire at its apogee in Volume 1 of the *Decline and Fall* (1776), Gibbon had said “of the magistrates

“to support this or that teacher of his own religious *persuasion*” or “to the particular pastor whose *morals* he would make his pattern, and whose powers he feels most persuasive to *righteousness*.” The statute does guarantee that “no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever,” but this announcement in negative form quickly recedes before the more positively formatted declaration “that all men shall be *free to profess*, and by argument to maintain, their *opinions* in matters of religion, and that the same [opinions] shall in nowise diminish, enlarge, or affect their civil capacities.” Jefferson, *Virginia Act*, my emphases.

³⁵⁸ He had started from the hot-tempered sentiment that “had Mahomed never been born or the Koran never suffered to exist what myriads would have enjoyd additional life & Joys & ... what additional children born whose conception have been prevented by the destruction of fathers & mothers still young” before evidently shifting his perspective. [Richard Johnson,] Commonplace book entry on “The Koran,” n.d. [Fall 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 62; pp. 61-62.

³⁵⁹ [Richard Johnson], Commonplace book entry on Thomas Reid's *Active Powers of Man*, n.d. [Summer 1790?], Phillipps MS 17,184, University of Minnesota, Ames Library, MSS B114/1, unpaginated portion.

... in the provinces” that “they were convinced that the various modes of worship contributed alike to the same salutary purposes; and that, in every country, the form of superstition, which had received the sanction of time and experience, was best adapted to the climate, and to its inhabitants.”³⁶⁰ This account of the ancient religions as so many forms of superstition seems to have appealed to Johnson. We only know for certain that Johnson read volume 5 of the *Decline and Fall*. While journeying from Bengal to England in 1790, he cited page 205 of that work and wrote, “I entirely agree with Mr. Gibbon- The Deity is seen in all his works & his Law is to be found in the heart & head of man, nor do I know where else a true religion is to be look’d for. If this be so a question wou. naturally arise upon this position. Whose heart & head shall form the criterion for the creed of the nation? Or may every man have his own[?] I should be very glad to hear Mr. G’s opinion at large upon this great question how far a Religion is indispensably necessary to the happiness & good regulation of every society.”³⁶¹ And although we can only guess at how much of Gibbon Johnson had read previously, we can tell that he would have been one of the fifth volume’s first purchasers in India. Volumes 4, 5, and 6 of the *Decline and Fall* were published in May 1788.³⁶² Copies may have reached Calcutta by the end of that year. Clearly, for Johnson to have had volume 5 in his

³⁶⁰ Edward Gibbon, *The History of the Decline and Fall of the Roman Empire, Volume the First*, 2nd ed. (London, 1776), 33.

³⁶¹ [Richard Johnson], Commonplace book entry on “Natural religion,” n.d. [near 11 March 1790], Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 39.

³⁶² For the publication history, see David Womersley, “Introduction,” in Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. David Womersley, 3 vols. (London, 1994), 1:xi-cvi, at lxviii.

possession before he departed India in February 1790, he would have to have snapped up his copy within the first year that it was available in Bengal. This timing, coupled with the fact that Johnson wanted to consult Gibbon of all thinkers on the question of whether some religion was needed for a well-regulated society, suggests that he was something of a Gibbon fan.

More to the point, Johnson's approach as a historian of Asian religions smacks of affinities with Gibbon's—and therefore also Hume's—analysis of religious history. As J. G. A. Pocock has argued, Gibbon and Hume found “enthusiasm”—the mind's overconfidence that it is in direct communication with the divine, that it is “God's immediate vehicle”³⁶³—to be the more dangerous element in the dynamic of “superstition and enthusiasm” that animated world religious history.³⁶⁴ This was why neither supported disestablishing the English Church.³⁶⁵ Hume wrote, “Whatever ridicule, to a philosophic mind, may be thrown on pious ceremonies, it must be confessed that, during a very religious age, no institutions can be more advantageous to the rude multitude, and tend to mollify that fierce and gloomy spirit of devotion, to which they are subject.” Such superstition, arising from the “affrighted and astonished mind,” was probably

³⁶³ J. G. A. Pocock, *Barbarism and Religion, Volume 2: Narratives of Civil Government* (Cambridge, 1999), 94, 194-95.

³⁶⁴ J. G. A. Pocock, “Superstition and Enthusiasm in Gibbon's History of Religion,” *Eighteenth-Century Life* 8, no. 1 (October 1982): 83-94; For Hume, the destabilizing dangers of enthusiasm became all the more combustible under “modern” conditions: i.e. printing, powerful territorial princes (and popes) pursuing Machiavellian reason-of-state, gunpowder, and the flush of money in circulation that followed on the heels of Spanish conquests in America. Pocock, *Barbarism and Religion* 2, 225-38, 208-17.

³⁶⁵ J. G. A. Pocock, *Barbarism and Religion, Volume 1: The Enlightenments of Edward Gibbon, 1737-1764* (Cambridge, 1999), 305-06.

ineradicable, but it was also *manageable*.³⁶⁶ As Hume only half-joked, “the most decent and advantageous composition, which [the magistrate] can make with the spiritual guides, is to bribe their indolence, by assigning stated salaries to their profession, and rendering it superfluous for them to be farther active, than merely to prevent their flock from straying in quest of new pastures.”³⁶⁷

Hume and Gibbon’s treatment of superstition accorded well with Johnson’s (not to mention Hume’s) psychology of the passions. And Johnson’s desire to accommodate superstitious passions became all the stronger when he thought about them from the perspective of government. At one point, he brooded, “A man who can buy off a crime as the Roman Catholic can is no more checkd by religion than if there were none and probably a state which had no religion would go on as well as one where religion has no check.”³⁶⁸ This amounted to the suggestion that, “if we may argue that a bad religion is worse than none[,] we shall readily infer that a religion is not indispensably necessary for

³⁶⁶ David Hume, *The History of England from the Invasion of Julius Caesar to the Revolution of 1688. A new edition, corrected*, 6 vols. (London, 1762), 5:389-90. The fifth volume of the 1762 edition of Hume’s *History of England* had originally been published in 1754 as Volume 1 of his *History of Great Britain*, followed by Volume 2 in 1756, which became the *History of England*’s sixth and final volume in 1762. See also Pocock, *Narratives of Civil Government*, 193, 246.

³⁶⁷ Hume, *History of England*, 3:117-18, quoted in Pocock, *Narratives of Civil Government*, 226. See also Pocock’s commentary here on how “religious toleration, in Hume’s view, served exactly the same purpose as religious establishment: that of policing and lobotomizing religion, but cutting off at source its tendency to disputatiousness, . . .” and on how Hume and Thomas Jefferson would never have seen eye to eye on how to achieve such ends.

³⁶⁸ [Richard Johnson], Commonplace book entry on “Various Religions,” n.d. [late September 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B/114, p. 50.

the well regulating a society.”³⁶⁹ However, he later recanted: “The possession of a Religion to a people is certainly a very beneficial object. It Elevates the mind & forms a wonderfully fine counterpoise to the selfishness of man otherwise restricted to the groveling objects here below.”³⁷⁰ When he read Chastellux’s *Travels in North America* (published in 1787), he extracted just one quote from the author: ““Nothing proves to me that it is not good to know the truth, & what has error hitherto produced? The misery of the world.”” Then he rebutted it, “This is said upon ye subject of religion. . . . But it is a question to be discussed whether there is no objection to the attainment of truth & whether error has & must entail misery.”³⁷¹ *Whether error has and must entail misery*—it is this formulation of the problem that sends the clearest signals of Johnson’s affinities with Gibbon and Hume.

Little wonder, then, that Johnson should ultimately suggest, as Gibbon did in print, that all religions were forms of superstition, adapted to a particular time and place—or, as Ferguson might put it, a particular state of civil society. In contrast to the more renowned Orientalists of his day, Johnson’s study of Hindu and Avestan mythology led him to what could be called a perverse perennialism. The perennialist argument, according to Richard King, is the “thesis that all religions, at a fundamental level, express

³⁶⁹ [Richard Johnson], Commonplace book entry on William Robertson’s *History of Charles V*, 11 March 1790, Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 38.

³⁷⁰ [Richard Johnson], Commonplace book entry on Thomas Reid’s *Active Powers of Man*, n.d. [Summer 1790?], Phillipps MS 17,184, University of Minnesota, Ames Library, MSS B114/1, unpaginated portion.

³⁷¹ [Richard Johnson], Commonplace book entry on “Chastellux’s Travels into America,” May 1789, Phillipps MS 17,185, University of Minnesota, Ames Library, MSS B114/2, p. 17.

the same basic truth.”³⁷² King cites Anquetil Duperron, the French Jesuit who translated the *Zend Avesta* into Latin in 1771, as a leading example of Orientalist perennialism. In 1801, in his preface to the first version of the Hindu Upanishads that appeared in a European language (Latin), Anquetil argued, “The books of Solomon, the Sacred Canons of the Chinese, the Vedas of the Hindus and the Zend-Avesta of the Persians, all contained the same basic truth, and had one common parenthood in their origin. What one would find in the books of Solomon, one would find also in others, but with one single difference, namely, what the former would have clearly and lucidly, others would have blurred by false reasoning, as it were dusty and rusty. But a skilled artisan should know how to extract the gold alone, which lies mixed with mud and scoria.”³⁷³

William Jones favored perennialist arguments, with a heavy accent on interreligious comprehension, throughout his lifetime. Not long after the Gordon Riots in 1780, which he experienced firsthand as he joined with other barristers in forming an emergency defense force for the Inns of Court, he wrote a poem called “Kneel to the Goddess whom all men adore.” The poem’s first three lines carried Jones’s main message:

What means all this frenzy, what mad men are they

Who broil and are broil’d for a shade in religion?

³⁷² King, *Orientalism and Religion: Postcolonial theory, India and the “mystic” East* (London, 1999), 120.

³⁷³ He translated them from the Persian rendition compiled at the insistence of Prince Dara Shukuh in 1657: the *Sirr-i Akbar*. Anquetil-Duperron, *Oupnek’hat id Est, Secretum Tegendum* (Paris, 1801), 1:viii, quoted in King, *Orientalism*, 120.

Since all sage inspirers one doctrine convey.³⁷⁴

In 1789, he recorded plans to write four books of hymns that were “Indian, European, Persian, Asiatick, Arabian, African, Hyperborean, [and] American” in origin. His “object: to recommend universal toleration by showing that all nations, even those esteemed the most idolatrous, agree in the *essentials* of religion, a belief in one God, Creator and preserver, and in a future state of rewards and punishments.”³⁷⁵

Johnson agreed that religions should, universally, be tolerated—but not because they were universally truthful in any degree. They were to be tolerated because they were useful. In an extended reflection on the “Various Religions,” Johnson asked himself, “What shall argue from the various religions that exist and have existed throughout the world? ... Shall the variety be a proof that all are imaginative? Shall the variety prove that many cannot judge between the true and false?” To be sure, the sacred texts of the world’s known religions exhibited remarkable similarities. But, of “the Hindoos Bede [Veda], the Magis Zend Avesta, the Mahomedans Koran the Jews Pentateuch & the Christians Gospel ... Each contains improbabilities incredibilities which my reason must equally revolt at. Each author received it by his own declaration from God. Each conversed with God himself each has myriads of testimonies each is offerd by millions of hands each has an Incarnation each a descent each a creation each a multiplied Godhead

³⁷⁴ William Jones, “Kneel to the Goddess whom all men adore,” in *Sir William Jones: Selected Poetical and Prose Works*, ed. Michael J. Franklin (Cardiff, 1995), 58.

³⁷⁵ Sir William Jones, “Plans of Knowledge,” [1789], New York University, Fales Library, Jones Mss 1:20, cited in Franklin, *Orientalist Jones*, ix, and in Cannon, *Oriental Jones*, 310, emphasis Cannon’s.

each two Eternities each Spirit & Soul perpetual torments & delights.”³⁷⁶ In the end, however, the shared features amongst all of these faiths tallied in the particular favor of none of them: “In short, the circumstances advanced by each are so similar the proofs so alike & the avouchers of such equal number & the objects of each so equally discordant with right reason, that is my right reason, for other[s’] I cannot judge of, that I must reject the whole.”³⁷⁷

This effective reduction of the springs of all religion, including the one “authoritatively pressed upon me ... with my first Ideas,” to superstition was still not quite the end of the story for Johnson. After all, it did not negate the utility of that particular passion. Thus, no sooner had he determined, “I see no remedy ... but to reject them all & appeal to reason,” than he began to panic: “If this be done every man according to the strength or weakness of his powers will form a religion for himself and one great inconveniency arises of a magnitude that cannot easily be ascertained. All fear of invisible inspection is lost, all fear of greater punish. than that of the magistrate is lost. All control of the passions so often assumed on account of future hopes is removed.”³⁷⁸ And as we have seen, he ultimately decided that the social benefits outweighed the “evils” involved in accommodating the superstitious impulse. He determined, pace

³⁷⁶ [Richard Johnson], Commonplace book entry on “Various Religions,” n.d. [late September 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, pp. 36, 44.

³⁷⁷ [Richard Johnson], Commonplace book entry on “Various Religions,” n.d. [late September 1789, Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 45.

³⁷⁸ [Richard Johnson], Commonplace book entry on “Various Religions,” n.d. [late September 1789, Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 38.

Hume, that “[Thomas] Reid’s book [on *The Active Powers of Man*], which tends to confirm the doctrines of religion, is more *usefull* than Hume’s” because “man requires to be controlled & Governed. To this the magistrate alone is not equal. . . . Religion herein therefore is again of great use. The hopes & fears it holds out must often operate to good ends & regularity where the magistrate cannot and frequently it operates more coercively, the attachment upon the imagination, where Religion generally holds its strongest grasp, being almost unbounded.”³⁷⁹

Johnson adhered to this belief in the utility of all sorts of religious traditions even when they appeared to render their practitioners least governable. We have seen how, in his assessment of the Koran, he moved from an initial revulsion at the numbers of people killed in the name of Islam and in the name of Christianity to an accommodation with the competitive spirit induced when each religion is allowed to “thrive, spread, and prevail” as it might. It is significant that he reached this resolution within months of witnessing an especially violent clash in the streets of Calcutta in September of 1789. The outbreak itself had occasioned his long meditation on the “Various Religions”: “I have been called to these reflections by the jarrings of two parties of Hindoo Durgah poojans & Mahomedan morning ashoorahs and the agent of our Christian govt. checking the two.”³⁸⁰ Johnson had no ultimate solution for the problem of religious violence; he never

³⁷⁹ [Richard Johnson], Commonplace book entry on Thomas Reid’s *Active Powers of Man*, n.d. [Summer 1790?], Phillipps MS 17,184, University of Minnesota, Ames Library, MSS B114/1, unpaginated portion, my emphasis.

³⁸⁰ [Richard Johnson], Commonplace book entry on “Various Religions,” n. d. [late September 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 41.

called for a damping down of the passions animating religious behavior. The possibility of interreligious conflict was always a lower-order concern for him than that of giving due encouragement to “superstitious” practices. Where he could play a role in shoring up the case for superstition, he would do so. When he saw “the agent of our Christian govt. checking” the Hindu and Muslim faction fighters in 1789, he opted to historicize rather than moralize: “The Christian reviles both & both arraign the Christians. The three are equally earnest & impressed with their respective creeds. They each belong to three of the great Govts that now divide the world at the same moment. Each have men of equal natural but not equal acquired parts.”³⁸¹ There is no indication that he wished for a diminishment in zeal on the part of any party. He simply brushes on to account for their antipathy by referring to their intimate complementarity with the respective governments that vie for supremacy in the world. In this way—forced to admit that some strife might always accompany his and his government’s efforts to permit each religion to “thrive as it might”—Johnson projected the limitations of his own (and Hume’s and Gibbon’s) tolerationist formula.

Conclusion

Despite its limitations, Johnson’s facilitative notion of toleration proved durable in British India. In her account of the making of Indian secularism, Nandini Chatterjee offers some excellent insight into the intellectual backdrop behind Governor General William Bentinck’s 1835 resolution recommending that that all money apportioned by

³⁸¹ [Richard Johnson], Commonplace book entry on “Various Religions,” n. d. [late September 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 42.

the Company for native education would flow into schools in which the teaching was done in English.³⁸² As is well-known, Bentinck sympathized with the ardent liberals Charles Trevelyan and Thomas Babington Macaulay.³⁸³ Chatterjee points out that Macaulay's notorious minute of 2 February 1835 in favor of English-language education—to the exclusion of instruction in Sanskrit and Arabic—drew upon a distinctively utilitarian view of religious establishments. “There is much in that Minute about religion that scholars have ignored in favour of the cultural angle,” Chatterjee argues, and this despite the fact that “religion was far more crucial in shaping the substantive policies.” From Macaulay's perspective, those religious institutions that were deemed “useful” to the public good could be considered worthy of receiving state patronage; those that were not could not expect to be supported by public funds.³⁸⁴ This was why he took pains to denounce the “false History, false Astronomy, [and] false Medicine,” as well as “false taste and false philosophy,” that a student learning to read

³⁸² For the full text of the Governor General in Council's Resolution No. 7 of 1835, 7 March 1835, see Charles Trevelyan, *On the Education of the People of India* (London, 1838), 13-15. Chatterjee quite correctly points out that this resolution of the governor general in council represented a far less conclusive policy shift than Trevelyan hoped it would. In fact, the Company's directors and the Board of Control in London overturned it. Chatterjee, *Indian Secularism*, 27; Kenneth A. Ballhatchet, “The Home Government and Bentinck's Educational Policy,” *Cambridge Historical Journal* 10, no. 2 (January 1951): 224-29.

³⁸³ Percival Spear, “Bentinck and Education,” *Cambridge Historical Journal* 6, no. 1 (January 1938), 78-101; Suresh Chandra Ghosh, “Bentinck, Macaulay and the Introduction of English Education in India,” *History of Education* 24, no. 1 (1995): 17-24.

³⁸⁴ Chatterjee, *Indian Secularism*, 27-31, at 30, 29.

Hindu scriptures in their original language would have to master along the way.³⁸⁵ He applied the same basic criterion of public utility to “defend the rights of Dissenters to their church property, deplore the Anglican establishment in Ireland, and urge the Parliament to make a larger grant to the Catholic seminary of Maynooth.”³⁸⁶ Bentinck’s resolution, then, was an attempt to implement the utilitarian logic of Macaulay’s attack on state support for contemptible religious traditions.

To save a long retelling of Chatterjee’s story, suffice it to say that the practical dilemmas that remained implicit in Bentinck’s resolution surfaced when the British finally began expanding native education in the 1850s. A key problem was that the schools best poised to offer instruction on a large scale were mission schools. This meant that if the government hoped to see an increase in the number of pupils receiving instruction (whether in English or in any other language for which there was a local demand) it would have to work out some sort of arrangement whereby evangelical Christians would teach non-Christian students. However, if a school receiving government funds directed its energies toward making converts, then the British

³⁸⁵ T. B. Macaulay, Minute on Indian education, 2 February 1835, in *Macaulay’s Minutes on Education in India, written in the years 1835, 1836, and 1837, and now first collected from records in the Department of Public Instruction* (Calcutta, 1862), 104-116, at 113, 112. Later in his career, before the House of Commons, Macaulay returned to the distinction between useless and potentially utile religions: “It is much better that people should be without any religion than that they should believe in a religion which enjoins prostitution, suicide, robbery, assassination. But will any Protestant deny that it is better that the Irish should be Roman Catholics than that they should live and die like the beasts of the field?” T. B. Macaulay, Speech delivered in the House of Commons, 14 April 1845, in *Speeches by Lord Macaulay*, ed. G. M. Young (London, 1935), 237-53, quoted in Chatterjee, *Indian Secularism*, 31.

³⁸⁶ Chatterjee, *Indian Secularism*, 30.

government of India's pledge to protect Hindu and Muslim families from disturbance in the enjoyment of their own worship, ceremonies, and festivals would ring hollow.³⁸⁷ How had the East India Company government reached the point where it recognized a duty to protect Indian natives from missionary zeal? If it had agreed that "the natives should be left undisturbed in the full enjoyment of their ... religion,"³⁸⁸ as had indeed been confirmed in 1793 with the implementation of the Cornwallis Code, then how could it justify disturbing Christian evangelicals in the full exercise of theirs? And what was it supposed to do if Muslim groups wished to proselytize among Hindus? Or how about *Shaivite* Hindus wishing to convert *Vaishnavites*?³⁸⁹

³⁸⁷ Just such a pledge had been reiterated in an 1826 despatch from the Court of Directors to the government at Calcutta. The Examiner's Office employee in charge of drafting that despatch was the young John Stuart Mill, whose utilitarian credentials are hardly in doubt. Faced with a question regarding whether the Calcutta government could give fiscal support to a Christian ladies' society preparing to provide female native education, Mill's despatch sought "to uphold the principle of 'securing to the people of India the free and unmolested exercise and enjoyment of their own religions' by refraining from giving government support to attempts to convert the natives to Christianity." Court of Directors to Governor and Council in Bengal in the Public Department, 13 December 1826, Despatches to Bengal, British Library (BL), Asia, Pacific, and Africa Collection (APAC) India Office Records (IOR) E/4/718, quoted in Penelope Carson, "Golden Casket or Pebbles and Trash? J. S. Mill and the Anglicist/Orientalist Controversy," in *J. S. Mill's Encounter with India*, ed. Martin Moir, Douglas Peers, and Lynn Zastoupil (Toronto, 1999), 149-72, at 161, and in Nancy Gardner Cassels, "John Stuart Mill, Religion, and Law in the Examiner's Office," in *Mill's Encounter*, 173-97, at 176.

³⁸⁸ As Philip Francis intoned in thoroughly conventional terms before laying out an ultimately radical "Plan for a Settlement of the Revenues of Bengal, Bahar and Orixia" in 1776. Francis, "Plan for a Settlement of the Revenues of Bengal, Bahar, and Orixia," 22 January 1776, in *Original minutes of the Governor-General and Council of Fort William on the settlement and collection of the revenues of Bengal: with a plan of settlement, recommended to the Court of Directors in January, 1776* (London, 1782), 23-70, at 29-30, emphasis mine.

³⁸⁹ Chatterjee, *Indian Secularism*, 36.

The emergence of this set of dilemmas for British religious toleration—*along with* the utilitarian method adopted by Macaulay for resolving them—should be traced all the way back to the early colonial period. Had either individual lived long enough to read Macaulay’s minute, Alexander Dow or Richard Johnson would have disputed Macaulay’s view of Hinduism as inutile. But both, by appealing to the very same standard of utility, would have validated the terms upon which Macaulay made his obnoxious judgments. The Macaulayan/utilitarian view of “establishment” would *not* have come across to most Britons resident in India as any great paradigm shift. Chatterjee is right to suggest that, when he came to India, Macaulay voiced “not an exigent and eclectic but [rather] a coherent Liberal position.” But to call attention to this position’s “Christian dimensions” without also tracing its specifically *colonial* ones seems to me to be a missed opportunity for the kind of story that Chatterjee is aiming to tell.³⁹⁰ If one gives Macaulay’s secularism an exclusively metropolitan and Christian genealogy, one confronts the reality that its most coherent expostulators in mainland Britain were conservative-leaning skeptics: Gibbon and Hume. However, given his historical interests, it seems equally likely that Macaulay derived his views on state-supported religion not from his father’s evangelical Christianity but from the accounts of colonial governance that percolated up through the writings of the likes of Dow, Halhed, Hastings, and, of course, Burke.

In the next chapter, we turn to look at how the understandings of toleration that informed these commentators’ intellectual output also framed the ground-level

³⁹⁰ Ibid., 29.

discussions (and therefore the documentation) of secularist policy in British Bengal in the 1780s. By Macaulay's time, these less polished expositions of the norms associated with British "toleration" in India had circulated and re-circulated through London: via newspaper excerpts, via reports of the proceedings of parliamentary select committees, and via review periodicals like Macaulay's favorite the *Edinburgh Review*. These seldom failed to channel attention to the pamphlet wars that addressed controversial aspects of the East India Company's administration. Indeed, as Macaulay would have known as well as anyone, no feature of Company governance proved more controversial over time than the government pledge to "protect" Indian natives from perturbation in their religious practices.³⁹¹

³⁹¹ Macaulay was secretary to the Board of Control, whose president was Charles Grant, Jr., in Earl Grey's post-Reform administration. This meant that he was the conduit between the Board of Control and the directors of the East India Company for the drafts of a famous 1833 despatch to India requiring that all British connections with "idolatry" needed to be severed. Such connections, according to the despatch's author—Charles Grant, Jr.—included above all the Company state's role in collecting and distributing the proceeds from Hindu pilgrims at holy sites in Puri, Allahabad, and Gya. The Grant-authored despatch, officially sent out under the signature of the East India Company's Directors, has been referred to in scholarship as Grant's "evangelical epistle." What has not received as much notice from scholars is the amount of pushback Grant and the Board of Control got from the Court of Directors. But see Nancy Gardner Cassels, *Religion and Pilgrim Tax* (Delhi, 1988), 106-09. For the Court of Directors' outraged response to what Grant was trying to do, see the heavily marked up draft of the despatch itself in the E/4 series of India Office Records: Court of Directors to Bengal Misc Revenue Department, 20 February 1833, Court of Directors Despatches, BL, APAC IOR E/4/736.

Chapter 3: Neo-Mughalism and Imperial Liberalism in British Bengal, 1784-1793

The gradualist thrust of my argument in the last chapter, which continues in this one, runs against the conventional view of the transition from Warren Hastings to Earl Charles Cornwallis's administration.³⁹² Historians have always considered Cornwallis a “reforming” governor. He arrived intent on streamlining revenue collection in Bengal.³⁹³ The permanency component of the Bengal Permanent land settlement came about at his dogged insistence.³⁹⁴ The forty-eight regulations that he and his council passed on 1 May 1793—the so-called Cornwallis Code—established the bureaucratic structure of the government of India for the next six decades.³⁹⁵ For Robert Travers and several other historians, Cornwallis's tenure marks a point of no return to the patterns of the pre-colonial era.³⁹⁶ But the tolerationist language in the first paragraph of Regulation III of

³⁹² No matter which historiographical tradition they represent, most characterizations of the Cornwallis regime suggest that Cornwallis and his closest advisers wanted to overhaul everything that showed traces of continuity with pre-colonial South Asian political culture. See, e.g., Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), 3-4, and in J. S. Grewal, *Muslim Rule in India: The Assessments of British Historians* (Delhi, 1970), 26-27. See also David Kopf, *British Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization, 1773-1835* (Berkeley, 1969); Kenneth Ballhatchet, *Race, Sex, and Class Under the Raj: Imperial Attitudes and Policies and their Critics, 1793-1905* (London, 1980).

³⁹³ Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (Cambridge, 2008), 8, 57-58.

³⁹⁴ He believed that fixity in the revenue demand placed on *zamindars* would be the key cog in any plan that would set landlord-led “improvement” in motion. Ranajit Guha, *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement*, 3rd ed. (Durham, N. C., 1996 [1963]), 178-85.

³⁹⁵ Robert Travers, *Ideology and Empire in Eighteenth-Century India: The British in Bengal* (Cambridge, 2007), 205, 243.

³⁹⁶ *Ibid.*, 233-53; see also Sudipta Sen, *Empire of Free Trade: The East India Company and the Making of the Colonial Marketplace* (Philadelphia, 1998), 120-65.

the Cornwallis Code may stand as a counterpoint: “The many valuable privileges and immunities which have been conferred upon the natives of these provinces, evince the solicitude of the British Government to promote their welfare, and must satisfy them that the Regulations which may be adopted for the internal government of the country, will be calculated to preserve them the laws of the Shaster and the Koran, in matters to which they have been invariably applied—to protect them in the free exercise of their religion—and to afford security to their persons and property.”³⁹⁷

This chapter argues that, in their deployment of specific measures that could be glossed as “religious toleration,” Cornwallis and his advisers attempted to remain just as neo-Mughal as Warren Hastings had been in the 1770s. Insofar as it reiterated the key phrases from Hastings’s “Judicial Plan of 1772” and Nathaniel Brassey Halhed’s preface to his *Code of Gentoo Laws*, the Cornwallis Code’s promise to the natives of Bengal “to preserve them the laws of the Shaster and the Koran, in matters to which they have been invariably applied—to protect them in the free exercise of their religion—and to afford security to their persons and property” suggests as much.³⁹⁸ But this only scratches the

³⁹⁷ Regulation III of 1793, Section 1, in *Regulations Passed by the Governor General in Council of Bengal*, 3 vols. (London, 1828), 1:21.

³⁹⁸ Clause XXIII of Hastings’ famous 1772 judicial plan declared that “in all suits regarding Inheritance, Marriage, Caste and all other religious Usages or Institutions, the Laws of the Koran with respect to Mahometans, and those of the Shaster with respect to Gentoos shall be invariably adhered to.” Hastings, “Plan for the Administration of Justice,” quoted in Travers, *Ideology and Empire*, 118. For the argument that Section 1 of Regulation III of the Cornwallis Code spelled out the terms of the Company’s “compact” with Indian Hindus and Muslims, see Nancy Gardner Cassels, “The ‘Compact’ and the Pilgrim Tax: The Genesis of East India Company Social Policy,” *Canadian Journal of History* 7, no. 1 (April 1972): 37-49; Cassels, *Religion and Pilgrim Tax under the Company Raj* (New Delhi, 1987), 1-15, 147-55.

surface. It also needs to be kept in mind that Hastings's view of the Mughals and their history was a selective one. He thought that the best of the Mughal emperors were *enlightened* despots—with, again, Akbar representing the acme of their achievement—but that all of them had, for better or worse, wielded an absolute authority. Cornwallis's invocations of the “ancient Mughal constitution” were far fewer in number than Hastings's. But it is clear that Cornwallis subscribed to Hastings's understanding of Mughal constitutional history. The difference between the two regimes lay in the type of political project to which they thought an enlightened despotism conduced.

In fact, Cornwallis's permanent revenue settlement—hailed in its day as “a new constitution” for Bengal—actually reinforced neo-Mughalism where religious toleration presented itself as an option. That is, the Permanent Settlement's overarching logic reduced the likelihood that Cornwallis's administration would jettison traditional Mughal practices that appeared to embody toleration. This logic also prescribed against any real deviation from Hastings's facilitative way of practicing “non-interference” with Indian religious traditions. Both Hastings and Cornwallis expected that toleration was something that an enlightened despot would engage in in order to shore up his legitimacy in the eyes of the particular religious group(s) favored by his indulgence. Where Cornwallis took an extra step was in his assumption that its utility in consolidating a uniform, unitary sovereignty (Hastings' main objective) could be converted into an ingredient—a mechanism—in a recipe for inducing regular circulations of money, people, and goods through Bengal. This becomes clear when we examine the Permanent Settlement in

parallel with, and as an extension of, the governmentality that Cornwallis and his brain trust put into practice in their encouragement of Hindu pilgrimage.

This interpretation of the Permanent Settlement restores focus to the specifically colonial and local dilemmas that Cornwallis's reforms were intended to resolve. Both Ranajit Guha's pioneering work on the Permanent Settlement and Sudipta Sen's more recent study of the "Permanent Settlement of marketplaces" have argued that the Permanent Settlement was essentially a Europeanizing reform. As they see it, Cornwallis and company tried to transfer a template for agrarian capitalist development that came from England to a more complex agricultural landscape than met the British eye in Bengal. For Guha, it was primarily an economic intervention hatched by officials who had taken inspiration from the French physiocrats and from Adam Smith. For Sen, it was a power grab carried out in the name of managing the costs of commodities; it undermined the local authority and social distinction of thousands of intermediate authority figures between the new British state and the Bengali populace. But perhaps because both Sen and Guha are led in their analyses to highlight analogies with developments that were going on in Europe at the time, they lose sight of the colonial specificity of the Permanent Settlement. There were conditions of its formulation that were particular to late eighteenth-century Bengal under East India Company management.

Above all, these started with the old problem of a low population-to-cultivated-land ratio in Bengal.³⁹⁹ In these demographic circumstances, migration from the “protection” of one *zamindar* (large landholder) to that of another happened frequently—especially when *zamindars* failed to ease *rai-yats*’ (smaller farmers’) passage through a drought cycle or food shortage.⁴⁰⁰ If as much as one-third of Bengal was “waste” land, as Cornwallis estimated in 1789,⁴⁰¹ then the potential for peasant flight can only have seemed more acute on Bihar’s open plains, which is where the Permanent Settlement’s economic management strategy received its first application in 1787. In the later 1780s and early 1790s, the gravity of this problem received a fillip from the imperative to keep up a large, multi-regional, ready supply of troops (whether within the Company’s army or potentially allied ones) for the Company’s forces. Wars with the Mysore state under Haider Ali in the late 1760s and early 1780s had been major fiscal ventures for the Company. The Bengal treasury shouldered the costs of armies not only in Bengal but also in Madras and Bombay while the Company’s creditors observed this arrangement with increasing despair. The Bengal government needed to ensure that the demographic scaffolding that supported reliable economic performance was kept intact. What was truly novel about the Permanent Settlement, then, was that it targeted “population” in the aggregate. It countered the problem of erratic peasant mobility not by enacting new

³⁹⁹ C. A. Bayly notes that there was still an abundance of uncultivated land available for habitation late in the *nineteenth* century. Bayly, *Indian Society and the Making of the British Empire* (Cambridge, 1988), 146.

⁴⁰⁰ Wilson, *Domination of Strangers*, 24-26, 104-06; see also Jon E. Wilson, “‘A Thousand Countries to Go to’: Peasants and Rulers in Late Eighteenth-Century Bengal,” *Past and Present*, no. 189 (November 2005): 81-109, esp. 95-101.

⁴⁰¹ Wilson, *Domination of Strangers*, 25.

prohibitions but by proposing to catalyze other, more regular circuits of movement—such as religious pilgrimage. In this respect, its most important feature was that it set conditions under which the alienation of *zamindari* lands was mandated to occur; its goal was not so much “to *stabilise* a hereditary landed aristocracy,” as C. A. Bayly has written, as to secure the perpetual replenishment of one.

The Permanent Settlement was a modern governmental initiative in precisely this sense: it aimed to promote alternative channels of circulation as a means of contending with the most aberrant of types of movement in the Bengali countryside. As Foucault suggested in his *Security, Territory, Population* lectures at the Collège de France in 1978, this type of strategy of normalization—or, perhaps better said, regularization—with its basis in the analysis of probabilities of several different series of occurrences, was new in the eighteenth century.⁴⁰² He contends that this technology could only have come about once the science of statistics had advanced sufficiently under the impetus of mercantilism and cameralism in Europe. What Foucault’s work does not suggest at any point, however, is that it that it might develop in response to particularly colonial problem sets—that it had a colonial genealogy.

Throughout this chapter, I look at the intersections between colonial policy-making and political culture. I bring to light council-house discussions on the issue of how, precisely, the British government might encourage the exercise of Hindu and

⁴⁰² Michel Foucault, Lecture 1, 11 January 1978, in *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (Basingstoke, 2007), 4-6, 19-21; Lecture 3, 25 January 1978, in *Security, Territory, Population*, 57-63; and Lecture 2, 18 January 1978, in *Security, Territory, Population*, 40-42.

Muslim devotion. Discussions of this sort naturally dovetailed into speculation about what the British in India could expect to gain by such a “transactional” praxis of toleration, to borrow Nandini Chatterjee’s term.⁴⁰³ Thus, not only did the Company government’s toleration policies carry over intact from the Hastings to the Cornwallis era; Cornwallis, his advisors, and even Calcutta’s newspapermen continued to make sense of those policies in light of what they knew about Mughal-era norms. This helps to explain how nineteenth-century East India Company officials could look back on the Cornwallis Code in utter certainty that it had defined the (prudential) nature of the British government’s “compact” with India’s native religious groups.

Retrospectives from the Nineteenth Century

Nineteenth-century administrators read an unequivocal meaning into a texture of secularist praxis that remained silent as to its points of tension. For starters, the secularism that developed on the ground in British India between 1775 and 1793 was not usually glossed by the term “toleration,” except in retrospect, even though notions associated with toleration were at the heart of it. The Cornwallis Code is representative: nowhere does the word toleration or any of its derivatives appear in any of the resolutions that comprised it. All it claims to do, as we have seen, is to protect the practice of the Hindu and Muslim faiths. Yet when British and Indian policy-shapers of the nineteenth century brought up “that toleration to which the British government is pledged,” they undoubtedly meant to refer to the principle that they thought Cornwallis’s administration

⁴⁰³ Nandini Chatterjee, *The Making of Indian Secularism: Empire, Law, and Christianity, 1830-1960* (Cambridge, 2011), 57.

had enshrined.⁴⁰⁴ William Bentinck, during his stint as governor of Madras from 1805 to 1807, touted “the universal toleration of all religions allowed by the British Government, or, *to use a more proud expression ... the universal protection and support which has been given to all religions.*”⁴⁰⁵

From the opposite end of the political spectrum, Henry St. George Tucker—one-time private secretary to Sir William Jones in Calcutta, veteran of the Bengal civil service, and influential Tory voice in the Court of Directors from 1826 to 1851—confirmed Bentinck’s judgment. He explicitly recalled the opening text of the Cornwallis regulations as *the* statement of the Company’s contract with the people of India. In his words,

We have in the most formal manner, and by the most authentic acts, guaranteed to the natives of India under our rule ‘the free exercise of their religion.’ We have done this, not merely in the spirit of *toleration*, but as the protecting Power, which not only engages to abstain from all interference with the religious rites and ceremonies of its subjects, but which undertakes to defend them against all such interference on the part of others. This is the *compact* existing between the British

⁴⁰⁴ Letter to the editor from “A Bengalee” and editorial on “Hindoo Holidays,” *Bengal Hurkaru*, 9 May 1834; Petition of Hindu merchants and inhabitants of Calcutta to governing council in Bengal, 12 June 1834, Board’s Collections, British Library (BL), Asia, Pacific, and Africa Collections (APAC) India Office Records (IOR) F/4/1560/63880, pp. 176-79.

⁴⁰⁵ [Lord William Bentinck], Extract of governor’s minute on the condition of native Christians in the Madras Presidency, 27 June 1807, Home Miscellaneous Series, BL, APAC IOR H/59, p. 335, emphasis mine.

Government and its Hindoo and Mahomedan subjects, upon which their allegiance and our dominion depend.⁴⁰⁶

Tucker's institutional memory was very good, perhaps even conspicuously accurate in this case.⁴⁰⁷ This makes sense; he had been right there in Calcutta when the discussions that led to Cornwallis's resolutions took place.⁴⁰⁸

It is interesting, nonetheless, that, from his vantage point in the 1830s, he was able to disaggregate such *protection* (as would defend subjects against having their religious practices disrupted by others) from "the spirit of *toleration*" (as actualized in non-intervention). It is at least possible that he recalled a type of distinction that Company servants were accustomed to making in face-to-face deliberation back in the 1790s. If so, it would mean that he remembered an element of the oral political culture of late

⁴⁰⁶ Henry St. George Tucker, "Religious Ceremonies and Endowments," written in 1838, in *Memorials of Indian Government: Being a Selection from the Papers of Henry St. George Tucker* (London, 1853), 354-55, emphases in original.

⁴⁰⁷ Where Tucker supplied the institutional memory, John Stuart Mill provided the institutional enforcement of the Company's guarantee of "free and unmolested exercise and enjoyment of their own religion" to the people of India. One of the dispatches he drafted in the Office of the Examiner of Correspondence prevented a Ladies' evangelical society based in Calcutta from getting money for educating Indian youths. He argued that protecting the natives' free exercise of their religion meant intervening to stop proselytization. Proselytism, after all, would hinder the quiet enjoyment of Hindu and Muslim religious practice. Court of Directors to Bengal in the Public Department, 13 December 1826, BL, APAC IOR E/4/718, pp. 451-55, cited in Penelope Carson, "Golden Casket or Pebbles and Trash? J. S. Mill and the Anglicist/Orientalist Controversy," and in Nancy Gardner Cassels, "John Stuart Mill, Religion, and Law in the Examiner's Office," in *J. S. Mill's Encounter with India*, ed. Martin Moir, Douglas Peers, and Lynn Zastoupil (Toronto, 1999), 149-72, at 160-61, and 173-97, at 176-77, respectively.

⁴⁰⁸ He was Commissioner of the Court of Requests in Calcutta from 6 December 1792 to 1 May 1793, at which time he was appointed Register of the Dewanny Adawlut of Rajeshahi. *Alphabetical List of the Honourable East India Company's Bengal Civil Servants, from the Year 1780 to the Year 1838*, comp. Edward Dodwell and James Samuel Miles (London, 1839), 532-33.

eighteenth-century Calcutta that seems to have disappeared in the paper trail. The contemporary documents indicate that all discourses of toleration tended to shelter beneath an official rhetoric of “non-interference” during *both* the Hastings and the Cornwallis administrations. However, they suggest at the same time that the Company’s understanding of “non-interference” in the 1780s and 1790s included an element of facilitation. The outlook at that time was rather more like that recalled in a 1919 Government of Bengal report that tried to fit the Company’s late eighteenth-century policies into a historical frame: “The doctrine of religious neutrality had not yet been formulated; and the Government not only did not interfere in the least degree with the religious institutions and customs of the people, but encouraged them.”⁴⁰⁹ In other words, as one might also infer from Bentinck’s consistent coupling of “toleration” with encouragement, there would have been little incentive for an eighteenth-century Company servant to distinguish between the “toleration” and the “protection” of the subject’s quiet enjoyment of his or her religious worship. The firming up of the association between toleration and abstention *from all interference* with religious practices was a much later development (a development, I would say, of the 1820s and 1830s). In fact, even when Bentinck ordered the abolition of *sati* in 1829, he worried that his decision marked a departure from the British norm of “toleration and ... *respect*” for

⁴⁰⁹ *Report of the Calcutta University Commission*, 16 vols. (Calcutta, 1919), 2:82.

the Hindus' religion. He did not see his interposition between Hindu practitioners and their spiritual authorities as a form of *interference* on the part of British officialdom.⁴¹⁰

Standard Depictions of the Cornwallis Administration

⁴¹⁰ In a governor general's minute delivered on 8 November 1829—i.e. about a month prior to issuing the resolution that abolished *sati* in Bengal—Bentinck weighed the possible objections to the measure he had heard from Rammohun Roy when he consulted him about it. According to Bentinck, “A similar opinion as to the probable excitation of a deep distrust of our future intentions was mentioned to me in conversation by that enlightened Native Ram Mohun Roy, a warm advocate for the abolition of Suttees, and of all other superstitions and corruptions, engrafted on the Hindu Religion, which he considers originally to have been a pure Deism. It was his opinion that the practise might be suppressed, quietly and unobservedly, by increasing the difficulties, and by the individual agency of the Police. He apprehended that any public enactment would give rise to general apprehension, that the reasoning would be, ‘While the English were contending for power, they deemed it politic *to allow universal toleration, and to respect our religion*; but having obtained the Supremacy, their first act is a violation of their professions, and the next will probably be, like the Mahomedan Conquerors, to force upon us their own Religion.’” Minute by Governor General William Bentinck, 8 November 1829, Bengal Judicial Consultation: Lower Provinces – Criminal, 4 December 1829, BL, APAC IOR P/139/34, pp. 11-12, my emphasis. It should be noted that Bentinck was ventiloquizing a private conversation he had had with Rammohun. As one would expect, Bentinck's rendering of Rammohun's words also exhibits something of his own spin at the same time. The idea that the suppression of *sati* should occur by some other means than legislative fiat fits with what we know about Rammonhun's position in the debates concerning *sati*. But the idea that he would accuse Bengal's previous rulers of having forced Islam on the Hindu inhabitants seems highly uncharacteristic. Rammohun's first published book, after all, showed his immersion in Persianate Mughal culture. Published in Persian and bearing an introduction written in Arabic, the *Tuhfat al-Muwahhidin* (1803-1804), or “Present to the Believers in One God,” is a staunchly monotheistic indictment of idolatry and “the fraudulent commercialization of established religion” by religious leaders. Bruce Carlisle Robertson, *Raja Rammohan Ray: The Father of Modern India* (Delhi, 1995), 24-30, at 26. See also the discussion of the extent to which scholars have been led by the *Tuhfat al-Muwahhidin* to trace “Rammohun's original debt to Islamic rationalism” in Lynn Zastoupil, *Rammohun Roy and the Making of Victorian Britain* (New York, 2010), 25. On Rammohun's preference for allowing the “natural,” consensual norms of Indian “civil society” to eliminate *sati* gradually rather than a legislated abolition, see Wilson, *Domination of Strangers*, 165-70.

Historians' assessments of Cornwallis's approach to colonial governance tend to conform with their overall answer to the question of what impact British colonialism had in the subcontinent. C. A. Bayly, for instance, agrees with Guha and Sen that Cornwallis came to India with a mandate to "reform the administration of Bengal and also to make British India's external boundaries safe." However, in keeping with his view that India changed the way the British did things, he chooses to foreground the ways in which the British worked with what they were given: Cornwallis's cohort aimed to "stabilise a hereditary landed aristocracy." Then the question quickly becomes, how much did it really matter that Cornwallis's brain trust had physiocratic dreams for North India? At the end of the day, the gainers in prestige and capital were "very much the sort of people" who had been figuring out how to profit in the Mughal satellite states "over the previous hundred years." As for peasants, "the prosperity of the ordinary farmer continued to be determined more by ecology, price levels and population growth than by administrative fiat." And "social relations based upon share-cropping and control of credit which were already well-established at the beginning of the eighteenth century were perpetuated within the wider world of colonial trade."⁴¹¹ This does not amount to a denial that the British under Cornwallis *wished* to enact profound changes in Indian society, economy, and political culture; rather, it is a reflection on the structural limitations of their capacity to do so.

Robert Travers, intent on exploring "the intersection of exported European concepts and appropriated indigenous categories," argues that the Permanent Settlement

⁴¹¹ Bayly, *Indian Society*, 65-67.

was *both* “a recognition of the resilience of *zamindars*’ authority in the countryside,” as Bayly would suggest, “and also an attempt to recast *zamindari* rights” in “enlightened,” proto-capitalist terms, as Ranajit Guha and Sudipta Sen would suggest.⁴¹² Jon Wilson has offered his own distinctive take on the significance of the Permanent Settlement. He believes that the mood of restlessness—and consequent penchant for abstraction—felt by the majority of Company servants working in India found expression once Cornwallis came along in need of their advice. The civil servants who put together the Permanent Settlement were attempting not only to alleviate a financial crisis but also “to suppress” an epistemological one.⁴¹³ Their anxiety that their instinctive practices were devoid of meaning in the Indian context obliged them to interact with indigenous society through its constituent categories—such as “the Bengali landholder”—rather than its constitutive persons. For Travers, then, the intersection of British conceptions with appropriated Indian political languages endured precisely as long as the will to assimilate Indian categories into a familiar British framework. In his account, this desire appears to have been dying out already at the end of Hastings’s administration. In Wilson’s study, the assimilative impulse is always subordinate in comparison with the desire for stable, workable categories. Hastings’ decade-plus of magnanimous personal rule thus comes across as a retarding factor for what was always already a likely outcome as soon as British authorities took responsibility for governing “strangers.” In this way, although they see it happening for different reasons, Wilson and Travers agree that the desire to

⁴¹² Travers, *Ideology and Empire*, 27.

⁴¹³ Wilson, *Domination of Strangers*, 47.

project an air of continuity with Mughal patterns of governance found no traction with Cornwallis and his “henchmen” in the Bengal administration.⁴¹⁴

In all of this existing scholarship, one conventional marker of the shift in attitude from the Hastings regime to the Cornwallis regime is the fact that Cornwallis did not patronize Orientalist scholarship to the extent that Hastings did. Hastings, for example, personally bought a parcel of land for the *madrassa* that he agreed to establish at Calcutta in 1781, and he supported all of the institution’s expenses for nearly two years before asking for reimbursement from the Company.⁴¹⁵ He also dipped into his own pocket to pay for twelve copies of the *Ain-i Akbari*, translated by Francis Gladwin, for the Council House in Calcutta.⁴¹⁶ Under Cornwallis, by contrast, Gladwin abandoned his projected three-volume *History of Hindustan During the Reigns of Jehangir, Shah Jahan and Aurangzebe* after publishing the volume on Jehangir. He apparently thought that the market for material on the evolution of the “‘constitution’ of Mughal India” had dried up.⁴¹⁷ He wrote to Hastings in 1790, “‘Under your patronage, oriental learning was cultivated with success, but his Lordship, despising every branch of science, there is not the smallest encouragement for publication so that my literary labours have also ceased to

⁴¹⁴ Travers, *Ideology and Empire*, 236.

⁴¹⁵ Lynn Zastoupil and Martin Moir, “Introduction,” in *The Great Indian Education Debate: Documents Relating to the Orientalist-Anglicist Controversy, 1781-1843*, ed. Lynn Zastoupil and Martin Moir (Richmond, Surrey, 1999), 3; “Document One: Minute by Warren Hastings, governor-general of Fort William (Calcutta) in Bengal, recorded in the Public Department, 17 April 1781,” in *Great Indian Education Debate*, 73-75; Marshall, “Hastings as Patron,” 247-48; Travers, *Ideology and Empire*, 215; Michael J. Franklin, “*Orientalist Jones*”: *Sir William Jones, Poet, Lawyer, and Linguist, 1746-1794* (Oxford, 2011), 13.

⁴¹⁶ Marshall, “Hastings as Patron,” 247, 253.

⁴¹⁷ J. S. Grewal, *Muslim Rule*, 26.

be of any value.”⁴¹⁸ Cornwallis did agree to establish an institution of advanced religious learning for Hindus—at Banaras—in parallel to the Muslim *madrassa* in Calcutta, but he did not incur any personal expense to do so.

However, as Travers has rightly suggested, none of this should lead us to classify Cornwallis’s policies as rigidly “anglicist” where Hastings’s had been “orientalist.” As he puts it, “It is far from clear that these distinctions are helpful in understanding the patterns of eighteenth-century politics.”⁴¹⁹ The attempt to identify distinct, coherent orientalist and anglicist—or relatively “associationist” and relatively “assimilationist”—platforms of imperial thought for this period can mislead.⁴²⁰ Contemporaries saw considerable continuity in Hastings’s and Cornwallis’s practices. Moreover, Hastings’s own writings in explanation of his sponsorship of Orientalist scholarship established some of the same unanswered questions that were papered over in the Cornwallis Code’s pledge to Bengali Hindus and Muslims. These ambiguities came into view when the Company’s servants and other contemporary commentators began to wonder what the Company’s pledge of

⁴¹⁸ Gladwin to Hastings, 15 February 1790, BL, MSS Add. 29,172, fol. 48, quoted in Franklin, *Orientalist Jones*, 309-10.

⁴¹⁹ Travers, *Ideology and Empire*, 15.

⁴²⁰ Although Raymond Betts developed the terms “association” and “assimilation” to encapsulate two distinct schools of thought among ideologues in the nineteenth-century French Empire, they seem equally viable for historians’ customary mappings of the Orientalists and Anglicists in the context of British India as well. See his *Assimilation and Association in French Colonial Theory, 1890-1914* (Lincoln, Neb.: University of Nebraska Press, 2005 [1960]). Betts defines association as the “flexible,” collaborationist model of imperial governance “desirous of gaining native cooperation and willing to respect native institutions.” In contrast, he defines assimilation as “the traditional colonial doctrine of France. Although variously interpreted, in essence it meant that the colony was to become an integral, if noncontiguous, part of the mother country, with its society and population made over—to whatever extent possible—in her image.” Betts, *Assimilation and Association*, 8-9.

toleration to all religious groups obliged them to do to limit the likelihood of interreligious violence.

The Instability of Hastingsian Toleration and the Conundrum of Religious Conflict

Historians know that Hastings justified his support for Orientalist scholarship in his foreword for the *Bhagavad Gita* (1785), translated by Charles Wilkins. There he explained that part of the utility of studies of this kind lay in cultivating “a generosity of sentiment” in the men who carry them out.⁴²¹ He added, in often-quoted terms,

Every accumulation of knowledge, and especially such as is obtained by social communication with people over whom we exercise a dominion founded on the right of conquest, is useful to the state: it is the gain of humanity: in the specific instance which I have stated, it attracts and conciliates distant affections; it lessens the weight of the chain by which the natives are held in subjection; and it imprints on the hearts of our own countrymen the sense and obligation of benevolence.⁴²²

Several transactive tolerationist pieties are here: the conciliation of affections, the usefulness to the state, the building of a trustworthy character, and the certainty that it is

⁴²¹ Although its original form was a letter to the Court of Directors recommending that they oversee the text’s publication, Hastings must have expected his preface to be included in the front matter. The same had been done with the *Code of Gentoo Laws*.

⁴²² Warren Hastings, Letter to Nathaniel Smith, Esq., 4 October 1784, in *The Bhāgavāt-Gēeta; or, Dialogues of Krēṣhṇā and Ārjōṅ, in Eighteen Lectures, with Notes; Translated from the Original Sanskreet, or Ancient Language of the Brahmans, by Charles Wilkins* (London, 1785), 14. Also cited in Kopf, *British Orientalism*, 18; P. J. Marshall, “Hastings as Patron,” 258, 261; Douglas M. Peers, “Review Article: Rediscovering India under the British,” *The International History Review* 12, no. 3 (August 1990): 548-62, at 551; Wilson, *Domination of Strangers*, 52; Cohn, “The Command of Language and the Language of Command,” in *Colonialism and Its Forms of Knowledge*, 45.

all particularly suitable for a colony—i.e. a polity founded on the right of conquest. At another point, Hastings gives a nod to interfaith comprehension, suggesting that the theological outlook of the *Bhagavad Gita* is essentially in line with Christian doctrine. He calls the work “a single exception, among all the known religions of mankind, of a theology accurately corresponding with that of the Christian dispensation, and most powerfully illustrating its fundamental doctrines.”⁴²³

Still, the closest Hastings comes to a specific mention of “toleration” is an inverse image, and it is worth noticing that this inverse image silences the whole narrative of Akbarian toleration fashioned by so many beneficiaries of Hastings’s patronage. On why it is that Hindus had tended not to want to teach Sanskrit to Englishmen, Hastings offers,

Very natural causes may be ascribed to their reluctance to communicate the mysteries of their learning to strangers, as those to whom they have been for some centuries in subjection, never inquired into them, but to turn their religion to derision, or deduce from them arguments to support the intolerant principles of their own.⁴²⁴

On first glance, this characterization of Mughal governments as “strangers” who bore “intolerant principles” seems odd. Throughout his governor-generalship Hastings had been careful to portray his policies as restorative of features of an “ancient Mughal constitution” that he believed had been abandoned across the more recent period of satellite-state self-assertion. But the reforms in judicial administration that Hastings

⁴²³ Ibid., 11.

⁴²⁴ Ibid., 16-17, my emphasis.

supported were reflective of this tendency to emphasize the ruined condition of Akbar's constitution at the time the British obtained sovereignty over Bengal.⁴²⁵ His erasure of Akbarian toleration and his evident facility with the rights of conquest may have been additional markers of a general retreat from what Travers calls the "political idiom" in which Britain's Indian empire figured as "a form of constitutional inheritance."⁴²⁶ Or it may have been an instance of the sort of incaution before the home audience that recurred in his impeachment trial.⁴²⁷

In any case, Hastings was willing to portray the Mughals as intolerant in order to assert a claim to the moral high ground for British rule. His portrayal of Islam as an *inherently* intolerant religion (in spite of the cases that he could personally have enumerated that would have undermined such a claim) operates as a negative for the "different treatment" the Hindus have experienced "from our nation."⁴²⁸ Since the manifold ways in which Muslims in India act intolerantly would appear, in Hastings' argument, to stem from "the intolerant *principles* of their own religion," we have to imagine what the adherents of a religion with tolerant principles would do differently. Luckily Hastings has already rehearsed this at an earlier point in the text: he has already

⁴²⁵ See Travers, *Ideology and Empire*, 186-200, 224-34.

⁴²⁶ *Ibid.*, 222.

⁴²⁷ Hastings told the Commons in 1786 of "many *despotic principles* in the Mogul system of Government; but wherever *those* exist, the powers of the prince will be every thing, and the *rights* of the subject nothing." He later recanted, admitting that he had not read through the entire speech, which had been emended by Halhed, before reciting it at Westminster. But by then, his unwitting portrayal of himself as a subscriber to the theory that the Mughal constitution was a veiled form of Asiatic despotism had entered Burke's arsenal for use against him. Clark, *Scandal*, 95. See also Travers, *Ideology and Empire*, 218.

⁴²⁸ *Bhāgvat-Gēeta*, 17.

noted that, upon careful examination, the *Gita* illustrates the essential doctrines of Christianity. In this performative way, Hastings comes across as someone who associates toleration most closely with interreligious comprehension. At the same time, the moment where the Mughals' intolerance has led them into a series of pitfalls closely parallels this moment of Hastings' becoming persuaded of theological concurrences. The final form of intolerance of which Hastings accuses his Mughal forbears is, after all, nothing other than inquiring into Hindu texts "in order to deduce from them arguments to support the intolerant principles of their own [religion]."

What does Hastings have for assurance that his own procedure, though parallel, has been different? Above all, it is the compassion involved in the quest for comprehension. This can be demonstrated without being named. Hastings' three-fold depiction of Mughal intolerance works as a guarantee of the difference of the "different treatment" under the British. Hastings has quite apparently *not* been incurious, nor undertaken study for the sole purpose of "derision," even if he has arrived at a moment where a Hindu text has confirmed doctrines he would be presumed to uphold. His allusion to a search that has surveyed "all of the known religions of mankind" makes this self-evident. It also transforms the Mughal procedure into a comparatively narrow one: the pillage of a rival tradition solely for "arguments." And by allusive contrast, Hastings has managed to suggest that theology is but one dimension of each of the known religions. The suggestion insinuates, further, that the comprehension associated with toleration goes beyond recognition of doctrinal concordance to an ostensible sympathy with the motivations of worship. This is why it should form part of Hastings' governmental praxis

that Company servants cultivate “generosity of sentiment” and “a sense and obligation of benevolence” in their hearts.

But how would this benevolence translate into policy when, say, adherents to different religious traditions fought each other for apparently religious reasons? We have to look beyond the time of Hastings’ departure from India for indications of how a Hastingsian might respond to this problem, but we do not have to look very far into the succeeding years. From 1787 to 1789, the British found themselves bracing for nearly annual skirmishes in Calcutta between Hindus and Muslims when the Hindu Durga Puja festival coincided with the Muslim holy days of Muharram (ten days of solemnity at the start of the Muslim year culminating in the holiday *ashura*.) Such an overlap of observances could only come about for a stretch of a few years out of every thirty or so because of the differences between the lunar calendar observed by Muslims and the luni-solar calendar kept by Hindus. The British were aware that disputes could arise on such occasions.⁴²⁹ In October 1787, when the *India Gazette* (not to be confused with the *Calcutta Gazette*, founded by Francis Gladwin in 1784 and printed at the government printing house) reported on “the tumults and disorderly proceedings of the Natives during the holidays,” its editor announced, “Much mischief, we hear, has been done in the Course of the late Holydays, and many Lives lost among the Natives—this has invariably happened when the religious festivals, of these different Sects, interfered with each

⁴²⁹ See C. A. Bayly, “The Pre-History of ‘Communalism’? Religious Conflict in India, 1700-1860,” *Modern Asian Studies* 19, no. 2 (1985): 177-203, at, e.g., 194.

other.”⁴³⁰ It is not clear what body of knowledge of Indian history the *India Gazette*’s editor was drawing upon to conclude that this sort of “jockeying” over “local ceremonial precedence” was endemic to pre-colonial India.⁴³¹

But the editor of the rival *Calcutta Gazette* (no longer Gladwin at this point—debts forced him to sell off the newspaper in January 1787) was able to supply at least a form of evidence for past iterations of these clashes. He reasoned in reverse from a prohibition that the *nawab* Alivardi Khan had enacted against the celebration of Durga Puja if it occurred during Muharram in the 1750s. He regarded Khan’s injunction as a particularly glaring example of “the bigotry and intolerant spirit of the Mussulmans,” to which he contrasted “the equitable and enlarged Government of Great Britain.” In his account of the 1787 “dispute [that] took place between two of the different religious casts, whose ceremonies happened to interfere,” he determined that “the contest, as is general in such cases, was extremely violent. It is reported that a Brahmin was killed on the spot, and several dangerously hurt on both sides.” However, he then imparted what may seem like an incongruous object lesson in light of this tragic outcome. He had learned that “during the Government of the Nabob Allyverdi Khan, the Hindoos were publickly prohibited from celebrating their Festival whenever it happened to interfere with the Mussulman holidays. Nothing,” he remarked, “can be a stronger proof of the great oppression suffered by the Hindoos and of the bigotry and intolerant spirit of the Mussulmans. Happy for the mild natives of Hindostan that the equitable and enlarged Government of

⁴³⁰ Editorial Section, *India Gazette; or Calcutta Public Advertiser*, 29 October 1787.

⁴³¹ Bayly, “Pre-history of Communalism,” 194, 198.

Great Britain has succeeded that of those barbarous conquerors!”⁴³² Ruled out in this account of Alivardi Khan’s motives was the possibility that any prohibitions he ordered might have had public safety as their justification.⁴³³

Ruled in was the idea that prohibitions of this kind actually stoked the violence. The next October (1788), the *Calcutta Gazette* made this point explicit: “The Mosulman Mohurram, and Hindoo Dussaira, or Doorga Pooja, have again occurred this year at the same time. This, formerly, when the bigotry of the Mohummedans had full support from their uncontrolled authority, was frequently attended with fatal consequences.”⁴³⁴ It would have been easy for any Calcutta newspaper reader of the 1780s to draw a conventional moral from the *Gazette*’s cautionary tale of Alivardi Khan and the Hindu holidays: government only courts trouble if it fails to encourage its Hindu subjects’ religious observances. A subtle Calcutta newspaper reader of the 1780s might draw a less familiar message, of course: government has to act the part of the impartial or it risks exciting the zeal of an empowered party. The indications to be taken from the story would probably depend on the reader’s deeper intuitions as to the requirements of good government. Either way, the policy applied would represent (one form or another of) non-interference.

⁴³² “Military Intelligence,” *Calcutta Gazette; or Oriental Advertiser*, 25 October 1787.

⁴³³ I still haven’t been able to trace how the British newspapermen picked up the information that Alivardi Khan had instituted such a prohibition. It would give an interesting twist to the story of the grand Durga Puja celebration put together by Raja Nabakrishna Deb to celebrate Clive’s victory at Plassey. See Tithi Bhattacharya, “Tracking the Goddess: Religion, Community, and Identity in the Durga Puja Ceremonies of Nineteenth-Century Calcutta,” *Journal of Asian Studies* 66, no. 4 (November 2007): 919-62.

⁴³⁴ Editorial Section, *Calcutta Gazette; or Oriental Advertiser*, 9 October 1788.

Also either way, a dilemma would still remain, which was apparently a felt one for the editor of the *India Gazette*. He sounded a helpless note at the beginning of October 1788: “As it generally happens that during the ensuing holidays, disturbances arise between the Moors and Hindoos, it may be expected they will again take place— ... it were to be wished that some mode could be adopted to prevent this religious frenzy.”⁴³⁵ As it turned out, the concurrence of religious holidays passed without violence in 1788— though, as the *India Gazette*’s fatalism suggests, not because the British government took steps to preempt it.⁴³⁶

However, in 1789, the *India Gazette*’s fears came to fruition in a new round of incidents that broke out during yet another overlap of Durga Puja and Muharram observances. On 1 October, the *Calcutta Gazette* reported, “The two great Holidays of the Muslemans and the Hindoos, the Mohurrum and Doorgah Poojah falling together, have occasioned the greatest tumults and riots in the Bazars for some days, and been productive of several murders.” The Calcutta authorities eventually took “every precaution ... to preserve the peace and security of the Town, by stationing a number of Sepoy Guards in different parts,” but only after two days of vandalism and vengeful attacks had passed.⁴³⁷ According to the *Calcutta Chronicle*’s report on the incidents, Supreme Court Justice John Hyde dispatched the first of these “guard[s] commanded by

⁴³⁵ Editorial Section, *India Gazette*, 6 October 1788.

⁴³⁶ Editorial Section, *Calcutta Chronicle: and General Advertiser*, 16 October 1788: “what is very remarkable and extraordinary is, that though many of the different processions of each party (who are equally bigots to the rites of their own religion) passed each other, yet not the least dispute or disturbance happened between them.”

⁴³⁷ Editorial Section, *Calcutta Gazette*, 1 October 1789.

an European officer,” and this was in response to reports he took from Hindu witnesses.⁴³⁸ Another observer, the veteran Company servant Richard Johnson, sounded a panicked note in his commonplace book, manifesting uncertainty as to what an appropriate intervention on Hyde’s part would look like. Johnson was “called to these reflections by the jarrings of two parties of Hindoo Durgah poojans & Mahomedan morning ashoorahs and the agent of our Christian govt. [presumably Hyde] checking the two.” In characteristic fashion, he immediately registered a concern about the hypocrisy required for the magistrate’s task: “The Christian reviles both & both arraign the Christians. The three are equally earnest & impressed with their respective creeds, ...”⁴³⁹ And he swiftly magnified the roots of the problem: the earnestness with which each of his religious figures *should* revile the others carries the incitement of “Scriptures ... supported by myriads of testimonies miracles & followers many countries & long periods of time,” all of which a child has “authoritatively pressed upon” him “with [one’s] first ideas with [one’s] alphabet” by “those [one] respect[s] most[:]... [one’s] parents ... tutors ... Govt & ... countrymen.”⁴⁴⁰ Yet, as he confided to his commonplace book within a couple of months, Johnson would never resolve that all interreligious strife had to be quashed. Rather, he decided that some quantity of interreligious violence had to be

⁴³⁸ “Doorga Pooja,” *Calcutta Chronicle*, 1 October 1789: “In the midst of these disturbances, a guard commanded by an European officer was sent by Mr. Justice Hyde to surround the native college on that road [i.e. the Calcutta Madrassa (founded by Hastings)], wherein numbers of the rioters had sheltered themselves, and as some of the Hindoos said, had deposited the plunder.”

⁴³⁹ [Richard Johnson], Commonplace book entry on “Various Religions,” n. d., Phillipps MS 17,535, University of Minnesota, Ames Library of South Asia, MSS B114/6, pp. 36, 41.

⁴⁴⁰ *Ibid.*, 40.

tolerated if the greater good of a *generally* thriving population were to be achieved by dispensing “toleration”—i.e. encouragement—evenly to all religious groups.⁴⁴¹

But Johnson’s assessment of the tensions involved in policing the Durga Puja-Muharram violence that he observed in 1789 could just as easily have manifested itself in an anxiety like that expressed by the *India Gazette*’s editor in 1788. All that would be required would be an underlying sensibility that it would be *intolerant* to impede practices associated with Durga Puja and Muharram. This, of course, Hastings and the editor of the *Calcutta Gazette* had both supplied in their renditions of the familiar story of the “equitable” British rescuing “mild” Hindus from persecution at the hands of “barbarous” Muslim conquerors.⁴⁴²

In short, the *India Gazette*’s exasperation and the *Calcutta Gazette*’s triumphalism need to be taken in combination with one another if we want a precise understanding of the secularist strategy pursued by Cornwallis’s government and how it relates to that of Hastings. The editors’ comments express a sense that, as far as the motives and methods framing British religious toleration in the subcontinent were concerned, not much had changed. The entrenchment of a view of Indian history highlighting the foreignness of the

⁴⁴¹ [Richard Johnson,] Commonplace book entry on “The Koran,” n.d. [Fall 1789], Phillipps MS 17,535, University of Minnesota, Ames Library, MSS B114/6, p. 62; [Richard Johnson], Commonplace book entry on Thomas Reid’s *Active Powers of Man*, n.d. [Summer 1790?], Phillipps MS 17,184, University of Minnesota, Ames Library, MSS B114/1, unpaginated portion.

⁴⁴² The definitive rehearsal of this narrative came a few years later with John Bruce’s maiden performance as official historiographer to the East India Company: *Historical View of Plans for the Government of British India & Regulation of Trade to the East Indies, & Outlines of a Plan of Foreign Government, of Commercial Oeconomy & of Domestic Administration for the Asiatic Interests of Great Britain* (London, 1793). See Travers, *Ideology and Empire*, 246-48.

Mughals and their “harsh and imperious” treatment of “the natives” undoubtedly proceeded apace with Cornwallis’s abandonment of the Mughal constitution as a stock of political capital.⁴⁴³ However, Hastings himself had been a source for that particular view of Indian history, and he expressed it through a critique of Mughal-era toleration that hinged on accusations of insincerity. In turn, the consistent rhetorical deployment of Mughal policy as the foil for British toleration tended to forecast against the imposition of limits on the practice of a facilitative toleration.

Cornwallis’s Appropriation of Mughal-era Norms

At the same time, Cornwallis’s government also continued to attempt to replicate late-Mughal practices that they interpreted through the grid of (prudential) religious toleration. Cornwallis’s council was acutely aware that different Mughal successor states consolidated cross-confessional alliances with one another by agreeing to promote or to encourage visits to religious sites. In fact, they relished getting to broker deals of reciprocal religious benefaction between native magnates who had become allies by virtue of their treaties with the Company. In 1790, “the repeated requests of the Governor General” succeeded in getting the (Muslim) *nawab-vizier* of Oudh “to reduce the duties demanded from the Mahratta Pilgrims resorting to Allahabad for the purpose of performing Religious Ceremonies.” Cornwallis and his councilors had “no doubt that

⁴⁴³ The quotations come from a letter from Sir William Jones to William Pitt, 5 February 1785, in Garland Cannon, ed., *The Letters of William Jones*, 2 vols. (Oxford, 1970), 2:664, quoted in Travers, *Ideology and Empire*, 244-49, at 246; see also 233-36. However, Michael Franklin’s new biography of William Jones is at pains to clear Jones of charges of devaluing Indo-Persian culture. See Franklin, *Orientalist Jones*, esp. 333-61.

these arrangements will prove very Satisfactory to the Mahratta Government and we lost no time in making them known” via the Company residents stationed at three separate Maratha courts.⁴⁴⁴ A year later, they were happy to comply with “a Request of the Nabob of Arcot” to transmit a *nazr* (gift) and “a letter from his Highness to Mahadjee Sindia [the Maratha ruler of the Gwalior State], making his acknowledgements for the attention shewn by that Chief to some People whom his Highness had employed in repairing certain Mahomedan Temples, Musjids, and other decayed Buildings, and erecting a new one in the City of Ajmere.”⁴⁴⁵ Thus, even as newspapermen often had to guess at the rationale for policies that were decided behind closed doors,⁴⁴⁶ Cornwallis and his council were doing their part to act as though religious toleration meant, above all, facilitation of rites and ceremonies in exchange for loyalty.

A similar case was the “abolition of the chunam mohaul” at Banaras in 1789. *Chunam*, a whitish plaster made with lime prepared from gravel, was an important finishing material for mansions, shrines, and public buildings. The Rajah of Banaras had maintained a “*mhal*, or monopoly,” on local *chunam* sales, from which he derived an

⁴⁴⁴ Governor General in Council to Court of Directors in the Political Department, 15 August 1790, Letters Received from Bengal, BL, APAC IOR E/4/49, p. 96.

⁴⁴⁵ Governor General in Council to Court of Directors in the Political Department, 1 December 1791, Letters Received from Bengal, BL, APAC IOR E/4/50, p. 554. The *nawab* included a spyglass to be given as a gift to Scindia with his letter to the latter. Translation of a letter from the *nawab* of Arcot to Governor General in Council, 12 October 1791, Bengal Political Consultations, 26 October 1791, BL, APAC IOR P/114/52, pp. 456-57.

⁴⁴⁶ When he launched his newspaper in 1791, William Duane, editor of the *Indian World*, admitted begrudgingly that “society is here very much circumscribed, authentic information on great subjects is necessarily held in profound secrecy, and prudentially limited to a few; except by those few, public opinions are not to be formed with ease or certainty.” Prospectus, *The World*, 15 October 1791.

annual 20,000 rupees in revenue. From the perspective of Cornwallis and the British Resident Jonathan Duncan, who held the reins of the rajah's government, the consequent doubling of the price of *chunam* at Banaras "operates not only as a hardship on the settled inhabitants of the City, but must otherwise prove detrimental in deterring the Mahrattas from erecting buildings Gauts &c, to which from religious prepossession they are naturally inclined, *which disposition it is in a political view expedient to encourage* as well in that nation as in all the other Hindoos who resort to Benares." By eliminating the *chunam* component of the rajah's revenue stream, the governor-general hoped not only to offer "a relief, a gratifying favor, to the Inhabitants of Benares" but also to "convert our tenure of their holy city into a channel of diffusing wealth thro' these provinces."⁴⁴⁷ Here we catch a glimpse of a commercial punctuation mark that often featured in Cornwallis's statements in favor of toleration. It would be difficult to argue that his approach represented a departure from that of Hastings, especially when presented in such close proximity to the language of "relief" that mirrored Hastings' language of reducing the weight of the chains of subjection.

⁴⁴⁷ Jonathan Duncan, Resident at Banaras, to Earl Cornwallis, Governor General in Council, 3 October 1789, Bengal Revenue Consultations, 23 October 1789, BL, APAC IOR P/51/50, pp. 1-6; Revenue letter from Governor in Council to Court of Directors, 5 November 1789, Letters Received from Bengal, BL, APAC IOR E/4/48, pp. 432-33. Cornwallis was the only member of his council present on 23 October; Charles Stuart, John Shore, and Peter Speke were all sick. Therefore, when "the Board, having duly considered [Duncan's] letter, Resolved that the Chunam Mhals at Benares be forthwith abolished," the "Board" consisted solely of Cornwallis. Bengal Revenue Consultations, 23 October 1789, BL APAC IOR P/51/50, pp. 1, 6. The pertinent part of the revenue letter to the Court of Directors of 5 November 1789 thus reflected Cornwallis's own reasoning.

So although Cornwallis governed as though he had been given an expansive legislative mandate in matters of political economy and jurisprudence,⁴⁴⁸ he showed greater respect for precedent where tolerationist policies needed his sanction. On these issues, he deferred to the judgment of longer-term Company personnel. When requests arrived from allied princes for close associates to be exempted from pilgrims' duties at Gaya or Benares, Cornwallis and his council were quick to grant such exceptions—and showed little fear that the Company Directors in London might rebuke them for forfeiting revenue in these cases.⁴⁴⁹ In the case of the abolition of the rajah's *chunam* monopoly in Banaras, Cornwallis trusted Duncan's inclinations.⁴⁵⁰ Even before his promotion to the Company residency at Banaras, Duncan had proven his facility with languages and an

⁴⁴⁸ Wilson, *Domination of Strangers*, 54-58; Travers, *Ideology and Empire*, 235-36.

⁴⁴⁹ See, for example, the round of correspondence between Charles Malet, resident at the court of the Maratha *peishwa* in Pune, and the governing council and Court of Directors "Concerning the Protection to be given to such Persons as may be employed by the Poonah Government in purchasing Elephants and Piece Goods at Benares" during the pilgrimage of a member of the Pune court there. Court of Directors to Governor General in Council, 6 May 1791, Bengal Political Despatches, BL, APAC IOR E/4/637, pp. 129-30; Governor General in Council to Court of Directors in the Political Department, 10 January 1791, Letters Received from Bengal, BL, APAC IOR E/4/48, pp. 627-28. See also the exchange between the governing council in Bengal and the Court of Directors regarding plans to make sure that pilgrim taxes at Gaya, Benares, and Allahabad would be waived for the Maratha rajah of Berar Raghoji Bhosle's mother and her entourage: Governor General in Council to Court of Directors in the Political Department, 1 December 1791, Letters Received from Bengal, BL, APAC IOR E/4/50, pp. 544-45; Court of Directors to Governor General in Council, 25 June 1793, Bengal Political Despatches, BL, APAC IOR E/4/640, p. 182. In the latter letter, the Directors acknowledged, "You acted very properly in giving orders that she and her Attendants should be exempted from the payment of the usual Duties on such occasions." But clearly, by the time the Bengal government received this reassurance, the pilgrimage in question had long been completed.

⁴⁵⁰ Indeed, Cornwallis's letter to the Court of Directors parroted Duncan's rationale in recommending the measure verbatim. Duncan to Cornwallis, 3 October 1789, Bengal Revenue Consultations, 23 October 1789, BL, APAC IOR P/51/50, p. 5.

ability to ingratiate himself with native Bengalis.⁴⁵¹ He achieved acclaim within the Company's civil service in the early 1790s for the consultative way in which he went about curbing female infanticide in Banaras and for establishing a Hindu College there with revenue surpluses generated by his settlement with the *zamindars* of the district.⁴⁵² Tellingly, when he pitched his idea for the Hindu College, he followed the reliable formula of foregrounding "its tendency towards endearing our Government to the Native Hindoos, by our exceeding in our attention towards them and their systems, the care shewn even by their own Native Princes."⁴⁵³

Duncan had always met with Hastings's approval, William Jones lauded him, and Richard Johnson thought of him as "an able & valuable servant at Banaras."⁴⁵⁴

Cornwallis constantly reminded the Court of Directors that they should be grateful for

⁴⁵¹ See Pamela Nightingale, "Duncan, Jonathan (*bap.* 1756, d. 1811)," *Oxford Dictionary of National Biography* (Oxford, 2004), <http://www.oxforddnb.com.ezp2.lib.umn.edu/view/article/8224?docPos=1>, accessed 1 May 2012. When Colonel Robert Kyd needed to convince some local farmers to move to new locations in order to build what became the Calcutta Botanical Garden on the spot by the Hugli that he had picked out, he was happy to leave the negotiations over appropriate compensation to Duncan, who was the Collector of Revenue in the neighboring Burdwan District at the time. The council asked Duncan if he would need an assistant to help him with these negotiations but probably hoped that he would not consider them too much of an extra burden. Colonel Robert Kyd to William Bruere, Bengal Revenue Consultation, 6 April 1787, Bengal Revenue Consultations, 16 April 1787, BL, APAC IOR P/51/6, pp. 483-87; Governor General in Council to Board of Revenue, 16 April 1787, Bengal Revenue Consultations, 16 April 1787, BL, APAC IOR P/51/6, p. 492.

⁴⁵² Kopf, *British Orientalism*, 29-30, 19 n.32.

⁴⁵³ Jonathan Duncan to Governor General in Council, 1 January 1792, extracted from Bengal Revenue Consultations, 13 January 1792, Home Miscellaneous Series, APAC, IOR H/487, p. 30.

⁴⁵⁴ Sir William Jones to Jonathan Duncan, 24 January 1790 and 7 February 1790, in *Letters of Sir William Jones*, 855-56; [Richard Johnson,] *Journal from Calcutta to Chittagong and Patna, March and November 1789*, Phillipps MS 17184, Ames Library, MSS B114/1, p. 53.

“the system of reformation and regularity which the Resident has so strenuously and successfully laboured to introduce” in Banaras.⁴⁵⁵ Among the “good effects of his judicious management,” Cornwallis noted “with peculiar satisfaction” Duncan’s work to make pilgrims’ experiences in Banaras pleasant ones. It satisfied Cornwallis to see that “Nana Furnavese, the first Minister of the Maratta State” had applied “for leave to build a house for himself in the City of Benares for the avowed purpose of resorting to it occasionally to perform religious duties.” Clearly, this was part of how pilgrimage might be converted into a wealth-distribution mechanism: high-profile visitors usually brought long caravans with them, as well. Furthermore, at a time when Cornwallis desperately wanted to conclude treaties of alliance with Maratha chieftains, he hoped that positive accounts of British stewardship in Banaras would ripple through Maratha-controlled territories. Thus, he added, “this application has given me the more pleasure as the resolution was deliberately adopted upon the report of Mhadajee Pundit, his own household Dewan [i.e. secretary], whom he sent privately last year with a Caravan of Pilgrims to make his observations, and who it seems had given a most favorable account of the mildness and regularity of the British Government.”⁴⁵⁶

⁴⁵⁵ Revenue letter from Governor General in Council to Court of Directors, 10 August 1789, Letters Received from Bengal, BL, APAC IOR E/4/48, pp. 156-59. See also Earl Cornwallis to Court of Directors, 2 November 1789, Letters Received from Bengal, BL, APAC IOR E/4/48, pp. 497-98.

⁴⁵⁶ Earl Cornwallis to Court of Directors, 2 August 1789, Letters Received from Bengal, BL, APAC IOR E/4/48, p. 264. Cornwallis was keeping a watch on Tipu Sultan’s movements in southwestern India at this time, as he knew that Madras governor Sir Archibald Campbell had issued an ultimatum to Tipu a year earlier. Campbell had advised Tipu that the Company would have to view an attack on the Rajah of Travancore,

Cornwallis also put considerable trust in the energetic Persianist and government revenue collector Thomas Law.⁴⁵⁷ His inner circle on revenue issues consisted primarily of Revenue Board President John Shore and Government Secretary George Hilario Barlow, the latter of whom had been a kind of understudy to Law as Assistant Collector in Bihar in 1785/86.⁴⁵⁸ But as Ranajit Guha and Sudipta Sen have observed, Cornwallis also paid heed to revenue advice that came directly from Law.⁴⁵⁹ Law's letters to the Board of Revenue in defense of his plans for a *mukarari* settlement in Bihar (in which *mukararidars*—holders of land on grants from the Mughal emperor—would act as revenue officers and collect land taxes from smaller tenants for the Company) tend to suggest that he was a dogmatic abstract universalist—willing to pull principles of economic governance from a grab bag of European theories and apply them to an Indian *tabula rasa*. Wilson has suggested that this abstractionist turn of mind made Law

a Company ally, as a declaration of war against the East India Company. The attack on Travancore that touched off the Third Mysore War came on 29 December 1789.

⁴⁵⁷ On Law's interest and experiments in political economy, see Anna Clark and Aaron Windel, "The Early Roots of Liberal Imperialism: 'The science of a legislator' in eighteenth-century India," *Journal of Colonialism and Colonial History* 14, no. 2 (Summer 2013). Law was also a founding member of the Asiatic Society of Bengal. He contributed papers to its journal *Asiatick Researches*, edited by Sir William Jones, and Francis Gladwin published several of Law's Persian translations in the *Asiatic Miscellany*. See, e.g., the contents of *The Asiatic Miscellany, Consisting of Translations, Imitations, Fugitive Pieces, Original Productions, and Extracts from Curious Publications. By W. Chambers, Esq., and Sir W. Jones, Judges of the Supreme Court of Judicature at Fort William, in Bengal, and Other Literary Gentlemen Now Resident in India*, no. 3 (Calcutta, 1787), and *The New Asiatic Miscellany, Consisting of Original Essays, Translations, and Fugitive Pieces*, no. 1 (Calcutta, 1789).

⁴⁵⁸ Wilson, *Domination of Strangers*, 59-60.

⁴⁵⁹ Guha, *Rule of Property for Bengal*, esp. 173-86; Sen, *Empire of Free Trade*, 137-39.

something of an oddball in the eyes of most of his civil servant colleagues at the time.⁴⁶⁰ Richard Johnson, for instance, noted that “Law is perfectly wild yet does good incomprehensibly” in a journal he kept while visiting Law’s district in November 1789.⁴⁶¹ However, what Law was particularly adept at doing was uncovering resonances between what he undoubtedly regarded as Mughal enlightened despotism and the most up-to-date theories of enlightened governance. Along these lines, it is worth bearing in mind that Law was only able to call his plan for Bihar a “*mukarari*” settlement, as opposed to a *zamindari* settlement, because, “from all [of his] investigations” in “Canongoey records,” he “found the zemindars [in Bihar], proprietors of the land” there.⁴⁶² This amounted to a claim that he had uncovered (enough) evidence (to satisfy himself at least) of original imperial grants.⁴⁶³ At any rate, what is crucial for my purposes is that Cornwallis would have appreciated Law’s activities as the manager of a site of Hindu pilgrimage for the same reasons that he approved of Law’s economic reform schemes.

The Company established its office for the collector of Bihar in Gaya, on the banks of the Phalgu River. Law’s first claim to distinction and emolument as Collector there was a reform of the “pilgrim tax”—the fee paid by pilgrims for the upkeep and

⁴⁶⁰ Wilson, *Domination of Strangers*, 107.

⁴⁶¹ [Richard Johnson,] Journal from Calcutta to Chittagong and Patna, March and November 1789, Phillipps MS 17184, Ames Library, MSS B114/1, p. 53.

⁴⁶² Thomas Law, *An Answer to Mr. Princeps's Observations on the Moccurrey System* (London, 1794), 5. See also John Shore’s observations on some of the differences between the status of *zamindari* landholdings in Bihar and Bengal: Minute by John Shore regarding the Bihar Settlement, 18 September 1789, Bengal Revenue Consultations, 18 September 1789, no. 2, BL, APAC IOR P/51/46, pp. 540-41.

⁴⁶³ See also Guha, *Rule of Property for Bengal*, 173-74.

administration of the temples at Gaya and for the appropriate performance of services to the gods who resided there. The small, rocky hills in the area were held to be the body of the powerful demon Gayasur, who, according to the Vayu Purana, obtained the power to absolve sins with his touch by performing an act of great penance before Vishnu. As gods and goddesses had promised to live on Gayasur's body after his death, the ghats and temples in the area received pilgrims from all over the subcontinent. Since the East India Company had taken over all types of revenue under the grant of the Mughal *diwani*, it had assumed responsibility for the pilgrim tax collected at Gaya.

Law looked through the records of the *amil* (revenue farmer) of Morarpur and Gaya, and he saw a political opportunity. The *amils* had apparently parlayed their authority over duties collected from pilgrims into a platform for lining their pockets. For example, they would arbitrate in disputes between Brahmins associated with the temple and charge a fee for doing so. They had also added special extra fees to the duties paid by pilgrims for such things as arriving on a horse.⁴⁶⁴ Law could simply have chosen to declare the *amils'* practices "customary" and then found a way for the Company to expropriate a portion, or all, of the funds that proceeded from the *amils'* activities. But this is not what he did. Rather, he determined that, "by a politic diminution of duties, and

⁴⁶⁴ "Abstract of Gya Proceedings," in Thomas Law, Collector of Rotas at Gaya, to Calcutta Committee of Revenue, 18 April 1785, Committee of Revenue Consultations, 25 April 1785, BL, APAC IOR P/68/41.

the annihilation of oppressive Taxes, the pilgrimages will multiply, and ... the collections of Government [will] increase in proportion to the subtraction of losses.”⁴⁶⁵

His reasons for expecting his superiors to approve of these pilgrim-friendly reforms went beyond the purely financial. They emerged with particular clarity in his criticism of the *amils*, who “seem to have usurped all the powers of Government, and wantonly made use of them as instruments of oppression to plunder the inhabitants of their property.” One major problem was that “this extended not only to the Inhabitants of Gya, *but to Foreigners* resorting to the pilgrimage from all parts of Hindostan, who no doubt shuddered at the enormities committed in their most sacred place of worship, and from this wretched specimen must have returned to their respective countries impressed with the most unfavourable ideas of our internal policy.”⁴⁶⁶ As we have seen, this concern for the reputation of the British government among Hindus residing outside of Bengal resonated Cornwallis.

Law, however, took an interesting additional step to protect Hindus (and perhaps, by default, Muslims) in the exercise of their religion. He reported, “Foreseeing that my station would bring many Mussulmen and others not belonging to Gya, the first morning of my arrival I marked out a separate Town.”⁴⁶⁷ (As of about 1810, the new town at Gaya retained the moniker “Sahibganj,” and the *sahib* in the name referred to Law.) It is not

⁴⁶⁵ Thomas Law to Calcutta Committee of Revenue, 18 April 1785, Bengal Revenue Consultations, 10 May 1785, BL, APAC IOR P/50/58, p. 339.

⁴⁶⁶ “Abstract of Gya Proceedings,” 18 April 1785, Committee of Revenue Consultations, 25 April 1785, BL, APAC IOR P/68/41, emphasis mine.

⁴⁶⁷ Thomas Law to Calcutta Committee of Revenue, 18 April 1785, Committee of Revenue Consultations, 10 May 1785, BL, APAC IOR P/50/58, p. 339.

immediately clear why Law decided to single out Muslims among the “others not belonging to” Gaya. It is conceivable that he anticipated the possibility of clashes over procession routes, such as those that happened at the concurrence of Muharram and Durga Puja in Calcutta a couple of years later. The more likely explanation is that he absolutely did not want to create conditions at Gaya in which Hindus would be susceptible to losing caste. In Law’s case, this obsessive concern did not proceed from sympathy: he considered caste a “rootless prejudice.” But if his goal was to attract pilgrims, he could not permit anything like what he reacted to as the most egregious offence committed by the *amil* before him.

Law objected with particular vehemence to a penalty that the *amil* had introduced against sexual transgressions in Gaya. “This,” he contended, “was the great source of the profits of the farmer of Gya as it is of the Cutwals of most of the Cities in Hindostan.” According to Law, this enrichment scheme had thrived upon “how the terror of falling into the clutches of a corrupt unfeeling Mussulman operates upon the minds of the Hindoos.” Repeatedly calling attention to the prominent place caste was thought by Europeans to occupy in Hindu religious experience, he explained that “the Hindoos value their cast dearer than life—to take advantage of this rootless prejudice, the aumil kept his female spies in every part of the City, who under various pretences easily intruded themselves into the houses of the inhabitants.” Given that “the priesthood of Hindoostan are not remarkable for the purity of their morals, and less so at Gya where the women are obliged to attend the Temples of their Gods[,] every intrigue or the least offence against the tenets of religious duty was brought to the aumil by these emissaries.” Then of

course, “Few would venture to resist, when they knew that the dishonor of their families and the loss of Cast must be the inevitable consequence of the publication of this disgrace.” In this situation, he reasoned, any “accusation ... stood for offence.”

In his “Abstract of Gya Proceedings,” this is by far the longest build-up Law gives before announcing any of the 23 reforms he ordered. And though it might appear to have little to do with his rationale for constructing a separate town for new residents who did not belong to Gaya *qua* holy site, it is precisely here that Law inserts his pledge of non-interference. He declares the fining of “persons guilty or accused of fornication or other crimes” illegal, “and that the Inhabitants may be at once convinced that no extrajudicial interference whatever is intended either in their property or religious ceremonies.” In this way, his policy of separating the administrative from the ritual centers in Gaya would serve as insurance for his pledge to impress Hindus with how “the arrival of a regular government” would protect the city’s sacrality.⁴⁶⁸

Law’s claim to be making visible the *absence* of an intention to interfere with either devotional practices *or* property still calls for more analysis. The parallels between the way in which Law rationalized his pilgrim-friendly reforms and the way in which both he and Cornwallis advocated for the Permanent Settlement are striking. In both cases, they invested a great deal of weight in a particular notion of “regularity.”

Law’s promise to avoid interference in religious ceremonies carried a caveat embodied in the term “extrajudicial”: “no extrajudicial interference is intended.” Clearly,

⁴⁶⁸ “Abstract of Gya Proceedings,” 18 April 1785, Committee of Revenue Consultations, 25 April 1785, BL, APAC IOR P/68/41.

he did not mean to exclude government officers from all *capacity* to officiate if conflicts arose at Gaya—just to signal a disposition not to exercise that capacity. The specification that any intervention would be judicial in nature was not so much a declaration that it would be clinical in character as an indication that it would be carried out solely by the recognized legatees of Mughal imperial sovereignty. Cornwallis saw similar political value in his government’s being *the* main agent of toleration—and taxation. On the subject of the pilgrim taxes collected at Gaya, he informed the Court of Directors in August 1790 that “as the Gya duties are levied chiefly from the subjects of the Mahrattah States who come there annually in great numbers for the purposes of devotion, I thought it advisable to continue them for the present, as advantages may be obtained in our negotiations with the Mahrattahs by the abolition of them at some future period.” As if to clarify that the most tolerant of possible practices would have involved even more encouragement of pilgrimage, Cornwallis noted that the “the Board were aware of the objections to the continuance of any impositions which appeared to have a tendency to discourage the resort of foreigners to your dominions” before explaining that such “political considerations” had “induced [them] to defer the abolition of them until a Future opportunity.”⁴⁶⁹ In this respect, neither Cornwallis nor Law was very far off from

⁴⁶⁹ Earl Cornwallis to Court of Directors, 15 August 1790, Letters Received from Bengal, BL, APAC IOR E/4/49, p. 279; Governor General in Council to Court of Directors in the Revenue Department, 16 August 1790, Letters Received from Bengal, BL, APAC IOR E/4/49, pp. 178-79. See also “Abstract of Gya Proceedings,” 18 April 1785, Committee of Revenue Consultations, 25 April 1785: “the first consideration in the imposition of duties, should be whether the receipts will be adequate to the vexations caused by collecting them, and further whether by secondary operations tend to the detriment of the Country. Upon recurring to the accounts of last year, it appears that the receipts from

Burke's dictum for "Catholic toleration" in Ireland that "matters of grace should emanate from the old sovereign authority."⁴⁷⁰

However, where Cornwallis often seems to have been willing to operate in the rarefied air of abstract maxims, Law took somewhat more care to anchor his proposals in his understanding of traditional Indian norms. Sudipta Sen has emphasized that Law's economic recommendations rested on a presumption that they would work best if the East India Company eliminated all intermediate forms of sovereignty endemic to the Mughal polity. One marker of the way in which Mughal notables exercised a kind of sovereignty, which was in no clear way devolved from the emperor at Delhi, was their power to set up *ganjs* and to charge duties for the passage of goods, thereby raising the costs of marketing commodities. Both Law and Cornwallis sought to "free the internal commerce from ... vexatious impositions" on the grounds that in a well-governed state,

[duties levied on] equipages amount to a mere trifle, the Pilgrims to avoid double expence leaving all their attendants and equipage at Benares, so that the large sums that must have been expended in the maintenance of Servants and Cattle of all kinds, were so much lost to the country. Exclusive of this, the Pilgrims were put to great inconvenience in being obliged to travel on foot because they were afraid to bring their tattoos and horses into the Company's Dominions, the duty being almost equal to their value." Further, "it appearing that a Duty has been established by one of the late aumils on indigent fakirs [*fakirs, sic*] who come to perform a ceremony called the Pind Baloo, or offering with sand, of the River ... Ordered: that the same be abolished being only three Turgahs and of no consideration to Government at the same time that it deprives the poor of the benefit of a ceremony which it is equally incumbent on them to perform as well as those in the higher rank of life."

⁴⁷⁰ Edmund Burke to Richard Burke, Jr., 26 January 1792, in *The Correspondence of Edmund Burke, Vol. VII: January 1792-August 1794*, ed. P. J. Marshall and John A. Woods (Cambridge and Chicago, 1968), 40-41.

no subordinate authority would be allowed to hold its own powers of taxation.⁴⁷¹ As Cornwallis put it in September 1789, “I cannot conceive that any Government in their Senses would ever have delegated an authorized right to any of their subjects to impose arbitrary taxes on the internal commerce of the Country.” For good measure, he added, “And I never heard that in the most free state if an individual possessed a right that was incompatible with public welfare, the legislature made any scruple of taking it from him, provided they gave him a fair equivalent.”⁴⁷² For his part, Law seconded this point by coupling an extract from the *Ain-i Akbari* with extracts from Condorcet’s *Life of Turgot* for the Board of Revenue. In this way he hoped “to prove the practice of the Mogul government,” showing that Akbar had eliminated a “variety of vexatious Taxes, . . . in short all those [on] articles which the Natives of Hindoostan comprehend under the description of Seyerjehat [*sā’ir-o-jihāt*].” He indicated, by juxtaposition, that Akbar’s enlightened despotism was consonant with the “general reasoning” on offer in the *Life of*

⁴⁷¹ Minute by Charles Stuart, president of the Bengal Board of Revenue, on the resumption of *sa’ir* privileges from the zamindars of Bengal, 10 February 1790, quoted in minute by Governor General Earl Cornwallis on the resumption of *sa’ir* privileges from the zamindars in Bengal, 18 July 1790, Bengal Revenue Consultations, 28 July 1790, no. 36, BL, APAC, IOR P/52/16, pp. 190, 199, in interpretative paraphrase of paragraph 65 of Court of Directors to Governor in Council in the Revenue Department, 10 April 1771: “As we have reason to believe that many Bazars are held in the Provinces without the authority of Government, and which must be an infringement of its rights, a great detriment to the public collections, and a burthen and oppression on the Inhabitants, you will take care that no Bazars or Gunges are kept up but such as particular belong to the Government; But in such Bazars or Gunges, the Duties are to be rated in such a manner as their Situation and the flourishing State of the respective Districts will admit.” Appendix to Cornwallis’s minute, *Ibid.*, 340-41.

⁴⁷² Minute by Governor General Earl Cornwallis in Reply to John Shore’s Minute on the Idea of a Permanent Revenue Settlement, 18 September 1789, Bengal Revenue Consultations, 18 September 1789, no. 3, BL, APAC IOR P/51/46, p. 789, 790.

Turgot. As Condorcet had remarked on ““the right which the Nation, or the Magistrate who possesses its power, has to regulate every Impost in the manner most advantageous to the People, ... It is in its nature at once unalienable and incapable of suffering prescription. And the Sovereign Power has retained the Right of abolishing these Imposts, from the Moment it gives the Possessors an indemnification equal to the Injury they may sustain.””⁴⁷³

Cornwallis’s occasional appeals to South Asian precedent followed Law’s formula, suggesting that Mughal enlightened despotism would have been entirely consonant with his own political common sense. For instance, the only explanation Cornwallis could summon to mind for a present situation in which “every individual by erecting a few Straw Huts becomes entitled to collect duties” was that it was a recent, corrupt innovation: “It certainly has been an abuse that has crept in either through the negligence of the Mogul Governors who were careless and ignorant of all matters of trade or what is more probable connivance of the Mussulman Aumils, who tolerated the extortion of the zemindar, that he might again plunder him in his turn.”⁴⁷⁴ Projecting back, then, he

⁴⁷³ Minute by Thomas Law on allowance to be granted to proprietors of *ganjs*, 28 June 1790, Bengal Board of Revenue Consultations, 28 June 1790, BL, APAC IOR P/89/36. See also Sen, *Empire of Free Trade*, 137.

⁴⁷⁴ Minute by Cornwallis on the resumption of *sa’ir* privileges from the zamindars in Bengal, 18 July 1790, Bengal Revenue Consultations, 28 July 1790, no. 36, BL, APAC, IOR P/52/16, pp. 262-63; minute by Cornwallis in reply to Shore’s minute on the idea of a permanent revenue settlement in Bihar, 18 September 1789, Bengal Revenue Consultations, 18 September 1789, no. 3, BL, APAC IOR P/51/46, p. 789.

stressed that “the establishment of Gunges, and the Collection of duties without the sanction of the Supreme Power, is prohibited by the ancient laws of the Country.”⁴⁷⁵

His notion that the pilgrim tax at Gaya should remain on the books until the moment when the greatest political payoff could be procured by an abolition of them was thus entirely consistent with the overall purpose of his proposal “to withdraw the Gunjes from the Zemindars and to place them in the hands of government in order that it may at all times have an unrestrained power to raise or lower the internal taxes.”⁴⁷⁶ Although this quest for an unlimited right to manipulate taxes to government’s advantage had the ring of abstract reasoning, Cornwallis still wished to maintain that former regimes had operated under the same assumptions. Thus, on the one hand, he advertised the “taking into the hands of Government the Collection of the Internal Duties” to the Court of Directors as “a measure ... essential to the interests of all your Subjects engaged in trade or employed in Manufactures, and affording to you a ready means of adding to your resources.”⁴⁷⁷ In a later minute, he specified, “If found necessary a tax may be laid upon a few articles of luxury in general consumption which would immediately produce a sum equal to that which may be now given up, and probably become an increasing source of

⁴⁷⁵ Earl Cornwallis to Court of Directors, 15 August 1790, Letters Received from Bengal, BL, APAC IOR E/4/49, pp. 275-76.

⁴⁷⁶ Earl Cornwallis to Court of Directors, 2 August 1789, Letters Received from Bengal, BL, APAC IOR E/4/48, pp. 266-67.

⁴⁷⁷ Governor General in Council to Court of Directors in the Revenue Department, 12 April 1790, Letters Received from Bengal, BL, APAC IOR E/4/48, p. 841.

Revenue” that would be “proportional to the increase of the wealth of the People.”⁴⁷⁸ On the other hand, he remained careful to argue that “it cannot therefore be deemed unjust or an attempt upon the rights of these people to prohibit them from ... levying Duties on the Trade of the Country, especially when it is considered that the right of Government to suppress all unauthorized bazars [is] conformable to the established law of the Country founded upon immemorial usage.”⁴⁷⁹

In sum, Cornwallis found the trope of Asiatic despotism serviceable in much the same way that Law did; the difference between their respective appeals to Mughal-era history was simply that Cornwallis erased the specificity of Law’s references. This revision, in turn, accentuated the one sense in which Cornwallis and Law did transform the Hastingsian pattern of appeal to Mughal-era precedents where religious toleration was at issue. By implicitly casting the indulgences of an Akbar—or even more to the point, the unrestrained fiats of an unspecified and therefore generic “country” prince—as *symptomatic* of South Asian absolutism, they tacitly removed the element of sympathy from the formula, and they played up the association between toleration and savvy calculation on the part of the sovereign. Yet this was also an interpretation that Hastings had suggested in reference to the Mughals in his preface to the *Bhagavad Gita* in 1785. Furthermore, Cornwallis and Law undoubtedly thought that they could find license for

⁴⁷⁸ Minute by Governor General Earl Cornwallis on the resumption of *sa’ir* privileges from the zamindars in Bengal, 18 July 1790, Bengal Revenue Consultations, 28 July 1790, no. 36, BL, APAC, IOR P/52/16, pp. 292-93, 212-13.

⁴⁷⁹ Earl Cornwallis to Court of Directors, 15 August 1790, Letters Received from Bengal, BL, APAC IOR E/4/49, pp. 275-76; minute by Governor General Earl Cornwallis on the resumption of *sa’ir* privileges from the zamindars in Bengal, 18 July 1790, Bengal Revenue Consultations, 28 July 1790, no. 36, BL, APAC IOR P/52/16, p. 261.

this flattening of the history of sovereignty in the subcontinent by observing contemporary transactional practices surrounding major devotional sites in India.

Conclusion: The Permanent Settlement and the Pilgrims

Given that the justification for several of its key cogs hinged on Cornwallis and Law's shared idea of "regularity," it seems worthwhile to revisit the Permanent Settlement in light of its parallels with Law's pilgrim-friendly reforms at Gaya. In fact, I would argue that the Permanent Settlement's logic emerged, *avant la lettre*, in Law's adjustments to the system of pilgrimage-conduction in Gaya.

What does this mean, and how does it change our appraisal of the Permanent Settlement? It means that contemporary government officials were essentially right when they sensed that "the grand leading principle of the new system" was "the right of Free Agency to all," including, as Jon Wilson adds, the peasant's "right to move at will."⁴⁸⁰ It means that what the Permanent Settlement did was to press the *figure* of a unitary sovereign into service within an economy of power in which the organizing priority was *security*. In other words, the whole constellation that Thomas Law referred to as "a regular government"—the undivided, rigorously classificatory, sovereign state—was conceived of, essentially, as an instrument. It would help *secure* the (ostensibly) natural functioning of population processes that would cancel out the possibility of scarcity. If, for example, commerce surrounding a site of pilgrimage were to blossom on account of its sacredness being well-guaranteed, then this might be a way of hedging against the

⁴⁸⁰ District judge Thomas Brooke to *Sudder Dewanny Adawlut*, 2 May 1794, quoted in Wilson, *Domination of Strangers*, 104.

aggregate (if not necessarily the local) effects of crop failures elsewhere in Bengal. The performance of sovereign “regularity” across British territory was meant to be a flow-promoting maneuver. Whether, where people were concerned, the channels of circulation carried more immigrants to Bengal or internal migrants was beside the point.

Sudipta Sen’s analysis of the Permanent Settlement gets us close to apprehending this logic. Sen argues that the Permanent Settlement was primarily a political reform delivered in fiscal/economic terms; its real purpose, according to Sen, was a decorporatization of political authority in the colonial polity. From Sen’s perspective, Cornwallis and his associates had a double imperative guiding them in this decorporatization effort. First, keeping the costs of goods low by reducing producers’ marketing costs would ultimately translate into saleable goods back in the metropole for the East India Company. Second, being able to prove that state action reduced the costs of necessities in British Bengal would work to legitimize the Company state’s grasp for monitorial authority over these formerly corporatized domains. To put Sen’s view of the Permanent Settlement in Foucauldian terms: Sen portrays the Permanent Settlement as a step along the continuum in which “discipline” perfects “sovereignty.”

In the series of lectures in which Foucault introduced his study of “governmentality,” he tried to clarify several things that his earlier work—particularly *Discipline and Punish*—had left unsaid. In the lectures, he insists that *Discipline and Punish* had not been about the eclipse of one social formation by another. He articulates

the point in a few ways;⁴⁸¹ in the series' most well-known lecture he puts it this way: “we should not see things as the replacement of a society of sovereignty by a society of discipline, and then of a society of discipline by a society, say, of government. In fact we have a triangle: sovereignty, discipline, and governmental management, which has population as its main target and apparatuses of security as its essential mechanism.”⁴⁸²

The key distinction in these lectures is the one between *government* and sovereignty—not discipline and sovereignty. As a result, they often imply that, historically, techniques of discipline and sovereignty tended to complement each other rather than develop as alternatives to one another.⁴⁸³ For instance, at one point, Foucault admits that “the panopticon is a modern idea in one sense, but we can also say that it is completely archaic, since the panoptic mechanism basically involves putting someone in the center—

⁴⁸¹ In the very first lecture, he says, “There is not the legal age, the disciplinary age, and then the age of security. Mechanisms of security do not replace disciplinary mechanisms, which would have replaced juridico-legal mechanisms. . . . But there is another history, which would be the history of technologies, that is to say the much more general, but of course much more fuzzy history of the correlations and systems of the dominant feature which determine that, in a given society and for a given sector—for things do not necessarily develop in step in different sectors, at a given moment, in a given society, in a given country—a technology of security, for example, will be set up, taking up again and sometimes even multiplying juridical and disciplinary elements and redeploying them within its specific tactic.” Michel Foucault, Lecture 1, 11 January 1978, in *Security, Territory, Population*, 8-9.

⁴⁸² Michel Foucault, Lecture 4, 1 February 1978, in *Security, Territory, Population*, 107-08.

⁴⁸³ Apparently, this was especially so during the seventeenth-century heyday of “mercantilism and cameralism”—which Foucault always identifies with one another. Foucault, *Security, Territory*, 68, 70, 101. (In Lecture 1, he says of the seventeenth century in France, “I don’t need to tell you that in his period, and in this region of Europe, we are right in the middle of mercantilism, or rather of cameralism, that is to say, of the problem of how to ensure maximum economic development within a rigid system of sovereignty.”) *Ibid.*, 15.

an eye, a gaze, a principle of surveillance—who will be able to make its sovereignty function over all the individuals places within this machine of power. . . . The central point of the panopticon still functions, as it were, as a perfect sovereign.” And this meditation leads to him to dissolve the distinction between sovereignty and discipline: he goes on to say, “The government of populations is, I think, completely different from the exercise of sovereignty over the fine grain of individual behaviors.”⁴⁸⁴

Historians have been quick to adopt Foucault’s schema of the panopticon as their model for the intrinsic logic of modern statecraft. Accordingly, Sen’s analysis of the Permanent Settlement rests its case when it reveals that the early Company state in India was no exception: it tried to bring all of the elements involved in the marketing of goods within its own purview, and it engaged in violence and social dislocation against competitors to capture this privileged point of surveillance. This is the crux of Sen’s argument. But, as we have just seen, this grasping behavior is not what would mark the modernity of the modern state for Foucault. From his perspective, to the extent that state actors exhibit modernity, they do so when they apply the characteristic techniques of sovereignty and discipline as subordinate components within a political technology geared toward population management. “Security,” as we know, is his name for the political technology that acts specifically to *secure* the regular functioning of “natural” processes that shape population.⁴⁸⁵ As he puts it, “We need only look at the body of laws

⁴⁸⁴ Michel Foucault, Lecture 3, 25 January 1978, in *Security, Territory, Population*, 66.

⁴⁸⁵ See Colin Gordon, “Governmental Rationality: An Introduction,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller

and the disciplinary obligations of modern mechanisms of security to see that there is not a succession of law, then discipline, then security, but that security is a way of *making the old armatures of law and discipline function in addition to the specific mechanisms of security*.⁴⁸⁶ This was what was novel about the Permanent Settlement: it assigned the figure of sovereignty a specific role *within* an overall apparatus designed to secure “natural”—i.e. desire-triggered—flows of population. This was the broader governmental rationality that linked Law’s pilgrim-friendly reforms at Gaya with his advocacy for every aspect of the Permanent Settlement that Cornwallis defended against critics. And there was no coincidence in the fact that Law had gone about establishing what became his template for the Permanent Settlement—his *mukarari* settlement in Bihar—when that district faced famine conditions in 1786-1787.

In a sense, this argument may appear to beat a retreat from Sen to Guha. It considers the Permanent Settlement primarily an economic reform rather than a political coup. This is not to downplay the shakeup it brought about, or to claim that it worked as planned. When Guha covered its intellectual roots, he left aside the specifically *colonial* priorities it was intended to fulfill. Sen’s analysis offers insight into some of these, and it never loses track of the mercantile priorities, either. But in the case of the Permanent Settlement as a reform initiative, the consolidation of state power was its means, not its end. In this respect, it was a new type of policy both for the colony and for the metropole,

(Chicago, 1991), 17, 19; Graham Burchell, “Peculiar Interests: Civil Society and Governing ‘the system of natural liberty,’” in *The Foucault Effect*, 139.

⁴⁸⁶ Michel Foucault, Lecture 1, 11 January 1978, in *Security, Territory, Population*, 10, emphasis mine.

and this aspect of it came about in response to immediate, on-the-ground dilemmas in the colony. Ultimately, it proposed to resolve the (by then) long running problem of famines and land desertion in rural Bengal not by prohibiting movement but by ramping up other networks of circulation into which people might insert themselves. This is the aspect that we can illuminate by examining the Permanent Settlement in conjunction with Cornwallis's continuation of the tolerationist policies of the Hastings era. In one sense, these were holdovers from the Hastings administration, but not in the sense that Cornwallis simply did not get around to changing them. Rather, Cornwallis's most dramatic alteration of the policies of his predecessor—the Permanent Settlement—redoubled the justification for continuity where toleration was concerned.

Coda: The Persistence of the Hastings Orientalist Regime?

It still seems worthwhile to bear in mind that Cornwallis and Law only represented one end of a continuum of tolerationisms characteristic of the Cornwallis administration—much as a spectrum of this kind had characterized the Hastings regime. There is, for example, reason to believe that other Bengal officials held in high regard by Cornwallis would have balked at the implication that subcontinental alliance-building could proceed without interreligious comprehension. The radical Whig Sir William Jones could be unsettlingly candid in critiquing the more traditional Whig gentleman Cornwallis. In his recent biography of Jones, Michael Franklin relates an anecdote illustrating why Cornwallis always found Jones's intellect intimidating and his standards for others uncompromising. In 1793, chief government secretary George Barlow approached Jones with an early draft of what became Article 1 of the Cornwallis Code of

resolutions passed on 1 May. This was the resolution announcing the Court of Directors' agreement to declare permanent Cornwallis's ten-year revenue assessment upon the *zamindars* in Bengal, Bihar, and Orissa. The opening lines of the preamble portion of the resolution read, "The two principal objects which the government ought to have in view, in all its arrangements, are, to insure its political safety, and to render the possession of the country as advantageous as possible to the East India Company and the British nation." Before reading much farther, Jones ran his pen through the first three words of Barlow's sentence and wrote in the margin, "Surely the *principal object* of every Government is the happiness of the governed."⁴⁸⁷ If, as has often been suggested, Jones was a throwback to the older Hastings-era Orientalist agenda, it is worth noting that here he was in fact criticizing a feature that Cornwallis's government shared with that of Hastings.⁴⁸⁸ After all, when Hastings' man Nathaniel Brassey Halhed had laid out his case for a "well-timed toleration in matters of religion," he had identified the top two objectives of government very much as Barlow and Cornwallis had: to "ensure [political] stability to the acquisition" and to secure "the [commercial] Advantages of a Territorial Establishment in Bengal."⁴⁸⁹ Had Jones and Cornwallis found occasion to debate the finer points of their top priorities as secularists, they would undoubtedly have discovered

⁴⁸⁷ Sir John William Kaye, *The Administration of the East India Company: A History of Indian Progress* (London, 1853), 1-2, quoted in Franklin, *Orientalist Jones*, 309.

⁴⁸⁸ A. Mervyn Davies, *Strange Destiny: A Biography of Warren Hastings* (New York, 1935), 423; Garland Cannon, *The Life and Mind of Oriental Jones: Sir William Jones, the Father of Modern Linguistics* (Cambridge, 1990), 200; Franklin, *Orientalist Jones*, 13.

⁴⁸⁹ Halhed, "Translator's Preface," *Code of Gentoo Laws*, ix.

that these shaded into one another—without being at all identical—in the much same way that their principal aims as architects of a colonial government did.

A further question that can be asked with respect to Jones is whether, and if so at what point, he ever took the Hastingsian hint that a purely doctrinal comprehension might still fall short of the precise sort of “universal toleration” required for a British government wishing to approximate South Asian norms. As we have seen, Hastings intimated that gestures such as Mahadji Scindia’s aid to the workers repairing mosques and Muslim shrines near Ajmere had to register to the likes of the *nawab* of Arcot as expressions of a *personal* sort of sympathy. We have also seen how Richard Johnson brought himself to the brink of a secularist crisis when he contemplated the Christian magistrate trying to “check” the religious passions of “Hindoo Durgah poojans & Mahomedan morning ashoorahs” in late September 1789.

Ultimately, the rigor of the demand for *sympathetic* comprehension confounded Johnson. Years later, in 1805, he applied the epithet “good Bramin” to his good friend Jonathan Duncan. He meant it in a nettling sort of way when he wrote it—in a letter to Sir James Mackintosh, the recently appointed judicial recorder in Bombay. Johnson had resigned from the Company’s service in 1790 and returned to Europe. Duncan had moved on to become governor of Bombay in 1795, and he held that post until his death in 1811. Advising Mackintosh to look into ways of forestalling harmful Hindu rites, Johnson professed, “Your enquiries upon your neighboring continent will long since have given you an unhappy list of proofs that male adults are sacrificed to Idols, that women are constantly burnt with their deceased husbands, & that children are murderd for purposes

of enchantment & averting plagues & ca. of which the good Bramin Duncan Knows instances at Poona.”⁴⁹⁰ If Johnson had indeed followed the Hastingsian program and cultivated a generosity of sentiment during his time in India, this part of his background was not on display in this letter to Mackintosh. Nevertheless, if one takes the epithet in its literal aspect, one can see that he *was* implying that Duncan had cultivated such a capacity for sympathy—to the point of quasi-conversion. In light of how the Richard Johnson of 1789 interpreted Jefferson’s declaration on religious freedom as a defense of the validity of a great variety of forms of worship, it seems likely that Johnson’s younger self would have praised rather than mocked Duncan’s “good Brahmin”-ism.

The point, once more, is that the Cornwallis Code’s pledge to *protect* Bengal’s natives in the “free exercise” of their religion was not the reflection of a single, coherent vision for the British Empire in India. Its verbiage was the least common denominator in a loose discursive constellation comprised of secularist impulses that emerged through responses to novel situations. Throughout the 1770s and 1780s, there was a guiding claim as well as desire to replicate South Asian practices associated with what Bayly has seen as South Asian “classical doctrinal pluralism.” Because this was done within the rubric of what the British usually referred to as “toleration,” the procedure bore associations that came from the complex history of religious toleration in Enlightenment Europe. Yet there was also a contemporary suspicion that this procedure of political transculturation might result in failures for British colonial secularism in India. It was rarely if ever the case in

⁴⁹⁰ Richard Johnson to James Mackintosh, 20 February 1805, Mackintosh Papers, BL, MSS Add. 52451 B, fol. 72.

late eighteenth century India that British commentators adhered to the dominant formula for prudential toleration as closely as they did in the Irish context during the 1770s and 1780s. Polarization along prudential, on one hand, and “Lockean” tolerationist lines, on the other, in debates over secularist policy options in India would, in fact, only come about as a result of the sharp divisions concerning toleration that emerged in Ireland during the 1790s and their global spread on account of the French Revolution and Napoleonic Wars.

Chapter 4: Counterrevolutionary Toleration: Ireland's Burkean Whigs in the Decade of the United Irishmen

The previous chapters have all hinted that the advance of capitalism in the British Empire meant the incorporation rather than the disavowal of “pre-modern” traditions such as prudential religious toleration.⁴⁹¹ In the last chapter, Thomas Law and Charles Cornwallis's plans for promoting commerce in Bengal by supporting pilgrimage demonstrated this point in sharper relief. Somewhat in contrast, this chapter examines the crystallization, in Irish and British political culture, of a perspective insisting that capitalist modernity might expunge the traces of prudential toleration. This, too, was an Enlightenment view on toleration, voiced by the likes of Goethe, Friedrich Schiller, Mirabeau, and, crucially, Thomas Paine. As Martin Fitzpatrick points out, such writers rejected the concept of toleration in express protest against the “*politique* tradition” of toleration—i.e. prudential toleration.⁴⁹² In 1790, George Washington proudly wrote, “It is now no more that toleration is spoken of as if it were [by] the indulgence of one class of

⁴⁹¹ I have been trying to offer an agglomerative narrative of the rise of capitalism. I have not consciously avoided the type of narrative that Brad Gregory has tarred with the label “supersessionist,” but I do share his suspicions of histories that teach that the forms familiar to inhabitants of the medieval world have had basically no relevance since the advent of modernity, whenever that was. See Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, Mass., 2012), 6-14.

⁴⁹² Martin Fitzpatrick, “Toleration and the Enlightenment Movement,” in *Toleration in Enlightenment Europe*, ed. Ole Peter Grell and Roy Porter (Cambridge, 2000), 23-68, at 29. For the idea that Fitzpatrick's discussion of the “*politique* tradition of toleration” proves that he is one of the historians most keenly aware of the “sheer persistence of the prudential tolerationist tradition,” see Jeffrey R. Collins, “Redeeming the Enlightenment: New Histories of Religious Toleration,” *Modern History* 81, no. 3 (September 2009): 607-36, at 629.

people that another enjoyed the exercise of their inherent natural rights.”⁴⁹³ But this dance on the grave of prudential toleration represented wishful thinking. As we have seen, and as Fitzpatrick realizes, these men spoke for just one of many currents of Enlightenment thought concerning the concept of toleration. And in this chapter, once again, the argument will be that prudential toleration found principled and, in some cases, powerful defenders, who took pains to counter the Lockean tolerationist future courted by Ireland’s Painites in the 1790s.

The influence of the American and French Revolutions on the societies of United Irishmen, who led the drive for Irish independence in the 1790s, has never been doubted.⁴⁹⁴ Founded in 1791, the Belfast and Dublin Societies of United Irishmen signed an initial declaration referring to their time as “the present era of great reform, when unjust governments are falling in every quarter of Europe; . . . when the rights of man are ascertained in theory, and that theory substantiated by practice;” and “when all Government is acknowledged to originate from the people.”⁴⁹⁵ Their glorification of what

⁴⁹³ Washington to the Hebrew Congregation at Newport, 1 January 1790, quoted in “Religious Liberties and the Bill of Rights,” 2011-2012, <http://www.tourosynagogue.org/index.php/history-learning/gw-letter>, accessed 20 July 2013.

⁴⁹⁴ See, among others, Marianne Elliott, *Partners in Revolution: The United Irishmen and France* (New Haven, Conn., 1982); Hugh Gough and David Dickson, eds., *Ireland and the French Revolution* (Dublin, 1990); David S. Wilson, *United Irishmen, United States: Immigrant Radicals in the Early Republic* (Ithaca, N. Y., 1998); Vincent Morley, *Irish Opinion and the American Revolution, 1760-1783* (Cambridge, 2002); Padhraig Higgins, *A Nation of Politicians: Gender, Patriotism, and Political Culture in Late Eighteenth-Century Ireland* (Madison, Wisc., 2010).

⁴⁹⁵ [Theobald Wolfe Tone], Declaration and Resolutions of Society of United Irishmen of Belfast, 18 October 1791, in *Life of Theobald Wolfe Tone*, ed. William Theobald Wolfe Tone, 2 vols. (Washington, D. C., 1826), 1:367.

they saw as the French Revolution's achievements could hardly be clearer. In fact, the declaration's author – the Dublin lawyer Theobald Wolfe Tone – originally prepared it to be read at a grand public meeting in Belfast held in honor of the second anniversary of the storming of the Bastille.⁴⁹⁶ Participants in that day's Volunteer parade wore green cockades and carried flags bearing portraits of Benjamin Franklin and the comte de Mirabeau.⁴⁹⁷ A “United Irish Catechism” retrieved from Cork in 1797 sums up the obvious symbology:

What is that in your hand? It is a branch.

Of what? Of the Tree of Liberty.

Where did it first grow? In America.

Where does it bloom? In France.

Where did the seeds fall? In Ireland.⁴⁹⁸

So historians have basically followed contemporaries' lead when they have located the bastions of United Irish support wherever “French principles” spread most efficiently.⁴⁹⁹

⁴⁹⁶ Wolfe Tone to Thomas Russell, 9 July 1791, and Resolutions enclosed with Tone's letter to Thomas Russell, 9 July 1791, in *The Writings of Theobald Wolfe Tone 1763-98, Volume 1: Tone's Career in Ireland to June 1795*, ed. T. W. Moody, R. B. McDowell, and C. J. Woods (Oxford, 1998), 104-08; T. W. Moody, R. B. McDowell, and C. J. Woods, “General Introduction,” in *Writings of Wolfe Tone*, xxxiii-xxxiv; and discussion in Marianne Elliott, *Wolfe Tone: Prophet of Irish Independence* (New Haven, Conn., 1989), 125-26.

⁴⁹⁷ Samuel McSkimin, *Annals of Ulster from 1790 to 1798*, ed. E. J. McCrum (Belfast, 1906), 6; *Belfast News-Letter*, 16 July 1791, cited in Nancy Curtin, “Symbols and Rituals of United Irish Mobilisation,” in *Ireland and the French Revolution*, ed. Gough and Dickson, 69.

⁴⁹⁸ “United Irish Catechism,” December 1797, in Kevin Whelan, *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830* (Cork, 1996), 57.

But by examining exactly how contemporaries from across the political spectrum identified “French principles” when they spotted them, we can see that Irish observers filtered the French Revolution through their collective memory of the American one. One of the reasons behind this tendency was, as historian David Wilson notes, generational. The people in the prime of their organizing, publishing, and activist adult lives in the 1790s had come of age during the British war against the Thirteen Colonies. As a result, the reality “that the American and French Revolutions were actually very different was hidden by what appeared to be common ideological imperatives, expressed in the common language of the rights of man.”⁵⁰⁰ This chapter offers a contextualized reading of the trove of commentary on the United Irish movement written by an older member of this generation that included Wolfe Tone (1763-1798), Thomas Addis Emmet (1764-1827), William Sampson (1764-1836), and Belfast newspaperman Sam Neilson (1761-1803): the double agent Leonard MacNally. Born in 1752, MacNally was, like Tone, Sampson, and Emmet, a lawyer whose training and career spanned both sides of the Irish

⁴⁹⁹ Elliott, *Partners in Revolution*, 1; Wolfe Tone, First memorial to the French Government on the present state of Ireland, 22 February 1796, in *The Writings of Theobald Wolfe Tone 1763-98, Volume 2: America, France, and Bantry Bay, August 1795 to December 1796*, ed. T. W. Moody, R. B. McDowell, and C. J. Woods (Oxford, 2001), 61-70, esp. 68-71; Earl of Westmorland (lord lieutenant) to Home Office Secretary [Henry Dundas], 29 November 1792, The National Archives (TNA): Public Record Office (PRO), H.O. 100/38/105-08; and, in combination, Kevin Whelan, “The Regional Impact of Irish Catholicism 1700-1850,” in *Common Ground: Essays on the Historical Geography of Ireland Presented to T. Jones Hugh*, ed. William J. Smyth and Kevin Whelan (Cork, 1988), 253-77, and Kevin Whelan, “An Underground Gentry? Catholic Middlemen in Eighteenth-Century Ireland,” in *The Tree of Liberty: Radicalism, Catholicism and the Construction of Irish Identity 1760-1830* (Cork, 1996), 3-56, esp. 37-42.

⁵⁰⁰ Wilson, *United Irishmen, United States*, 14.

Channel. He was in London for much of the American War, studying at the Middle Temple from 1774 to 1776 and returning in the late 1770s after having qualified for the Irish bar. He was present in London during the Gordon Riots in 1780, taking part, along with the youthful William Jones, in the barristers' corps that defended the Inns of Court against the mob.⁵⁰¹ In the 1790s, MacNally became one of Dublin's most esteemed defense attorneys—often by taking and winning cases for United Irish defendants—but he also became a government spy. Written under the pseudonym “J.W.,” his informers' letters to Dublin Castle show that, whatever his precise motivation was for turning against the United Irishmen, he defended a Greater British secularism, based in prudential toleration, against the threat of an Irish anti-colonial, Lockean tolerationist secularism.

Paine as Prism

It is telling that MacNally's letters tend to conflate the spread of “French principles” with the circulation of Thomas Paine's works. Paine was the prime purveyor of French revolutionary values for Anglophone Irish audiences.⁵⁰² But he was also an

⁵⁰¹ J. M. Rigg, ‘Macnally, Leonard (1752–1820)’, rev. Mihail Dafydd Evans, *Oxford Dictionary of National Biography* (Oxford, 2004), <http://www.oxforddnb.com.floyd.lib.umn.edu/view/article/17707>, accessed 26 March 2011.

⁵⁰² In a concise analysis of the United Irish songbook *Paddy's Resource: being a select collection of original and modern patriotic songs, compiled for the use of the people of Ireland*—put out by members of the Belfast United Irishmen in 1795—Tom Dunne notes that most of its utilizations of French Revolutionary iconography “are little more than clichés, and of a kind that did the least violence to the Irish Patriot tradition, the primary mould of United Irish ideology. ... There are several references, however, to ‘honest Tom Paine’ and ‘The just *Rights of Man*’—reflecting the fact that, in so far as they were absorbed at all, the ideas of the French Revolution were absorbed through the writings of *English radicals*.” Dunne, “Popular Ballads, Revolutionary Rhetoric and Politicisation,” in *Ireland and the French Revolution*, ed. Gough and Dickson, 139-55, at 145.

English-born American who carried the faith of the convert regarding his adopted country's new constitution. His *Rights of Man* pamphlets (1791 and 1792), written to rebut Burke's *Reflections on the Revolution in France* (1790), both defended the French revolutionaries *and* helped inculcate a didactic memory of the American Revolution as part of a common struggle for common emancipatory ideals.⁵⁰³ In 1795, MacNally notified Dublin Castle that the "gratis" distribution of "political disquisitions, addresses, and resolutions, by the Societies of United Irishmen of Belfast and Dublin, written to the passions and feelings of the multitude, affected them with electrical celerity" and "prepared the way for Paine's politics and theology."⁵⁰⁴ A day later, he drew examples from the *Cork Gazette* to show that United Irishmen writers were responsible for southern Irish commoners' apparent addiction to the "strongly democratical and Frenchified principles" of "Thelwall's lectures, which are regularly imported from London," and of "Sidney, and Thomas Paine."⁵⁰⁵ MacNally thus proved as amenable as the United Irishmen he informed against to Paine's rhetoric of revolutionary continuity.

One feature of Paine's writing that probably aided his appeal among Irish Catholic and Protestant radical audiences was his rejection of the concept of toleration.⁵⁰⁶

⁵⁰³ See E. P. Thompson, *The Making of the English Working Class* (New York and London, 1963), 90.

⁵⁰⁴ "J.W." to Dublin Castle, 12 September 1795, National Archives of Ireland (NAI), Rebellion Papers (RP) 620/10/121/27.

⁵⁰⁵ "J.W." to Dublin Castle, 13 September 1795, NAI, RP 620/10/121/28.

⁵⁰⁶ In a letter to a friend, Paine noted the extraordinary success of Part I of *The Rights of Man* in its first eight months of circulation in Ireland: "almost sixteen thousand has gone off [in England] – and in Ireland above forty thousand." Paine to John Hall, 25 November 1791, quoted in David Dickson, "Paine and Ireland," in *The United Irishmen: Republicanism, Radicalism, and Rebellion*, ed. David Dickson, Dáire Keogh, and Kevin

Just as George Washington celebrated a changed meaning for “toleration” as a result of the newly ratified U. S. Constitution, Paine reveled in its demise at the hands of France’s revolutionaries. As he put it in Part One of the *Rights of Man*, “The French constitution hath abolished or renounced *Toleration*, and *Intoleration* also, and hath established UNIVERSAL RIGHT OF CONSCIENCE.” As Paine saw it, “Toleration is not the *opposite* of Intoleration, but is the *counterfeit* of it. Both are despotisms. The one [‘intoleration’] assumes to itself the right of withholding liberty of conscience, and the other [toleration] of granting it.”⁵⁰⁷ Repudiating “toleration” in this way, Paine was nonetheless embracing an alternative eighteenth-century conception of toleration: Lockean toleration. Locke had prescribed an official posture of impartiality toward religious *beliefs*.⁵⁰⁸ When Locke’s *Letters Concerning Toleration* were republished in

Whelan (Dublin, 1993), 135-50, at 137. Dickson adds that “the most important ingredient in the pamphlet’s Irish success” was a print run of as many as 20,000 cheap copies sponsored by the Whigs of the Capital and championed by their leader James Napper Tandy. These began to appear in May 1791, sold under the imprint of Dublin bookseller/publisher Randal McAllister. The Protestant McAllister and his fellow printer/bookseller James Moore of College Green, Dublin, were the two members of the Dublin Society of United Irishmen who proposed honorary membership in the organization for Paine a year later in June 1792. Dickson, “Paine and Ireland,” 135-39, at 139.

⁵⁰⁷ Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke’s Attack on the French Revolution* (Dublin, 1791), 35.

⁵⁰⁸ On Locke as an advocate for “universal toleration,” see John Marshall, *John Locke, Toleration and Early Enlightenment Culture: Religious Intolerance and Arguments for Religious Toleration in Early Modern Europe and ‘Early Enlightenment’ Europe* (Cambridge, 2006). Locke articulated his model of toleration in his famous *Letter Concerning Toleration* (1689). Kirstie McClure and Saba Mahmood (citing McClure) have stressed that the caveat accompanying the right to believe as one wants in the Lockean system is its call for mechanical adherence to empiricist protocols to assess and intervene against threats to worldly harm. Kirstie McClure, “Difference, Diversity, and the Limits of Toleration,” *Political Theory* 18, no. 3 (August 1990): 361-91; Saba

England in 1765, the writer of the preface Richard Baron declared that “the nation is greatly obliged to Mr. Locke for defending the cause of religious liberty in the strongest and clearest manner.”⁵⁰⁹ Yet the appearance of the Lockean formula in Paine’s *Rights of Man* is a reminder that it was useful for criticizing British tolerationist policy precisely because it had never truly driven that policy.

Organized in societies of United Irishmen during the 1790s, Irish Paineites did not quite follow Paine into rejecting the language of “toleration” completely. Their main ideological organ in 1797-98, the *Press* newspaper headed up by Arthur O’Connor, announced itself to the world as an endeavor to “introduce a cordial Union of ALL THE PEOPLE on the basis of toleration and equal government.”⁵¹⁰ But when they called for toleration, they meant it in the Lockean sense. This will surprise no one who has studied them. In his *Tree of Liberty* essays (1996), Kevin Whelan suggested that the secular,

Mahmood, “Religious Reason and Secular Affect: An Incommensurable Divide?” *Critical Inquiry*, no. 35 (Summer 2009): 836-64.

⁵⁰⁹ Quoted in Martin Fitzpatrick, “Joseph Priestley and the Cause of Universal Toleration,” *Price-Priestley Newsletter*, no. 1 (1977): 3-30, at 3. Patrick Kelly notes that there was no Irish printing of any of Locke’s *Letters on Toleration* in the eighteenth century (provincial English printings exist from 1788 and 1791—at York, Windsor, and the 1791 printing was done in Huddersfield). Given that the provincial editions printed in England “were largely prompted by the agitation to remove the disabilities of Protestant dissenters in England in the late 1780s, the fact that the Irish parliament had repealed the sacramental test in 1781 may perhaps explain the lack of reprints” in Ireland. See Kelly, “Perceptions of Locke in Eighteenth-Century Ireland,” *Proceedings of the Royal Irish Academy, Section C: Archaeology, Celtic Studies, History, Linguistics, Literature* vol. 89, C, no. 1 (1989): 17-35,” at 28. Indirect exposure would, nevertheless, have been plentiful. There was a Dublin printing of the first edition of Priestley’s *Essay on the Principles of Civil Government* in 1768, which appropriated the framework of Locke’s argument to justify (pace Locke) extending “full toleration” to Catholics. Joseph Priestley, *An Essay on the First Principles of Government and on the Nature of Political, Civil, and Religious Liberty* (Dublin, 1768), 134.

⁵¹⁰ Prospectus, *Press*, no. 1 (28 September 1797).

democratic aspirations of the United Irishmen comprise a tradition worth recuperating.⁵¹¹ Ian McBride quickly responded to Whelan's argument with "a note of caution" stressing that the Ulster Presbyterians, who "formed the backbone of organized radicalism," read the French Revolution as the long-foreseen death of "popery," which they saw in all forms of state infringement of the right to interpret scripture for oneself. According to McBride, they therefore took Locke's theory of toleration to its logical conclusions for theological and eschatological reasons—not secular ones.⁵¹² However, this still leaves the question of how United Irishmen of Anglican and Catholic backgrounds came to espouse the Lockean tolerationist option. We also need to ask how the very process in which they did so could intensify, rather than defuse, sectarian tensions in the lead-up to the 1798 rebellion. This is why I emphasize the influence of their readings of Paine in the story of how they became Lockean secularists.

There was, after all, an anti-colonial kernel at the heart of Paine's message on toleration.⁵¹³ Paine eventually divulged this logic, but only when he published Part 2 of the *Rights of Man* in February 1792. In that work, he mocked the British habit of conveniently forgetting that their government's vaunted constitutional balance had roots in (the Norman) conquest. "A banditti of ruffians overrun a country," he wrote, and then,

⁵¹¹ Whelan, *Tree of Liberty*, esp. "Preface" and "The Republic in the Village: The United Irishmen, the Enlightenment, and Popular Culture," ix, 59-96.

⁵¹² I. R. McBride, "'When Ulster Joined Ireland': Anti-Popery, Presbyterian Radicalism, and Irish Republicanism in the 1790s," *Past and Present*, no. 157 (November 1997): 63-93; I. R. McBride, *Scripture Politics: Ulster Presbyterians and Irish Radicalism in the Late Eighteenth Century* (Oxford, 1998), esp. 195-201.

⁵¹³ It can also be noted, of course, that Paine relished writing as an American whose adopted country's brief history supposedly entitled him to an outsider's perspective on Britain. See Thompson, *Making of the English Working Class*, 90.

“the chief of the band contrive[s] to lose the name of Robber in that of Monarch.”⁵¹⁴

Thus, the aristocrats to whom the constitution reserved the right of governing must have gained their privileges from ties to these usurpers. In this way, Paine unmasked the rhetoric of the ancient constitution as an elaborate variation of conquest theory: the idea that landed individuals belonged to a separate race of conquerors, who, at a remote point in the past, overcame and appropriated the land from peasant cultivators, as the Franks in France had done with respect to the Gauls.⁵¹⁵ His critique resonated with vast numbers of Irish men and women because it evoked, with impressive precision, the sense in which the Irish were colonial subjects at this historical moment—i.e. simultaneously subjects of and subject to a particular late eighteenth-century British colonialism.

Perhaps even more sharply than Paine himself, the United Irishmen saw that prudential toleration was becoming a key instrument in colonial governance in the last quarter of the eighteenth century. They wished to reject the future that this trend portended. Here is where Foucault’s notion of sovereignty helps clarify what the United Irishmen found objectionable about the prudential kind of toleration. They realized that if one accepted that toleration operated in accordance with the prudential logic that Paine had caricatured, one committed oneself to a sovereign-mediated nationhood that made a mockery of popular sovereignty. Furthermore, they had no trouble discerning that toleration cast as the “despotism” that “assumes to itself the right of ... granting [liberty

⁵¹⁴ Thomas Paine, *Rights of Man, Part 2*, quoted in *Ibid.*, 23.

⁵¹⁵ On the vitality of conquest theory in later eighteenth-century Britain and Ireland, see Jacqueline Hill, *From Patriots to Unionists: Dublin Civic Politics and Irish Protestant Patriotism, 1660-1840* (Oxford, 1997), 8-11.

of conscience]” meant that it retained the trace of a prior conquest. To reach these assessments, they took cues from the political performances of the Burkean-liberal Whigs. Since the American crisis, Whig parliamentarians like Edmund Burke himself, his patron and the Earl Fitzwilliam, and the great orator Henry Grattan had been elaborating a new, *liberal* appropriation of the rights of conquest in their pleas for extensions of religious toleration in colonial settings. I submit that the United Irishmen’s repeated protests that the Irish were being divided to be ruled by measures of prudential toleration both reflected and partially occluded this backdrop.

The multiple fronts opened up in the debates over religious toleration in the 1790s made it hard to ignore the ways in which one could become complicit with colonization. Right at the outset of the United Irish movement in 1791, Wolfe Tone alluded to this fact in his seminal pamphlet *An Argument on Behalf of the Catholics of Ireland*. Notably, Tone’s prefatory remarks credited Paine with having said all there was to say about popular sovereignty.⁵¹⁶ This left him free to make his only mention of the term “toleration” a hostile one, observing that Irish Catholics’ “minds have for a century been irritated by injuries, and inflamed by open insults, or still more offensive connivance and toleration.”⁵¹⁷ Similar concerns animated William Drennan’s criticism of the 1793

⁵¹⁶ Tone told his readers that his pamphlet included “little on the abstract right of the people to reform their Legislature; for, after PAINE, who will, or who need, be heard on the subject?” [Theobald Wolfe Tone], *An Argument on Behalf of the Catholics of Ireland* (Belfast, 1791), iv.

⁵¹⁷ *Ibid.*, 18. Tone’s *Argument* was regarded as a founding text of the United Irish movement by contemporaries as well as historians: see [Thomas Russell], draft of a letter to the People of Ireland, n. d. [September 1796?], University of Dublin, Trinity College Library, Sirr Papers TCD MS 868/1, fol. 62: “From that time a new system of Irish

Catholic Relief Act. Drennan was sure that its only goal was to appease Catholics, reward them for their loyalty, and keep them from finding common cause with increasingly vocal constitutional reformers, many of whom were Presbyterians like Drennan.⁵¹⁸ In 1799, after the rebellion had been put down, a handwritten plan for re-organizing the societies of United Irishmen insisted that the “unjust and ambitious policy of England always pointed out to them the Necessity of retaining Ireland in a state of Provincial Slavery.” According to the anonymous but probably Catholic author, the English employed “two Stratagems generally made use of by Tyrants” to accomplish this goal: first by “prohibiting or precluding the Possibility of acquiring Education and after reducing us to a State of Degradation and Ignorance, by working on our Prejudices or Ignorance, they divided us against each other.”⁵¹⁹

Historians have often been guided by the assumption that the United Irishmen defined themselves expressly in opposition to Protestant stalwarts defending entrenched privileges. While this is not untrue, it leaves an incomplete impression. I stress their

politicks commenced & it is sufficient commendation of the work quoted to that [*sic*] it was one great means of commencing the union of Irishmen.”

⁵¹⁸ William Drennan to Samuel McTier, 1 September 1793, in *The Drennan-McTier Letters*, ed. Jean Agnew (Dublin, 1998), 560. Several generations of historians have concurred with Drennan on the purpose of the 1793 Act, which bore the clear traces of William Pitt’s lobbying for it with the Irish cabinet. See Paul Bew, *Ireland: The Politics of Enmity 1789-2006* (Oxford, 2007), 24-26; Jacqueline Hill, “Popery and Protestantism, Civil and Religious Liberty: The Disputed Lessons of Irish History 1690-1812,” *Past and Present*, no. 118 (February 1988): 96-129, at 124-25; R. B. McDowell, *Ireland in the Age of Imperialism and Revolution, 1760-1801* (Oxford, 1979), 394-399, 403; W. E. H. Lecky, *History of Ireland in the Eighteenth Century*, 2nd ed., 5 vols. (London, 1903 [1890-91]), 3:29-30, 36-41.

⁵¹⁹ Plan for the Organization of the United Irishmen, addressed to “Countrymen,” n. d. [1799], NAI, RP 620/8/72/2, pp. 1-2.

gravitation toward Paine's position on toleration because in this practice, I see them articulating their opposition to an emergent "imperial liberalism."⁵²⁰ That is to say that the United Irishmen confronted not only a Protestant Ascendancy *junta* with considerable influence at Dublin Castle but also (and I think more interestingly) a set of Whig-liberal opponents whose "liberality" already included key aspects of nineteenth-century liberal imperialism.

Prudential Toleration and Imperial Liberalism

By examining the case of Whig-liberal advocacy for prudential toleration and the criticism it drew in the 1790s, we can see how the Whigs might have taken an interest in transforming time-honored prudential tolerationist techniques into something like what Foucault called "apparatuses of security." This is to say that they broached the possibility that prudential toleration might have effects that would become, over time, part of the infrastructure enabling "natural regulation"⁵²¹—or, perhaps better said, the natural regularization—of a good society as they saw it. In other words, the United Irishmen's political context brought them face to face with prudential toleration as a mechanism of governance as well as a device for extending sovereignty.

To recap a bit from Chapter 1, the history of retrenchment of penal legislation in later eighteenth-century Ireland has long stood as an instructive counterpoint to the idea

⁵²⁰ Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005). See discussion below.

⁵²¹ Colin Gordon, "Governmental Rationality: An Introduction," in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago, 1991), 17. See also Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London and New York, 2003), 70.

that Locke's ideas underwrote the toleration policies of Enlightenment-era governments. Although the Catholic Relief Acts passed in 1778, 1784, 1792, and 1793 largely dismantled the penal legislation affecting Catholics, this was always done for pragmatic reasons and never aimed at placing all religious groups on the same footing with respect to the state. When Lecky was writing his *History of Ireland in the Eighteenth Century* (1892), he saw a "growth of Irish tolerance" driving these reforms. His notion of tolerance enfolded both day-to-day coexistence and "enlightened," cosmopolitan values that promoted a moral indifference toward theological disagreements. He implied that the thrust of this historical force was to move toward Lockean toleration.⁵²² But his view has not stood up to scrutiny.⁵²³ In a seminal article on the relaxation of the Irish penal laws in an imperial perspective, Jacqueline Hill challenged Lecky's "growth of tolerance" narrative head-on. She argued that the Quebec Act of 1774 and the Irish Catholic Relief Acts of 1778 and 1782 were thoroughly pragmatic: the unrulier the (Protestant) American colonists got, the more urgent it became for Parliament to reward loyal constituencies of subjects and consolidate their allegiance.⁵²⁴ Most historians have agreed with her, and many have shared her reasoning in their assessments of the 1792 and 1793 Relief Acts.⁵²⁵

⁵²² Lecky, *History of Ireland*, 5:503, 2:208, 1:269. Lecky was, not coincidentally, also the author of a history of Enlightenment Europe entitled *History of the Rise and Influence of the Spirit of Rationalism in Europe* (London, 1868).

⁵²³ See Bartlett, *Fall and Rise*, 66-102, esp. 68-69 on "the Enlightenment" as "distinguished by [the] virulent anti-Catholicism" of the French philosophes.

⁵²⁴ Jacqueline Hill, "Religious Toleration and the Relaxation of the Penal Laws: An Imperial Perspective, 1763-1780," *Archivium Hibernicum*, no. 44 (1989): 98-109, esp. 104-05. See also Robert Kent Donovan, "The Military Origins of the Roman Catholic Relief Programme of 1778," *Historical Journal* 28, no. 1 (March 1985): 79-102; Hill,

The paradox is that Lecky was probably right to detect a norm of intercommunal coexistence for much of the latter half of the eighteenth century.⁵²⁶ A couple of the most compelling “what might have been” stories in Irish history come from this period. First, could the Protestant patriots who attained parliamentary independence in 1782 have gone on to forge a vision of Irish nationality in which Catholics and Dissenters felt as invested as Anglican Protestants? We can never know because the movement for parliamentary reform in 1783-84 splintered apart rancorously over the question of Catholic enfranchisement.⁵²⁷ Then, in the 1790s, could the United Irishmen’s non-sectarian vision have become the foundation for a unified Irish state? We can never know because the government suppressed their movement—and because these suppression efforts received reluctant acceptance from Irish Whigs like Edmund Burke, Earl Fitzwilliam, and Leonard MacNally. All of these men had reputations for liberality and patriotism in 1780s and 1790s Ireland, and they supported parliamentary reform and inclusion of Catholics and Presbyterians in the political nation. But they opposed universal manhood suffrage and violent separatism.

Patriots to Unionists, 213-18; Robert E. Burns, “The Catholic Relief Act in Ireland, 1778,” *Church History* 32, no. 2 (June 1963): 181-206, esp. 187-90.

⁵²⁵ Bew, *Ireland*, 24-26; Hill, “Popery and Protestantism,” 124-25; McDowell, *Ireland*, 394-399, 403; Lecky, *History of Ireland*, 3:29-30, 36-41.

⁵²⁶ See the discussion in Higgins, *Nation of Politicians*, 25.

⁵²⁷ This is a story with a distinguished pedigree. See Lecky, *History of Ireland*, 2:370-81, esp. 378-80; Roy F. Foster, *Modern Ireland 1600-1972* (London and New York, 1988), 255-56; McDowell, *Ireland*, 300-305; Bartlett, *Fall and Rise*, 103-20, esp. 106: “This failure [on the part of the national Volunteer Convention in September 1783] to act positively on the Catholic question to a large extent sealed the fate of the reform movement.” Padhraig Higgins has recently argued for a stronger emphasis on the role the state played in exacerbating these fissures to repress reforming interests in the 1780s. Higgins, *Nation of Politicians*, 236, 215-23.

Part of what makes these stories come across as such disappointments is that scholars have unveiled an abundance of evidence to suggest that tensions between Protestants and Catholics were easing for most of the last half of the century in *most* of Ireland. This is the side of Lecky's "growth of tolerance" narrative that has been retained in recent scholarship. Lecky noted that, after mid-century, there was hardly any active Protestant proselytism; the penal laws were loosely enforced; and "even in Ulster, where the spirit of intolerance was much stronger than in other provinces, sumptuous mass-houses were everywhere arising, and bishops and monks, as well as ordinary priests and schoolmasters, lived in the country without concealment or difficulty."⁵²⁸ Furthermore, the Irish Catholics (those residing in Ireland at least) had established a record of loyalty during the Jacobite risings and wars with continental Catholic powers.⁵²⁹ And once France and the Vatican renounced their support for Jacobite claims to the English throne, Protestants' ingrained fears of "popery" carried less credibility.⁵³⁰ As Jacqueline Hill and Kevin Whelan have pointed out, radicals, moderates, and conservatives alike became accustomed to distinguishing between "enlightened Roman Catholics" and "popery" by the 1790s.⁵³¹

⁵²⁸ Lecky, *History of Ireland*, 2:182.

⁵²⁹ *Ibid.*, 2:202.

⁵³⁰ Hill, "Religious Toleration," 104.

⁵³¹ As the Boyne anniversary approached in July 1796, *Faulkner's Dublin Journal*, whose editor John Giffard paid for the services of the famous early infiltrator of the United Irishmen Thomas Collins, commented on how "enlightened Roman Catholics" should react to the celebrations, arguing "We will even venture to assert that they hold themselves indebted to the revolution even on the score of religion, and that they heartily join the protestants in commemorating their preservation from *such* a popery as would then have been established." Quoted in Jacqueline Hill, "National Festivals and

Historians who have examined political festivals in Ireland find that the Glorious Revolution tradition had come to lend itself to an open, non-sectarian interpretation in the 1770s and 1780s. When the anniversaries of William III's victories at the battles of the Boyne and Aughrim rolled around in July 1780, the *Dublin Evening Post* remarked that, in days gone by, these events often "fomented divisions and hatred, or opened old sores which had been healing," but "persons of every denomination may now cheerfully join in doing honour to such days as recall events that have been favourable to liberty and property, or the establishment of a free constitution."⁵³² Had the *Post's* editor been up the road in Drogheda on 1 July, he would have seen "Catholic gentlemen" sporting orange cockades and marching to the tune of "King William over the Water."⁵³³ Ian McBride and Padhraig Higgins conclude from such examples that by this time, William was predominantly associated with "the tradition of liberty and toleration rather than one of domination and sectarianism."⁵³⁴ Higgins has produced an exhilarating study of the Volunteers—the militia army that was raised to defend Ireland in the event of an invasion

'Protestant Ascendancy' in Ireland, 1790-1829," *Irish Historical Studies* 24, no. 93 (May 1984): 30-51, at 38. See also Bishop Frederick Augustus Hervey of Derry to Sir John Stronge, 26 February 1773, quoted in Bartlett, *Fall and Rise*, 79; Whelan, "United and Disunited Irishmen," in *Tree of Liberty*, 100-04; and Hill, "Popery and Protestantism."

⁵³² Quoted in Higgins, *Nation of Politicians*, 56.

⁵³³ Pádraig Ó Snodaigh, "Notes on the Volunteers, Militia, Yeomanry and Orangemen of County Louth," *Journal of the Louth Archeological and Historical Society* 18, no. 4 (1976): 284, quoted in *Ibid.*

⁵³⁴ *Ibid.*, 57; Ian McBride, "Introduction: Memory and National Identity in Modern Ireland," in *History and Memory in Modern Ireland*, ed. Ian McBride (Cambridge, 2001), 18-19. See also Hill, "National Festivals," 30-51. Hill notes that even in 1795, when Protestant officialdom sponsored the Boyne celebration "for the first time in years," the emphasis was still on William's having delivered the British Isles from French domination and universal monarchy, as it coincided with news of a recent naval victory in another war with the French that was going badly overall. p. 35.

when France joined the American War. He shows that these most dynamic, if occasionally subversive, participants in the patriotic celebrations had their contemporaries convinced that a future in which Protestants and Catholics mobilized jointly around “Irish” interests was a plausible eventuality.⁵³⁵ To be sure, it unnerved some in government circles that Protestants suddenly seemed “willing to share every political right and privilege,” without any consideration of “the necessary consequence, the subversion of Protestant government.”⁵³⁶ But the defenders of Protestant privilege would have agreed, albeit ruefully, with William Drennan’s assessment that the shared experience of Volunteering had “promoted religious liberty and liberality” among Irishmen.⁵³⁷ All of these features of the period make it especially deflating to realize that Henry Grattan’s generation never achieved his dream of converting “a Protestant settlement [into] an Irish nation.”⁵³⁸

Of course, given the political structure of eighteenth century Ireland, it would be rather more extraordinary if the legislative history *had* tracked neatly with the history of popular attitudes. As it turns out, though, the Relief Bill that went the greatest distance toward incorporating Catholics into the political nation—that of 1793—made it through Parliament *after* relations between Irish Protestants and Catholics soured in the later 1780s. As James Kelly insists, although “there was unquestionably a softening of religious animosities in the decade 1774-84,” the highly public and sectarian response to

⁵³⁵ Quoted in Lecky, *History of Ireland*: 2:313.

⁵³⁶ Charles F. Sheridan, undersecretary in the Military Department, to Lord Northington, lord lieutenant, August 1784, quoted in Higgins, *Nation of Politicians*, 4.

⁵³⁷ Quoted in *Ibid.*, 26.

⁵³⁸ Quoted in Lecky, *History of Ireland*, 313.

the Rightboy disturbances against tithes in Munster revived “the deep suspicions that remained.”⁵³⁹ One could argue that the paper war that ensued over the Rightboys made Wolfe Tone’s work extra difficult in 1791: Tone wrote the *Argument* expressly to convince Ulster Presbyterians that the revolution in France proved that Catholics could no longer be considered the minions of popery.⁵⁴⁰ This was clearly one of the myriad ways in which the French Revolution fired Wolfe Tone’s vision for the future in the early 1790s. What is not stressed often enough is that Tone saw the revolution in France as fulfilling the promise of the American one. Certainly he may have found this promise in retrospect (through the prism of France, or of Paine’s take on France). One cannot in any case overlook how he incorporated American constitutional secularism into his wish list at the end of the pamphlet:

But I will hope better things: The example of America, of Poland, and above all, of France, cannot on the minds of liberal men, but force conviction. In France 200,000 Catholics deputed a Protestant, St. Etienne, to the National Assembly, as their Representative, with orders to procure, what has since been accomplished, an abolition of all civil distinctions, which were founded on merely religious opinions. In America, the Protestant and Catholic sit equally in Congress, without

⁵³⁹ James Kelly, “Inter-denominational Relations and Religious Toleration in Late Eighteenth Century Ireland: The ‘Paper War’ of 1786-88,” *Eighteenth-century Ireland* 3 (1988): 39-67, at 44. It should be noted that the Rightboys objected to exorbitant tithes paid to Catholic as well as Protestant churches. On the Rightboys, see James S. Donnelly, “The Rightboy Movement, 1785-88,” *Studia Hibernica* 17-18 (1977-78): 120-202.

⁵⁴⁰ Whelan, “United and Disunited Irishmen,” 101; Tone, *Argument*.

any contention arising, other than who shall serve his country best: so may it be in Ireland!⁵⁴¹

In his French example, Tone has Catholics in a leading role in promoting Lockean toleration. It stands as proof of the pamphlet's thesis that the Revolution marks a sea change in what can be expected from Catholics politically and ideologically. America is not crucial to that overall argument, and Tone does not attribute American secularism to Catholic activism. It simply stands as a model that he would like to see replicated in Ireland.

Still, Tone's eagerness to welcome Catholics into a reformed electorate was not what got Catholics the vote. Rather, the Relief Act of 1793 was engineered by the English Ministry—as a countermeasure *against* the kind of alliance Tone sought to cement between Presbyterians and Catholics. Pitt's ministers started urging the government of Ireland to pass Catholic relief in the early 1790s, and as has been widely observed, it matters very little how latitudinarian or “enlightened” Pitt's own religious views were: the goal was to splinter apart the Catholic and Presbyterian proponents of reform.⁵⁴²

However, some Whig reformers appropriated prudential toleration more incorporatively: so as to “mould the inhabitants of Ireland into a people,” as Grattan had

⁵⁴¹ Tone, *Argument*, 53.

⁵⁴² Again, see Bew, *Ireland*, 24-26; Hill, “Popery and Protestantism,” 124-25; McDowell, *Ireland*, 394-399, 403; Lecky, *History of Ireland*, 3:29-30, 36-41.

put it in 1782.⁵⁴³ In the 1790s, the best exemplars of this particular imperial liberalism in Irish politics were Burke's friends and political allies: Grattan and the short-stinted lord lieutenant Earl Fitzwilliam. Neither gentleman accomplished much of what he wanted to in these years, but both kept Burke apprised of their views of Irish affairs right up until Burke's death in 1797. Their (increasingly dismayed) comments on what they perceived to be the fallout of the failure to enact Catholic Emancipation are instructive in that they framed this failure as a missed opportunity to extend the ambit of prudential toleration.

When he returned to England after his abbreviated stint as lord-lieutenant of Ireland in 1795, Fitzwilliam wrote a contrite letter to George III defending his conduct. He explained that he had tried to secure immediate passage of full Catholic emancipation because he saw that the king's Irish subjects were unanimously behind the war with France. "What time," he pleaded, "could be so proper for attaching the hearts of your people to the Crown, as when their best blood was to be spilled in the Royal Cause: what time could be more proper to unite your people to one another?" Fitzwilliam's use of the colon in lieu of "and" or another conjunction here is suggestive. Although grammatically the colon did not then connote renaming to the extent it does in present-day usage, it seems undeniable that Fitzwilliam wished to emphasize the utmost continuity between the two projects: consolidating subjects' loyalties to the sovereign and encouraging national fellow-feeling. The less savory side of his vision is here, too, in the notion of the "best blood" to be spilled: if one could reinforce the subject's ordinary tendency to see

⁵⁴³ Catholic Question, 20 February 1782, in *The Speeches of Henry Grattan; To Which is Added His Letter on the Union, with a Commentary on His Career and Character*, ed. Daniel Owen Madden, 2nd ed. (Dublin and London, 1861), 53-54.

his interests as bound up with those of his co-religionists, one could harness those interests to outflank the potential opposition to riskier national endeavors. “I resolved not to linger in the Use of the happy moment,” and “On my Idea that a vigorous War would be pursued, the assistance of Three Millions of Your Catholick Subjects appeared to me absolutely necessary.” Yet “I could not call for their money & their lives in favor of a Govt from which they were excluded. . . .”⁵⁴⁴ There can be little doubt that Fitzwilliam was laying it on thick for his Majesty “as well as [his Majesty’s] people.”⁵⁴⁵ But this feature makes his testimony all the more valuable in that it suggests that he felt that this rationalization, as opposed to other possible ones, might convince people that he was in the right. It had, after all, been used before: to justify the Quebec Act in Canada and subsequent relaxations of the penal laws in Ireland.

Grattan’s advocacy for Catholic relief was relentless. An early United Irish toast applauded him as “the friend of Ireland and universal toleration.”⁵⁴⁶ Rumors continued to circulate later in the decade that Grattan was “completely in [on] the secret.”⁵⁴⁷ Recent

⁵⁴⁴ Letter from Earl Fitzwilliam to King George III, n.d. [May-June 1795?], National Library of Ireland (NLI), Fitzwilliam MSS, microfilm P5641. A letter from Charles Dundas to Fitzwilliam, dated 15 June 1795, in the same collection informs Fitzwilliam that everyone among his associates in Ireland who has seen the manuscript copy of his “manifesto” to the king approves of it, including Grattan who had it for a day.

⁵⁴⁵ Fitzwilliam to George III. This suggests that the letter was prepared with an eye to publication, but as far as I have been able to determine, the only self-exculpatory statements from Fitzwilliam that made it into print were his two *Letters to the Earl of Carlisle*, in which he divulges less about the rationale for his support for Catholic emancipation.

⁵⁴⁶ List of toasts, 13 March 1792, NAI, RP 620/19/69. For a reference to Grattan as “their Great Man in Parliament,” see E[dward] W. Newenham to Dublin Castle, 9 February 1796, NAI, RP 620/23/30.

⁵⁴⁷ “J.W.” to Dublin Castle, n.d. [1797-98], NAI, RP 620/10/121/147.

scholars have hinted that these rumors were true—though no one has brought forward conclusive proof that he remained in on it till the very end in 1798.⁵⁴⁸ As for Grattan as a friend of universal toleration, the evidence still suggests that he conceived of toleration primarily in prudential terms. Nowhere was this more clear than in that same 1782 speech on building an Irish nation, in which he concluded his train of thought by announcing conversionist stakes for his argument: “the indulgence we wish to give Catholics can never be injurious to the Protestant religion—that religion is the religion of the state, and will become the religion of Catholics if severity does not prevent them. *Bigotry may survive persecution, but it can never survive toleration.*”⁵⁴⁹ Even if events after the Catholic Relief Acts of 1792 and 1793 tempered his optimism, he still stood before Parliament proposing measures intended to “reconcile the Catholics” to the Anglican-identified gentry in 1796. He confided to Fitzwilliam that he hoped Catholics would aid these efforts by striking the right balance between righteous indignation and effusive loyalty in their public pronouncements. He regretted their “disinclination” to produce “a declaration as would not have bespoken their acquiescence in proscription & yet should have been evidence of their zeal & attachment but the government had lost their affections & they some of them at least had lost their tempers.”⁵⁵⁰ In other words, he wished Catholics would act the part of the offended party more clamorously because he

⁵⁴⁸ Bew, *Ireland*, 42; Danny Mansergh, *Grattan’s Failure: Parliamentary Opposition and the People in Ireland 1779-1800* (Dublin, 2005), 139.

⁵⁴⁹ Catholic Question, 20 February 1782, in *Speeches of Henry Grattan*, 54.

⁵⁵⁰ Henry Grattan to Earl Fitzwilliam, NLI, Fitzwilliam MSS, microfilm P5641.

expected his colleagues to acknowledge that attachment to government merited reward: in the form of increased measures of (prudential) toleration.

Finally, this was also the frame—“attachment” vs. “disaffection”—within which Grattan’s observations that “‘the Irish Catholics of 1792 did not bear the smallest resemblance to the Irish Catholics of 1692’ and that ‘the influence of the Pope, the priest and the Pretender were at an end’” were supposed *to matter* to his allies when he published them in Dublin in 1797.⁵⁵¹ In fact the specific “measure of mildness” Grattan had had in mind when writing to Fitzwilliam in 1796 was a rider to that year’s Yeomanry Act that would have given greater scope for Catholics to serve (and thereby publicly perform their loyalty, as many had done in the Volunteer days). Fitzwilliam had proposed the formation of a similarly inclusive yeomanry as an accompaniment to full Catholic emancipation during his ill-fated viceroyalty. Because the successor government to Fitzwilliam’s had a very different goal for the yeomanry force—i.e. “arming the Protestants that can be depended on,” as the Protestant ultra John Beresford put it⁵⁵²—Grattan’s proposal met with an unsurprising defeat. Grattan fumed that this meant that “at the very moment they had knowledge that they had lost the protestant interest in the north they take precaution *against* securing the catholic interest in the other parts of the

⁵⁵¹ *Mr. Grattan’s Letter to his Fellow Citizens of Dublin, 1797*, quoted in Whelan, “United and Disunited Irishmen,” 102.

⁵⁵² John Beresford to Lord William Auckland, 4 September 1796, in *The Correspondence of the Right Hon. John Beresford: Illustrative of the Last Thirty Years of the Irish Parliament*, ed. William Beresford, 2 vols. (London, 1854), 2:129, quoted in Whelan, “United and Disunited Irishmen,” 114.

kingdom[!].”⁵⁵³ In this light, Grattan’s suggestion that his own motion would have at least attached the *Catholic* interest to government (while setting aside the Presbyterian interest as a separate problem) is a further indication that his thinking on toleration was rather different in inspiration from the Lockean toleration espoused by the leading United Irish ideologues.

United Irish Secularism

While Whig reformers sought to extend the prudential logic of Catholic Relief, Wolfe Tone and his fellow Irish Painites took inspiration from the new American and French constitutions. Thus, particularly in the summer after the publication of Part One of the *Rights of Man*, they avoided much talk of “toleration” in their calls for a non-sectarian polity. The word does not occur in William Drennan’s original prospectus for a society called The Irish Brotherhood, which he circulated in Dublin in June 1791. This document planted the idea for a fraternal organization binding “honest, honourable *Irishmen*, of whatever rank, of whatever religion” in Dublin and Belfast.⁵⁵⁴ The Belfast Society of United Irishmen’s initial declaration reflected Drennan’s design in language adopted from Tone’s *Argument on Behalf of the Catholics*, resolving that “no reform is

⁵⁵³ Grattan to Fitzwilliam, 15 November 1796, NLI, Fitzwilliam MSS, microfilm P5641, my emphasis. Apparently, his frustration over the government’s failure to exploit a ripe moment for cementing Catholic loyalties endured: in 1798, Grattan planned to tell the jury at Arthur O’Connor’s trial in England “that the discontents of the people of Ireland arose from the manner in which the public mind had been sported with on the question of Catholic emancipation and reform.” See “J.W.” to Dublin Castle, n.d. [April or early May 1798], NAI, RP 620/10/121/152.

⁵⁵⁴ [William Drennan], Paper circulated in Dublin in the Month of June 1791 containing the original Design of the Society of the United Irishmen, *The Report from the Secret Committee of the House of Commons, with an appendix. Printed by Authority* (Dublin, 1798), 86-92.

practicable, efficacious, or just, which shall not include Irishmen of every religious persuasion.”⁵⁵⁵ We have seen how Tone limited his mentions of “toleration” in the *Argument* to the one in which he coupled it with “connivance.” Later in the decade, Tone would say that he supported “religious toleration in the most extensive sense,” wherein “the people would only have to pay their own clergy.”⁵⁵⁶ After the rebellion in 1798, when a secret committee of the House of Lords pressed Catholic United Irishman William James MacNeven on whether he wished to see the Catholic Church established in Ireland, he replied, “I would no more consent to that than I would to the establishment of Mahometanism.” Asked what he thought Ireland should have in lieu of an established church, MacNeven offered, “That which they do in America. Let each man profess the religion of his conscience, and pay his own pastor.”⁵⁵⁷

This rejection of religious establishments and respect for the right of private judgment may, as Ian McBride suggests, reflect the influence of Ulster New Light Presbyterian ministers as framers of United Irish ideology. Leonard MacNally thought so at times, and he was a confidant of MacNeven and several other Catholics among the

⁵⁵⁵ Quoted in Henry Joy, *Historical Collections Relative to the Town of Belfast from the Earliest Period to the Union with Great Britain* (Belfast, 1817), 359. Tone had written (*Argument*, 15) that “no reform is honourable, practicable, efficacious, or just, which does not include as a fundamental principle, the extension of the elective franchise to the Roman Catholics.”

⁵⁵⁶ Draft of An Address to the People of Ireland, in *Life of Theobald Wolfe Tone*, Appendix to Part II: Tone’s Journal of 1796, ed. William Theobald Wolfe Tone (Washington, D. C., 1826), 311.

⁵⁵⁷ William James MacNeven, “Examination of William James MacNeven before a Secret Committee of the House of Lords, 7 August 1798,” in *Pieces of Irish History* (New York, 1807), 199. Whelan marshals this evidence, too in “United and Disunited Irishmen,” 109.

United Irish leadership in Dublin.⁵⁵⁸ But this should not lead us to overlook this formula's political grounding. For it also reflected intimate familiarity with the governing-effects tacitly endorsed in Whig advocacy for religious toleration in colonial locales.

The Anglican United Irishman Edward Sweetman pronounced this intimacy especially effectively in a speech of September 1792.⁵⁵⁹ Addressing a meeting of the freeholders of County Wexford, Sweetman gave a particularly disenchanting history of what he hypostatized, over the course of the speech, as “gradual emancipation.” He noted, “I hear a great deal of the favours already conferred upon Catholics”—here he was referring to the Catholic Relief Acts that had passed the Irish Parliament in 1778 and 1782—“and that their emancipation should be gradual”—here he was reflecting on what he took to be the prevailing sentiment among liberally-inclined Protestants. Difficult as he found it to dispute the graciousness of the Catholic Relief measures, he disapproved of the method behind them. “The Catholics are a grateful people,” he observed,

but the fashion of the day and your own exigencies gave them most of what they have got, and your liberality wears too much the appearance of selfishness to entitle you to much gratitude. Recollect that you only lately set your hand to a very partial restoration of their rights, and that those acts of grace were accompanied with no small share of reluctance, no small portion of contempt. By

⁵⁵⁸ “J.W.” to Dublin Castle, 12 September 1795, NAI, RP 620/10/121/27; “J.W.” to Dublin Castle, 6 June 1798, NAI, RP 620/10/121/111.

⁵⁵⁹ For characterization of Sweetman as “one of the forward group in the United Irishmen,” see Whelan, “Republic in the Village,” 89.

giving the Catholics the power of purchasing land, you converted a flux, monied property, which might be employed against you, into an immoveable pledge for their abiding by your fate, and binding their own chains the faster; withholding the elective franchise from them, you refuse them the shield by which they might protect their new acquisition. So that the privilege you rate so high, makes them but the more dependent upon your good-will and caprice.⁵⁶⁰

Sweetman's scorn did not initially stem from the relief measures' status as bargains designed to secure Catholics' loyalties; his disapproval rested instead on their capacity to be used in ways apposite to "government" in Foucault's sense: "a question not of imposing law on men, but of disposing *things*, that is to say, of employing tactics rather than laws, and if need be of using laws themselves as tactics."⁵⁶¹ Nevertheless, he moved swiftly on to denounce the whole system of gradual emancipation as "withholding their rights from your fellow creatures, and indulging them now and then with a few fragments from your table."⁵⁶²

How representative were Tone, Drennan, and Sweetman's views in relation to those of United Irishmen more generally? This is a difficult question to answer conclusively. These men contributed most directly to the Dublin Society of United

⁵⁶⁰ Edward Sweetman, *The Speech of Edward Sweetman, Captain of a Late Independent Company, at a Meeting of the Freeholders of the County of Wexford, Convened by the Sheriff, on September 22, 1792, to take into consideration "Mr. Edward Byrne's Letter, Recommending a Plan of Delegation to the Catholics of Ireland, in order to prepare an Humble Petition to the Legislature* (Dublin, 1792), 7-8.

⁵⁶¹ Foucault, "Governmentality," 95, my emphasis, but one that reflects Foucault's at other points in the essay.

⁵⁶² Sweetman, *Speech*, 8.

Irishmen in the early, “constitutional” phase of the movement. By virtue of its proximity to Parliament as much as anything, the Dublin Society led the movement in civil protests and prominent arrests until government authorities raided a meeting in May 1794. This action, combined with a declaration that it would henceforth be illegal to swear the United Irishmen’s oath, forced the movement underground. In 1795 and 1796, the old leaders of the Belfast Society developed a secret-society model and sent emissaries to organize cells all over Ireland. Through delegates to “baronial-” and provincial-level meetings, these cells learned that their primary tasks were to stockpile weapons and recruit new adherents to the cause. For recruitment purposes, the United Irishmen printed and circulated an astounding volume of handbills, poems, broadsheets, ballads, abstracts of political pamphlets, and excerpts from trial transcripts.⁵⁶³

Regional variations were not the only factors militating against ideological consistency for the United Irishmen; in addition, their printed materials reached out to different constituencies at different times. As they transformed themselves into a “mass-based revolutionary organisation” in the mid to late 1790s, they tuned their propaganda to appeal to the predominantly rural, Catholic membership of the Defender societies.⁵⁶⁴ This shift has occasioned some debate among scholars. Some argue that the United Irishmen compromised on their non-sectarian principles and fanned the flames of Catholic

⁵⁶³ Whelan, “Republic in the Village,” 59-96.

⁵⁶⁴ Nancy Curtin, “The Transformation of the Society of United Irishmen into a Mass-Based Revolutionary Organisation,” *Irish Historical Studies* 24, no. 96 (November 1985): 463-92. On the Defenders, see Thomas Bartlett, “Select Documents XXXVIII: Defenders and Defenderism in 1795,” *Irish Historical Studies* 24, no. 95 (May 1985): 373-94.

resentment in the interest of building up numbers.⁵⁶⁵ The evidence for this interpretation is substantial. Toasts offered at Dublin United Irish meetings in the early 1790s saluted “universal toleration”⁵⁶⁶ or “a speedy divorce to church and state.”⁵⁶⁷ But in 1797, the Dublin United Irish newspaper *The Press* printed a falsified Orangeman’s oath swearing to “exterminate as far as I am able the Catholics of Ireland.”⁵⁶⁸ In January 1798, the authorities seized an even more incendiary, counterfeit “Orange oath,” which had been copied out of an unnamed publication. This one read: “Are you dry? I am. What will you drink? Papist blood. Do you wade? I do. Thro’ what? Thro’ Papist blood.” The writer of the intercepted letter that included this fabrication was planning a trip to the North, and recruitment of Catholic Defenders appears to have been his reason for copying down the purported aims of the Orangemen. He closed the letter with a sectarian-sounding millennial flourish: “The great men in coaches will soon be settled. They are united agt the Catholic Church but in a couple of mo. there will be but one religion and we will be the owners of the soil.”⁵⁶⁹ So in this way, as Nancy Curtin and Marianne Elliott have

⁵⁶⁵ Curtin, *United Irishmen*, 284.

⁵⁶⁶ List of toasts given at a public meeting of a Number of the Catholic Committee, the United Irishmen, Whigs of the Capital, and the Aldermen of Skinners Alley, 13 March 1792,” NAI, RP 620/19/69.

⁵⁶⁷ Declaration by the United Irishmen, 4 September 1792, quoted in Whelan, “United and Disunited Irishmen,” 109.

⁵⁶⁸ *Press*, 12 October 1797, quoted in Nancy Curtin, *United Irishmen*, 219-20.

⁵⁶⁹ Anonymous intercepted letter, 28 January 1798, NAI, RP 620/35/71.

stressed, the increasingly “opportunistic” United Irishmen became more dedicated to “exacerbating confessional hostility” than surmounting it.⁵⁷⁰

But Kevin Whelan has contended that “blame for the introduction of sectarianism into the political life of the 1790s should not be laid at [the United Irishmen’s] door.” He finds that the “sectarian state” capitalized on, mainstreamed, and spread the Orange frenzy that originated in Ulster in 1795 to counter United Irish mobilization.⁵⁷¹ Whelan suggests that we can glimpse the promise the United Irishmen embodied in the record of “the short-lived Wexford Republic,” which succeeded at integrating local Protestant and Catholic leadership before it was finally put down by government forces in mid June of 1798.⁵⁷² Yet, as Tom Dunne has stressed, the “Council for directing the affairs of the people of the County Wexford”—which can only be elevated to a “Republic” at a stretch of the historian’s imagination—utterly failed to prevent sectarian violence.⁵⁷³ Although Leonard MacNally received reports from Wexford emphasizing “that nothing like

⁵⁷⁰ Curtin, *United Irishmen*, 58 and 284; Marianne Elliott, “The Origins and Transformation of Early Irish Republicanism,” *International Review of Social History* 23, no. 3 (1978): 405-28.

⁵⁷¹ Whelan, “United and Disunited Irishmen,” 99-130, at 129. Jim Smyth is more equivocal on this question. He agrees with Curtin and Elliott that “the United Irishmen must share responsibility for exacerbating sectarian tensions.” But he adopts Whelan’s perspective on the rebellion in Wexford, arguing that “sectarian animosity was never the whole story” and recognizing that the story of Wexford as a “sectarian bloodbath” fulfilled immediate propagandistic aims for a government trying to prevent Ulster Presbyterians from revolting in train. Jim Smyth, *The Men of No Property: Irish Radicals and Popular Politics in the Late Eighteenth Century* (Basingstoke, 1992), 160, 179-81.

⁵⁷² Kevin Whelan, “Politicisation in County Wexford and the Origins of the 1798 Rebellion,” in *Ireland and the French Revolution*, ed. Hugh Gough and David Dickson (Dublin, 1990), 174-75. See also Smyth, *Men of No Property*, 179-80, which builds from Whelan’s work on Wexford.

⁵⁷³ Tom Dunne, *Rebellions: Memoir, Memory, and 1798* (Dublin, 2004), esp. 101-264.

religious persecution has taken place,”⁵⁷⁴ his informants must either have written to him before or turned a blind eye to the rebels’ massacre of over 100 Protestants in a barn at Scullabogue on 5 June.⁵⁷⁵ Then again, given that MacNally’s Wexford informants were likely to have been United Irishmen themselves, it seems equally clear that they had not abandoned the rhetorical vision of an Ireland in which national affiliation trumped sectarian identification.

As if to complicate matters, even as newspapers like the *Press* aimed at rousing Defenders into the United Irish camp, there were also United Irish publications that propagated anti-Catholic strains of French Enlightenment polemic.⁵⁷⁶ When our anonymous letter-writer was preparing for recruitment in the North, he armed himself with copies of a one-penny broadsheet called the *Torch*,⁵⁷⁷ which was an extract from Volney’s *Ruins of Empire*. The extracted section did not lend itself to pro-Catholic interpretation. It featured Volney satirizing priestly speech: “God ordains peace. Religion prescribes obedience.” His “Ecclesiastical Governors” clarify, “There is now but one resource left; the people are superstitious; we must frighten them with the names of God and of religion.”⁵⁷⁸ At the same time, one wonders if the limited appeal Volney’s

⁵⁷⁴ “J.W.” to Dublin Castle, 13 June 1798, NAI, RP 620/10/121/114.

⁵⁷⁵ Again, see Dunne, “Chapter 13: The Killings at Scullabogue,” in *Rebellions*, 247-264, for a clarifying account.

⁵⁷⁶ For the argument that “a virulent anti-Catholicism” characterized the teachings of Voltaire, Diderot, and D’Alembert, see Bartlett, *Fall and Rise*, 68-69.

⁵⁷⁷ Anonymous intercepted letter, 28 January 1798, NAI, RP 620/35/71 – also cited above.

⁵⁷⁸ *The Torch; A Light to Enlighten the Nations of Europe in Their Way Towards Peace and Happiness*, enclosed in “B” [Thomas Boyle] to Dublin Castle, 24 January 1798, NAI, RP 620/18/3/38.

cynicism would have held for Catholics in the countryside was part of why the government spy Thomas Boyle told Dublin Castle that “The *Press* is doing more Injury than the ... *Torch*” in December 1797.⁵⁷⁹

With so many factors encouraging ideological discrepancies, then, why should we expect to find coherence in United Irish visions of secularism? Perhaps only because their contemporaries expected that there was some. Again, I think it pays to read someone who scrutinized them from an opposed viewpoint—and one who took a profound interest in their interest in Paine. This was the turncoat barrister Leonard MacNally.

Liberality Wearing Too Much the Appearance of Selfishness: MacNally

MacNally was the most intriguing Whig in Dublin in the later 1790s. The fit between the prudential tolerationism he advanced and the liberality he performed rounds out my picture of the Burkean liberals in Ireland. Though he was not one of Burke’s intimates, MacNally’s biography resembled Burke’s.⁵⁸⁰ In the late 1770s, he relocated to London as a barrister, but more avidly pursued literary acclaim. He wrote operas and plays for Covent Garden and other London stages through the 1780s.⁵⁸¹ During the

⁵⁷⁹ “B” to Dublin Castle, 6 December 1797, NAI, RP 620/18/3/33.

⁵⁸⁰ Thus also with the biographies of later “micks on the make.” See R. F. Foster, “Marginal Men and Micks on the Make: The Uses of Irish Exile, c. 1840-1922,” in *Paddy and Mr. Punch: Connections in Irish and English History* (London, 1993), 281-305. For the suggestion that Philip Francis was another early rendition of the “man drawn to London through migration and ambition, but never wholly assimilated nor willing to become so,” see Linda Colley, “Gendering the Globe: The Political and Imperial Thought of Philip Francis,” *Past and Present*, no. 209 (November 2010), 117-48, at 124.

⁵⁸¹ Bartlett, *Revolutionary Dublin*, 38-46; Rigg and Evans, “Macnally, Leonard.” A century later, the historian W. J. Fitzpatrick found it “amusing” to see MacNally listed along with “Burke, Gibbon, Walpole,” etc., in a *Catalogue of Five Hundred Celebrated Authors of Great Britain, Now Living*, published in 1788. W. J. Fitzpatrick, *Secret*

Gordon Riots in 1780, he apparently saved Lord Chancellor Edward Thurlow's brother—who was known to favor Catholic emancipation—from a bludgeoning at the hands of the mob.⁵⁸² In 1782, MacNally established his Irish patriot credentials in a political tract called *The Claims of Ireland, and the Resolutions of the Volunteers Vindicated*, which sought to demonstrate that all of the Irish Volunteers' actions proceeded from true Whig principles. The pamphlet netted him a job as counsel for Charles James Fox in the subsequent Westminster election. This was as far as he got in English politics; he returned to Dublin in 1790-91.⁵⁸³

MacNally was a member of the Dublin Society of United Irishmen right from the start of its history, but he began supplying Dublin Castle with insider information in 1795. He maintained the United Irish leaders' confidence in the meantime by defending their associates in court. In the early 1790s, during his active years among the Dublin United Irish leadership, MacNally participated in a committee charged with drawing up an official plan for parliamentary reform. Once the committee had completed its work, he spoke convincingly in favor of *viva voce* voting over the secret ballot for parliamentary elections. Though we might see this as an undemocratic stance today, it is significant that

Service Under Pitt (London, 1892), 184. See also Thomas Gisborne Marshall, *Catalogue of Five Hundred Celebrated Authors of Great Britain, Now Living: The Whole Arranged in Alphabetical Order and Including a Complete List of Their Publications, with Occasional Strictures, and Anecdotes of their Lives* (London, 1788). For Fitzpatrick's original exposé of MacNally's having received a pension for his services to government as a spy, see William John Fitz-Patrick, "Another 'Note to the Cornwallis Papers,'" *Notes and Queries*, 8 October 1859, 281-82.

⁵⁸² Fitzpatrick, *Secret Service*, 183. The source for this report, Fitzpatrick tells us, was an 1808 issue of the *Cyclopaedian Magazine and Dublin Monthly Register*, so the (not unmotivated) testimony on which it is based was likely MacNally's own.

⁵⁸³ Rigg and Evans, "Macnally, Leonard;" Fitzpatrick, *Secret Service*, 174-210.

MacNally's reasoning drew upon a long-standing patriot fear that the secret ballot might actually give landed aristocrats *more* influence over their tenants than they already had by "holding out a mode of deception."⁵⁸⁴ In short, MacNally's reputation for liberality and patriotism derived from the same sources as Burke, Grattan, and Fitzwilliam's, and the only biographical feature that distinguished him from the latter two was that he had more connections in the Dublin Catholic community.

Shortly after the Wexford uprising in 1798, MacNally included a plan for "attaching" the Catholics to government in one of his letters to Edward Cooke, undersecretary in the civil department during Earl Camden's viceroyalty. MacNally offered, "If it be an object with government to attach to their interest the secular clergy of the catholic church might not the object be effected thus[?]⁵⁸⁵—A certain number of secular clergy to be allowed each with a regular salary, to be paid at the kings treasury, the money to be raised by catholics in vestry and paid into the treasury." In effect, his advice was very close to Tone and MacNeven's vision of religious toleration—each to "profess the religion of his conscience, and pay his own pastor"—but MacNally's language of attachment sets them apart, as does his care to mention the detail that the Catholics themselves had requested this. Accordingly, MacNally goes on, "As from this body of [secular clergy] the bishops would be appointed, and as the bishops would have the appointment of these men—virtually all appointments would be with government."⁵⁸⁵

⁵⁸⁴ R. B. McDowell, "Select Documents: United Irish Plans of Parliamentary Reform, 1793," *Irish Historical Studies* 3, no. 9 (March 1942): 39-59, at 41. Quoted in Curtin, *United Irishmen*, 25.

⁵⁸⁵ "J. W." to Dublin Castle, 26 June 1798, NAI, RP 620/10/121/116.

Thus, MacNally's plan would produce the impression among Catholics that they had been specially favored, entitling the government to their affections. At the same time, government would retain a greater degree of supervisory control over Catholics through their priests. In this way, MacNally's endorsement of a program that Irish Catholics had been requesting for years remained susceptible to a critique Charles James Fox had once raised in the English House of Commons: "Toleration [is] not to be regarded as a thing convenient and useful to a state, but in itself a thing essentially right and just."⁵⁸⁶ For MacNally, the point was the opposite: toleration should be seen as something useful to the state.

Again, there was nothing reactionary about the manner in which MacNally projected what was at stake in questions of religious toleration. For starters, the standard of a liberal, unencumbered view was an important part of Leonard MacNally's self-presentation. He began one of his letters to Dublin Castle with a disquisition on the indispensability of a "free and uninfluenced mind" for furnishing information "by which you can, with justice and propriety guide your judgment." He wrote this letter from the 1798 spring assizes in Queen's County and openly berated the juries' hastiness to convict suspected traitors: "I apprehend it has instilled more resentment than terror, and that [the lower people] consider the sufferers under sentence objects of vengeance rather than of justice." And completely in keeping with this liberal dose of criticism, he added a plea for better government management of the performance aspect of prudential toleration.

⁵⁸⁶ Fox, Speech on his motion to relieve Unitarians from certain penal statutes, 11 May 1792, *Parliamentary Register*, 33:18; see also [William Cobbett's] *Parliamentary History, 1791-92*, vol. 29, col. 1373.

Observing that “some gentlemen of fortune wore orange ribbands and some barristers sported *orange* rings with emblems” at the assizes, he protested that “such emblems of enmity, I assure you, are not conducive to conciliation.” He went on, “Are they necessary to any good purpose? In several of the trials the [crown] witnesses were Roman Catholics, and a family of that persuasion beat & apprehended the leader of a most dangerous gang.”⁵⁸⁷ In sum, the point of MacNally’s barbs in this letter was that Queen’s County should be the last place where the Catholics would be well disposed to the United Irishmen. Yet it looked to him like the government stood on the verge of making United Irishmen of them by failing to rein in those he had previously labeled “the rascally friends of administration.”⁵⁸⁸

MacNally’s dramatization of the difference between his expansive perspective and the hemmed-in viewpoint that would have characterized “the uneducated mind”⁵⁸⁹ appears most clearly in the way that he represented the special value of his information. He rarely rested content with a simple description or identification of the whereabouts and activities of a subversive character. Instead, he wrote individuals into position as representative figures for abstractions: “moderate Republicans ... of education and wealth,”⁵⁹⁰ “the mercantile and the trading people,” “the women,” “priests, or rather

⁵⁸⁷ “J.W.” to E[dward Cooke], 8 April 1798, NAI, RP 620/10/121/97, emphasis, spelling, and punctuation as in original. Kevin Whelan characterizes MacNally’s voice in this letter, accurately, as that of a “shocked” individual. Whelan, “United and Disunited Irishmen,” 126.

⁵⁸⁸ “J.W.” to Dublin Castle, 27 September 1797, NAI, RP 620/10/121/77.

⁵⁸⁹ “J.W.” to Dublin Castle, 4 February 1797, NAI, RP 620/10/121/49, p. 3; “J.W.” to Dublin Castle, 1 January 1797, NAI, RP 620/10/121/41, p. 2.

⁵⁹⁰ “J.W.” to Dublin Castle, n. d. [December 1797?], NAI, RP 620/10/121/149.

friers, whose support being eleemosynary,⁵⁹¹ the “respectable Catholics,”⁵⁹² the “protestant party” at Nenagh,⁵⁹³ the families and “young disciples of both sexes” of “the original ‘United Irishmen of Dublin.’”⁵⁹⁴ This specification of his characters through the interests he took them to represent distinguished MacNally from other spies in the pay of government, or at least he hoped so. As he exclaimed in 1797 (in case his employers at Dublin Castle had failed to notice), “[B]esides, I know the political principles of the men with whom I speak and to whom I allude.”⁵⁹⁵

To a degree that one does not see in most reports transmitted to Dublin Castle by other informers, MacNally represented the object of his infiltration activities as the careful parsing of the United Irish constituency’s political principles. This is why he thought it important to be able to cast every individual as representative of a broader type. The “political principles of” was simply his name for the data that would enable this maneuver—a maneuver that needs to be seen as carrying out ideological work. His quick character sketch of a newspaper editor in Cork named O’Driscoll is typical:

O’Driscoll is the principal writer in his own paper. The paragraphs under the head ‘Corke’ are all his.

You must perceive he is an avowed enemy to Christianity. A staunch friend to republicanism. Of course a hater of Kings, Bishops, & Peers.⁵⁹⁶

⁵⁹¹ “J.W.” to Dublin Castle, n. d. [early June 1798], NAI, RP 620/10/121/155.

⁵⁹² “J.W.” to Dublin Castle, 20 January 1799, NAI, RP 620/10/121/124, p. 1.

⁵⁹³ “J.W.” to Dublin Castle, n.d. [pre-1798], NAI, RP 620/10/121/153, p. 2.

⁵⁹⁴ “J.W.” to Dublin Castle, 1 January 1797, NAI, RP 620/10/121/41, p. 2.

⁵⁹⁵ “J.W.” to Dublin Castle, 4 February 1797, NAI, RP 620/10/121/49, p. 2.

⁵⁹⁶ “J.W.” to Dublin Castle, 11 August 1796, NAI, RP 620/10/121/33, p. 3.

MacNally's claim to a hearing for his advice to Dublin Castle to "attach to its interest" the Catholics of Ireland was staked, ultimately, on his ability to perform this liberal—i.e. non-vulgar—facility for classification.

Felicitously for the historian, MacNally's constant projection of his independence from party interests licensed a steady stream of withering witticisms aimed at the Irish government. For instance, on 4 February 1797, he used the United Irishmen as convenient ventriloquists for some of his own views: "They approve in very strong terms of Grattan's conduct in declining a seat in the ensuing parliament, which promises to be equally corrupt slavish and prompt to support oppressive measures of administration as the last."⁵⁹⁷ Administration-bashing comments like these were nothing new for him. In one of his first reports as a spy, from September 1795, he wrote that "The State of Ireland, drawn up by Mr. Tone" (to convince the French that Ireland needed liberation) "appears, from every day's experience to have been justly conceived and accurately written."⁵⁹⁸

The close proximity between "politics and theology" in MacNally's secret oeuvre is the final key to recognizing its ideological work. As we have seen, in September 1795, he attributed "so sudden a revolution in the Catholic mind" as had occurred in the first half of the 1790s to the influence of the press. He held newspaper publishers responsible for having "prepared the way for Paine's politics and theology." In other words, political articulacy engendered religious transformation. In another part of the same report,

⁵⁹⁷ "J.W." to Dublin Castle, 24 July 1797, NAI, RP 620/10/121/70.

⁵⁹⁸ "J.W." to Dublin Castle, 12 September 1795, NAI, RP 620/10/121/27.

however, he indicated that the causal arrows might point the other way around: “an attachment to French principles . . . and this desire to subvert the existing government of the country are more strongly rooted and zealously pursued by the roman catholics, than even by their teachers and newly acquired allies the dissenters. A contempt for their clergy universally prevails, deism is daily superseding bigotry and every man who can read or who can hear and understand what is read to him, begins *in religion as in politics* to think for himself.”⁵⁹⁹ This report’s entire text—it is the same one in which he affirms Wolfe Tone’s characterization of the state of Ireland—is eloquently equivocal. On the one hand, it would seem like a good thing that *something* should be superseding bigotry. On the other hand, if the alternative to bigotry were deism, and “deistical” principles merged into a single inextricable current with “levelling” and “republican” ideals, then this news could not but sound alarm bells in the minds of Ireland’s governors.⁶⁰⁰ Or again: who would *not* wish for a revolution in the Catholic mind? Only the “slavish and corrupt” government of Ireland. Indeed, if Fitzgerald and Lecky’s accounts for why MacNally turned informant—i.e. he was blackmailed into it by a government that possessed condemnatory evidence against him—is right, then the cacophonous strains at work in the letter make more sense. MacNally was placing his entrappers before the mirror of irony.

⁵⁹⁹ “J.W.” to Dublin Castle, 12 September 1795, NAI, RP 620/10/121/27, emphasis mine.

⁶⁰⁰ Just as Protestant Ascendancy supporter Patrick Duigenan had indicated in his speech in the House of Commons, 4 February 1793, quoted in Whelan, “An Underground Gentry: Catholic Middlemen in Eighteenth-Century Ireland,” in *Tree of Liberty*, 43.

At the same time, there was also a troubling question lingering within the opposition “deism” vs. “bigotry” that he drew for his audience at Dublin Castle. The former term purports to name a set of theological doctrines whereas the latter term apparently describes an *attitude toward* one’s own theological doctrines. A bigoted deist is not a definitional impossibility; nor, therefore, can one assume that a decline in willingness to persecute is necessarily correlated with a rise in deism. MacNally was definitely capable of making this distinction. After the rebellion in 1798, he tried to determine why the rumors “industriously sent abroad” that the Wexford rising was a “popish plot” had not moved Ulster Presbyterians to sympathize with the government. He mused,

There is no doubt but much pains have been taken, for the purpose of stimulating the lower orders, to persuade them that their religion calls for their exertions; but I do not find that the dissenters consider the principle of sedition among the catholics as religious, but as republican, which would give liberty of conscience to all religious persuasions.

The layering of language in this quotation leaves me especially nervous about trying to unpack MacNally’s meaning. It is “the dissenters,” not MacNally himself, who believe that the Catholics have led the rebellion not for strictly religious reasons but because of their (political) commitment to “liberty of conscience to all religious persuasions”—i.e. Lockean toleration. Later lines in the report suggest that MacNally thinks the dissenters have slightly misapprehended their Catholic compatriots. “Let me now call to your attention facts long since—aye three years ago—stated by me,” he reminds his readers.

First of all, “the priests and country schoolmasters were the were the principal agitators of French principles;” secondly, “among the priests those expelled from France, as well as the fugitive students from that country were the most active;” and finally, “this class of demagogues and pedagogues far from being superstitious catholics, defied, not only the devil, but the pope and all his works, and were in their private conversations pure deists.”⁶⁰¹ So MacNally is less willing than “the dissenters” to discredit the religious war hypothesis altogether. What his dissenters have not realized, as he sees it, is just that the religion driving the Wexford Catholics to rebel is deism.

This demurrer from “the dissenters’” assessment of their Catholic counterparts suggests that MacNally could not so easily dismiss the possibility that “liberty of conscience to all religious persuasions” was a religious, as well as political, demand for the insurgents. The implication was that such a clear distinction between politics and theology could only have been legitimate if the religion at the root of Catholic disaffection were an uncontaminated Catholicism. MacNally proclaimed that he knew better: within the last year he had once again warned Dublin Castle that “Priests—Missionaries to a man among the common people preach that the deliverance of their country from English influence is a religious duty.”⁶⁰² More importantly, he could probably expect his Dublin Castle patrons to interpret the commitment to Lockean toleration as the calling card of deism’s influence among the rebels. In broaching this point, MacNally drew upon a long line of earlier commentators who had sought to

⁶⁰¹ “J.W.” to Dublin Castle, 6 June 1798, NAI, RP 620/10/121/111.

⁶⁰² “J.W.” to Dublin Castle, 22 May 1797, NAI, RP 620/10/121/58.

discredit supporters of Catholic emancipation by lumping them in with irresponsible deists. For example, in 1778, when Catholics regained the right to take long leases and bequeath and inherit land, Lord Charlemont looked around warily at his Irish Parliamentary colleagues and surmised that they had eased restrictions on Catholic landholding because of their “fashionable Deism.”⁶⁰³ For those who followed Charlemont’s train of thought, deism’s spectral nature derived from the impossibility of its politics being disaggregated from its theological stance. This was also the context in which MacNally’s leap to describe the newspaperman O’Driscoll as “an avowed enemy to Christianity” and “a staunch friend to republicanism” may simply have registered as a claim that O’Driscoll espoused Lockean toleration—or, to put it another way, Paine’s politics *and* theology.

There is one last clue that MacNally was at least comfortable deploying the convention in which “deism” could stand as a shorthand for either republicanism or Lockean toleration: the only other government informer who appears to have gone to the same lengths as MacNally to uncover the “political principles” of leading United Irishmen—the Englishman William Bird, alias “John Henry Smith,” who infiltrated the inner circle of Belfast leaders in 1796—was also the only other informer who devoted space to assessing their religious principles. What conclusion did Bird reach after spending time with Samuel Neilson, the editor of the *Northern Star*, Samuel Kennedy, the *Northern Star*’s printer after 1795, and their close associates? “Were the club [of approximately 1500 United Irishmen in Belfast] divided into three Parts, 2 would be

⁶⁰³ Quoted in Lecky, *History of Ireland*, 2:208.

found Presbyterians and *Deists* the other 3^d Catholics and Protestants.”⁶⁰⁴ As is often the case with eighteenth-century documents, we are left to conjecture as to the precise evidence upon which these numerous deists “would be found” deists. But the fact that Neilson seemed, to Bird, to take comfort in their numerical preponderance within the movement over those who “would be found” Catholics—“the great Mass” of whom he “feared ... were Bigots to Monarchy”⁶⁰⁵—suggests that their republican political leanings, as much as their theological inclinations, marked them out as “deists” rather than Catholics or Protestants. Significantly, Bird’s implicit definition of republicanism as the precise opposite of “bigotry to monarchy” matched Leonard MacNally’s explicit one: “it [i.e. republicanism] demands that which, if granted, must destroy royalty, that is, that all honors, stations, offices & ca shall rise up from the people, through the medium of election—and not flow down from the executive power.”⁶⁰⁶ How coincidental can it be, then, that MacNally acclaimed Bird’s information in the strongest terms? While Bird waited to testify as a prosecution witness in a trial before the Court of King’s Bench in early 1798, MacNally wrote, “A copy of Birds letter to the Lord Lieutenant is in preparation for the press—others from the same hand will follow, he is determined, (to adopt his own expression) ‘to let the Cat out of the bag.’ The gaining over of this man is undoubtedly a great acquisition.”⁶⁰⁷ It is impossible to know for certain if Bird’s attention

⁶⁰⁴ Information of “J. Smith,” n. d. [January 1798?], NAI, RP 620/27/1, p. 13, emphasis, spelling, and punctuation as in original.

⁶⁰⁵ *Ibid.*, p. 16.

⁶⁰⁶ “J.W.” to Dublin Castle, 1 January 1797, NAI, RP 620/10/121/41, pp. 3-4.

⁶⁰⁷ “J.W.” to Dublin Castle, 2 February [1798], NAI, RP 620/7/74/7.

to the suture between Painite, United Irish “politics and theology” is what led MacNally to praise his work. But he must have approved of Bird’s method.

Prudential Toleration and the Manufacture of Interests

Ultimately, MacNally’s posturing as a defender of monarchy against popular sovereignty still needs to be considered in light of his other, more revealing definition of “republicanism”: to “give liberty of conscience to all religious persuasions.” To a modern ear, this phrasing sounds redundant. In all likelihood, though, MacNally used it to expose what he perceived to be a contradiction in terms. Think back to the way in which his plan for reconciling the Catholics to government drew upon the prudential tradition of *granting* toleration of religious worship in exchange for a slice of the subject population’s loyalty. Not only did this plan require a sovereign-figure who reserved the right to withhold toleration; it also respected the precise sense in which “liberty of conscience” functioned as a term of the art of prudential toleration. As William Northey, MP, maintained during debate on the Jew Bill in 1753, “What has of late years been called liberty of conscience, may be, and generally has been, more indulged in absolute governments, than in any sort of democratical government.”⁶⁰⁸ “What has of late years been called liberty of conscience” was, for Northey, nothing other than prudential toleration, and this accorded with what Jacqueline Hill refers to as “the Enlightenment principle that the only legitimate ground for withholding freedom of worship was danger to the state.”⁶⁰⁹ Thus, Northey’s prefatory remarks to his objection to Jewish

⁶⁰⁸ *Parliamentary History, 1747-1753*, vol. 14, col. 1371.

⁶⁰⁹ Hill, *Patriots to Unionists*, 214.

naturalization acknowledged British political culture's debt to the (Cameralist strand of) Enlightenment: "I know very well, Sir, upon what these naturalization schemes are founded: gentlemen have heard it laid down as a maxim that the strength of a country depends upon the *numbers and riches* of its people."⁶¹⁰

In Foucault's genealogy of liberal governmentality, he drew attention to the moment of "a certain dialectical interleaving" between Cameralist police science, which culminated in Frederick the Great and Voltaire's *Anti-Machiavel* (1740), and the "universe ... of political economy" in which Adam Smith's economic theory "announces the unknowability for the sovereign of the totality of the economic process."⁶¹¹ At the heart of Smith's political economy was the "subject of interest," a fundamentally unpredictable figure. (As Smith's friend Hume had put it, "It is not [necessarily] contrary to reason for me to prefer the destruction of the whole world to the scratching of my finger."⁶¹²) Clearly, the ultimate inscrutability of the subject of interest could pose a problem for aspirants like MacNally (or like Burke) to an all-encompassing, liberal view. Smith's philosophy implied not only that such comprehensive knowledge was impossible but that its pursuit would actually impede prosperity. At the same time, liberal gentlemen could not simply abandon their interest in the problematic of sovereignty—i.e. their "preoccupation ... with a 'holding out' of the state over an indefinite span of time." The prosperity of subjects was still "the necessary condition of the state's own security."⁶¹³

⁶¹⁰ *Parliamentary History, 1747-1753*, vol. 14, col. 1370.

⁶¹¹ Gordon, "Governmental Rationality," 19, 16.

⁶¹² David Hume, *Treatise on Human Nature*, 1739-40, quoted in *Ibid.*, 21.

⁶¹³ Scott, "Colonial Governmentality," 202-03; Gordon, "Governmental Rationality," 19.

This was the impasse necessitating what Foucault called a “tricky adjustment”⁶¹⁴ wherein the Cameralist concern to “dispose things” so as to promote prosperity for each and all actually required that the state renounce its former interest in comprehending its subjects’ unique interests.⁶¹⁵ For Foucault’s exegetes, the liberal solution to this quandary was to reorient statesmen’s attention to *securing* the mechanisms that allow apparently “natural,” immanently-regulated processes like the market to run their course.⁶¹⁶

However, it is unlikely that MacNally felt the burden of this bind; his only need was to prove that he was well versed in the dictates of gentlemanly liberality. Perhaps as a result (and probably unwittingly), he offered up another, equally liberal solution to the problem of the subject of interests: he short-circuited it. “Liberty of conscience” in the sense that MacNally used it sought to capitalize on the old Latin notion of *libertas*, implying “exemption or release from prior restraint.”⁶¹⁷ His plan for incorporating the Catholics into a sovereign-mediated nation would *stabilize*, at least for a time, the partial *interests* that comprised the populace. Such a capacity to pre-array the political field held out the promise of evasion, or at least postponement, of the problematic unfathomability of the Smithian subject of interests. It also supplied the eighteenth-century liberal

⁶¹⁴ Michel Foucault, “Politics and Reason,” in *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984* (London, 1988), 67, quoted in Burchell, “Peculiar Interests,” 121.

⁶¹⁵ Foucault, “Governmentality,” 93-95; Gordon, “Governmental Rationality,” 15-16, 21-22.

⁶¹⁶ Burchell, “Peculiar Interests,” 139; Gordon, “Governmental Rationality,” 19.

⁶¹⁷ See David Hackett Fischer, *Liberty and Freedom: A Visual History of America’s Founding Ideas* (Oxford and New York, 2005), Introduction, esp. 3-12. I am also indebted to Kevin Whelan for having pointed out Fischer’s discussion of these concepts and for his own elaboration in Kevin Whelan, “Slavery, Liberty, and Freedom from King William to O’Connell,” unpublished lecture (received via personal communication).

gentleman with a computational shortcut for his task of social comprehension. Finally, it implied that the colonial subject's propensities could be called upon as the instruments of his/her subjection.

It was this kind of rigging of the system, sanctioned within the imperial liberalism of the day, that drew the outrage of Irish Painites. Scholars often account for Paine's appeal in Ireland in terms of his "plain, accessible language," which, they note, carried political overtones in its own right.⁶¹⁸ As Whelan explains, "Breaking the inherently elitist link between a classical education and political life made available a fundamental democratisation of style itself."⁶¹⁹ Yet there was more to Paine's influence in 1790s Ireland than his ability to speak the language of the masses. When Edward Sweetman denounced "gradual emancipation" of the sort espoused by Fitzwilliam and MacNally as "indulging Catholics now and then with a few fragments from your table," he analyzed the Catholic Relief Acts of 1778 and 1782 in terms that would have impressed but not necessarily occurred to Paine and that would have arrested MacNally in his tracks. Certainly, Sweetman's was a specialized reading of the Relief Acts, befitting a decade in which increasing numbers of Irish men and women saw themselves reflected in Paine's depiction of the colonial. But Sweetman was right in every sense to call attention to the "liberality" of late eighteenth-century Catholic relief. Had the terminology been available to him in 1792, he would not have been wrong to attribute it to liberalism, either.

⁶¹⁸ Smyth, *Men of No Property*, 5; Olivia Smith, *The Politics of Language, 1791-1819*, 43, quoted in *Ibid.*

⁶¹⁹ Whelan, "Republic in the Village," 71.

What may be less obvious is that in some sense Sweetman's was also a specialized reading of Paine's message concerning toleration. As the 1790s wore on, many observers read Paine's Lockean tolerationist views as springing from his deist theology. We have seen MacNally make this assumption, and it was an especially easy one to make after the *Age of Reason* came out in 1794-95. After all, it was one of the earliest deists, Lord Herbert of Cherbury, who first argued that all religions had certain features in common because they were all rooted in beliefs, however distinct, about the same ineffable phenomena.⁶²⁰ It was but a short step from here to the Lockean suggestion that all *beliefs* should be equally tolerable insofar as they were cognitive phenomena, i.e. could not produce material effects in their own right. The deist belief in natural religion was not, however, the only step that carried Paine to his secular viewpoint, and the United Irishmen knew this well. Had Paine attempted to claim otherwise, Sweetman's neat illustration of how measures of (prudential) toleration could always be manipulated to reorganize colonial subjects' interests relative to one another would have served as a stringent reminder to Paine of the political imperative that had also led him to reject "toleration." Indeed, contrary to the impression one might get from reading too many of MacNally's observations, it was absolutely crucial for many of Sweetman's fellow United Irishmen that there was no *necessary* link between Paine's theological views and his secularist politics. This left them free to refute "Paine's religion," as both Thomas Russell and the Reverend William Jackson did in print, without abandoning Paine's

⁶²⁰ Peter Harrison, *"Religion" and the Religions in the English Enlightenment* (Cambridge, 1990), 67-70; Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, 1993), 40-41.

politics. They could agree with Wolfe Tone that the *Age of Reason* was “damned trash,”⁶²¹ while still agreeing with Tone, Sweetman, and Paine, that toleration, unless it was universal, entailed *politique* connivance.

A Last Best Chance for the Union?

This account of the provenance of United Irish viewpoints concerning toleration can be taken to indicate that the Lockean tolerationist stance was primarily an outsider’s stance in the later eighteenth century. Framed to criticize a certain prevailing wisdom regarding the utility of (prudential) toleration, arguments for religious toleration that approximated Locke’s carried only so much currency with the colonial policy elite. The empire’s top policy-shapers protected the state’s prerogative to dispense toleration selectively. Thus William Pitt reacted to a 1792 motion by Charles James Fox to repeal penal laws affecting Unitarians by worrying aloud that Fox’s proposal would subvert the country’s “system of toleration.” In doing so, he positioned himself as a defender of that very prudential system (and, indeed, of its systematicity).⁶²² For optimal performance, Pitt realized, it depended upon an established Church with which the gentry were convincingly identified. And it enjoined precisely the kind of mathematical pragmatism at which Pitt was so adept—as he had demonstrated in January 1792 when he advised the Irish government to make “such further concessions as times and circumstances, and the opinion of the public and Parliament, may hereafter admit . . . for leading the Catholics to

⁶²¹ Rev. William Jackson, *Observations in Answer to Mr. Thomas Paine’s “Age of Reason”* (Dublin, 1795); Dickson, “Paine and Ireland,” 145.

⁶²² [John Debrett], *Parliamentary Register; or History of the Proceedings and Debates of the House of Lords and House of Commons*, 112 vols. (London, 1775-1813), 33:35; see also *Parliamentary History, 1791-92*, vol. 29, cols. 1399-1400.

a peaceable behavior, and for preventing them from joining either now, or if any favourable occasion should arise, with the violent and republican part of the Dissenters.”⁶²³ By contrast, Lockean toleration was still, to put it in Raymond Williams’s terms, an “emergent alternative tradition” rather than a dominant one at this point in the late eighteenth century.⁶²⁴

In this case, what matters more than the status of Lockean toleration in imperial political culture is some accounting for the consequences of its articulation by United Irishmen. Paradoxically, the more radically secularist these articulations might have been—in printed propaganda, in manuscript, or simply in conversation—the more radically sectarian they could become in effect. We have seen how United Irish arguments for Lockean toleration emerged in contradistinction to the prudential tolerationist practices trotted out before them by Burkean liberals. These arguments continually exposed the cross-pressures to which prudential toleration might subject the various segments of Ireland’s colonial society. One deep narrative seam into which these evocations of Irish colonial particularity would have fit was that of Catholic dispossession. Marianne Elliott has written of the countless persons in the Irish countryside who could identify the plots of land that their ancestors had lost to Protestant planters.⁶²⁵ Breandán Ó Buachalla has noted the recurring theme of “return, renewal, restoration” in Irish Jacobite *aisling* (vision) poetry and hinted at its reappropriation in

⁶²³ William Pitt to Lord-Lieutenant Earl Westmorland, 6 January 1792, quoted in Lecky, *History of Ireland*, 3:46.

⁶²⁴ On “dominant, residual, and emergent” components of any “cultural process,” see Chapter 8 of Raymond Williams, *Marxism and Literature* (Oxford, 1977), 121-27.

⁶²⁵ Elliott, *Partners in Revolution*, 6-7.

Defender ambitions “to plant the true religion that was lost since the Reformation” and to subvert landed title by enacting “a general division of the land.”⁶²⁶ In short, we are left with an argument for using complex models of ideological transfer to gauge the extent and character of the United Irish influence among the rebels of 1798. We need to expect that the United Irishmen’s extraordinary effort to “politicize from above” became a transformed element in and through reaction with “traditional sectarian and agrarian grievances”—i.e. older ways of processing the history of colonization.⁶²⁷

⁶²⁶ Breandán Ó Buachalla, “Irish Jacobite Poetry,” *The Irish Review*, no. 12 (1992): 40-49. Defender ambitions detailed in Home Office documents in Bartlett, “Defenders and Defenderism,” 386; also deduced from “signs of United Irishmen playing upon traditional Defender beliefs” in Elliott, *Partners in Revolution*, 95-97. See also Jim Smyth, “Popular Politicisation, Defenderism and the Catholic Question,” in *Ireland and the French Revolution*, ed. Hugh Gough and David Dickson (Dublin, 1990); Whelan, “The United Irishmen, the Enlightenment and Popular Culture,” in *The United Irishmen: Republicanism, Radicalism, and Rebellion*, ed. David Dickson, Dáire Keogh, and Kevin Whelan (Dublin 1993), 269-96; and discussion in Dunne, *Rebellions*, 133-39.

⁶²⁷ See Dunne, *Rebellions*, 112-13, 132-39, 172-86, quoted at 134. Dunne contends that as of about 1990, a “broad consensus about politicization” had emerged among historians of the Irish 1790s. The main plank of agreement then was that exciting new scholarship would study “the interaction between new imported revolutionary ideology and the traditional and agrarian and sectarian grievances that had their origins in seventeenth-century colonialism.” He laments that, in the 1990s, the focus narrowed to finding ways to account for the 1798 Rebellion as a “United Irish revolution.” As the 200th anniversary approached, accommodating the story of 1798 to the context of the British-Irish peace process involved a purging of unsavory elements. The search for an “uncontaminated” United Irish ideology took precedence because it held out the promise of identifying a vision that could be seen as finally coming to fruition in the Good Friday Agreement of April 1998. *Ibid.*, 115-48. As examples of persuasive scholarship on how the “United Irish version of Liberty, Quality, Fraternity . . . was absorbed into earlier traditions and concerns,” Dunne cites Elliott, *Partners in Revolution*; Kevin Whelan, “The Religious Factor in the 1798 Rebellion,” in *Rural Ireland: Modernisation and Change*, ed. Patrick O’Flanagan, Paul Ferguson, and Kevin Whelan (Cork, 1987), 62-85; Whelan, “Politicisation in County Wexford”; Smyth, “Popular Politicisation”; Smyth, *Men of No Property*; and Curtin, *United Irishmen*.

Thus, the perlocutionary force of United Irish secularism could quite easily override its stated intent. The Irish Painite critique of prudential toleration, as often as not, reinforced Catholic alienation from those whose Protestantism marked them out as likely to favor “English” metropolitan aims in the last analysis. This was the effect of twinning demands for Lockean religious toleration with the insistence that the “misfortune of Ireland” stemmed from “English influence.”⁶²⁸ The pairing’s tendency to reinforce alienation is nowhere better spelled out than in the post-rebellion plan for reconstituting societies of United Irishmen, which maintained that English “tyrants” had “divided us against each other” by manipulating “our Prejudices.”⁶²⁹

In the end, it would be Pitt who attempted once more to win over Catholics’ affections by “attaching” the secular clergy to government. In late 1798/early 1799, Pitt had Lords Cornwallis and Castlereagh canvas opinion among Catholic authorities regarding his proposal to incorporate further Catholic relief into the terms of parliamentary union between Ireland and Great Britain. He wanted their sanction for his plan to create a government purse out of which the salaries of priests would be paid. The caveat was that the king’s ministers would retain a veto power over papal appointments to Irish bishoprics. Archbishop John Thomas Troy gathered a meeting of the bishops in Dublin on 17-19 January. A few days later, without specifying that they had resolved in favor of Pitt’s conditions, they assured Castlereagh that they would support Pitt’s plan. Fourteen years later, Archbishop Troy recalled the exchange as follows: “There was no

⁶²⁸ Tone, *Argument*, 8, 29.

⁶²⁹ Plan for the Organization of the United Irishmen, addressed to “Countrymen,” n. d. [1799], NAI, RP 620/8/72/2, pp. 1-2.

settlement with Lord Castlereagh about salaries for the bishops and clergy; although he made no formal promise of emancipation, he distinctly said the union would facilitate it.”⁶³⁰ However, the working out of details as to clerical salaries soon became a moot point. Pitt could not secure George III’s approval for any union bill that would include Catholic Emancipation. George had allowed himself to become convinced that if he permitted Catholics to sit in Parliament he would be acting in violation of his Coronation Oath. Finding himself at loggerheads with the king on this issue, Pitt had to resign his ministry in early 1801. If the Catholics of Ireland had not already become permanently alienated from anything smacking of “Protestant Ascendancy” in the lead-up to 1798, then surely the failure of the Act of Union to deliver Catholic Emancipation was the last straw. These, at least, are the basic contours of the story as it is usually told.⁶³¹

Paul Bew has recently laid a bit more emphasis on the missed opportunity to negotiate some sort of state provision for the Catholic clergy. If the Union ever had a chance of being a permanent one, the British government would have had to have ingratiated itself with the Catholic priesthood. As Bew puts it, “Britain could never generate an organic intelligentsia in Ireland because of its failure to establish a real connection with the Catholic priesthood; the sons of the tenant-farming elite.” After all, “the Catholic priest was the central and most respected figure of Irish life throughout the nineteenth century ... No one could become a priest without years of study: it became a matter of pride throughout small local impoverished communities to play a part in

⁶³⁰ Archbishop J. T. Troy to Denys Scullys, 8 June 1813, in *The Catholic Question in Ireland and England* (Dublin, 1988), 463, quoted in Bew, *Ireland*, 52.

⁶³¹ Bew, *Ireland*, 49-66.

helping. . . . Many of the most intelligent British commentators of the nineteenth century . . . saw the full significance of this reality.”⁶³² In short, the union bill may have been the Union’s last best chance. And Pitt looks especially prescient to have risked his political career for this particular (and particularly MacNallyan) adaptation of prudential toleration.

Was MacNally equally prescient? He had tried to drum up out-of-doors support for the Union by sending the script for a play to Covent Garden Theatre “the object to shew the necessity of a permanent connection between Great Britain and Ireland.”⁶³³ Twelve years later, addressing a general meeting of Dublin’s Catholic inhabitants, he looked back sorrowfully on the Union’s failure to include Catholic Emancipation, “anxious that his name should be coupled to the glorious cause for which, as Irishmen, they were contending—a cause that from his earliest youth, although a Protestant, he felt as his own.”⁶³⁴ Now the truth of this statement can be read in at least two ways. The last line of the *ODNB* entry on MacNally reads, “Although he had lived as a protestant, and was openly hostile in his reports about the Catholic clergy, he sent from his deathbed for a Roman Catholic priest and received absolution.”⁶³⁵ So there is that. But we have also

⁶³² *Ibid.*, 562.

⁶³³ “J.W.” to Dublin Castle, n.d. [1799?], National Archives of Ireland (NAI), Rebellion Papers (RP) 620/10/121/161.

⁶³⁴ *Correspondent*, 1811, quoted in Fitzpatrick, *Secret Service*, 199. The *Correspondent*, Fitzpatrick reports, was “a once influential organ of Dublin Castle.”

⁶³⁵ Rigg and Evans, “Macnally, Leonard.” A biographical sketch written during MacNally’s lifetime reported that he was “related to many of the principal Roman Catholic families in Ireland.” Thomas Gilliland, *The Dramatic Mirror: Containing the History of the Stage from the Earliest Period to the Present Time*, 2 vols. (London, 1808), 1:446-47.

been privy to the systematic way in which he contended for Catholic Emancipation during the later 1790s. He cannot, by any means, have forgotten the elaborate form of political prudence such an enactment might embody. Was this playwright-turned barrister-turned double agent double-speaking before his audience in 1811? It would be fitting, even if unintentional.

Chapter 5: Toleration Methodized, Toleration Contested: (British) Indian Secularism in the Age of Napoleon

The history of British-Irish relations between the Act of Union in 1800 and Catholic Emancipation in 1829 can be told as a story of repeated failures to utilize (Burkean) prudential toleration—or at least until it was too late for it to have the effect of mollifying anti-English rancor.⁶³⁶ The history of British-Indian relations in the early nineteenth century would need to be told somewhat differently, however. In India, British officialdom routinely resorted to prudential toleration in order to court the loyalties of local stakeholders. In fact, early nineteenth-century British India was the sphere of application *par excellence* for British prudential toleration.

Though it would be impossible to gauge exactly how much the memory of the Irish Rebellion weighed in the minds of the colonial officials who implemented prudential tolerationist gambits in India, their involvement with later eighteenth-century Irish politics seems tantalizingly likely to have influenced their decision-making. In one case, that of Richard Wellesley, we know that during his stint as governor general of India he explicitly intended to model the office of governor general after his image of the lord lieutenancy in Ireland.⁶³⁷ Wellesley was the first Indian governor general to come from Ireland. As a young man, he had cut his political teeth making impassioned speeches in

⁶³⁶ As, for example, in Paul Bew, *Ireland: The Politics of Enmity, 1789-2006* (Oxford, 2007), 1-124, 556-561.

⁶³⁷ C. A. Bayly, “Wellesley, Richard, Marquess Wellesley (1760-1842),” *Oxford Dictionary of National Biography (ODNB)* (Oxford, 2004), <http://www.oxforddnb.com.ezp1.lib.umn.edu/view/article/29008?docPos=2>, accessed 20 April 2013.

favor of Catholic emancipation in the Irish House of Lords in 1782-83.⁶³⁸ Indian governorships were political appointments: they went to the allies of those who held the highest ranks in the Privy Council at times of transition. Wellesley took his appointment as governor general of India from the Pitt-Portland coalition late in 1797, at the same time that Cornwallis received the appointment to become lord lieutenant of Ireland. Yet a record of liberality on the Catholic question in Ireland cannot have hurt one's chances of being given the job of governing India.

Imperial careers that shuttled between Ireland and India and vice versa seem to have become especially common in the early nineteenth century.⁶³⁹ At the end of Wellesley's term in India, Cornwallis succeeded him for a brief second stint as governor general before passing away in office in 1805. After Cornwallis, the next governor general to sail out from London to Calcutta was Gilbert Elliot, Lord Minto. Burke seems to have regarded Elliot as a mentee.⁶⁴⁰ Perhaps the mature Minto thought back to his

⁶³⁸ Ibid.

⁶³⁹ On the notion of imperial careering, see David Lambert and Alan Lester, eds., *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2006). A systematic, quantitative study of whether imperial careers tended to flow along particular tracks and whether and how these tracks changed over time is still something that could enhance the argument here. I hope to carry out that study in future.

⁶⁴⁰ See, for example, Edmund Burke to Sir Gilbert Elliot, September 1786, in *Life and Letters of Sir Gilbert Elliot, First Earl of Minto, from 1751 to 1806, when his Public Life in Europe was Closed by his Appointment to the Vice-Royalty of India*, ed. Emma, Countess of Minto, 3 vols. (London, 1874), 1:113-15. See also Michael Duffy, "Kynynmound, Gilbert Elliot Murray, First Earl of Minto (1751-1814)," *Oxford Dictionary of National Biography* (Oxford, 2004), <http://www.oxforddnb.com.ezp1.lib.umn.edu/view/article/8661?docPos=4>, accessed 8 April 2013. Throughout his political career, Minto was affiliated with the Portland Whigs. In the 1790s and before going out to India, Elliot frequented Burlington House,

conversations with Burke when he spoke in the Lords in favor of Pitt’s plan to include Catholic emancipation among the terms of the Union.⁶⁴¹ In short, men like Wellesley, Minto, and the duke of Portland’s son Lord William Bentinck—all of whom came of age admiring Burke—knew well the political value of concessions made to court the affections of particular religious constituencies among the governed.

Wellesley demonstrated his dexterity with the practice of prudential toleration in a famous dispatch that he sent to the commander of the occupying British force in Maratha-held Orissa in August 1803. Thinking ahead to how the British hold on Orissa should be consolidated, Wellesley instructed Lieutenant Colonel Archibald Campbell,

The situation of the pilgrims passing to and from [the temple of] Jaggernaut [in Puri] will require your particular attention. . . . On your arrival at Jaggernaut, you will employ every precaution to preserve the respect due to the Pagoda and to the religious prejudice of the Bramins and pilgrims. You will furnish the Bramins with such guards as shall afford perfect security to their persons, rites and ceremonies and to the sanctity of the religious edifices, and you will strictly enjoin those under your command to observe your orders on this important subject to the utmost degree of accuracy and vigilance.

Underscoring the point that the temple priests could hold the key to the local inhabitants’ loyalties, Wellesley added that it would not benefit the British to “interrupt the system”

the duke of Portland’s London residence, where he mingled with politicians who kept a close eye on Irish affairs—not only Portland himself, but also William Windham and, on a number of occasions, Edmund Burke.

⁶⁴¹ Lord Minto, Speech in the House of Lords, 19 March 1799, excerpted in *Life and Letters of Minto*, 3:51-57.

of collecting and distributing pilgrim taxes that had developed during the seventy years of Maratha control over the temple. “The Bramins are supposed to derive considerable profit from the duties levied on pilgrims,” Wellesley counseled. “Any measures calculated to relieve the exactions to which pilgrims are subjected by the rapacity of the Bramins would necessarily tend to exasperate *the persons whom it must be our object to conciliate*.”⁶⁴² Clearly, the continuance of collections from pilgrims at sacred sites had been defended at the highest levels of the East India Company government before, as we saw in Chapter 3. But such measures had not previously been justified on the basis of the probable response of such a surgically targeted constituency.

This chapter suggests that Wellesley’s deployment of prudential toleration in Orissa fits into a larger pattern made logical by the Napoleonic Wars. In the previous chapter, we saw that a precise understanding of the effects and aims of prudential toleration crystallized in reaction to the French Revolution in Europe in the 1790s. Recall, for example, Burke’s characterization of Irish Catholic Relief in 1792 as a “very different” manner in which “to give Liberty to Two Millions of People” from the way in which “it is said five and twenty Millions have obtained it in [France].”⁶⁴³ This chapter argues that the military and diplomatic pressures faced by Britain in the context of global war with

⁶⁴² Governor General Wellesley to Lt. Col. Campbell, Commanding Northern Division of Madras Army, 8 August 1803, Bengal Secret and Political Consultations, 1 March 1804, no. 46, British Library (BL), Asia, Pacific and Africa Collection (APAC), India Office Records (IOR), P/Ben/Sec/123, in Prabhat Mukherjee, *Pilgrim Tax and Temple Scandals: A Critical Study of the Important Jagannath Temple Records during British Rule*, ed. Nancy Gardner Cassels (Bangkok, 2000), 17-18, emphasis mine.

⁶⁴³ Edmund Burke to Richard Burke, Jr., 26 January 1792, in *The Correspondence of Edmund Burke, Vol. VII: January 1792-August 1794*, ed. P. J. Marshall and John A. Woods (Cambridge and Chicago, 1968), 41.

France encouraged rapid empire-wide enlistment of this technology of toleration. In a political climate dominated by the threat of war, the subtext of any number of official pronouncements on the need to commit to policies of toleration was that favors granted in exchange for loyalty made good diplomatic and military sense. Here we look closely at British India in the early nineteenth century as a case in point.

However, new ventures in prudential toleration were now also susceptible to criticism advanced from the Lockean tolerationist angle that we saw emerging in the rhetoric of the Painite radicals of 1790s Ireland. In the Indian case, this Lockean tolerationist rhetorical tradition remained rather far afield from the demands of anti-colonial subversives until the second quarter of the nineteenth century. Instead, in the early years of the century, it passed from the hands of a marginalized subgroup of colonizers—British evangelical missionaries and their advocates—to defenders of government and back again. Yet, as they are explored in this chapter, the rhetorical options exercised by the advocates for opening up British India as a mission field still serve as a precocious reminder of the kind of forced choice that colonized subjects also had to make about whether even to enter the game of colonial religious toleration.

Chapter Plan and Historiography

This chapter revisits three famous episodes of controversy in the colonial history of secularisms in India: the involvement of the East India Company in the collection of pilgrim taxes at the Jagannath Temple complex in Puri; the assignment of accountability for the sepoy mutiny at Vellore in 1806; and the debate over whether Christian missionaries should be admitted into East India Company territories, which came to a

head in May 1813 when it was time for Parliament to renew the Company's charter. Each of these controversies has been seen as a moment when the Company's policy of "religious toleration" came in for severe criticism, and they have all recently been narrated as a chain of events that carried knock-on effects from one to the next in Penelope Carson's book on *The East India Company and Religion, 1698-1858* (2012).⁶⁴⁴ Carson's book is a narrative history, offering incomparable insight into the delicate policy considerations that East India Company personnel weighed in each of these cases. As reviewer Tillman Nechtmann has put it, Carson's argument—that the history of Company rule in India should be told as a story of religious policy—"hangs on the story itself."⁶⁴⁵ Her study does not aim to place developments on the ground in India within the wider frame of imperial strategies of rule. Thus, increasing evangelical Protestant interest

⁶⁴⁴ On the pilgrim tax question, see, e.g., K. M. Patra, *Orissa under the East India Company* (New Delhi, 1971), Ch. 7; Nancy Gardner Cassels, *Religion and Pilgrim Tax under the Company Raj* (New Delhi, 1988); Prabhat Mukherjee, *Pilgrim Tax and Temple Scandals: A Critical Study of the Important Jagannath Temple Records during British Rule*, ed. Nancy Gardner Cassels (Bangkok, 2000); Ishita Banerjee Dube, *Divine Affairs: Religion, Pilgrimage, and the State in Colonial and Postcolonial India* (Shimla, 2001); and brief treatment in Nandini Chatterjee, *The Making of Indian Secularism: Empire, Law and Christianity* (New York, 2011), 51-61. On the Vellore Mutiny, see Maya Gupta, *Lord William Bentinck in Madras and the Vellore Mutiny, 1803-7* (Delhi, 1986); P. Chinnian, *The Vellore Mutiny, 1806: The First Uprising Against the British* (Madras, 1982); James W. Hoover, *Dialogue, Discipline and Discontent in the Madras Army, 1806-1807* (Delhi, 2007); on the debate over Christian missionaries, John William Kaye, *Christianity in India: An Historical Narrative* (London, 1859); Jörg Fisch, "A Pamphlet War on Christian Missions in India, 1807-1809," *Journal of Asian History* 19, no. 1 (January 1985): 22-70; Penelope Carson, "An Imperial Dilemma: The Propagation of Christianity in Early Colonial India," *Journal of Imperial and Commonwealth History* 18, no. 2 (May 1990): 169-90; and generally, Penelope Carson, *The East India Company and Religion 1698-1858* (Woodbridge, Suff., 2012), 34-150.

⁶⁴⁵ Tillman W. Nechtmann, Review of *The East India Company and Religion 1698-1858*, h-net review on H-Albion, June 2013, <http://www.h-net.org/reviews/showrev.php?id=39092>, accessed 15 August 2013.

in India forms the context that Carson sees as the spur for controversy over how the East India Company managed its relationships with multiple religious constituencies in the early nineteenth century.⁶⁴⁶ As I see it, however, all three of these controversies were conflicts in which the precise meaning of the Company's "toleration" was at stake. The mood of imperial crisis in the early nineteenth century ensured that they would be staged with prudential toleration appearing, at least, to be the stable foundation of the Company's secularist strategy.

Historians generally recognize that a sudden questioning of the Company line on toleration in the early nineteenth century correlates in some way with the rise of evangelical religion in the British world. Wesleyesque "religion of the heart" attracted several key persons with experience in India, such as the influential East India Company director and member of the Clapham Sect in Parliament Charles Grant. From soon after the date of Grant's evangelical conversion during his service in Bengal in 1776, he worked tirelessly at lobbying for missionary organizations to be allowed to proselytize in British India.⁶⁴⁷ He also campaigned against British officials' involvement in "regulation

⁶⁴⁶ As, for example, in John William Kaye, *The Administration of the East India Company* (London, 1853); Sir H. Verney Lovett, "Social Policy to 1858," in *The Cambridge History of India, Volume VI*, ed. H. H. Dodwell (Cambridge, 1932), 121-43; Ainslee T. Embree, *Charles Grant and British Rule in India* (New York, 1962), 231-60; Lalita Panigrahi, *British Social Policy and Female Infanticide in India* (New Delhi, 1972), 43-44; Cassels, *Religion and Pilgrim Tax*; Carson, *East India Company and Religion*.

⁶⁴⁷ Henry Morris, *Life of Charles Grant* (London, 1904), 92-143, 174-93, 294-342.

of Heathen worship” at the Jagannath Temple in Puri.⁶⁴⁸ He spoke for untold numbers of serious Christians. From the pulpit, in the taverns where they held public meetings, and in the streets where they missionized, evangelical preachers berated non-Christian religions as evidence of the abundance of sin in the world.⁶⁴⁹ Unsurprisingly, their evangelical partisans have come across in most standard accounts as opponents of toleration *tout court*.⁶⁵⁰

But this is to overlook the sophisticated ways in which evangelicals made use of the traditions of advocacy for toleration that were available to them. Carson observes something about the debates concerning missionaries’ access to East India Company territory that can be applied across all three episodes investigated in this chapter: the Company’s evangelically-minded detractors were as quick as its supporters to claim the mantle of “toleration.” As Carson puts it, “‘Enthusiasm’ was a word of opprobrium at this time but so, too, was ‘intolerance.’ Both supporters and opponents of missionaries claimed that religious toleration in India was what they sought.”⁶⁵¹ Jörg Fisch’s work

⁶⁴⁸ Charles Grant to William Wilberforce, 30 August 1808, in *The Correspondence of William Wilberforce*, ed. Robert Isaac Wilberforce and Samuel Wilberforce, 2 vols. (London, 1840), 2:139, quoted in Embree, *Charles Grant*, 249.

⁶⁴⁹ Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), 28-37. Examples are legion, as Lata Mani shows in her chapter exploring Baptist missionary preaching in Serampore at the end of the eighteenth century. Mani, “Chapter 3: Missionaries and Subalterns: Belaboring Tradition in the Marketplace,” in *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley, Calif., 1998), 83-111.

⁶⁵⁰ See, e.g., Percival Spear, *The Oxford History of Modern India, 1740-1947* (Oxford, 1965), 202-03; David Kopf, *British Orientalism and the Bengal Renaissance* (Berkeley, 1969), Ch. 9.

⁶⁵¹ Carson, *East India Company and Religion*, 80. See also Fisch, “Pamphlet War on Christian Missions,” 56: “‘Toleration’ was the coveted term each side claimed for themselves, accusing their opponents of being intolerant and persecutive.”

adds the implication that both evangelicals and their enemies were capable of plying to their advantage the definition of “toleration” that best suited their aims.⁶⁵² These are crucial observations. They signal that prudential toleration and Lockean toleration had both become far enough entrenched as political traditions by this point that they could be picked up and aimed at one another like weapons.

Debating the Company’s Management of Indian Religious Institutions, c. 1800 – 1815

At the end of the eighteenth century, Lionel Place—the Madras Presidency’s incarnation of Thomas Law, perhaps—took a job that excited him. An energetic, “improving” revenue collector for the East India Company, Place became head Collector of the Company’s jagir adjacent to Madras Town in 1796.⁶⁵³ In one of the reports with which he inundated his Presidency’s Board of Revenue, Place laid out a succinct justification for Company involvement in the running of Hindu temples in the Madras Presidency: “it has an essential interest in promoting the happiness of its subjects, and as the natives of this country know none superior to the good conduct and regularity of their religious ceremonies, which are liable to neglect without the interposition of an efficient

⁶⁵² Fisch, “Pamphlet War on Christian Missions,” esp. 54-60.

⁶⁵³ Like Richard Johnson, Place would make a great subject for a biographical case study, except that, at this point, the only extant sources about him appear to be those glimpses of his work that we can find in India Office Records. However, as Eugene Irschick notes, his reports to the Madras Board of Revenue and to the Madras governing council show that “central to the ideas that he brought to India were free trade notions derived from Adam Smith and attitudes toward religion based, it appears, on the assumptions of David Hume. When Place assessed Tamil society, many of these ideas came into play. However, in the productive process then ensuing no direct relationship existed between ideas brought from England and those articulated by Place. Instead, Place and others like him immediately framed their concepts in ways that built on ideas already presumed or contested in the local environment.” Eugene F. Irschick, *Dialogue and History: Constructing South India, 1795-1895* (Berkeley, 1994), 27.

authority, such control and interference becomes indispensable. In a moral and political sense, whether to dispose them to the practice of virtue, or to promote good order and subordination by conciliating their affections in regard to this matter is, I think, incumbent.”⁶⁵⁴ Bearing in mind that Place wrote just as Madras was astir gearing up for what turned out to be the East India Company’s last war with Tipu Sultan (on grounds that he was an ally of the French), it seems clear that the time was ripe for just such a methodical enlistment of prudential toleration.

But looking back from the 1850s, an East India Company historian with evangelical sympathies, John William Kaye, tried to fit the Company’s policy of collecting duties from Hindu pilgrims into a (to his mind) nefarious tradition of “encouraging and patronizing idolatry.” In order to do this, he presented Richard Wellesley’s instructions to his junior officers regarding the pilgrim taxes at Puri in a clear line of descent from Lionel Place’s efforts at temple beautification at Kanchipuram, near Madras. Pejoratively, Kaye called Place “the earliest English patron of idolatry, in an extended official sense.” He then saddled Wellesley with having “openly declared and authoritatively established” the “Government connexion with idolatry” in British India.⁶⁵⁵

Interestingly, Kaye found justification for the link he drew between Place and Wellesley in the shared language of toleration that permeated certain of their key policy recommendations. Handling their quotations selectively, he magnified the extent to which both Place and Wellesley acted from a sense of political prudence, with “conciliation” of

⁶⁵⁴ Lionel Place’s Report to the Board of Revenue, n.d. [1799?], quoted in John William Kaye, *Christianity in India: An Historical Narrative* (London, 1859), 380.

⁶⁵⁵ Kaye, *Christianity in India*, 379, 385.

Hindu natives as their core objective.⁶⁵⁶ Clearly, this depiction of Place and Wellesley's tolerationism is not without some foundation. However, it all but erases the trace of a particular tradition of evangelical argument from which it draws. Kaye picked apart the way in which East India Company involvement in managing and maintaining Hindu temples and sites of pilgrimage had begun as a prudential tolerationist stratagem. But he offered no alternative understanding of toleration to the one that he saw the Company as having pursued in the early nineteenth century. The omission is surprising because it

⁶⁵⁶ In Place's case, Kaye explicitly highlighted the extent to which he thought Place was driven by an aim to "conciliate the affections" of the Hindus in the vicinity of Madras. He took Place's statement advising the government of Madras to shoulder responsibility for the upkeep of the Hindus' temples in order either to "dispose them to the practice of virtue, or to promote good order and subordination by conciliating their affections," and gave it the following (reductive) summation: "in a report which has greatly shocked the present generation, he contended for the expediency of State interference, in a large political sense, as tending to make better subjects, and more to conciliate the people." Dismissive of the idea that enabling Hindu worship would promote good morals, and glossing over the echoes of Priestley's *Principles of Government* in Place's formulation, Kaye emphasized Place's ostensibly *politique* conciliatory aims instead in order to create a bridge between Place's efforts in Madras and Wellesley's interventions concerning the Jagannath Temple in Puri. Moving on to the case of Wellesley, Kaye emphasized that he "thought whether the continuance of the tax would be grateful or not to the Hindoos, and he came to the conclusion that they would look with approving eyes upon its continuance, because it would afford the best possible guarantee for the due protection of their religion by the dominant state." Again, from Kaye's mid Victorian perspective, what marked out Wellesley's tolerationist approach as indictable was its status as a conciliatory gesture. Wellesley's statement that "'this revenue will be considered both by the Brahmans and the persons desirous of performing the pilgrimage, to afford them a permanent security that the expenses of the pagoda will be regularly defrayed by Government, and that its attention will always be directed to the protection of the pilgrims resorting to it,'" was, for Kaye, evidence that Wellesley had, like Place before him, committed "the British Government" to "the office of dry nurse to Vishnu." *Ibid.*, 380, 385, 381. Lord Jagannath, traditionally regarded as the divine figure presiding over all of Orissa, was an incarnation of Vishnu, and, conveniently for Kaye, the temples at Kanchipuram were predominantly Vaishnava temples.

eclipses what Kaye's evangelical forbears had learned to do in the context of debate over the Company's role in collecting pilgrim taxes for the Jagannath Temple in Puri.⁶⁵⁷

As we saw in Chapter 3, the Jagannath Temple at Puri was not the first holy site at which the East India Company collected duties from pilgrims in order to cover the expenses associated with maintaining a place of pilgrimage. The temples at Gaya and the confluence of the Yamuna and Ganges Rivers at Allahabad preceded the Jagannath Temple as facilities that came under direct management by the Bengal government. In fact, as early as 1789, Cornwallis had thoughts of wresting Puri from Maratha hands. In keeping with his (and Thomas Law's) wish "to devise means for encouraging a spirit of pilgrimage among Hindus of Hindustan and the Deccan to the Company's dominions," he suggested, "I should not have objections to grant particular privileges or exceptions from all government duties to Maratha subjects on religious visits and pilgrimages to Banaras, Gaya and to Jagannath when surrendered to us."⁶⁵⁸ Notice again, as we did in Chapter 3, the implication that such exemptions would only apply to people coming on pilgrimage from the Maratha territories; the government duties were not to be abolished across the board, for that would defeat the transactional purpose of the "privileges or

⁶⁵⁷ It is likely that Kaye became aware of the existence Place's report to the Board of Revenue by way of evangelical media. The *Friend of India* published a long excerpt from it in 1839, and the *Calcutta Review*, another evangelical organ, republished the *Friend of India's* excerpt in 1852, noting that the report "is but little known." "Government Connection with Idolatry in India," *Calcutta Review* 17, no. 33 (January 1852): 114-77, at 118-19.

⁶⁵⁸ Cornwallis in Council to Sir Charles Malet, Company Resident at Pune, 25 February 1789, in *Bengal Political Consultations*, 25 February 1789, quoted in Hermann Kulke, "'Juggernaut' under British Supremacy and the Resurgence of the Khurda Rājās as 'Rājās of Puri,'" in *The Cult of Jagannath and the Regional Tradition of Orissa*, ed. Anncharlott Eschmann, Hermann Kulke, and Gaya Charan Tripathi (Delhi, 1978), 345-57, at 345-46.

exceptions” to be granted specially to Maratha subjects. Remember, too, that the only objections that Cornwallis foresaw in the early 1790s to his policy of collecting pilgrim taxes at Gaya and Allahabad were of the sort that would have cast him as failing to facilitate Hindu pilgrimage as much as he should have. By the time the Bengal government finally did conquer Orissa, under Wellesley in 1803, the political landscape in India and Britain had changed dramatically.

In the intervening decade, the French Revolution had polarized British public opinion. The rise of Napoleon Bonaparte had then strengthened the hand of those who had begun by denouncing the revolution’s more radical turns. Initially welcomed in many camps as the death knell of France’s supposed ambition to dominate Europe under a universal monarchy, the Revolution came to have both staunch champions and detractors. Paineite “Jacobin” supporters of the revolution encountered Burke-ish opposition in the press and in the pubs, as well as in the Commons and in the courts.⁶⁵⁹ We have seen how various aspects of these “Burke-Paine” debates—including the competing secularisms component—catalyzed politicization in 1790s Ireland. In Britain, with the trial of Paine in absentia for sedition in 1792 as a prelude, a series of high-profile treason trials attracted countless pages of newspaper coverage in 1794.⁶⁶⁰ The most famous of these

⁶⁵⁹ E. P. Thompson, *The Making of the English Working Class* (New York, 1963), 77-185; Marilyn Butler, *Burke, Paine, Godwin and the Revolution Controversy* (Cambridge, 1984); Gregory Claeys, *Thomas Paine: Social and Political Thought* (Boston, 1989); Andrew McCann, *Cultural Politics in the 1790s: Literature, Radicalism, and the Public Sphere* (London, 1999); Michael Scrivener, *Seditious Allegories: John Thelwall and Jacobin Writing* (State College, Penn., 2001).

⁶⁶⁰ Including cases tried in the provinces as well as those in the principal cities London and Edinburgh, over 55 treason trials were held in 1794. This figure comes from Gregory

pitted government lawyers against Paine's attorney Thomas Erskine, this time defending the leaders of the London Corresponding Society, and this time winning acquittal.⁶⁶¹ However, government suppression of dissidents continued unabated, with Pitt having suspended *habeas corpus* as of May 1794 and Parliament passing the notorious "Two Acts" in the closing months of 1795. The first of the Two Acts made it a treasonable offense to "incite the people by speech or writing to hatred or contempt of King, Constitution, or Government." The second prohibited meetings of over fifty persons without prior notification made to a magistrate, and gave magistrates broad powers to shut down meetings in progress and arrest speakers.⁶⁶² By the time it became clear that Napoleon was dictating French domestic and military affairs, the aristocratic coalition that supported Pitt—and that had included the Portland Whigs since 1794—had already begun flexing the authoritarian arm of the British state.⁶⁶³ As C. A. Bayly has argued, a correlated drive to "centralize power within colonial territories" and "to exalt the

Claeys, "Review: the 1790s," *Journal of British Studies* 42, no. 3 (July 2003): 389-95, at 391.

⁶⁶¹ For extensive expert analysis of these trials, see John Barrell, "Imaginary Treason, Imaginary Law: The State Trials of 1794," in *The Birth of Pandora and the Division of Knowledge* (Philadelphia, 1992), 119-43; and Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-1796* (Oxford, 2000), Part II: "The Invention of Modern Treason."

⁶⁶² This also included the provision, as E. P. Thompson does not fail to notice, that "yet one more capital offence was added to the statute book: defiance of the magistrate's orders was punishable by death." Thompson, *Making of the English Working Class*, 145.

⁶⁶³ On the evolution of the Pitt-Portland coalition, see David Wilkinson, "The Pitt-Portland Coalition of 1794 and the Origins of the 'Tory' Party," *History* 83, no. 270 (April 1998): 249-64.

executive above local liberties” manifested itself at an even brisker pace in the so-called “peripheries” of the British Empire in these years.⁶⁶⁴

Few scholars would dispute that Wellesley’s tenure as governor general of India (1798-1805) fits within this broader pattern of sovereignty consolidation. Whereas Cornwallis had arrived in India with a mandate to shore up the Company’s finances, Wellesley bore a mandate from Pitt, to whom he particularly owed his appointment,⁶⁶⁵ to eliminate the possibility of French intrigue with native powers in India.⁶⁶⁶ He is remembered mainly for his conquests, which doubled the amount of territory under direct East India Company rule in a span of little more than five years. He also favored a policy of concluding subsidiary alliances with Indian rulers, which left them nominally independent yet compelled by treaty to allow British advisers to dictate their foreign policy. Effectively, Wellesley made them submit to Company suzerainty in exchange for

⁶⁶⁴ Bayly writes of this “system of ‘authoritative rule,’” which “built on and enhanced the coercive methods of the old European despotisms and monopolies—Dutch, French, Spanish, Venetian, the Knights of Malta”—that “its relegation to the status of an unfortunate by-product of world war runs thin when we see these despotic or hierarchical systems not only extended but perpetuated even in European societies such as Malta, Canada and the Ionian Isles at least to the 1830s and sometimes to the mid-century.” C. A. Bayly, *Imperial Meridian: The British Empire and the World 1780-1830* (London, 1989), 8-9, at 8. See also James Epstein, *Scandal of Colonial Rule: Power and Subversion in the British Atlantic during the Age of Revolution* (Cambridge, 2012), 91-92, at 91. For the comprehensive account, see Bayly, *Imperial Meridian*, 100-216.

⁶⁶⁵ C. H. Philips, *The East India Company 1784-1834* (Bombay, 1961), 93.

⁶⁶⁶ Bayly, “Wellesley, Richard,” citing *Two Views of British India: The Private Correspondence of Mr. Dundas and Lord Wellesley, 1798-1801*, ed. Edward Ingram (Bath, 1970), 50; Spear, *Oxford History of Modern India*, 106-07. See also P. E. Roberts, *History of British India under the Company and the Crown*, 2nd ed. (Oxford, 1938 [1921]), 250-51; Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), 9-10; B. B. Misra, *The Central Administration of the East India Company 1773-1834* (Manchester, 1959), 385-86, 389.

guarantees of protection by/from the Company's armed forces.⁶⁶⁷ In short, he left very little to chance; he quite willingly undermined what scholars have termed "layered," or "composite," sovereignty structures.⁶⁶⁸

Wellesley's policy for the civil service in Bengal was of a piece with his "sharpening of the edges of the state."⁶⁶⁹ Shortly after arriving, he rebuilt the government house in Calcutta in impressive Palladian style, intending to convey a sense of hierarchical order. He made sure that the building included a private office for the governor general that would double as an audience chamber. He disciplined the local English-language press, expelling two newspaper editors on charges that their writings

⁶⁶⁷ See Roberts, *History of British India*, 245; P. E. Roberts, *India under Wellesley* (Gorakhpur, 1961); M. S. Renick, *Lord Wellesley and the Indian States* (Agra, 1987); William Arthur Clare Halliwell, "Lord Wellesley's Confrontation with the Maratha 'Empire,'" (PhD diss., University of Southampton, 1999); John Severn, *Architects of Empire: The Duke of Wellington and His Brothers* (Norman, Ok, 2007).

⁶⁶⁸ The use of the term "layered sovereignty" as a characterization of the early modern Mughal polity comes from Sugata Bose, *A Hundred Horizons: The Indian Ocean in the Age of Global Empire* (Cambridge, Mass., 2006), 70. See also Muzaffar Alam, *The Crisis of Empire in Mughal North India, Awadh, and the Punjab, 1707-1748* (Delhi, 1986); Richard Barnett, *North India between Empires: Awadh, the Mughals, and the British, 1720-1801* (Berkeley, Calif., 1980); Kate Brittlebank, *Tipu Sultan's Search for Legitimacy: Islam and Kingship in a Hindu Domain* (Delhi, 1997); Kumkum Chatterjee, *Merchants, Politics, and Society in Early Modern India: Bihar, 1733-1820* (Leiden, 1996); Stewart Gordon, "Legitimacy and Loyalty in Some Successor States of the Eighteenth Century," in *Kingship and Authority in South Asia*, ed. John Richards (Delhi, 1998), 327-45; Norbert Peabody, *Hindu Kingship and Polity in Precolonial India* (Cambridge, 2002); and Mridu Rai, *Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir* (Princeton, N.J., 2004). For characterization of the early East India Company colonies at Bombay, Calcutta, and Madras as instances to which the "layered sovereignty" model can be applied, see Philip Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundation of the British Empire in India* (Oxford, 2011).

⁶⁶⁹ The metaphor is C. A. Bayly's. Bayly, *Imperial Meridian*, 107.

were “Jacobinical.”⁶⁷⁰ Taking advantage of the obvious time lag, he built up a patronage system of his own in Bengal that operated to one side of the network of patronage and promotion orchestrated by the Directors and Board of Control in London. He tried, at every turn, to emphasize the pageantry and pomp of state.⁶⁷¹ For example, as has been widely noticed, he was no evangelical Christian, yet he expected Company servants, both civil and military, to attend church or chapel every Sunday.⁶⁷² As Bayly explains, “Wellesley felt that, in India as in Ireland, the Anglican church itself should be on parade, as it were, an embodiment of the morality and pageantry of British rule.”⁶⁷³ More generally, he sought to enforce discipline and professionalism—antidotes to libertinism and radicalism—across all ranks of white society in Calcutta, and extended the policing of personal conduct accordingly.⁶⁷⁴

Against the backdrop of these reforms, Wellesley’s deployment of prudential toleration in Orissa might appear at first glance to be an aberration. After all, he was instructing his lieutenants to defer to local authorities—the Brahmins involved in the running of the Jagannath Temple and its system of pilgrimage conduction. However, with the aid of Foucault’s sovereignty-discipline-government “triangle,” we can see that Wellesley’s drive to conciliate the Brahmins at Puri fits firmly within his broader

⁶⁷⁰ Ibid., 111, 115; Bayly, “Wellesley, Richard”; David Kopf, *British Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization*, 45.

⁶⁷¹ Bayly, *Imperial Meridian*, 111.

⁶⁷² Kaye, *Christianity in India*, 164; Bayly, “Wellesley, Richard”; Carson, *East India Company and Religion*, 59-60.

⁶⁷³ Bayly, “Wellesley,” *ODNB*. See also Misra, *Central Administration*, 390.

⁶⁷⁴ Bayly, *Imperial Meridian*, 115, 131-32. Also Joseph Sramek, *Gender, Morality, and Race in Company India, 1765-1858* (New York, 2011), 47.

authoritarian impulse.⁶⁷⁵ Whereas, as we saw in Chapter 3, Cornwallis's pilgrim-encouragement schemes had assigned subordinate functions to sovereignty and discipline within an overall framework of government—i.e. the conduction of persons' conduct in ways that were thought to work with their given propensities—Wellesley shifted sovereignty to the apex of the triangle. Again, this does not mean that he jettisoned disciplinary measures or the indirect conduction of conduct, but rather that he sought to make them function within an overarching frame that had the inducement of loyalty on the part of subjects as its chief aim. Again, this is hardly surprising given that he came to India on a mission to root out French influence in India as well as any sign of the spread of revolutionary ideas in the subcontinent.

Further details of the methodical manner in which Wellesley went about trying to win the affections of Hindus by way of their priests in Puri confirm this perspective. His instructions to his officers went beyond simply ordering them to abstain from obstructing the rituals performed at the Jagannath Temple. He also armed them with a Sanskrit letter written by the eminent pandit Jagannath Tarkapanchanan and addressed to "Ramchaund

⁶⁷⁵ Wellesley's desire to consolidate sovereign authority in the office of governor general is best detailed in Misra, *Central Administration*, 42-44. Misra quotes at length from Wellesley's letter to Dundas, dated 25 January 1800, in which he bemoaned the fact that the structure of the governing council had "more the character of an aristocratic republic than of a monarchy." To change this situation, Wellesley proposed, "The Governor-General should have the power of summoning a Privy Council, and should act in it as the King or Lord Lieutenant of Ireland in Council. But neither the executive nor legislative power should be supposed to be parcelled out among the Councillors; although the Governor ought to be compelled to record all his acts. His Privy Council should be *avowedly* nothing more than a court of registry and record." Wellesley to Dundas, 25 January 1800, Wellesley Papers, BL, MSS Add. 37275, fols. 10, 9, my emphasis.

and other Brahmins resident at Jagannath Temple.”⁶⁷⁶ The purpose of the letter, according to historian Hermann Kulke, was to inform the Jagannath Temple Brahmins of the English reputation for “religious tolerance” and “peculiar benevolence to their subjects.”⁶⁷⁷ As Nancy Gardner Cassels points out, Tarkapanchanan’s letter even incorporated the precise language of Section 1 of the Cornwallis Code’s Third Regulation to support this assertion: “the British Government not only permits Hindoos to enjoy the free exercise of their religion but manifests the greatest degree of benevolence, favour, and indulgence towards them and all persons of whatever persuasion, rank or condition in life.”⁶⁷⁸ It is worth noticing that in Wellesley’s published account of how his forces took Orissa, he may have credited, albeit obliquely, this letter with “encouraging” “the principal bramins of the pagoda of Jaggernaut” to put “the Temple and themselves under

⁶⁷⁶ As Rosane Rocher reports, Jagannātha Tarkapañcānana was eighty-four years old in May 1788, when Sir William Jones contracted him to be the head pandit among the staff of pandits that worked with him to produce the digest of law digest known to subsequent generations as the *Institutes of Manu*, or *Manavadharmasastra*. This offers a slight corrective to Nancy Gardner Cassels’ characterization of him as an octogenarian at the time when Wellesley’s council engaged him to write his letter to the Brahmins of Puri on their behalf. See Rosane Rocher, “Weaving Knowledge: Sir William Jones and Indian Pandits,” in *Objects of Enquiry: The Life, Contributions, and Influences of Sir William Jones (1746-1794)*, ed. Garland Cannon and Kevin Brine (New York, 1995), 51-79, at 62; and Cassels, *Religion and Pilgrim Tax*, 36.

⁶⁷⁷ Hermann Kulke, “‘Juggernaut’ under British Supremacy and the Resurgence of the Khurda Rājās as ‘Rājās of Puri,’” in *Cult of Jagannath*, 345-57, at 346.

⁶⁷⁸ To be sure, this is an “English transcript of the substance of that letter” rendered by someone within the Company’s service. Abstract of the Contents of a Letter from Juggernaut of Triveni, the oldest and most eminent of the Pundits in Bengal, to Ramchaund and others residing at Jaggernaut, enclosed in N. B. Edmonstone, Secretary to Government, to J. Melville, Commissioner for the Affairs of Cuttack, and Lt. Col. Campbell, Officer Commanding the Northern Division of the Madras Army, 3 September 1803, Bengal Secret and Political Consultations, 1 March 1804, BL, APAC IOR P/Ben/Sec/123, no. 12A, in Mukherjee and Cassels, *Pilgrim Tax and Temple Scandals*, 20.

British protection.”⁶⁷⁹ He left it up to his readers to recognize that this invitation to the Puri Brahmins had been a key step in assuring that “during the whole of these transactions the inhabitants of the province ... afforded every assistance to the British troops on their march, and expressed the utmost satisfaction at the prospect of being soon placed under the protection of the British government.”⁶⁸⁰ His recollection of these transactions resonated with at least some Bengal civil servants: looking back from the mid 1840s, the superintending commissioner of Cuttack Province averred, “We conquered the country with so little difficulty, by conciliating the people, particularly the Brahmins of Juggernath; and a promise to take the place of the late Government, in respecting and affording every aid towards the support of their establishment, customs, and usages, and the maintenance of their temple, and especially Juggernath, is, I maintain, implied in the instructions issued by the Governor-General in Council for the

⁶⁷⁹ Ibid., no. 12; [Richard, Marquis Wellesley,] *Notes Relative to the Late Transactions in the Marhatta Empire, Fort William, December 15, 1803* (London, 1804), 81. Wellesley’s version of events has Harcourt dispatching the “letter to the principal bramins of the pagoda of Jaggernaut, encouraging them to place the pagoda under the protection of the British troops” on 14 September 1803. However, we know that the chief secretary Nathaniel Edmonstone’s letter enclosing the “letter from Jaggernaut of Terveni, the oldest and most eminent of the pundits of Bengal, to Ramcaund and other Bramins residing at the temple of Jaggernaut, encouraging those Bramins to place the temple and themselves under British protection” (note the matching language in Wellesley’s account) arrived in the British camp on 9 September and that Melville reported back to Wellesley on 11 September that the Brahmins had consulted with Jagannath and “that he had given a decided answer that the English government was in future to be his guardian.” See Melville to Governor General Wellesley in Council, 11 September 1803, Bengal Secret and Political Consultations, 1 March 1804, BL, APAC IOR P/Ben/Sec/123, no. 13, in Mukherjee and Cassels, *Pilgrim Tax and Temple Scandals*, 21.

⁶⁸⁰ Wellesley, *Notes*, 81-83.

guidance of Colonel Harcourt.”⁶⁸¹ Clearly, for Wellesley, the path to the Oriya Hindu heart passed through the gratitude he hoped to induce from the temple priests at Puri.

Where would Wellesley have gotten such an idea? Knowledge of what scholars have called “the regional tradition of Orissa” must have informed Wellesley’s planning to some degree. Since the early thirteenth century, the Lord Jagannath who resided at Puri had been recognized as the true “king of the Orissan Empire (*Odiśa-rājya-rājā*) under whose overlordship (*sāmrajya*) henceforward the king ruled as his deputy (*rāuta*) and son (*putral*).”⁶⁸² In other words, anyone claiming to be the legitimate ruler of Orissa needed Lord Jagannath’s blessing. This was exactly what Wellesley managed to secure.

⁶⁸¹ A. J. Moffatt Mills, Commissioner of Cuttack Division, to Bengal Board of Revenue, 26 August 1843, in *Parliamentary Papers (PP)* 1845 (664), 85-86. Moffatt Mills adopted Wellesley’s account of what transpired between Harcourt and the Brahmins at Puri between the 14 and 18 September 1803, but changed some key verbs and omitted some adjective and adverbial phrases: “On the 14th of September 1803, Lieutenant-colonel Harcourt occupied Manikapatnam; and from that station addressed a letter to the Brahmins of the pagoda of Juggernath, ‘encouraging them to place the pagoda under the protection of the British.’ On the 16th a favourable answer was received, and a deputation went to the camp to claim protection. On the 18th the army encamped en route to Cuttack, at Juggernath.” Wellesley said that Harcourt “dispatched” a letter (not necessarily written by Harcourt himself?) to the “principal” Brahmins at the temple. Compare Wellesley’s narrative: “On the 14th of September the British troops conducted by lieutenant-colonel Harcourt took possession of Manickpatam without any resistance on the part of the Marhattas, who fled on the approach of colonel Harcourt’s force. From that station lieutenant-colonel Harcourt dispatched a letter to the principal Bramins of the pagoda of Jaggernaut, encouraging them to place the pagoda under the protection of the British troops. On the 16th a favourable answer was received from the bramins, and a deputation was sent to the British camp to claim the protection which had been offered by lieutenant-colonel Harcourt; and on the 18th the British troops encamped at Jaggernaut, which was immediately evacuated by the Marhatta forces.” [Wellesley], *Notes*, 82.

⁶⁸² Hermann Kulke, “Early Royal Patronage of the Jagannātha Cult” and “Jagannātha as the State Deity under the Gajapatis of Orissa,” in *Cult of Jagannath*, 139-55, 199-208. See further discussion of this notion of the king of Orissa as “prime servitor” of Jagannath in Ishita Banerjee Dube, *Divine Affairs: Religion, Pilgrimage, and the State in Colonial and Postcolonial India* (Shimla, 2001), 9, 23-51, 99-100.

However, it does not appear to be the case that Tarkapanchanan's letter specifically asked the temple priests to consult Lord Jagannath about the impending British takeover of his homeland.⁶⁸³ It is nevertheless clear from the answer they gave to Lt. Col. Harcourt and civil commissioner Melville that they had done so. In a letter dated 11 September 1803, Melville wrote to Wellesley and his governing council to say that "the Brahmins at the holy temple had consulted and applied to Juggernaut to inform them what power was now to have his temple under its protection, and that he had given a decided answer that the English Government was in future to be his guardian."⁶⁸⁴

But more to the point, every indication suggests that Wellesley would also have drawn upon his Irish experience in formulating his plan of attack in Orissa. His biographers have always drawn attention to his career-long advocacy for Catholic emancipation, beginning with speeches in favor of enfranchisement in 1781-82, in

⁶⁸³ Again, the admittedly summary English "abstract of the letter from Jaggernath of Triveni to Ramcaund and others residing at Jaggernaut" is the main source we have at our disposal. There is also the mismatch in chronology between Wellesley's published version of the *Late Transactions in the Marhatta Empire* and the relevant India Office Records. Though it does not specify that Pandit Jagannātha Tarkapañcānana was the author of the letter, Wellesley's account does place the transmission of the letter to the Jagannath Temple Brahmins in a pivotal role in securing their assent to "British protection." As we have seen in the footnotes above, however, Wellesley does not have the exchange with the Brahmins at Puri occurring until the 14th through the 16th of September, whereas we see the Brahmins assuring Melville of their cooperative intentions as early as the 11th in the India Office Records. This suggests the possibility that they consulted the deity Jagannath of their own accord—without prompting from anyone associated with the East India Company. Compare Edmonstone to Melville, plus Enclosure, 3 September 1803, in Mukherjee and Cassels, *Pilgrim Tax and Temple Scandals*, 20; and Melville to Edmonstone, 11 September 1803, Bengal Secret and Political Consultations, 1 March 1804, BL, APAC IOR P/Ben/Sec/123, no. 13, in *Ibid.*, 21; with [Wellesley], *Notes*, 82.

⁶⁸⁴ Melville to Governor General Wellesley in Council, 11 September 1803, quoted in Kulke, "'Juggernaut' under British Supremacy," 346.

Ireland.⁶⁸⁵ No one has tracked down the actual wording of these speeches,⁶⁸⁶ but the drift conveyed by Wellesley's first biographer, R. R. Pearce, has the ring of characterological accuracy. Writing in 1846, Pearce lamented, as he expected Wellesley did also, that his colleagues in Parliament did not heed his politically astute advice in the early 1780s:

“Lord Mornington was in favour of the removal of the disabilities of his Catholic fellow-countrymen from the earliest period of his public life; and happy would it have been for this kingdom, had the eloquent counsels of this statesman prevailed in the legislature, at the time when he urged upon Parliament the settlement of the great Catholic question.”⁶⁸⁷

Wellesley probably thought that the breakdown of public order in Ireland in the 1790s could be attributed to the government's failure to conciliate the Catholic portion of the population at the earlier date when he recommended doing so. After all, he had been not

⁶⁸⁵ R. R. Pearce, *Memoirs and Correspondence of the Most Noble Richard Marquess Wellesley*, 3 vols. (London, 1846), 1:25; W. M. Torrens, *The Marquess Wellesley, Architect of Empire: An Historic Portrait* (London, 1880), 36-37; L. S. Benjamin, ed., *The Wellesley Papers: The Life and Correspondence of Richard Colley Wellesley, Marquess Wellesley, 1760-1842*, 2 vols. (London, 1914), 1:8; Iris Butler, *The Eldest Brother: The Marquess Wellesley, the Duke of Wellington's Eldest Brother* (London, 1973), 42; Bayly, “Wellesley, Richard.”

⁶⁸⁶ Perhaps this is the case because the only records to be found of debates in the Irish House of Lords would be the notoriously spotty summaries of parliamentary business in the newspapers of the day. These were produced entirely from the reporters' memories. In Ireland as in England, no one who was not a member was allowed to take notes on the debates in either house of Parliament until 1783. See A. P. W. Malcomson and D. J. Jackson, “Sir Henry Cavendish and the Proceedings of the Irish House of Commons, 1776-1800,” in *The Irish Parliament in the Eighteenth Century: The Long Apprenticeship*, ed. D. W. Hayton (Edinburgh, 2001), 128-50, esp. 128-29, 142-45. Iris Butler laments that her nineteenth-century predecessors did not use citations, but it is also possible that the first of them, R. R. Pearce, was paraphrasing personal recollections that had been offered to him in conversation with Wellesley or others later during his lifetime. Butler, *Eldest Brother*, Part I, Section III, nn. 9-10.

⁶⁸⁷ Pearce, *Memoirs and Correspondence*, 1:25.

only an admirer of Burke but also, more locally, a disciple of Henry Grattan.⁶⁸⁸ It would be extremely surprising if, by the late 1790s, he did not share Grattan's interpretation of the Fitzwilliam recall as a last missed opportunity to avoid rebellion by placating Catholics. Indeed, when he got to India in 1798, one of the first letters he received was from his brother William Wellesley-Pole, informing him of "the spirit of treason and insurrection" that had become manifest all over Ireland since Fitzwilliam's departure. As the supreme governor in India, he was determined not to make the mistakes that had afforded fertile ground for the growth of attachments to "French principles" in Ireland.⁶⁸⁹ One such misstep, as he had apparently foreseen earlier, was the failure to elicit the sympathies of a major religious group (the Catholics) by gratifying them, and especially their leadership: the priests. It therefore made perfect sense to him to solicit the affections of Indian Brahmins by offering some degree of government "protection" to the institutions that supported their livelihood.

Wellesley's policy of official patronage at the Jagannath Temple provoked Lockean-style objections from evangelicals in India and Britain. In 1806, the only evangelical Christian on the Bengal council, George Udny, voiced what would become a standard refrain from the perspective of evangelicals in the debates concerning the government's relationship with the Jagannath Temple for the better part of the nineteenth century. Wellesley had come to the conclusion that "it will be consonant to the wishes of the Brahmins attached to the pagoda, as well as of the Hindoos in general, that a revenue

⁶⁸⁸ He had become friendly with Grattan during his stays at his father's home while on university holidays from Oxford. Torrens, *Marquess Wellesley*, 39-40.

⁶⁸⁹ Bayly, "Wellesley, Richard."

should be raised by Government from the pagoda. The establishment of this revenue will be considered, both by the Brahmins and the persons desirous of performing the pilgrimage, to afford them permanent security that the expenses of the pagoda will be regularly defrayed by Government, and that its attention will always be directed to the protection of the pilgrims resorting to it.”⁶⁹⁰ After a couple of years of information-sifting and compilation of reports, the governing council passed “a Regulation for levying a Tax from Pilgrims resorting to the Temple of Jugunnauth, and for the Superintendence and Management of the Temple” on 3 April 1806.⁶⁹¹ This resolution—Bengal Regulation 4 of 1806—passed against a single “nay” cast by Udny. In his dissenting memorandum, Udny contended, “I approve of this Regulation with the exception of those parts of it which provide for the superintendence & management of the Temple of Juggernaut ... The making provision by Law for such purposes, it appears to me would operate to sanction and tend to perpetuate a system of gross Idolatry, *which government is neither bound, nor does it seem becoming in it, to do.*”⁶⁹²

⁶⁹⁰ He therefore ordered the establishment of “duties to be levied from the pilgrims” once appropriate rates for each class of pilgrim could be determined from “the advice of the principal officiating Brahmins attached to the pagoda.” Governor General in Council to Commissioners of Cuttack, 4 May 1804, excerpts in F. J. Halliday, Secretary to Government of Bengal, to T. R. Davidson, Officiating Secretary to the Government of India, Home Department, 11 March 1844, *PP*, 1845 (664), 79-80.

⁶⁹¹ “Document Ten: Legalizing East India Company Control over the Jagannath Temple,” in *Pilgrim Tax and Temple Scandals*, 63-65.

⁶⁹² Minute recorded by Mr. Udny, 3 April 1806, Bengal Judicial Consultations, 3 April 1806, in Board’s Collections, BL, APAC IOR F/4/223/4892, p. 132, emphasis mine.

For a long time, scholars have seen this minute of Udney's as "the first protest against the association of a Christian Government with an 'idolatrous' institution."⁶⁹³ However, here we have to recognize an unmistakable coupling of the religious argument with a particular tradition of secularist claims-making: the Lockean tolerationist tradition. In the part of the formulation insisting that government should have no obligation to superintend the temple, we hear echoed a Lockean language of toleration that Wolfe Tone and William James Macneven had found suitable to their purpose, which, as we know, was quite different from Udney's conversionist agenda. Udney thus recommended, "I would leave the Temple and its whole economy, exclusively to the direction and management of its own officers, allowing them to collect the regular established fees they have hitherto been accustomed to do, securing the pilgrims, at the same time, against every thing of a rupertios nature from the extortion and oppression of those Officers."⁶⁹⁴

Udney stood near the beginning of a long line of British evangelicals who deployed this Lockean tolerationist language to criticize what came to be called the "government connexion with idolatry" in India. Udney's evangelical leanings were well known to his colleagues in Bengal. Before the East India Company was willing to grant residency licenses to missionaries, Udney received Baptist missionaries at his indigo plantation and sheltered them there until they could proceed to the Danish settlement at

⁶⁹³ Mukherjee, "Note on Document Ten," in *Pilgrim Tax and Temple Scandals*, 63; see also Cassels, *Religion and Pilgrim Tax*, 47-48.

⁶⁹⁴ Minute by Udney, pp. 132-33, spelling and punctuation as in original.

Serampore.⁶⁹⁵ He was friendly with Claudius Buchanan, a Company chaplain regarded by many in Bengal as an undiplomatic firebrand. Buchanan was both a constant advocate for a stronger Protestant missionary presence in British India and an inveterate denigrator of South Asian customs.⁶⁹⁶ His 1805 *Memoir on the Expediency of an Ecclesiastical Establishment for India* included a chapter on “The Sanguinary Superstitions of the Natives, an Impediment to their Civilization.” In the section allotted to a discussion of the Jagannath Temple, Buchanan focused on the imagery of the bones “[covering] the precincts of the place”—testimony to the “number of deaths in a single year, caused by voluntary devotement, by imprisonment for nonpayment of the demands of the Brahmins, or by scarcity of provisions for such a multitude.” This prompted a flash of (what turned out to be misplaced) civilizational confidence—“But these enormities will not be permitted under the British government”—followed by a cogently Lockean indication of why Buchanan felt the way he did: “It is just to tolerate speculative religions; but it is doubtful whether there ought to be any toleration of practical vice, or of the shedding of human blood.”⁶⁹⁷ Clearly, Udny must have worked out his response to his government’s superintendence of the Jagannath Temple in consultation with Buchanan.

⁶⁹⁵ Ainslie T. Embree, *Charles Grant and British Rule in India* (London, 1962), 86; Cassels, *Religion and Pilgrim Tax*, 48.

⁶⁹⁶ Penelope Carson, “Buchanan, Claudius (1766-1815),” *Oxford Dictionary of National Biography (ODNB)* (Oxford, 2004), <http://www.oxforddnb.com.ezp1.lib.umn.edu/view/article/29008?docPos=2>, accessed 10 June 2013.

⁶⁹⁷ Claudius Buchanan, *Memoir of the Expediency of an Ecclesiastical Establishment for India both as the Means of Perpetuating the Christian Religion among Our Own Countrymen and as a Foundation for the Ultimate Civilization of the Natives* (London, 1805), 49-50. Interestingly, Buchanan went on to cite the Lockean tolerationist passage in

Udny and Buchanan shared connections with powerfully-placed evangelicals in the metropole, too; through their correspondence with Charles Grant, they were essentially the evangelical politician's eyes in India.⁶⁹⁸ Little wonder then that Grant would adopt their coupling of religiously-grounded argument and Lockean tolerationist rhetoric in fighting his part of the evangelical battle against the Company's disbursement of patronage to the Jagannath Temple. As one of the co-chairs of the Court of Directors, Grant and his fellow chairman Edward Parry, another evangelical, had a key role to play in the drafting of official Company correspondence—and thus policy. Typically, as we have seen, the governing councils in the East India Company presidency cities would reach decisions and then send a letter to London detailing the resolutions they had made. The Court of Directors would then reply with a letter either endorsing what their presidency governments had chosen to do or directing them to alter the policy in some way. The two chairmen of the Directors usually initiated the process of drafting

Alexander Dow's "Enquiry into the State of Bengal" in Volume 3 of his *History of Hindostan* here. As we saw in Chapter 2, Dow had written, "All religions must be tolerated in Bengal, except in the practice of some inhuman customs, which the Mahometans already have in a great measure destroyed. We must not permit young widows, in their virtuous enthusiasm, to throw themselves on the funeral pile with their dead husbands, nor the sick and aged to be drowned, when their friends despair of their lives." Clearly, Buchanan and Dow were far from spiritual bedfellows, and citations of Dow as an authority on Hindu religion are rare (there is only one) in Buchanan's text, as Dow had sought evidence of theological commonality between himself and Indian Hindus. But just as clearly, Buchanan found a secularism in Dow's writings that he wished the Company had adopted as its pattern back in Dow's day. He also seems to have taken Wellesley's injunction against female infanticide in Bengal as a harbinger of the arrival of a more consistently Lockean strategy of toleration in India. He included the text of Wellesley's infanticide regulation as an appendix to the *Memoir*.

⁶⁹⁸ Embree, *Grant*, esp. 189, 248; also Henry Morris, *Life of Charles Grant*, 390 and *passim.*; and Henry Morris, ed., "Some Unpublished Letters of the Rev. Charles Simeon," *The Record*, 21 and 28 November, 12 December 1902, and 23 January 1903.

paragraphs for the outgoing dispatches. Because Pitt's East India Act of 1784 had introduced the Board of Control as an instrument of parliamentary oversight, this process involved an exchange of drafts between the chairs and the Board president. Still, in dealing with most ordinary business, all the Board of Control president had to do was rubber stamp what the chairs had come up with.

With the question of government superintendence of the Jagannath Temple, however, the process quickly broke down into a conflict over the proper meaning of toleration. In 1807-1808, when word arrived in London of the Bengal council's decision to collect the pilgrim tax and maintain the Jagannath Temple at Puri, the president of the Board of Control was Robert Dundas, the son of Pitt's secretary of state and Board of Control president Henry Dundas. As much as Parry and Grant would have liked to have overturned the Bengal council's offer of a "permanent security" to the Brahmins residing at and the pilgrims resorting to Puri, Dundas was strongly in favor of it. Furthermore, he thought that it fell perfectly in line with the Company's precedent of "toleration" afforded to India's native religions. In the exchange of letters enclosing drafts of paragraphs to be sent out to the Bengal government, he signified as much by quoting from the final lines of Sir William Jones's preface to the *Institutes of Manu* regarding the "many millions of Hindoo subjects, whose well directed industry would add largely to the wealth of Britain, & who ask no more in return than protection for their persons and places of abode, justice in their temporal concerns, indulgence to the prejudices of their old Religion, and the benefit of those laws which they have been taught to believe sacred, and which alone they can possibly comprehend." Dundas declared, "I cannot possibly admit that 'indulgences

to the prejudices of their old religion' consists in the mere abstinence from fanatical persecution or molestation or an affected system of non-interference when the public interest and even those whose feelings we are desirous of consulting, may render our controuling superintendence expeditious or even indispensably necessary."⁶⁹⁹ But this is exactly what Grant and Parry were asking Dundas to admit.

Grant's notes on Dundas's letter survive; in them, he suggests that Dundas has twisted the meaning of Jones's professed allegiance to the Company's practice of "general toleration" in India. As Grant saw it, "The only question that can arise from this quotation from Sir Wm Jones is what he meant by 'indulgence to the prejudices of their old religion.' Did he mean that we should appoint the Priests to their Temples & interfere in regulating the Ceremonies of their Worship? There is not the least evidence of it, the least ground to believe it, and the contrary may as confidently be asserted. He meant merely the general protection & toleration which all concur should be granted. His authority thus must not be press'd into the present question."⁷⁰⁰ What matters here is not whether Grant's claim to know the limits within which Jones's statement could be interpreted was accurate; in fact, it probably missed the mark. What matters is that Grant was eager to use Jones as a cipher for the particular (Lockean) version of religious toleration that he supported, despite his disagreements with the latitudinarian religious

⁶⁹⁹ Robert Dundas to Edward Parry, 6 September 1808, Home Miscellaneous Records, BL, APAC IOR H/59, pp. 471-78, at 476-78.

⁷⁰⁰ [Charles Grant], Notes on letter from Dundas, n.d. [September 1808], Home Miscellaneous Records, BL, APAC IOR H/59, pp. 479-94, at 488. See also Embree, *Grant*, 249-50; Carson, *East India Company and Religion*, 98-99.

outlook that he might easily have presumed to have been the source of Jones's commitment to "toleration" in the first place.⁷⁰¹

Just as Udny had done, Grant found that Lockean tolerationism suited his purpose, and so appended it to supplement his argument based on his religious convictions. When writing to William Wilberforce, he found it sufficient to say to his Clapham Sect ally that it is "improper for a Christian Government to take upon itself the regulation of Heathen worship."⁷⁰² When addressing someone about whose religious convictions he could be less certain, in this case Dundas at the Board of Control, he and Parry started with an ostensibly secularist concern: "At a time when so much is said about interfering with the religion of the Natives and so much danger alleged even from preaching Christianity by Individuals it seems unavoidable upon an occasion when the subject is forced upon the Court's observation to notice a *Government Interference* in a most sacred branch of Hindoo worship—that is in regulating the interior service of the Temple of Jaggernaut."⁷⁰³ Once more, this is an indication that by the first decade of the nineteenth century, we are dealing with a distinct tradition of tolerationist discourse that had solidified enough to be wielded like a tool. This is not, however, to say that Lockean tolerationist arguments worked like a trump card at this point; in this case, for instance,

⁷⁰¹ On Sir William and Anna Maria Jones' wish to distance themselves politely from the Grants' evangelical fervor, see Michael J. Franklin, "*Orientalist Jones*": *Sir William Jones, Poet, Lawyer, and Linguist, 1746-1794* (Oxford, 2011).

⁷⁰² Charles Grant to William Wilberforce, 30 August 1808, in *The Correspondence of William Wilberforce*, ed. Robert and Samuel Wilberforce, 2 vols. (London, 1840), 2:139.

⁷⁰³ Extract from memorial transmitted (privately) from the Chairs to Mr. Dundas, 31 August 1808, Home Miscellaneous Records, BL, APAC IOR H/59, pp. 465-66, at 465, emphasis in original. Grant's letter to Wilberforce of 30 August 1808 is about his and Parry's plan to convey this memo to Dundas.

Dundas's point of view had the backing of the vast majority of the Court of Directors with the exception of Grant and Parry. The chairmen had to relent.⁷⁰⁴

What kept statesmen like Dundas and Wellesley committed to a prudential tolerationist strategy at moments like these? One possible answer would be a knee-jerk disdain for "Methodism"—i.e. evangelical Christianity. Outside of the Clapham Sect, few members of the privileged political class in Britain seem to have trusted what the "Saints" would do with power if they obtained too much of it. Dundas even charged Parry and Grant with brandishing their Lockean tolerationism insincerely: "The Universality of [your] maxim which would exclude all interference in these matters from the province of the Magistrate may be considered as following rather from a desire of disclaiming all connections between our Government and the religious establishments of the natives of India (a principle in the propriety of which the Board cannot acquiesce) than from a conviction of the danger of giving offence to the Hindoos, a danger against which the Board will be equally ready, with the Court, at all times to guard."⁷⁰⁵ Yet I think the stronger explanation lies in the specter of Napoleon and his massive army. After all, one

⁷⁰⁴ The stages of the drafting process, starting from Grant and Parry's canceled original—which begins, "For a Government, which is not Hindoo, to elect the priests who are to superintend the affairs of a Hindoo temple or to exercise controul over its Ministers and Officers or to take the management of its funds, would seem to us to be a direct invasion of some of the most revered Hindoo institutions"—can be traced in the E/4 (draft despatches) series of India Office Records. Court of Directors to Bengal in the Revenue Department, 24 March 1809, Despatches to Bengal, BL, APAC IOR E/4/665, fols. 117-20. See also "Document 11: Containing the Zeal of Evangelical Forces," in *Pilgrim Tax and Temple Scandals*, 67-71.

⁷⁰⁵ Board of Control to Court of Directors, 4 March 1809, Letters from the Board to the East India Company, BL, APAC IOR E/2/31, fols. 138, 141-43, excerpted in *Pilgrim Tax and Temple Scandals*, 71.

can sense from his words how seriously Dundas took his mandate to guard against “the danger of giving offence to the Hindoos.” Even though Company officialdom had been acknowledging this risk since long before Dundas’s days at the Board of Control, Napoleon’s conquests in Egypt had upped the stakes of this notion of “danger.” The younger Dundas began his turn at the Board of Control guided by the impression that the defeat of the British in India was a “constant object of Buonaparte’s hostile ambition” in the East.⁷⁰⁶ As Penelope Carson explains, Dundas and his ilk worried about anything that might drive Indians into the arms of the French.⁷⁰⁷ Thus, they took recourse to prudential tolerationist gambits as ready-to-hand devices for securing distinct groups of colonial subjects’ loyalties. In an indirect way, this is what the controversies over the Vellore Mutiny in 1706 and the ensuing debate over missionaries’ presence in British India tell us, as well.

The Vellore Mutiny

The Vellore Mutiny brought British fears about upsetting the native Indian populace to seeming fruition. Several hours before daybreak on 10 July 1806, the British soldiers garrisoned at Vellore Fort, about 125 kilometers west of Madras, woke to find muskets and swords trained on them by their sepoy comrades in arms. The conspiring mutineers had sneaked up and killed the English sentries on guard, then attacked every portion of the fort’s European quarters, firing on infantrymen and officers

⁷⁰⁶ Robert Dundas to Governor General Minto, 1 June 1807, Minto Manuscripts, National Library of Scotland (NLS), MS 1063, fol. 3, quoted in Carson, *East India Company and Religion*, 74.

⁷⁰⁷ Carson, *East India Company and Religion*, 74.

indiscriminately, healthy and infirm alike. By noon, due mainly to the arrival of reinforcements from a regiment of British Dragoons stationed 14 miles away, the British managed to defeat the insurrectionary force. 200 Europeans died in the fighting, and at least 350 sepoys. In the sense that the mutineers targeted all of the European soldiers specifically as representatives of British power in India, the sepoys' revolt at Vellore was "the first [Indian] uprising against the British."⁷⁰⁸

Students of the Vellore Mutiny have routinely noticed that competing interpretations of its causes immediately developed among the top British officials in Madras.⁷⁰⁹ The commanding military officer for the Madras Presidency, Lt. Gen. John Cradock, instantly suspected intrigue on the part of Tipu Sultan's sons, who had been held as prisoners in Vellore Fort since their father's final defeat by the British at Seringapatam in 1799. Cradock's case for his interpretation mushroomed out from a key fragment of evidence: during the part of the fight for Vellore Fort in which the insurgent sepoys held the upper hand, they apparently raised the flag of Mysore. The flag was "an old one, bearing the late [Tipu] Sultan's insignia, a sun in the centre, with green tiger

⁷⁰⁸ For detailed accounts, see Perumal Chinnian, *The Vellore Mutiny, 1806: The First Uprising Against the British* (Madras, 1982); A. D. Cameron, "The Vellore Mutiny" (PhD diss., Edinburgh, 1984); Maya Gupta, *Lord William Bentinck in Madras and the Vellore Mutiny, 1803-7* (New Delhi, 1986), esp. 170-208; Robert Eric Frykenberg, "New Light on the Vellore Mutiny," in *East India Company Studies: Papers Presented to Sir Cyril Philips*, ed. Kenneth Ballhatchet and John Harrison (Hong Kong, 1986), 205-54; James W. Hoover, *Men Without Hats: Dialogue, Discipline and Discontent in the Madras Army, 1806-1807* (Delhi, 2007), esp. 99-125.

⁷⁰⁹ See Gupta, *Bentinck and the Vellore Mutiny*, esp. 187-239; Hoover, *Men Without Hats*, 126-46; Carson, *East India Company and Religion*, 70-71.

[sic] stripes on a red field.”⁷¹⁰ But neither the military investigation headed by Colonel Rollo Gillespie (commander of the squadron of the 19th British Dragoons who led the retaking of the fort) nor a mixed civilian-military committee of inquiry was able to determine how, exactly, the striped tiger flag of Mysore had gotten into the sepoys’ hands.⁷¹¹ Still, Cradock had a strong incentive to uphold the military commission’s original finding that the Mysorean princes were responsible for “poisoning the minds” of the sepoys and leading them to mutiny.⁷¹² The alternative explanation for the mutiny, endorsed by Madras governor Lord William Bentinck, was likely to incriminate Cradock, as he was the chief military officer in the Madras presidency. Bentinck’s favored hypothesis held that an ill-considered change in the dress regulations for the Madras army had offended the “Religious opinions and Customs of the Natives.”⁷¹³ They had been asked to wear a new turban that too closely resembled a European—i.e. Christian—hat as well as to remove all caste markings and/or facial hair when on parade, and Cradock sat, ultimately, at the top of the chain of command that issued the offending order.

⁷¹⁰ Report of the Mixed [Civilian-Military] Commission of Inquiry, 9 August 1806, Home Miscellaneous Records, BL, APAC IOR H/508, pp. 112-13, quoted in Hoover, *Men Without Hats*, 132-33.

⁷¹¹ Hoover, *Men Without Hats*, 132.

⁷¹² Lt. Col. George Harcourt and Col. Gillespie to Madras Governing Council, 15 July 1806, enclosing report of military committee of inquiry, Papers of Lord William H. Cavendish Bentinck (Bentinck Papers), University of Nottingham Library (UNL), PwJb 57, pp. 287-90; also in Home Miscellaneous Series, BL, APAC IOR H/507, pp. 243-46.

⁷¹³ Minute recorded by Lord William Bentinck, 15 July 1806, in Bentinck, *Memorial Addressed to the Honourable Court of Directors ... Containing an Account of the Mutiny at Vellore, With the Causes and Consequences of That Event, February 1809* (London, 1810), 60.

However, one thing that scholars have not observed in their treatments of the struggle between Bentinck and Cradock for control over the interpretation of the mutiny is that the protagonists had more on the line than just their jobs; each staked his own account of the mutiny's cause to a particular understanding of the general thrust of British "toleration" in India. Throughout the summer and fall of 1806, Bentinck played the role of the betrayed prudential tolerationist. Before issuing his first minute in council concerning the mutiny, he learned that the new dress code for sepoys in the Madras army involved more than simply the introduction of the new turban, which a group of the native soldiers at Vellore had already protested in May 1806. Upon realizing that the dress regulations also prohibited the display of caste marks, earrings, and facial hair, Bentinck essentially said, No wonder they revolted.⁷¹⁴ "Placing myself in the situation of a sepoy," he mused, "I should certainly feel prodigious distrust and doubt of the intention of these Orders." As Bentinck saw it, Muslim soldiers felt solemnly attached to their whiskers, Hindu soldiers thought it a "sacred and universal" duty to wear earrings in their ears and "Marks of Caste upon their foreheads," and neither practice was in any way "[in]consistent with the most perfect military discipline." Therefore, he confessed, "I

⁷¹⁴ Bentinck could have been faulted for not knowing that the dress regulations included the injunctions against facial hair, earrings, and caste marks. He and his governing council had, after all, signed the general order in March 1806. But judging by the cavalier manner in which he repeatedly pronounced himself to have been ignorant of these features of the order until after the mutiny had occurred, he must have assumed, as Maya Gupta suggests, that he would have been forgiven for overlooking the details and simply sanctioning the general drift of the regulations. This, apparently, was standard procedure when a document like the 150-folio Military Code of Regulations for Madras came before the council, and Bentinck expected that the Court of Directors would know so. Gupta, *Bentinck in Madras*, 226, 227-28.

think that there is just ground for the alarm and feeling of the Sepoys; and justice, as well as policy, requires that complete satisfaction should be given to them.”⁷¹⁵ This, of course, was the language of prudential tolerationist common sense: one remedies a religious community’s disaffection by replacing it with satisfaction. Bentinck’s analysis of causes of the mutiny clung to this frame.

To be sure, Bentinck felt that he could absolve himself of responsibility for what happened at Vellore by stressing that the mutiny was principally a reaction to the “obnoxious” uniform requirements.⁷¹⁶ Writing to Thomas Grenville at the Board of Control in November 1806, he insisted, “The interference of religious prejudices has constituted our principal embarrassment.”⁷¹⁷ Two and a half years later, after the Court of Directors recalled him from Madras,⁷¹⁸ Bentinck again sought to exonerate himself by penning a memorial aimed at proving “that the late military Regulations formed not only the immediate, but also the primary cause of the Mutiny, and that the Moorish intrigues acted only an auxiliary part in the affray.”⁷¹⁹ Yet the courage behind these convictions also stemmed from a sense that the meaning of British toleration in India should be stabilized in a certain way. As he confided in his note to Thomas Grenville, Bentinck realized that even if his account of the origins of the mutiny was wrong, it would still be

⁷¹⁵ Bentinck’s Minute of 15 July 1806, in Bentinck, *Memorial*, 60.

⁷¹⁶ Bentinck to Lord Minto, 11 October 1806, quoted in Gupta, *Bentinck in Madras*, 212.

⁷¹⁷ Letter marked private from Bentinck to Thomas Grenville, 1 December 1806, Grenville Family Papers, Stowe Manuscripts, Huntington Library (HL), STG 135/24, unpaginated.

⁷¹⁸ The recall proceeded on the basis of only the first bits of information about the Vellore Mutiny to arrive in Britain. See Gupta, *Bentinck in Madras*, 229-34, for discussion and evaluation of the Directors’ decision.

⁷¹⁹ Bentinck, *Memorial*, 49.

advantageous for British power in India if it became widely known that his (mis)understanding of affairs had proceeded along these lines. It would indicate to natives that their British governors *intended* to make concessions to accommodate the religious practices of subject communities to keep them loyal. As Bentinck put it, “It was evidently the policy of the Government, even if the fact had been really doubtful, to have ascribed the dissatisfaction to the orders about Dress. This cause admitted of satisfactory explanation and of entire removal.” In other words, it would have been easy for the government to show the sepoys that it wanted to redress their grievances if it had identified the new turban and other dress requirements as the source of the problem and promptly revoked the regulations. In this scenario, there would have been “no bar to a quick return of actual confidence.”⁷²⁰

All of this posturing by Bentinck forced Cradock into the position of apparent spokesperson for the Madras army’s dress regulations. Wittingly or unwittingly, his defense elaborated a Lockean tolerationist logic behind the changes in the dress code. Cradock had commissioned a military court of inquiry after the first round of sepoy protests against the new turban at Vellore in May 1806 in order to ascertain the causes. On the basis of testimony by two high-ranking native infantry officers—Kurupah Havildar, a caste Hindu, and Jemidar Salam Ali, a Muslim—the court decided that there were no specifically “religious” grounds upon which objections to the turban were

⁷²⁰ Bentinck to Grenville, 1 December 1806, HL, STG 135/24.

justified.⁷²¹ Preferences in matters of dress and personal appearance stemmed, the court argued, from “the jealous and lively prejudices of the Natives ... acting upon the minds of illiterate and uninformed Men” but not from the core religious tenets of high caste Hindus or high class Muslims.⁷²² Upon reviewing these findings in early July 1806, Bentinck and his council agreed that the protests had “aris[en] from an unfounded prejudice” rather than any “Religious Principles of the Inhabitants of this Country,” but also thought that it would still be a good idea to publish a general order specifying that the government had no wish “to interfere in the religious faith of the sepoys nor any intention to force them to accept Christianity.”⁷²³ On 7 July, three days before the mutiny, Cradock advised otherwise. Influenced by reports that discipline had been restored at Vellore and confessing that what he had most sought from his colleagues on the governing council was “an unreserved opinion as to the propriety of full coercion, should it prove necessary,” he suggested “let[ting] the subject fall to the ground” quietly instead of publishing the general order.⁷²⁴ Feeling pressured to defend this decision after the mutiny, Cradock re-underscored the point that he thought had been clarified by the earlier court of inquiry and accepted by the governing council: that matters of dress were ancillary to the “religions”—i.e. the belief systems—of the sepoys. His defense went on

⁷²¹ “Extracts from Evidence of Witnesses examined as to the objectionable nature of the Turban, by the Military Court held at Vellore,” 17-24 May 1806, in Bentinck, *Memorial*, 55-56.

⁷²² Report of the Military Court of Inquiry, 24 May 1806, Bentinck Papers, UNL, PwJb 57, pp. 114-19, at 115-16.

⁷²³ Bentinck and Council to Cradock, 4 July 1806, and Draft of a General Order of the Governor in Council of Madras, 4 July 1806, in Bentinck, *Memorial*, 57-59, quoted in Gupta, *Bentinck in Madras*, 177.

⁷²⁴ Cradock to Governor in Council, 7 July 1806, in Bentinck, *Memorial*, 59.

to suggest that it had always been the common understanding among sepoys in the Madras Army that they were free to engage in such practices “the moment they were off Parade,” but not while on duty. He even hinted that discipline could be improved by eliminating everything associated with caste that formed an obstacle to military regularity: “the Native Soldier though under arms, if Casts have all their force, must refuse numerous Orders. It is said that the Mahrattas (Hindoos too) are the best Native Soldiers in India, because in the field they are prevailed upon to abandon the more injurious effects of Casts.”⁷²⁵

Under a Lockean regime of toleration, Cradock’s arguments might have carried more weight. But Bentinck, as we have seen, was working to consolidate a prudential tolerationist pattern of secularist praxis. As he noted in writing to the Board of Control President Thomas Grenville, his reasoning had much to do with the prospect of “French intrigue” in India.⁷²⁶ From the outset of his governorship, Bentinck had received constant warning from the home authorities that Napoleon had hopes of unseating British power in India.⁷²⁷ He thought it wise to follow Wellesley’s example and shore up the reliability of the Madras Presidency’s military force.⁷²⁸ Cradock’s correspondence with Bentinck in the days just before the Vellore Mutiny indicates that he was aware of these priorities, as well. Concerned about what to do after the first anti-turban protests at Vellore, he wrote

⁷²⁵ Statement sent by Lt. Gen. Sir John Cradock to his Superior Authorities in England on the Mutiny at Vellore, 21 September 1806, in Bentinck, *Memorial*, 76-90, at 77, 78, 84, 85.

⁷²⁶ Bentinck to Grenville, 1 December 1806, HL, STG 135/24.

⁷²⁷ See, for example, Despatches to Bengal, Madras, and Bombay in the Secret Department, 23 June 1803, quoted in Gupta, *Bentinck in Madras*, 15.

⁷²⁸ Gupta, *Bentinck in Madras*, 14-22; Hoover, *Men Without Hats*, 52.

that while “it is my wish, and the best judgment I can apply to this untoward subject, to persevere and conquer prejudice,” he recognized that “where consequences may ensue of a disadvantageous nature, and *even the source of our recruiting at stake*, ... I am not satisfied in my own mind to persevere to the fullest extent, without recurrence to your Lordship’s advice.”⁷²⁹ He cannot have been surprised when, a couple of months later, Bentinck proposed sending out a new general order that would give sepoy “full liberty” to wear as many “joys and ornaments” as they wished.⁷³⁰ Nor can he have been surprised that the supreme government at Calcutta endorsed Bentinck’s view that the dress regulations “constituted the active and vital principle of the whole plan [of mutiny] and were the real causes of the existing danger.”⁷³¹ Governor General Sir George Barlow’s council had likewise become conditioned to keeping their forces at the utmost state of preparedness to fight the French. And Cradock, the Ireland-born son of an Anglican Archbishop of Dublin who had spent the 1790s on the lord lieutenant’s staff in Dublin Castle and then served under Sir Ralph Abercrombie in the army that put down the 1798 Rebellion, understood as clearly as anyone this drive to eliminate sedition before it became a foothold for “French intrigue.” Indeed, when Bentinck, who had commanded troops in the same British army in Ireland in the late 1790s, wrote that he knew “from

⁷²⁹ Cradock to Governor in Council, 29 June 1806, in Bentinck, *Memorial*, 57, emphasis mine.

⁷³⁰ Minute recorded by Bentinck, 26 August 1806, Home Miscellaneous Series, BL, APAC IOR H/509, pp. 33-34.

⁷³¹ Governor General Sir George Barlow in Council to Bentinck, 24 September 1806, quoted in Gupta, *Bentinck in Madras*, 212; see also Governor General Barlow in Council to Bentinck and Madras Council, 11 August 1806, and minute recorded by Barlow, 11 August 1806, in Bentinck, *Memorial*, 107-10, at 108.

experience” that “it is impossible to say positively ... where popular tumult and fury shall stop” when “the passions either of a people or of an army have been raised to a state little short of frenzy,” he could as easily have been speaking for Cradock as for himself.⁷³²

Bentinck probably felt extra reassurance that his interpretation of the Vellore Mutiny would receive support from the supreme government in India when he learned, in the fall of 1806, that his longtime associate Lord Minto would be coming out to India as governor general.⁷³³ Not only had Minto been a faithful Portland Whig since the beginning of the French Revolution; he was moving to the governor generalship from a position as president of the Board of Control.⁷³⁴ He had begun to cultivate an expertise in Indian affairs as early as about 1780, his fourth year as an MP, and he, like many of his fellow disciples of Burke, saw (prudential) religious toleration as an antidote to the spread of French influence in Britain’s territories abroad. As president of the Board of Control, he read over and tacitly concurred with a minute written by the chairman of the Court of Directors William Elphinstone that forecasted a potential French overthrow of the British governments in India if British missionaries were allowed to proselytize there. Elphinstone’s minute held that the Company needed to prevent missionaries from infringing upon the natives’ peaceful exercise of their traditions of religious devotion. Otherwise, French agents and allies in the subcontinent would find numbers of natives

⁷³² Bentinck to Grenville, 1 December 1806, HL, STG 135/24.

⁷³³ See Bentinck to Minto, 1 October, 11 October, and 20 October 1806, Bentinck Papers, UNL, PwJb 726. The Court of Directors and William Grenville’s Ministry of All the Talents had agreed to move Lord Minto from his position as Board of Control president to the governor generalship of India in July 1806. Word of the appointment reached Madras about 4 months later.

⁷³⁴ Duffy, “Kynynmound, Gilbert Elliot Murray, First Earl of Minto.”

willing to conspire with them against the British.⁷³⁵ Thus, soon after Minto reached Calcutta in the summer of 1807, he warned Edward Parry, the new chairman of the Court of Directors, that any “indiscretion” by the small number of missionaries whose activities were being “tolerated” by the Company governments would endanger the security of British India.⁷³⁶ Also correspondingly, when Minto stopped off at Madras en route to assuming office in Calcutta, he quickly convinced himself that the real cause of the mutiny at Vellore had been the new dress regulations. He insisted that whether they were justified in their suspicions or not, the rebellious sepoy feared that their European superiors were out to convert them to Christianity.⁷³⁷

As other scholars have noted, Minto’s arrival portended a clampdown on missionaries’ activities in British India, and the English proponents of increased missionization in India knew this even before he sailed for Calcutta.⁷³⁸ He was set to work, after all, under a Board of Control president—Robert Dundas—who was equally anxious that any misstep on the part of the British government might drive Indians into the arms of the French.⁷³⁹ And he promptly fulfilled the fears of evangelicals like Parry, Grant, and Udny when, in November 1807, he suppressed the circulation of pamphlets

⁷³⁵ Minute recorded by William Elphinstone, Chair, n.d. [1806], BL, APAC Mss Eur F89, Box 2c 5, cited in Carson, *East India Company and Religion*, 73-74.

⁷³⁶ Minto to Parry, September 1807, Minto Manuscripts, National Library of Scotland (NLS), MS 11283, p. 167.

⁷³⁷ Minto to George Tierney, outgoing President of the Board of Control, 30 June 1807, Minto Manuscripts, NLS MS 11282, pp. 155ff., cited in Carson, *East India Company and Religion*, 90.

⁷³⁸ Carson, *East India Company and Religion*, 90.

⁷³⁹ Dundas to Minto, 1 June 1807, Minto Manuscripts, NLS MS 1063, pp. 3ff, quoted in Carson, *East India Company and Religion*, 74. Dundas reminded Minto that a wresting of India from British control was a “constant object of Buonaparte’s hostile ambition.”

from the Baptist missionary press at Serampore upon learning about a Persian-language pamphlet printed there that defamed the prophet Mohamed.⁷⁴⁰ But what needs underscoring here is that Minto, and still less Bentinck, hardly opposed missionary activity or evangelical religion as such. Minto felt hurt by the insinuation, in one of Parry's letters to him, that he was an enemy to Christianity and would pay the price in the afterlife.⁷⁴¹ Bentinck had ties, especially through his wife Mary, to the Anglican Evangelical movement in England and Ireland. He has often been portrayed as an

⁷⁴⁰ In their report on the matter for the home authorities, Minto and his council said that it would represent "a departure from that principle of toleration which the Legislature had prescribed, which this Government had uniformly professed and observed, and to which its faith was solemnly pledged" if they did not intervene against such a publication. After all, "that principle of toleration" committed them to "protecting" Muslims as well as Hindus from disturbance in the exercise of devotion. Recall, as Minto and his fellow councilors were doing here, the wording of the Governor General (Cornwallis) in Council's 3rd Regulation of 1793: "The many valuable privileges and immunities which have been conferred upon the natives of these provinces, evince the solicitude of the British Government to promote their welfare, and must satisfy them that the Regulations which may be adopted for the internal government of the country, will be calculated to preserve them the laws of the Shaster and the Koran, in matters to which they have been invariably applied—to protect them in the free exercise of their religion—and to afford security to their persons and property." Bengal Secret Letter to Court of Directors, 2 November 1807, quoted in Carson, *East India Company and Religion*, 90; Regulation III of 1793, Section 1, in *Regulations Passed by the Governor General in Council of Bengal*, 3 vols. (London, 1828), 1:21.

By way of a report from William Coates Blaquiere, the chief police magistrate in Calcutta, Minto also learned of eleven other Baptist missionary pamphlets that presented Hindu deities "in a hateful or disgusting" light and about Baptist street preaching that consisted largely of accusations of sinfulness hurled at Hindus. He therefore ordered the Baptist mission press to move to Calcutta where it could be more closely supervised, and shortly afterward banned all public preaching. He also instructed Claudius Buchanan to submit his sermons for government review before publishing them. Carson, *East India Company and Religion*, 90-92. See also Blaquiere's report, 6 September 1807, in Home Miscellaneous Series, BL, APAC IOR H/690.

⁷⁴¹ See Parry to Minto, 15 June 1807, Minto Manuscripts, NLS MS 11338, pp. 11-14, and Minto to Parry, 2 December 1807, Minto Manuscripts, NLS MS 11339, pp. 53ff, quoted in Carson, *East India Company and Religion*, 74. 92-93.

evangelical Christian himself, but as biographer John Rosselli notes, he and his wife “never attained the extreme zeal of a Grant, a [Joseph John] Gurney, or a Lady Olivia Sparrow.”⁷⁴² Once more, though, it matters very little what either governor’s own religious convictions were; like Wellesley before them, they bore the standard of prudential toleration in India because it formed the basis for the political strategy that they relied upon to enact sovereignty. Their representation of their present as a crisis for the empire in the face of war with Napoleonic France reinforced their prudential tolerationist secularism.

The Question of India as a Mission Field

In this way, by the time evangelical and old India hand activists began their lengthy dispute over whether the East India Company charter should be changed to permit the Company to issue residency permits to missionaries, the contours of the field of debate were already set.

Advocates for increasing the Protestant missionary presence in India could choose to play along with Minto’s policy and ask for “a toleration” just like that offered to each of the other religions existing in India. Such a tactic amounted to a plea that the government should facilitate, or at least not impede, the community-defining Christian practice of proselytization in exchange for continued loyalty from missionaries and their supporting home societies. Let me give an example that comes from the pamphlet war that took place in the wake of the Vellore Mutiny. In 1807, Andrew Fuller, secretary to

⁷⁴² John Rosselli, *Lord William Bentinck: The Making of a Liberal Imperialist 1774-1839* (Delhi, 1974), 56-66, at 63.

the Baptist Missionary Society and close collaborator with Charles Grant, asked the president of the Board of Control for East India affairs Robert Dundas for “express permission, or what perhaps wd be called a toleration, allowing us to itinerate and settle missionary stations in the country that we might not be interrupted by magistrates.”⁷⁴³ Clearly, Fuller recognized that the East India Company’s toleration in India had traditionally entailed facilitation of the specific practices that distinguished one religious community from another. When he took his case before the tribunal of public opinion, he framed his plea in the same way: “The question ... will not be, Whether the natives of India shall continue to enjoy the most perfect toleration; but whether that toleration shall be extended to Christian missionaries?”⁷⁴⁴ As Jörg Fisch explains, a certain syllogism underpinned Fuller’s rhetorical question. From an evangelical perspective, “to propagate Christianity all over the world was one of the central duties of a Christian. Toleration meant the right to free and undisturbed exercise of one’s religion. This exercise was only complete if all religious duties could be fulfilled; therefore, propagation had to be included.”⁷⁴⁵ Other evangelical commentators followed suit: as the *Eclectic Review* had it, “That Christians are merely permitted to reside [in India], is no toleration, unless they

⁷⁴³ Andrew Fuller to William Ward, 19 July 1807, Oxford University, Regent’s Park College, Angus Library, Baptist Missionary Society Manuscripts, Fuller Letters, quoted in Carson, *East India Company and Religion*, 79.

⁷⁴⁴ Andrew Fuller, *An Apology for the Late Christian Missions to India: Part the First. Comprising an Address to the Chairman of the East India Company; in Answer to Mr Twining; and Strictures on the Preface of a Pamphlet by Major Scott Waring*, 2nd ed. (London, 1808 [1808]), 5-8, at 5, quoted in Fisch, “Pamphlet War on Christian Missions,” 56.

⁷⁴⁵ Fisch, “Pamphlet War on Christian Missions,” 57.

are free to exercise that kind of agency which is of the essence of their Christian character.”⁷⁴⁶

But playing along with the unspoken rules of the Company’s practice of toleration as Minto and Dundas were likely to continue to enact it exposed the supporters of missionization to Lockean tolerationist rejoinders. The resolutely low-church Anglican clergyman and wit Sydney Smith, who had three brothers working in the East India Company’s civil service when he contributed his response in the *Edinburgh Review*, observed acidly, “The missionaries complain of intolerance. A weasel might as well complain of intolerance when he is throttled for sucking eggs. Toleration for their own opinions, — toleration for their domestic worship, for their private groans and convulsions, they possess in the fullest extent; but ... who before heard men cry out that they were persecuted, because they might not insult the religion, shock the feelings, irritate the passions of their fellow-creatures, and throw a whole colony into bloodshed and confusion?”⁷⁴⁷ Here Smith was echoing Major John Scott Waring, a close associate of Warren Hastings. Scott Waring had written that Christianity as such received toleration from the East India Company; what did not was its expression in the form of proselytization. Proselytization could only result in interference with the exercise of

⁷⁴⁶ “Pamphlets on the Propagation of Christianity in India,” *Eclectic Review* 4 (1808): 336-350, at 344, quoted in Fisch, “Pamphlet War on Christian Missions,” 59.

⁷⁴⁷ [Sydney Smith], “Review of John Styles, *Strictures on Two Critiques in the Edinburgh Review, on the Subject of Methodism and Missions*,” *Edinburgh Review* 14, no. 27 (April 1809): 47, quoted in Fisch, “Pamphlet War on Christian Missions,” 57.

Indian religions; therefore, evangelical practices would violate existing civil law in British India.⁷⁴⁸

Again, neither the evangelicals nor their opponents monopolized, in perpetuity, the particular type of tolerationist discourse that they advanced in this one controversy. There was nothing in Fuller's Baptist religious background that prompted him to formulate his demand in a manner that fit so well within the prudential tradition of toleration; it was simply the expectation of a favorable hearing. Another option open to evangelicals was to adopt a Lockean-style critique of the Company's manner of manipulating the strings of toleration. In 1813, the Protestant Society for the Protection of Religious Liberty, a group led by dissenting ministers, contended that it was not reasonable for "any human authority" to have power to grant or withhold licenses determining who could and could not preach in India, so long as the prospective preacher had no intention to cause anyone harm.⁷⁴⁹ But this approach carried the risk of casting evangelicals, and by extension missionaries, as though they were already alienated from the British government in India ahead of time. It was only after they succeeded in winning Parliamentary approval for a larger missionary presence in India in 1813 that the language of Lockean toleration that we have seen wielded by Sydney Smith and John Scott Waring against them passed firmly into the hands of evangelicals. After all, evangelicals wanted to ensure state

⁷⁴⁸ Fisch, "Pamphlet War on Christian Missions," 56, summarizing John Scott Waring, *A Letter to the Conductors of the Christian Observer. The Second Edition, with Remarks in a Postscript on the Account of the Baptist Missionaries, Published in the Quarterly Review* (London, 1809 [1808]), 6.

⁷⁴⁹ Protestant Society for the Protection of Religious Liberty to Lord Liverpool, 1 April 1813, Liverpool Papers, BL, MSS Add. 38410, fols. 242-43.

protection for converts to Christianity against possible retribution undertaken by the religious communities to which they had belonged. Thus, they began more frequently to invoke the notion that any and all worldly harm should fall under the purview of the civil magistrate, whether or not it could be said to stem from a religious community's internal disciplinary practices.⁷⁵⁰

In addition, the missionaries sent abroad by evangelicals in Britain extended evangelicals' campaigns for "the suppression of vice" from the national to the imperial sphere.⁷⁵¹ As long as they adopted a Lockean approach to toleration, they could call for state intervention against Indian practices that they considered both "religious" and immoral—without painting themselves as partisans of persecution. The most commonly cited example of evangelicals' deployment of this strategy is the way in which they campaigned against *sati*, or widow self-immolation. Lata Mani mentions a moment in 1821 when the Baptist missionary quarterly *The Friend of India* cited Locke's *Letter Concerning Toleration* as an authority in support of its case for the prohibition of *sati* on

⁷⁵⁰ In fact, the missionary organizations in the metropole began lobbying for equal protection of all persons from violence without regard to religion in this manner even before they were allowed to send their own missionaries out to British India. See the Court of Directors despatch to Madras in the Public Department, 23 January 1805, excerpted in *PP* 1812-13 (264), 425-26. The Directors' despatch responds to concerns, of which they were informed in a letter from the secretary of the Society for Promoting Christian Knowledge, that converts to Christianity made by the German Lutheran missionaries at Tinnevely "had been exposed to very severe persecution from their heathen neighbours."

⁷⁵¹ From 1787, William Wilberforce headed up the Society for the Suppression of Vice. On its activities in England, see, among others, Ben Wilson, *Decency and Disorder: The Age of Cant, 1789-1837* (London, 2007).

grounds that it constituted criminal violence.⁷⁵² According to the missionaries' reading of Locke, "The moment a purely religious rite ... infringes on the laws of society, its character is changed, and it is transformed into a civil crime."⁷⁵³ In this way, the Serampore missionaries put to use a well-ingrained Lockean language of toleration that had first become operational for British evangelicals when they began calling for an end to the East India Company government's "connection with idolatry" at Jagannath Temple in Puri in the first decade of the nineteenth century.

Conclusion and Coda

The backdrop of the French Revolution and the Napoleonic Wars encouraged the development of a sharper polarization in imperial secularisms; the rally to defend the empire clarified the stakes of adopting either prudential tolerationist or Lockean tolerationist rhetorical tropes in any given debate. Pronouncing one's commitment to prudential toleration tended to signal one's loyalty to the king and the Pittite authoritarian

⁷⁵² Mani, *Contentious Traditions*, 154. Referring to *Friend of India* essays that appeared in March 1821 and March 1826, Mani paraphrases the case made by the missionaries as follows: "Citing John Locke, they argued that toleration ceases where crime begins, and asked who, if not the ruling power, had the right to determine what was permissible in society?"

⁷⁵³ The passage continued, "On this subject, we beg leave to quote the opinion of Locke, in his Letter on Toleration, in which he defines clearly the religious observances with which the civil magistrate can, and cannot interfere. 'The magistrate ought not to forbid the preaching or professing of any speculative opinions in any church, because they have no manner of relation to the civil rights of the subject.' — ... 'You will say, —if some congregations have a mind to sacrifice infants or practice any other such enormities, is the magistrate obliged to tolerate them because they are committed in a religious assembly? I answer, No. These things are not lawful in the ordinary course of life, nor in any private house; and neither are they so in the worship of God.'" This, of course, is a formulation we know from the overview of the category "Lockean toleration" given in the introduction to this dissertation. "On Female Immolation," *The Friend of India* (*Quarterly Series*), no. 3 (March 1821): 332-52, at 338.

regime not so much because Pitt himself had defended this “system of toleration,” as we saw in the previous chapter, but because the rush to consolidate executive authority throughout the colonies was widely understood to entail the deployment of prudential toleration. Wellesley and his fellow traveler the young William Bentinck could have done little more to personify this understanding. It is telling, in fact, that when Bentinck returned to India as governor general some twenty-two years after the Vellore Mutiny, he arrived there determined not to preside over anything like another failure to observe the dictates of prudential toleration.

Look, for instance, at the tortured process he went through in deciding to abolish *sati* by legislative fiat in 1829. The minute he delivered to his council regarding the decision begins with his assertion that “Past experience indeed ought to prevent me, above all men, from coming lightly to so positive a conclusion. When Governor of Madras, I saw, in the Mutiny of Vellore, the dreadful consequences of a supposed violation of religious customs upon the minds of the Native Population and Soldierly.” He went on to indicate that he had learned his lesson from that experience: “when discontent is abroad, when exaggerations of all kinds are busily circulated, and when the Native Army have been under a degree of alarm, lest their allowances should suffer with that of their European Officers, it would have been unwise to have given a handle to artful and designing enemies to disturb the public peace.” And these considerations led him to make certain that the army, above all, would not oppose the measure. Thinking about “how far the feelings of the Native Army might take alarm, how far the rite may be in general observance by them, and whether as in the case of Vellore, designing persons might not

make use of the circumstance, either for the purpose of immediate revolt, or of sowing the seeds of permanent disaffection,” Bentinck found it “necessary therefore to use every precaution to ascertain the impression likely to be made upon the minds of the Native soldiery.” This was what led him to send a circular letter to forty-nine European officers in the Bengal Army in advance of taking any action on the *sati* question, which resulted, ultimately, in his receipt of advice from a Lieutenant-Colonel S. H. Todd to offer the elimination of pilgrim taxes collected at Gaya, Allahabad, and Puri as a token of succor to the Hindu community.⁷⁵⁴

Bentinck followed Todd’s recommendation. As noted briefly in the introduction to this dissertation, Bentinck hoped that the encouragement to pilgrims signaled by this reduction of the costs of performing pilgrimage “would be received as a boon” by Bengali Hindus. He proposed this in another circular letter, this time sent to the civilian officials stationed near pilgrimage sites outside Calcutta.⁷⁵⁵ Bentinck was inclined to show his prudential tolerationist stripes, especially in the face of a concern “mentioned to me in conversation by that enlightened Native Ram Mohun Roy.” According to Bentinck, the Bengali “advocate for the abolition of Suttees, and of all other superstitions and corruptions, engrafted on the Hindu Religion, which he considers originally to have been

⁷⁵⁴ Minute of Governor General Lord William Bentinck, 8 November 1829, Bengal Judicial Consultations, Lower Provinces – Criminal, 4 December 1829, BL, APAC IOR P/139/34, pp. 2-3, 4, 22.

⁷⁵⁵ Letter from Robert M. Bird, judge at Gorakhpur, to R. Benson, Military Secretary to the Governor, 8 June 1829, Board’s Collections, November 1831, BL, APAC IOR F/4/1306/51856, pp. 181-82. For the full context, see Extract of Governor General Lord William Bentinck’s Minute, 8 November 1829, *ibid.*, pp. 159-60; Circular letter from Captain R. Benson “to different individuals at present in charge of the districts where the pilgrim tax is collected,” 16 February 1829, *ibid.*, 163.

a pure Deism,” voiced a fear “that any public enactment would give rise to general apprehension, that the reasoning would be, ‘While the English were contending for power, they deemed it politic to allow universal toleration, and to respect our religion; but having obtained the Supremacy, their first act is a violation of their professions, and the next will probably be, like the Mahomedan Conquerors, to force upon us their own Religion.’”⁷⁵⁶ Bentinck’s interpretation of Rammohun Roy’s counsel almost certainly reflects the filters through which he heard Roy’s words more than it does Roy’s own voice.⁷⁵⁷ Nevertheless, Bentinck’s proposal to abolish pilgrim taxes as a means of offsetting the “general apprehension” that might arise from the abolition of *sati* was clearly meant to answer this charge. His gloss on the letter he received from Lieutenant-Colonel Todd spells out the logic precisely:

⁷⁵⁶ Bentinck’s Minute, 8 November 1829, BL, APAC IOR P/139/34, pp. 12-13.

⁷⁵⁷ For instance, it seems unlikely that Roy, whose first Persian book the *Tufat-ul-Muwahiddin* had attempted to prove that *Vedanta* philosophy and Islamic monotheism shared much common ground, would have acquiesced so easily in the potted British history of Mughal persecution that Bentinck attributed to him. It is also questionable whether Roy would have called a Hinduism shorn of accretions “a pure Deism.” See Bruce Carlisle Robertson, *Raja Rammohan Roy: The Father of Modern India* (Delhi, 1995); and Lynn Zastoupil, *Rammohun Roy and the Making of Victorian Britain* (New York, 2010). At the same time, Roy may have resorted to a type of argument that he knew Bentinck would find convincing—in the interest of advancing his own agenda, which was to prevent a legislative abolition of *sati*. Roy, as Jon Wilson points out, stands at the beginning of a trajectory in Bengali political thought wherein “the category of Indian ‘society’ was articulated by Indian political thinkers to protect the autonomy of Bengali practice against the colonial state and other potentially malign, interfering forces. . . . For writers articulating this liberal political rationality in the middle 50 years of the nineteenth century, the country’s social institutions were supposed to offer a realm of rule-bound yet free sociability, ruled not by external force but by consent.” Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (New York, 2008), 164, and, for Rammohan Roy’s exemplification of this argument, 165-74.

he [Todd] has recommended that the Tax on Pilgrims should be simultaneously given up, for the purpose of affording an undoubted proof of our disinterestedness and of our desire to remove every obnoxious obstacle to the gratification of their religious duties. A very considerable revenue is raised from this head, but if it were to be the price of satisfaction and confidence to the Hindoos, and of the removal of all distrust of our present and future intentions, the sacrifice might be a measure of good policy.⁷⁵⁸

All of this said, Bentinck's minute offering reasons for the abolition of *sati* can still be seen as a prescient marker of the increasing validity that Lockean-inspired conceptions of toleration would carry in the 1830s—in British India, as well as with respect to Ireland. An exploration of the forces that conditioned this relative reversal of the fortunes of Lockean toleration vis-à-vis the prudential tradition of toleration lies beyond the scope of this dissertation. But it is curious that the retrospective justifications for Catholic Emancipation and the abolition of *sati* in 1829 partook more freely of the Lockean strand of secularist argument than did the actual participants' justifications. Quite clearly, the concession of Catholic Emancipation had little to do with liberal, Lockean political principles. It had to be done, thought Arthur Wellesley and Robert Peel, to prevent Catholic Association agitation in Ireland from turning into a secession fight. Against this backdrop, the precise manner in which Bentinck's minute reveals that he sees his decision as an advance for a Lockean-style secularism becomes glaring. Referring this time to the case of *sati* with the “unfortunate catastrophe” of Vellore still very much in

⁷⁵⁸ Bentinck's Minute, 8 November 1829, BL, APAC IOR P/139/34, p. 28.

mind, he wrote, “Prudence and self-interest would counsel me to tread in the footsteps of my predecessors. But in a case of such momentous importance to humanity and civilization that man must be reckless of all his present or future happiness who could listen to the dictates of so wicked and selfish a policy. With the firm undoubting conviction entertained upon this question, I should be guilty of little short of the Crime of multiplied murder, if I could hesitate in the performance of this solemn obligation” to outlaw the practice. “I can conceive the possibility,” he admitted, “of the expression of dissatisfaction and anger, being immediately manifested upon this supposed attack on their religious usages; but the distant danger seems to me altogether groundless, provided that perfect respect continues to be paid to all their *innocent* rites and ceremonies.”⁷⁵⁹ In other words, having run through all of the prudential tolerationist options he could think of, Bentinck ultimately steeled his resolve by invoking the Lockean distinction between harmless and harmful rituals.

Was this the wave of the future? Would Lockean toleration soon supplant prudential toleration as the dominant tradition of toleration in the British Empire? Not necessarily. I would argue, rather, that the tensions between these deep-seated strands of secularist logic continued to inhere in efforts to institute “toleration” in various British colonies. This point was acknowledged with particular clarity on a few occasions in the 1830s. The one that seems to offer the most fitting conclusion to this chapter involves an

⁷⁵⁹ Bentinck’s Minute, 8 November 1829, BL, APAC IOR P/139/34, p. 4, 27, emphasis mine.

East India Company veteran pondering whether the Company's way of practicing toleration in India offered the right model for policy in neighboring Ceylon.

The ex-East India military officer William Colebrooke went to Ceylon in 1830 as the head of a Parliamentary commission of inquiry in Ceylon—the Cameron-Colebrooke Commission. Reflecting on what British officialdom had decided to do to pacify the region after subduing the Kingdom of Kandy in 1813, Colebrooke found it quite natural to remark, “While the government was bound, by the convention of 1813, to protect the people in the free exercise of their religion, the interposition of its authority to enforce an observance of its rites is at variance with those principles of religious freedom which it is a paramount duty to uphold.” Within a sentence, Colebrooke turned the Lockean/Painite standard of freedom of conscience against policies that had been expressly formulated by following the example of East India Company policy in Bengal. Colebrooke had no illusions as to the original, prudential logic of those policies. Recognizing that “this interference of the government in the religious affairs of the country [was] induced from considerations of policy,” he went on to admonish, “Nor can [the government] justly afford to the Bhoodist faith a greater degree of support than it extends to the Christian religion, and to other systems, including the Hindoo and Mahomedan.”⁷⁶⁰ Such a sharp distinction between (Lockean) “religious freedom” and (prudential) “support” that government “extends” to various religions would scarcely have occurred to Colebrooke's eighteenth-century forebears in the East India Company's service. His capacity to make

⁷⁶⁰ Report of Lieutenant-Colonel Colebrooke, One of His Majesty's Commissioners of Inquiry, upon the Administration of the Government of Ceylon, 24 December 1831, *Parliamentary Papers (PP)*, 1831-32 (274), 15, my emphasis.

that distinction so readily was a reflection of his arrival in British India in the decades after the French Revolution and during the Napoleonic Wars.

Conclusion

When I began my research in London in September 2010, I arrived in Britain the same weekend as Pope Benedict XVI. Many Britons greeted the first ever papal state visit to their country as a marker of the rapprochement that has gradually become the order of the day between their government and Catholics. This was the stake of the *Independent on Sunday*'s editorial "Let's hear it for tolerance," which concluded that "the value that ought to define modern liberalism, above all, is tolerance."⁷⁶¹ Worth noting was that the editorial presented the pope's visit, like any felicitous prudential tolerationist gesture of the past, as an exceptional moment, an opportunity for the UK government to display good faith toward its Catholic minority, and specifically by facilitating the Catholic practice of adoration of the pope. But in 2010, many other Britons objected in good Lockean fashion that it should be perfectly possible to welcome the pope to visit without making the state pay for it. In a column arguing the case against using state funds to host a dignitary who speaks in the name of a religion (and for that religion's entitlement to international representation in the form of a blatantly non-secular state), Joan Smith wrote, "Has religion been relegated to the private sphere in the UK? I hope so." What she did not need to say, but covered anyway under the banner of religious privatization, was the point that the state can appear to support the widest possible range of beliefs by ensuring that religion is "privatized."⁷⁶²

⁷⁶¹ "Let's hear it for tolerance," *Independent on Sunday*, 19 September 2010.

⁷⁶² Joan Smith, "I'll take no lectures on ethics from Ratzinger," *Independent on Sunday*, 19 September 2010.

At the time, what was most interesting in this scenario was to see a liberal paper's appeal to the logic of prudential toleration to defend the state's decision *as liberal* in the face of criticisms advanced from a *de facto* (if subconsciously) Lockean angle. This looks like a growing trend, and it may speak to a frustration that the relegation of religion to the so-called private sphere simply has not de-politicized religion. Yet my research has suggested that, historically speaking, neither of these positions is inherently more "tolerant" or more "liberal" than the other. In fact, my research has led me to emphasize that both positions covet the same hallowed ground: the entitlement to be recognized as generous in facilitating "religion." Prudential tolerationist and Lockean tolerationist formulations are, equally, alternative means of substantiating claims to majoritarian beneficence.

This facet of the debate over the coordinates of religious toleration in contemporary Britain reveals itself in other cases, as well. In May 2010, Clive Bone, a town councilor from Bideford, Devon, launched a suit against Bideford Town Council after having twice seen his motions to remove prayers from the order of business at meetings defeated. With help from the non-profit National Secular Society, whose motto is "Challenging Religious Privilege," Bone finally obtained the judgment he was looking for from the High Court of England and Wales in February 2012. The High Court ruled that, technically, under the Local Government Act of 1972, local councils do not have the authority to institute prayers as part of their meeting agendas. Presiding judge Mr. Justice Ouseley explained, "There is no specific power to say prayers or to have any period of quiet reflection as part of the business of the council." The High Court's decision

essentially rested on a strict construction of parliamentary sovereignty, but Bone and the National Secular Society claimed it as a victory for the separation of church and state. When interviewed, Bone said, “I’m not surprised. I expected to win.” He maintained, “This has got nothing to do with intolerance towards religion. Religious freedom is an absolute right and so is freedom from religion, in my view.”⁷⁶³

Given the longer history of secularisms in British practice, however, the real surprise may be Bone’s confidence that he would win. With religious instruction in schools, for example, the usual pattern has been to include it but to allow those with objections to opt out.⁷⁶⁴ The Bideford Town Council claimed to operate by a similar rationale: no council member had to be present for, or to participate in, prayers.⁷⁶⁵ In fact, Mr. Justice Ouseley agreed with this part of the defendants’ case, saying, “I see very little difference between that and the arrangements made for those ... who have to leave the classroom in which a lesson in religious education, in which they do not participate, is about to take place.”⁷⁶⁶ Ouseley had thus implied that, were it legal for a town council to make its own decisions about including prayers, the Bideford Council’s procedure for carrying out their prayers would have been exemplarily legal. Indeed, the judgment’s

⁷⁶³ “Bideford Town Council Prayers Ruled Unlawful,” BBC News, 10 February 2012, <http://www.bbc.co.uk/news/uk-england-devon-16980025>, accessed 6 January 2014.

⁷⁶⁴ Nandini Chatterjee, *The Making of Indian Secularism: Empire, Law and Christianity, 1830-1860* (Cambridge, 2011), 25.

⁷⁶⁵ Frank Cranmer, “Prayer at Council Meetings,” [lawandreligionuk.com](http://www.lawandreligionuk.com), 17 February 2012, <http://www.lawandreligionuk.com/2012/02/17/prayers-at-council-meetings>, accessed 6 January 2014.

⁷⁶⁶ England and Wales High Court (Administrative Court) Decisions, *National Secular Society & Anon R (on the application of) v Bideford Town Council*, 10 February 2012, Para. 55, <http://www.bailii.org/ew/cases/EWHC/Admin/2012/175.html>, accessed 6 January 2014.

basis in a section of a 1972 statute about the division of powers between national and local authorities ensured that the claimants' victory would be an equivocal one. Conservative Communities Minister Eric Pickles immediately announced that, by fast-tracking implementation of the 2011 Localism Act, the government would effectively reverse the High Court's decision. The new act included a general provision empowering councils "legally to do anything an individual can do unless specifically prohibited by law."⁷⁶⁷ The provision removes the illegality of a council's deciding, on its own initiative, to make prayers part of its routine (at least until such time as Parliament can pass a law expressly forbidding them). The jockeying back and forth resulted in a stalemate in terms of the state's actual secularist functioning.

However, the disconnect between the High Court's opinion and the plaintiffs' interpretation of its meaning is instructive. It repeats an old pattern. Institutionally, the prudential tolerationist roots of British state secularism have proven durable: the Court rejected that part of the claimants' suit that might have challenged the fairness of such practices as state sponsored religious education with an option to opt out. It showed little desire to entertain the question of the state's authority to favor particular religious communities or traditions at the expense of others if it so chooses. Yet for discursive reasons, the decision may be remembered quite differently. Especially on account of its illocutionary status as a victory for the National Secular Society, it may one day be recalled as a landmark for Lockean tolerationist norms. Those who praised the judgment

⁷⁶⁷ "Councils Win Prayer 'Rights' as Localism Act Powers Fast Tracked, Ministers Say," BBC News, 18 February 2012, <http://www.bbc.co.uk/news/uk-politics-17082136>, accessed 6 January 2014.

tended to hope for this; as *The Philosophers' Magazine* editor Julian Baggini wrote in the *Guardian*, “It all goes back to how we understand the core secularist principle of neutrality in the public square. Neutrality means just that: neither standing for or against any religion or any other comprehensive world-view.”⁷⁶⁸

But is neutrality “just that?” As Jonathan Chaplin warned in a rejoinder to Baggini, “‘State neutrality’ implies some notion of equal treatment. But while it plainly rules out the official ‘establishment’ of a worldview – Christianity in the Roman empire, Islam in Iran, or atheistic communism in the USSR – it is far from obvious what else it implies.”⁷⁶⁹ Much as I would like to agree with Baggini, my research leads me to find Chaplin persuasive on this point. Time and again in the colonial world, neutrality meant simultaneous state support—“parallel patronage,” to use Nandini Chatterjee’s term—diffused through multiple religiously-identified channels.⁷⁷⁰ In 1808, an East India Company civil servant’s plan to refurbish a mosque in Allahabad made this point pretty clearly. Writing to his superiors in Calcutta, circuit court judge James Stuart argued that restoring the mosque “would be regarded as highly gracious, and would have a strong tendency to make our Government popular not only among their Mussulmen subjects, but with the Hindoos also, who, though not immediately benefitted by it, would be at no loss

⁷⁶⁸ Julian Baggini, “Is Religion Really Under Threat?” *The Guardian*, 14 February 2012, <http://www.theguardian.com/world/2012/feb/14/is-religion-really-under-threat>, accessed 6 January 2014.

⁷⁶⁹ Jonathan Chaplin, “The Problem with Julian Baggini’s Secular State,” *The Guardian*, 4 April 2012, <http://www.theguardian.com/commentisfree/belief/2012/apr/04/religious-secular-worlds-reconciliation>, accessed 6 January 2014. Chaplin directs the Kirby Laing Institute for Christian Ethics at Cambridge.

⁷⁷⁰ Chatterjee, *Indian Secularism*, 10.

to understand and appreciate the principle from which it flowed.”⁷⁷¹ Stuart’s point was that the proper display of a disposition to court the affections of one group should produce governing-effects that ripple through other groups.⁷⁷²

The long perspective leads me to emphasize that I see two nodal points, rather than a single core principle, operating in Baggini’s secularist formula—“Allowing the free expression and discussion of religion is as much a non-negotiable tenet of secularism as maintaining the neutrality of the core institutions of civil society.” My question is whether the prudential impulse to have people feeling specially favored is really as extinct in this secularism as Baggini seems to want to suggest.⁷⁷³ The form of the “allowing” still matters: who gets credit for it, how active or passive it is, and what they have at stake in offering it. The argument has a utilitarian undercurrent: the National Secular Society deserves credit for espousing the program that should lead to the greatest number *feeling* what could be mistaken for the effects of special favor (without the actual support). Thus, the United States comes in as the model. As Baggini puts it, “There, it is clearly understood that the value of secularism is that it allows all faiths to practice freely,

⁷⁷¹ Extract from a letter from James Stuart, Circuit Judge at Benares, to the Register of the Nizamat Adalat, 5 January 1808, read at Bengal Judicial Consultations, 1 April 1808, in Board of Control Collections, British Library (BL), Asia, Pacific, and Africa Collection (APAC), India Office Records (IOR) F/4/581/14152, p. 14.

⁷⁷² Indeed it would be hard to imagine a clearer application of Priestley’s principle of government that “it might be expected that if all the modes of religion were equally protected by the civil magistrate, they would all vie with one another, which should best deserve that protection.” Joseph Priestley, *An Essay on the First Principles of Government and on the Nature of Political, Civil, and Religious Liberty* (Dublin, 1768), 120-21.

⁷⁷³ Julian Baggini, “Is Religion Really Under Threat?” *The Guardian*, 14 February 2012, <http://www.theguardian.com/world/2012/feb/14/is-religion-really-under-threat>, accessed 6 January 2014

without any enjoying a special place at the heart of power. That is why when I once took part in a panel discussion with a Southern Baptist, one of the most conservative of denominations, he was as enthusiastic about secularism as I was.”⁷⁷⁴ But this claim risks losing out to the counterpoint that a “pluralistic European model,” wherein, for example, “several religious and worldview-based schools are funded proportionately,” may display the disposition to tolerate more ostentatiously, and thus more efficaciously.⁷⁷⁵ The terms of the debate are still about cultivating a sense of gratitude toward a dominant regime, still about prudential toleration: about whose methods can succeed at producing its putative effects. This, too, was the unspoken boon promised in Joan Smith’s invocation of the language of “privatized” religion in the UK when the pope came for his visit in 2010.

Yet if the stakes of the game have remained more or less the same, what *has* changed since the early nineteenth century is the more recent parity between Lockean tolerationist rhetoric and prudential tolerationist discursive tropes. The explanation for this change requires further research. What this dissertation suggests preliminarily is that answers will have to come from examining how non-state actors stretched the implications of essentially prudential measures like Catholic Emancipation. For it is resoundingly clear that the British state’s institutionalization of secularist techniques over

⁷⁷⁴ Ibid.

⁷⁷⁵ Jonathan Chaplin, “The Problem with Julian Baggini’s Secular State,” *The Guardian*, 4 April 2012, <http://www.theguardian.com/commentisfree/belief/2012/apr/04/religious-secular-worlds-reconciliation>, accessed 6 January 2014.

the long run underscores the “sheer persistence of the prudential tolerationist tradition.”⁷⁷⁶

⁷⁷⁶ Jeffrey R. Collins, “Redeeming the Enlightenment: New Histories of Religious Toleration,” *Modern History* 81, no. 3 (September 2009): 607-36, at 629.

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