

Weapons of Another Kind: Henry Thomas Buckle and the Case of Thomas Pooley

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All this rush'd with his blood—Shall he expire
And unavenged? Arise! Ye Goths, and glut your ire!
—Lord Byron, *Childe Harold's Pilgrimage* (1812–18)¹

These words were carefully transcribed in a notebook of poetry that was among the historian Henry Thomas Buckle's belongings when he died of typhoid fever while travelling throughout the Middle East in 1862. He was just forty years old. Buckle had copied out whole sections of Canto IV of Byron's *Childe Harold* beginning with No. 140 and the lines: "I see before me the Gladiator lie: / Consents to death, but conquers agony". Buckle clearly related to the dying gladiator. He was himself fighting with death throughout the last few years of his life in order to complete a massive project on the *History of Civilization in England* (1857–61), of which he would only publish two introductory volumes of a projected ten. He could also relate to the gladiator because he often wrote as if he was engaged in a long struggle against the forces of superstition that still held (in his mind) too much power in England, particularly when it came to the writing of history. He set out in particular to consider the long history of rational progress in England and sought to avenge those great sceptical individuals of the past who struggled against what he called the "protective spirit" that sought to hold back the spirit of reason.

The first volume of his *History of Civilization*, published in 1857, thrust the previously unknown Buckle into the limelight. The first edition of 1,500 copies quickly sold out and a second edition of 2,000 copies was promptly printed.² Though Buckle's work would rarely be cited beyond the 1860s as among the important works of day, at the time it sent shock waves through the Victorian psyche that would only be matched by the publication of Darwin's *Origin of Species* two years later. The literary critic and intellectual historian Leslie Stephen remembered late in his life that Buckle's work seemed even more important than Darwin's at the time.³ Buckle argued not only that history *should* become a science, but that it *had* to become a science if England was going to reach the final stages of progress. Buckle argued that in order for that to occur the historian had to stop relying on unseen forces in the past such as Providence and free will in explaining what actually happened. The scientific historian must rather rely on the tools of science: observation, facts, and statistics. Only when the historian accepts that the past is not governed by supernatural forces but rather by natural laws that can be observed and explained will history transcend its position as a mere branch of metaphysics and English society overcome its still powerful backward and protective spirit.⁴ While Buckle's popular work would largely be rejected by a group of

professionalizing historians adopting a less rigorous form of scientific history, one concerned with uncovering facts but not laws, it was still well understood that Buckle's *History of Civilization* "exercised an incalculable influence upon the whole science of history." As late as 1873, the *Westminster Review* could still claim that "No views of history can ever be held again without being affected in one way or another by that commanding work."⁵

While Buckle led a fairly uneventful life until 1857, he was thereafter very much in the public spotlight. He attended many dinner parties among the London literati, meeting, among others, Darwin, the botanist Joseph Hooker, the evolutionary philosopher Herbert Spencer, the physicist John Tyndall, and the explorer David Livingstone.⁶ He was put up for election at the Athenaeum and was almost blackballed by a contingent of High Church Anglicans. A threat from Darwin's future bulldog, Thomas Henry Huxley, that all clergymen put up for election would be disputed, settled the matter and Buckle was elected with only nine votes against.⁷ He also gave a highly publicised lecture at the Royal Institution on the progressive role women play in society by keeping the deductive spirit alive against the masculine inductive tendencies of nineteenth-century English science.⁸ He even received cards of thanks for an evening of thoughtful discussion from naturalists Robert Owen and Roderick Murchison.⁹ The most publicised and, indeed, controversial event of Buckle's short public life, however, had to do with his published discussion of a little-known but recent persecution of blasphemy.

In 1857, Thomas Pooley, a poor well-digger in Liskeard, was arrested and put on trial for making blasphemous statements. He was subsequently sentenced to a twenty-one month prison term. When Buckle learned of the trial and discovered that Pooley was clearly "delusional" but hardly a criminal nuisance to his community, he wrote a widely read critique of the trial that accused the prosecution and judge of the grossest misconduct of justice. He also, perhaps more importantly, drew attention to the rarely used law against blasphemy and highlighted the clear class-based biases that underpinned its persecution.

For Buckle, in defending Pooley, he was also defending the freedom of expression, a fundamental element of any progressive society. It was in contributing to the progress of English society that he was attempting to be much like one of the sceptical heroes of his *History of Civilization*. His attempt to point out where the supernatural still held sway in English society went hand in hand with his attempt to make history a science. Yet there were consequences for so publicly challenging the ruling of a well-respected judge; he was viciously attacked in the periodical press for his intervention and even many of his friends questioned his tone. His reputation would not be forever tarnished by the Pooley controversy, however. A subsequent generation would find much to admire not just in his attempt to defend a poor well-sinker against the power of the Crown but also in his willingness to jeopardize his newly earned reputation as a "scientific" historian for an unpopular though ultimately just cause. Much like the Enlightenment

philosophers and historians he greatly admired, Buckle showed quite clearly that if wielded properly the pen can indeed be mightier than the sword.

The Literary Lion and the Cornish Well Sinker

In 1857, the same year that Buckle became, according to Tyndall, “the literary lion of the day” in London,¹⁰ a poor well-digger in a much more remote part of the country in Liskeard, Cornwall was arrested and put on trial for blaspheme. Thomas Pooley, it is safe to say, had some eccentric beliefs. He treated the earth as if it was a living organism (imagine that!), and was careful when digging his wells not to penetrate the earth’s surface beyond a certain point, in order to avoid needlessly harming some vital organ. He also, and perhaps more relevantly, had some “infidel” beliefs. He was convinced, for instance, that the Bible in particular was to blame for the potato-rot that had recently decimated the crops in Cornwall. Scattering the ashes of burnt Bibles over the rotted fields was Pooley’s contribution to stemming the seemingly unstoppable act of God.

For a time Pooley’s eccentricities and odd views seemed harmless enough. He was at the very least well respected by his neighbours for his industriousness. Furthermore, he provided for his family even though they occupied the lower rung of the social hierarchy, and they very much relied on his ability to continue earning what he could from well digging. Unfortunately an accident, which happened to Pooley quite soon before the events in question, seemed to enhance and amplify his already strange beliefs and behaviour and he became more outspoken in his unorthodox views. He began writing his heretical views about the Bible being responsible for the potato-rot on private gates. An advertisement in the 25 April 1857 edition of the *Cornish Times* requested that “Any person who has seen a man writing blasphemous sentences on gates or other places in the neighbourhood of Liskeard” should speak to the authorities.¹¹

The man who placed the advertisement was a local clergyman, Rev. Paul Bush, and he would soon after catch Pooley writing blasphemous statements on his own gate that supposedly read: “Duloe stinks with the monster Christ’s Bible—Blasphemy—T. Pooley.” Pooley was ordered to appear before the local magistrates on 1 July for publishing blasphemous statements against the Holy Scriptures and Christianity and was immediately arrested. Upon being arrested Pooley made the mistake of shouting further blasphemous statements that the only reason police were necessary was because that “blackguard Jesus Christ ... stole the donkey” becoming “the forerunner of all theft and whoredom.”¹² Unfortunately for Pooley, such statements were duly noted.

Pooley was subsequently tried at the Bodmin assizes on 30 July 1857 before Justice John Taylor Coleridge. The prosecutor happened to be Coleridge’s son, John Duke Coleridge. Pooley acted in his own defence, as legal representation was not typically a right afforded to the accused in the nineteenth century.¹³

By all accounts the trial was a speedy affair and the jury found Pooley guilty of blasphemy for both the graffiti on the Rev. Bush's gate and for his outburst during his arrest. When he was sentenced by Justice Coleridge to a twenty-one month imprisonment Pooley cried out that the judge might as well "put on the black cap and finish the matter at once". After spending only a few days in Bodmin goal, however, Pooley began tearing off his clothes and refusing to eat, at which point he was transferred to Bodmin insane asylum.¹⁴

Much like the rest of the English public, Buckle was completely ignorant of the case of Thomas Pooley and this despite the attempt to drum up support for Pooley's cause by the secularist leader George Jacob Holyoake. Holyoake had himself been put on trial for blaspheme and had written a well-known memoir about it. Pooley's arrest and subsequent trial by jury undoubtedly irritated Holyoake, no doubt for falsifying the very title of his memoirs, *History of the Last Trial by Jury for Atheism in England* (1850), but also because Holyoake had experienced the sharp edge of that little-persecuted law that he believed belonged to a bygone era of witch hunts and serfdom.

Holyoake published a pamphlet on *The Case of Thomas Pooley, the Cornish Well-Sinker* (1857), detailing the arrest and trial. He argued, somewhat unbelievably, that the entire trial was the result of a conspiracy between the judge, prosecutor, and local clergyman—what he called "Bush and Coleridge Christianity"—to use the power of the state to squash the growing trend of unbelief that threatened to challenge the entire Anglican establishment of England.¹⁵ This, of course, was absurd. Timothy Toohey has convincingly shown that Judge Coleridge was merely applying the common law on blasphemy as a result of a trial brought about by a private individual who happened to be a clergyman. He did not seek out the case in advance as judges could not select the cases heard on assize. Furthermore, prosecutors also could not choose the assize cases they had to prosecute. Neither judge nor prosecutor would have had any knowledge of the case before being briefed about it a few days before. The evidence for a "Bush and Coleridge" clerical conspiracy, then, is thin at best.¹⁶

Where Holyoake did have a point, however, was in the failure of judge, prosecutor, and jury to see that Pooley's mind was clearly "diseased".¹⁷ While Pooley did not invoke a plea of insanity in his own defence, the letters he wrote to his wife while he was awaiting trial in Bodmin goal—which were "read by the authorities of the goal"—as well as his own well-documented opinions about how Christianity was out to destroy his family and community, would have been more than enough evidence in favour of his "delusional" state.¹⁸ The nature of Pooley's delusions about Christianity were not unlike Daniel McNaughtan's about the police, a relatively new institution, who he wrongly believed were harassing and threatening him throughout the summer of 1842. His paranoia was all consuming and, by January 1843, he began focussing his paranoia on Prime Minister Sir Robert Peel, who had created the metropolitan police force. Instead of scrawling

his delusions on a private gate, however, McNaughtan actually murdered the Prime Minister's press secretary, who he mistook for the Prime Minister, his real target. The famous McNaughtan trial (1843)—presided over by three judges, one of which, it should be noted, was Justice Coleridge—would end with McNaughtan being sent not to prison but to Bethlem Hospital as he was found incapable of distinguishing between right and wrong.¹⁹ There was much criticism of the trial, particularly from the House of Lords who requested that the judges clarify the grounds by which someone could claim insanity as a defence for an illegal action, resulting in the so-called McNaughtan Rules, but they proved to be not much clearer in practice. However, the main litmus test for innocence on the basis of “temporary delusion” became the “right-wrong test,” which suggested that the accused could be found innocent only if the resulting illegal act from his or her delusional state was believed to be morally justifiable by the accused.²⁰ It is pure conjecture to wonder whether or not Pooley would have been successful in making an insanity plea, but it is worth noting that he surely believed that his actions warning neighbours and family members about the evils of Christianity were morally right even though such statements were illegal according to common law. By suggesting that Pooley's beliefs about Christianity were clear “delusions” and his actions a result thereof, Holyoake was justified in wondering just what could be motivating a judge to sentence a man to a year and nine months' imprisonment for what were essentially the diseased ramblings of an imbecile. Even delusional murderers had gotten off with lighter sentences.

At the time, Buckle failed to notice that a poor, deluded man was found guilty of blasphemy and sentenced to a prison term, though such an event certainly seemed to support the underlying argument of his book: that while England may be the most progressive of all nations, it still had some way to go before reaching a truly scientific stage of progress. Buckle believed, following August Comte, that nations tended to follow the same stages of development, from barbaric to metaphysical and from metaphysical to scientific. He was also greatly influenced by that notorious “regularity salesman of the nineteenth century,”²¹ Adolphe Quetelet, who argued that sociological statistics were central in understanding the thoughts and deeds of the masses of society. Buckle sought to combine these two approaches to the study of history in order to uncover the laws that govern the progress of civilization.²² In doing so he hoped “to accomplish for the history of man something equivalent ... to what has been effected by other inquirers for the different branches of natural science.”²³ Indeed, by uncovering the scientific processes of history, Buckle set about to play his own role in contributing to England's progress.

While Buckle claimed in the introduction of his work that the true task of the scientific historian was to uncover laws by analyzing statistical data concerning the great masses of society, the book itself focused on a very general law concerning Buckle's hypothesis about the progress of civilization. The progress of

civilization, argued Buckle, could only be understood by examining the general intellect of a given society. The “advance of civilization solely depends on the acquisitions made by the human intellect, and on the extent to which those acquisitions are diffused.” But it is only by doubting the contemporary state of knowledge, that advancement will occur. “[I]t is evident,” according to Buckle, “that until doubt began, progress was impossible.” Without doubt, in other words, without a healthy dose of constant scepticism, society will stagnate and possibly decline. “On this account it is, that although the acquisition of fresh knowledge is the necessary precursor of every step in social progress, such acquisition must itself be preceded by a love of inquiry, and therefore by a spirit of doubt; because without doubt there will be no inquiry, and without inquiry there will be no knowledge.” For Buckle, knowledge, and therefore progress, must be something that is constantly sought after; it is a laborious process and requires “great sacrifice”. “They who do not feel the darkness, will never look for the light.”²⁴ According to Buckle, there is a spirit of scepticism that is central in the progress of civilization.

There is also, however, in any given society, a spirit of protection that continues to embrace a stagnant way of thinking making the people “in politics too confiding; in science too credulous; in religion too intolerant.”²⁵ It is against the protective spirit that the sceptic must battle in order for progress to occur. Buckle’s history, then, does not read like an analysis of statistics as one might expect from the methodological pronouncements of his introduction, but rather like a Whiggish intellectual history where the protective spirit eventually gives way to the sceptical in an analysis of the progress of science, religion, and politics in Western Europe but in particular England and France. While Buckle proclaims that his concern is only with the masses and the general intellectual spirit of the day,²⁶ his focus is almost entirely on the great sceptical individuals of the past that he sees challenging the protective spirit, a spirit also represented by individuals.²⁷ One of the main characters of the book actually appears as a representative of both spirits, Edmund Burke.

Buckle, like many historians who have considered the life of Burke, split his life between the young member of Parliament who fought against political corruption and defended many oppressed elements of English society, and the older Burke who defended custom at the expense of reform and who seemingly opposed the democratizing spirit he had at once so eloquently defended. Buckle appreciated the younger Burke because he was a polymath who brought his vast stores of knowledge to bear on a whole host of politically important issues that helped guide English civilization during the reign of George III. “The studies of this extraordinary man not only covered the whole field of political inquiry,” argued Buckle, “but extended to an immense variety of subjects, which, though apparently unconnected with politics, do in reality bear upon them as important adjuncts”. According to Buckle, Burke had a “philosophic mind” meaning that he

was able to light up “every branch of knowledge” by considering issues that seemed at first quite remote from them. Because of his philosophical mind Burke was able to influence a broad range of disciplines in English society from jurisprudence to fine art, from political economy to mechanical trades. “Such was the strength and exuberance of his intellect, that it bore fruit in all directions, and could confer dignity upon the meanest subjects, by showing their connexion with general principles, and the part they have to play in the great scheme of human affairs.”²⁸

What Buckle most appreciated about the younger Burke, however, was the way in which “he made his opinions subservient to the march of events”. Burke recognized that the “object of government” was not the preservation of a specific set of ideological principles but rather “the happiness of the people at large”. He insisted above all “upon an obedience to the popular wishes, which no statesmen before him had paid, and which with too many statesmen since have forgotten.” Buckle argued that it was from such a general understanding of government and the role of the politician that Burke advocated “the freedom of trade” while attacking “all similar prohibitions”, that he attacked religious intolerance by supporting the petitions of Catholics and Dissenters against the restrictions impinging on their practice by the Church of England. He sought to “soften the penal code” and “abolish the old plan of enlisting soldiers for life” while attacking the slave trade and the growing power of judges. Burke quite simply sought to raise the standard of political life and governance and Buckle was particularly pleased with the way in which Burke “raised his voice” against “those vulgar politicians”, those “feeble and shallow men” who still fill the benches of England’s Parliament.²⁹ From such a perspective, Buckle would have been particularly impressed with Burke’s role in the trial of the then Governor-General of India, Warren Hastings, who was charged with high crimes and misdemeanours. An eloquent Burke famously spent two days in February 1788 reading the various charges against Hastings, making them on behalf of the peoples’ rights Hastings had so clearly trampled and on behalf of humanity itself. The most memorable part of the speech was the end when Burke read out a series of charges, each one following the phrase “I impeach him [Hastings] in the name of...” For example: “I impeach him in the name of the people of India, whose laws, rights and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate. ... I impeach him in the name of human nature itself, which he has cruelly outraged, injured and oppressed, in both sexes, in every age, rank, situation, and condition of life.”³⁰

It was not long after the opening of the Hastings trial, however, that other events thoroughly overcame the thoughts of the rapidly aging Burke. “When the French Revolution broke out,” argued Buckle, Burke’s “mind, already fainting under the weight of incessant labour, could not support the contemplation of an event so unprecedented, so appalling, and threatening results of such

frightful magnitude. ... His mind, once so steady, so little swayed by prejudice and passion, reeled under the pressure of events which turned the brains of thousands.”³¹ Burke began to be not just prejudiced against the revolution, but against France and the French people. He also began to argue quite clearly against principles he used to uphold, even advocating a punishing, long, and religiously motivated war against the revolution. Burke had quite simply been taken over by the protective spirit, the spirit that he had fought so long against during the reign of George III. “Now he was a man after the king’s own heart.”³²

The other great man to appear in Buckle’s *History of Civilization* was more consistent in his ability to keep the sceptical spirit alive and what is more he did so while being constantly persecuted for his beliefs. This, of course, was Voltaire. Buckle was particularly taken with Voltaire because he published his critical works in a nation when “the fate of nearly all the best literary productions of that time” was that they were “publicly burned by the common hangman.”³³ France, unlike England in the eighteenth century, was without political freedom. “There was neither free press, nor free parliament, nor free debates.” The last “resources of liberty” in France was thus literature itself. And while “the voice of liberty,” according to Buckle, was “silenced in the state,” it “could only be heard in the appeals of those great men, who, by their writings, inspired the people to resistance.”³⁴ Voltaire was the greatest of those great men.

What Buckle appreciated about Voltaire was not just that he constantly and against all odds defended such unpopular ideas as religious tolerance, rational analysis, and freedom of thought and expression, but the way in which he defended his beliefs: he wrote histories. In his history of the *Age of Louis XIV* (1751), for instance, Voltaire did not write about the life of a king and the courtly intrigues of his rule, but rather of the age itself, of the beliefs of the age, of society, of culture. “It was in this way,” argued Buckle, “that Voltaire taught historians to concentrate their attention on matters of real importance, and to neglect those idle details with which history had formerly been filled.” He wrote history very much as Buckle sought to write history, not by concentrating on the activity of lords and their wars but rather on “the steps by which men passed from barbarism to civilization.”³⁵ By showing his readers how society has slowly progressed from an era that embraced superstitious beliefs to one that was beginning to embrace reason and rationality, from one that accepted political and social suppression to one that demanded liberty of thought and politics, Voltaire was doing a great service not just to the study of history but to the cause of liberty in his own lifetime. It was in this way that, according to Buckle, Voltaire was “the greatest historian Europe has yet produced.”³⁶

The language Voltaire employed in writing his histories was also an important strategy, according to Buckle, in disseminating his views. Voltaire, it is safe to say, had a way with words but he also understood that at times a rational response to a violent enemy was of little value in a street brawl. Voltaire “had to

deal with men impervious to argument; men whose inordinate reverence for antiquity had only left them with two ideas, namely, that every thing old is right, and that every thing new is wrong.” To argue rationally with such men would be pointless. Voltaire instead appropriated less refined literary weapons in attacking enemies of progress. “He, therefore, used ridicule, not as the test of truth, but as the scourge of folly.” Voltaire was therefore able, “more than any other man[,] to sap the foundation of ecclesiastical power, and to destroy the supremacy of classical studies.” Because he relied not just on reason but also upon “irony,” “wit,” and “pungent and telling sarcasms,” Voltaire “produced more effect than the gravest arguments could have done”.³⁷ These were lessons Buckle would not soon forget, and he would put them on public display in defending a poor well-sinker against the protective spirit of his own day.

Buckle on Liberty and Blaspheme

Buckle would not learn of Pooley’s unfortunate trial and subsequent imprisonment until two years after the fact while he was in the midst of preparing to write a review of John Stuart Mill’s *On Liberty* (1859). Mill was an important influence on Buckle’s work, particularly his analysis of scientific methods in his *System of Logic* (1843), but given Buckle’s own arguments about the relationship between progress and the increase of liberty of thought and expression, he greatly anticipated the publication of *On Liberty*. “If Mr. Mill’s forthcoming on ‘Liberty’ is what I fully contemplate it will be,” Buckle wrote to his publisher John Parker, “it will be intimately connected with some views of my own concerning the influence of Legislation”. Buckle went on to say that should this be the case he would be more than happy to review the book for *Fraser’s Magazine*, the monthly journal that Parker happened to edit.³⁸

When *On Liberty* was published a few months later, Buckle found that it accorded to his way of thinking even more than he had anticipated. An episode briefly recounted by Mill particularly caught Buckle’s attention. On 9 March 1859 he wrote to Parker of a case mentioned by Mill “of a person in 1857 being ‘grossly insulted’ by a judge. Will you be kind enough to ascertain for me where I can get a *printed* account of this in detail?”³⁹ The case that so caught Buckle’s attention was of course that of Thomas Pooley. Mill mentions it only very briefly in *On Liberty*, explaining that the sentencing of Pooley to “twenty-one months’ imprisonment for uttering and writing on a gate some offensive words against Christianity” was clear evidence that “[p]enalties for opinion, or at least for its expression, still exist by law” and that furthermore “their enforcement is not, even in these times, so unexampled as to make it incredible that they may some day be revived in full.”⁴⁰ Buckle was astounded by this sorry if rather brief tale, and sought to find out all that he could about the case, receiving, among other documents from Parker, Holyoake’s original pamphlet about the poor “Cornish Well-

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It did not seem to matter, in Buckle's mind, that Pooley received a pardon from the Crown just five months into his sentence, largely as a result of Holyoake's initial intervention into the matter. Indeed, the law against blasphemy still existed in the common law and a judge had felt it necessary in the first place to put a man in prison for defying the law. A clear injustice had occurred and Pooley's subsequent pardon was not enough to right the wrong that had been committed.

The first third of Buckle's review of Mill's *On Liberty* dealt with unpacking much of Mill's earlier work on *Logic* and contains rather tedious forays into Mill's consideration of the inductive and deductive scientific methods. This was all done to explain just where *On Liberty* fit within Mill's ever growing philosophical and political writings. The opinions expressed in *On Liberty* were only discussed in the middle third of the rather lengthy review while the case of Pooley appeared in the final third following a discussion of the importance of freedom of expression.

Buckle argued that both he and Mill believed that for society to progress, "to recover new truths of real importance", it was simply necessary to "vindicate the right of each man to do what he likes, and to say what he thinks, to an extent much greater than is usually supposed to be either safe or decent." "[F]or the sake of society", argued Buckle, it was important to allow individuals the right to speak against what the majority holds true, in part because what societies accept as absolute truth in one era so often becomes patent falsehood in the next. "Nearly every opinion held by the majority was once confined to the minority", argued Buckle. "Every established religion was once a heresy."⁴¹ But allowing minority views to be expressed in the public sphere was only one element of a progressive society. He argued that it was just as important to contest precisely those opinions that a majority of the population holds to be true. "On any subject," argued Buckle, "universal acquiescence always engenders universal apathy." In order for society to progress, in order for the sceptical spirit to stay alive, Buckle argued that it was necessary to challenge truth in order to "prevent that truth from slumbering. All hail to those bold and fearless natures, the heretics and innovators of their day, who, rousing men out of their lazy sleep, sound in their ears the tocsin and the clarion, and force them to come forth that they may do battle for their creed. ... Give us paradox, give us error, give us what you will, so that you save us from stagnation."⁴² From this perspective, *On Liberty* very much supported the most basic argument of Buckle's *History of Civilization*, that society only progresses through the freedom to doubt while absolute certainty and the persecution of doubt can only lead to stagnation and even decline.

Central to Buckle's *History of Civilization in England* was that England had progressed beyond any other nation in the world, that it allowed for the greatest amount of freedom of action and expression, and that its great civilization as a

whole was the result of such tolerance, particularly the tolerance shown towards religious matters.⁴³ Mill's statements about the persecution of Pooley, however, reminded Buckle how powerful the forces of religious intolerance still were and he set out to relay his own findings about the case "so that men may determine whether or not such things shall be allowed."⁴⁴

Buckle was, of course, quite sympathetic to the "common labourer" who was well respected within the community for his "honesty, industry, and sobriety." Unfortunately, he was "eccentric" and "his mind was justly reputed to be disordered." He argued that despite the fact that Pooley's "hallucinations" were "perfectly harmless" he made the mistake of writing "a few very silly words expressive of his opinion respecting the potato-rot and the Bible, and also of his hatred of Christianity."⁴⁵ A local clergyman made a formal complaint about Pooley's words and deeds and he was "summoned before a magistrate, who was likewise a clergyman. The magistrate, instead of pitying him or remonstrative with him, committed him for trial and sent him to jail."⁴⁶

In his description of the trial, Buckle highlighted the fact that the judge and prosecutor were a father and son team who worked together to see that Pooley, who was without counsel, would be found guilty by the jury. "The father and the son performed their parts with zeal, and were perfectly successful" as Pooley was found guilty. Most importantly, argued Buckle, the judge ignored the obvious signs of Pooley's insanity, "his restless manner, his wild and incoherent speech, his disordered countenance and glaring eye.... But neither this, nor the fact that he was ignorant, poor, and friendless, produced any effect upon that stony-hearted man who now held him in his gripe." Not only was Pooley sentenced to twenty-one months in prison but the "interests of religion were vindicated. Christianity was protected, and her triumph assured, by dragging a poor, harmless and demented creature from the bosom of his family, throwing him into jail, and leaving his wife and children without provision, either to starve or to beg."⁴⁷

Buckle explained that Pooley was later transferred to Bodmin asylum because his condition worsened after a fortnight in prison. It was at this point when "his misfortunes attracted the attention of a few high-minded and benevolent men, who exerted themselves to procure his pardon". Buckle argued that the appeal for a pardon was successful only because the authorities wanted to avoid the publicity that would have been generated should the appeal fail. "Happily for mankind," argued Buckle, "one vice is often balanced by another, and cruelty is corrected by cowardice." The authorities wanted to avoid "general exposure" because they were involved in political affairs and "were, therefore, obliged to consider expediency as well as justice."⁴⁸

Buckle would not let expediency get in the way of distributing out his own justice, however. As he explained, "No writer on important subjects has reason to expect that he can work real good, or that his words shall live, if he allows himself to be trammelled by expediency as to postpone to it considerations of

right, of justice, and of truth.” Buckle, now channelling the younger Burke and his hero Voltaire while anticipating Zola’s later and more famous “J’accuse”, argued that “a great crime has been committed, and the names of the criminals ought to be known. They should be in everyone’s mouth. They should be blazoned abroad, in order that the world may see that in a free country such things cannot be done with impunity.” The real criminals must be punished, according to Buckle. “And, surely, no punishment can be more severe than to preserve their names.” Buckle went on to name the initial prosecutor who first lodged the complaint against Pooley, he named the magistrate who committed Pooley to trial, and he most importantly named the judge who sentenced Pooley to prison.

It was the last named Mr. Justice [John Taylor] Coleridge, who Buckle held out for special punishment. “[W]ith Mr. Justice Coleridge we have a different account to settle, and to him other language must be applied.”⁴⁹ Superior judges must be held to a higher standard than others, argued Buckle, because of the immense authority that is entrusted to them. They must not misuse that authority, particularly by ferreting out “some obsolete law for the purpose of oppressing the poor, when they know right well that the anti-Christian sentiments which that law was intended to punish are quite as common among the upper classes as among the lower”. Buckle’s point was that there was an unspoken class dimension to blasphemy. Blasphemy was a charge that no magistrate would bring up against a popular literary figure because of the publicity that would ensue, but trying a poor sod like Thomas Pooley for the offence would avoid the publicity while reminding the lower orders of the consequences for overstepping their boundaries. But of course Coleridge and his ilk would not dare to challenge one of the literary unbelievers. They tremble at the thought. “Happily for mankind,” argued Buckle, “literature is a real power, and tyranny quakes at it.” Yet literature must be used not just to defend other men of letters, but “to defend the weak against the strong, and to uphold the poor against the weak. ...I would it were known in every cottage, that the intellectual classes sympathize, not with the upper ranks but with the lower. I would that we made the freedom of the people our first consideration.” Only by defending the weak and the poor, argued Buckle, could literature become “the religion of liberty, and we, priests of the altar, ministering her sacred rites, might feel that we act in the purest spirit of our creed when we denounce tyranny in high places, when we chastise the insolence of offence, and when we vindicate the cause of Thomas Pooley against Justice Coleridge.”⁵⁰

The Aftermath

For someone who had never before written a review, Buckle did a remarkable job getting his review noticed, though the attention had little to do with his opinions about Mill’s *On Liberty* or even the way in which his view of the Pooley case related to freedom of expression. His literary chastisement of the Justice John

Coleridge was all anyone was talking about in reference to his review and the fact that Buckle had failed to act like a gentleman in meting out his “justice”.

Just a few weeks after the publication of Buckle’s review, the weekly *Saturday Review* expressed contempt for Buckle’s absurd and irresponsible diatribe against a well-respected judge with an “unblemished character”. The *Saturday* (as it was often called) admitted that perhaps Buckle had a point about the sentence being “too severe”, but such was linked with “a string of unjust charges” that Buckle “urged with an intemperance of language which nothing can excuse.” By in particular suggesting that the father and son were somehow working together in their persecution of Pooley, by implying that “there was a black conspiracy” between them, Buckle was insinuating a state of affairs beyond the pale. “To base the insinuation upon the relationship of the parties is to make it additionally offensive; for to men with the feelings of gentlemen, that circumstance would in itself form an additional motive against improper conduct. Mr. Buckle ought to have been restrained from this remark, by his own sense of what is due from one gentleman to another.”⁵¹ It was beyond reproach that Buckle would question the professionalism of the two men and it was insulting not just to the immediate parties, but to the “feelings and understandings of many hundreds of persons who know and honour” Sir John Coleridge.⁵²

The *Christian Remembrancer* was equally horrified by Buckle’s “angry” article that was clearly written “with an intent to injure somebody.” It was not Sir John Coleridge who Buckle damaged, however, but rather only himself. “Whether regarded as one claiming to be an investigator of facts, an educated and well-informed writer, or, lastly, a gentleman, he has given a blow to his reputation, from which it must inevitably take a long time to recover.”⁵³ Buckle had so “irreparably” damaged his reputation because he failed to act like a “gentleman” in this dispute. It really should have been just “a matter of decent courtesy, to refrain from imputing any man, above all, a man of high character and blameless life, that he has acted upon the lowest and basest motives ... for the purpose of oppressing a poor and innocuous man whom he knew to be insane.” The *Christian Remembrancer* felt little need to defend the well-respected judge but instead directed the reader to the “June number of *Fraser*” which included a letter from John Duke Coleridge about the trial. And unlike Buckle’s attacks, it was “a perfect model of high-toned and righteous indignation”.⁵⁴

The June 1859 issue of *Fraser’s Magazine* did indeed include a rather lengthy response to Buckle’s accusations in the form of a letter to the editor written by the prosecutor and son of Justice Coleridge. John Duke Coleridge began his letter by suggesting that he need not tell the editor that Buckle’s attacks on his father was “a libel, nor need I offer you any opinion as to the effect on the character of your Magazine of publishing a tissue of what I must call coarse personal malevolence.” He argued that he would like to treat the libel “with the disdainful silence which it deserves”, but he also admitted that some persons will likely read

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the review having no foreknowledge of his father and therefore may be taken in by Buckle's lies.⁵⁵ Coleridge wanted, therefore, to set the record straight for those necessarily ignorant readers while also expressing his disgust at the libellous accusations.

Coleridge doubted that Buckle had actually looked into the facts of the case. Had he done so he would have discovered that Pooley was not the harmless well-respected neighbour presented in Buckle's narrative of events. Pooley, Coleridge argued, had been irritating his neighbours for at least fifteen years. His blasphemous outbursts and graffiti was not the result of some recent accident, which he admitted did occur, as Pooley had been annoying his neighbours for the better part of his life in Liskeard. Not only was Pooley often warned about his illegal statements, the advertisement taken out in the *Cornish Times* was actually a message to Pooley that his actions would have consequences if they continued, which they did.⁵⁶

Coleridge sought to convince the reader that these were not the harmless "silly words" suggested by Buckle but were rather "shockingly blasphemous", so much so that Coleridge refused to print them "not even in defence of my father". He suggested that it was "incredible" to him that "any man who knew the words would describe them so inaccurately as Mr. Buckle has described them," subtly suggesting that either Buckle did not know the basic facts of the case or was impervious to "shockingly blasphemous" statements and therefore an infidel himself. To further his case in this regard, Coleridge sent a copy of the blasphemous statements to the editor of *Fraser's* requesting that a note be appended to the published letter explaining—in the editor's own judgement—whether or not Pooley's statements were blasphemous. The editor did, in fact, append a note to the published letter but it would have only partially satisfied Coleridge. The editor admitted that he had "no hesitation in pronouncing [Pooley] guilty of blasphemy of the grossest kind." But he also suggested that the statements "bear—in our opinion and in that of an eminent physician, well versed in mental science, whom we have consulted on the subject—strongly marked, the semblance of insanity".⁵⁷

The appended note would not have pleased Coleridge because the other key element in defending his father was his suggestion that Pooley exhibited no signs of insanity at the trial, even though the nature of the blasphemous statements in the mind of the editor and consulted physician suggested otherwise. Coleridge argued, however, that blasphemous statements in themselves are not evidence of insanity. Indeed, aside from what on the surface appear to be insane considerations of Christianity, Pooley seemed at the trial entirely rational to the judge, jury, and prosecution. Coleridge argued that Pooley defended himself not just rationally but even admirably, as he cross-examined "several of the witnesses who proved his writing with a good deal of skill".⁵⁸ Coleridge even remembered Pooley "shrewdly pointing out that a Christian jury was an unfair tribunal to sit up his case, as any juryman would feel, if he was indicted for maintaining Christianity

in an infidel country, and was tried in an infidel court.”⁵⁹ The trial itself gave no indication of his supposed madness, in other words, and no one came forward to suggest such a defence for him.

Much as had the *Saturday Review* and the *Christian Remembrancer*, Coleridge reserved his harshest words in order to reject the supposed suggestion that he and his father formed some sort of conspiracy out to get Pooley. Not only had Buckle no right to make such an accusation about two men he did not know but he also clearly “does not comprehend the common feelings of a gentleman, nor the first principles which actuate the high profession to which it is my pride and honour to belong.” Coleridge expressed absolute disgust that “Mr. Buckle should have made such a charge without evidence and without inquiry” and suggested that such could only be “proof that his learning ... is not education, and has not raised him above the feelings and prejudices of a thoroughly vulgar mind.”⁶⁰ He also expressed disgust that this was a charge that needed to be addressed. “It is hard that a gentleman should have to touch such dirty stuff as this.”⁶¹

Interestingly, Buckle had already articulated responses to criticisms of this nature in letters to his friends who did not approve of his attack on Coleridge. The most extensive exchange was with Buckle’s closest correspondent, the proponent of female education, Emily Shirreff. She wrote to him—before any of the attacks against him had been published—that she “regretted the extreme violence” of his assault and questioned the language he used which she claimed was not “gentlemanly”.

Buckle explained that he used such violent language because he believed that Coleridge’s “sentence on Pooley is the most criminal act by any English judge since the seventeenth century.” He had no choice but to express contempt towards the sentence and the judge who carried it out because it ran “counter to the liberal tendencies of the time, in order to gratify that malignant passion—a zeal for protecting religion.”⁶² Given the heinous crime committed by Coleridge in sentencing a harmless man to twenty-one months’ imprisonment Buckle argued that he could not “use nice and dainty words. Instead of confining myself to writing like a *gentleman*, I aimed at writing like a *man*.” Buckle claimed that he set out to “smite” Coleridge for his actions. “Had I, or had I not, a right to smite him? Is it the business of literature to chastise as well as to persuade? I think it is; and I follow the example of many who have done the greatest good and left the greatest names.” Buckle refused to accept a situation where, “as an author”, he should feel compelled to act as a gentleman in the face of a great injustice. “[W]hen an act of cruelty comes across my path, perpetrated by a powerful and influential man, I will never let conventional and ‘gentlemanly’ considerations restrain the indignation which I feel.”⁶³

Much of Buckle’s defence of his actions to his friends such as Shirreff would be more formally articulated in a response to John Duke Coleridge’s letter

to the editor. *Fraser's Magazine* would not publish Buckle's response, however. Parker wanted to get the controversy off *Fraser's* pages and agreed to publish Buckle's response in a pamphlet which meant that it would find a smaller readership.⁶⁴ *A Letter to a Gentleman Respecting Pooley's Case* was published at the end of June 1859.⁶⁵

Buckle argued in his *Letter to a Gentleman* that for the most part Coleridge successfully defended himself against charges that Buckle did not make, such as the issue of a supposed conspiracy, while passing over his main complaints in absolute silence. The fact of the matter was that Coleridge, in Buckle's mind at least, gave no justification for the severity of the sentence nor did he mention the terms of the sentence. "I charged Sir John Coleridge with passing a sentence which, independently of the other objections against it, was alien to the spirit of the age. To this I find no reply."⁶⁶ Buckle argued that the suggestion that Justice Coleridge had no choice but to try and sentence Pooley was ridiculous. "Unhappy judge! he had no choice. His hands were tied." Buckle felt embarrassed to have to explain to a barrister that "an assize is rarely held without an instance of the judge imposing a light ... sentence" particularly when the common law in question "was established in a barbarous and ignorant age.... To suppose that an English judge is bound to follow with servile acquiescence all the decisions of such a period, is to suppose what is not only absurd in itself, but is contradicted by the judicial history of this country."⁶⁷

Buckle understood, however, that the main complaint against him was not his accusations that a great miscarriage of justice had occurred, but that he failed to act like a gentleman in discussing the case and used a forceful language not suitable to such a public forum and certainly not suitable in reference to a respectable English judge. This complaint, Buckle responded, was not unlike the charge Pooley was forced to endure, that he should not be allowed to speak his mind when it came to religion in the same way Buckle should not be allowed to speak freely about the very public actions of an English judge. At issue in both cases, argued Buckle, was "the sacred cause of liberty and of publication", an issue that "lies near to my heart." This was an issue that was at the centre of "a far older and wider struggle" occurring throughout the civilized world.

In every part of the civilized world the same contest is raging, and the question is still undecided, whether or not men shall say what they like; in other words, whether language is to be refuted by language, or whether it is to be refuted by force. Disguise it as you will, this is the real issue. In this great warfare between liberty and repression, Sir John Coleridge has chosen his side and I have chosen mine. But he, being armed with the power of the executive government, has been able to carry matters with a high hand, and to strengthen his party, not indeed by arguments, but by violence. Instead of refuting, he imprisons. My weapons are of another kind, and shall I not use them? Am I for ever to sit in silence?

Are all the blows to be dealt from one side, and none from the other? I think not. I think it is right and fitting that Sir John Coleridge, and those who agree with him, should be taught that literature is able to punish as well as to persuade, and that she never exercises her high vocation with dignity than when, upholding the weak against the strong, she lets the world see that she is no respecter of persons, but will, if need be, strike at the highest place, and humble the proudest name.⁶⁸

Buckle was not simply attacking a judge for over-sentencing a deluded mad man. He was defending the right of liberty of expression and indeed was defending the sceptical spirit of his own age against the protective spirit of a bygone era represented by Coleridge and the medieval law against blaspheme that he so clearly upheld with his ruling.

Remembering the Pooley Controversy

While Buckle may have successfully defended his choice of literary weapons in smiting Justice Coleridge, he was at the time unable to convince the wider public about the validity of his attacks, in large part because his *Letter to a Gentleman* had such a limited circulation. In hindsight, however, it is clear that Buckle engendered a conversation about blaspheme that might not have otherwise occurred. John Duke Coleridge was forced to defend his persecution of blaspheme by citing the work of Thomas Starkie, which in theory justified the continued persecution of a more narrow form of blaspheme that was particularly malicious and vulgar as opposed to more serious literary criticisms of Christianity which should not be persecuted.⁶⁹ But others less polarizing than Buckle also began questioning the law. Buckle sent his initial review of *On Liberty* to James Fitzjames Stephen who would become one of the most influential legal theorists of the Victorian period.⁷⁰ He published an important essay that not only questioned the law against blaspheme itself, but also systematically took apart the favoured Starkie defence of the law. Relying on a similar rationale as Buckle without the rhetorical display, Stephen argued that there was a class dimension masked by Starkie's narrowing of the law that essentially legalized blasphemy for those able to articulate their anti-Christian sentiments while vulgar and inarticulate anti-Christian statements such as that made by Pooley would always appear "malicious" and therefore illegal under the law.⁷¹ After a few highly publicized cases against blaspheme in 1883 against G. W. Foote and the *Freethinker*, the law once again went into disuse before finally being repealed in the twentieth century.⁷² Buckle's very public intervention played no small role in this final chapter of the blaspheme law in England.⁷³

Perhaps not surprisingly Buckle's intervention in the Pooley case began to be viewed in a more positive light as the nineteenth century progressed. When the *Life and Writings of Henry Thomas Buckle* by Alfred Henry Huth was published in 1880, the better part of a chapter was devoted to the "Case of Thomas Pooley"

inclusive of many excerpts of letters about the case as well as a useful summary of the case itself. Huth deemed the episode as “the most important in Buckle’s public life” and, as is to be expected from a friendly biographer, was highly sympathetic.⁷⁴ Tellingly, reviewers of the two-volume work were also drawn to that important episode in Buckle’s life and their interpretation likely gives a better sense of contemporary views.

G. A. Simcox, writing for the *Fortnightly Review*, argued that Buckle’s review of Mill’s *On Liberty*, was “still memorable for the grotesque, pathetic, eloquent philippic on Pooley’s case.” Simcox believed that it was still unclear just who “we are to be indignant at”, whether the obvious “miscarriage of justice that the judge did not find out that Pooley was mad,” and “perhaps the law under which he was sentenced,” or perhaps Pooley who was likely sentenced to less of a term than most poachers and yet he was surely “as great a nuisance as a poacher in a respectable neighbourhood.” Buckle also seemed to be “in a state of exaltation where he had too little sense of the proportion of things to measure the personal responsibility of the judge”. But, Simcox had to admit, Buckle “saw correctly that while damaging his own position he was doing something to make further prosecutions for blasphemy difficult, and he had the sense to turn a deaf ear to the many letters from people with grievances that poured in upon him.”⁷⁵

The *New Quarterly Review* was more unequivocal in its interpretation of the case of Pooley which was indicative of Buckle’s “strong sense of justice which he combined with ... kindness”. Much like Simcox, the *New Quarterly Review* was glad that Buckle refused to listen to his “friends who urged him to calmer language.” Buckle was right to attack the “perversion of justice with anger” and suggested that it was John Duke (now Lord) Coleridge who should have kept quiet. “The present Lord Coleridge published a defence of his father, and shared the disgrace of a religious persecution.” Whereas Buckle’s “righteous indignation” was properly “aroused by an unjust sentence,” Coleridge’s letter was “an unworthy defence of an indefensible act.”⁷⁶

The *Examiner* was similar in its praise arguing that while Buckle’s language might have been hyperbolic, “his indignation was righteous and generous.” The reviewer went on to question that if we can praise Voltaire for defending heretics, “[w]hy not Buckle for protesting against the unjust imprisonment of an unfortunate lunatic who had got the idea into his head that the ashes of Bibles would prove a cure for the potato rot?”⁷⁷ While this was a view not likely to find many adherents in 1859, it was widely shared by 1880.

The only noted review of Huth’s *Life and Writings* that does not in some way defend Buckle’s actions against Coleridge is the *Saturday Review*, the weekly that was the first to come out strongly against Buckle in 1859. Unlike the other reviews, however, the Pooley episode was glossed over without much being said for or against Buckle. The *Saturday* was only willing to suggest that the case of Thomas Pooley resulted in “many articles, pamphlets, and a confused controver-

sy.” Rather than pass judgment, however, it was deemed “better not to rake up that old story.”⁷⁸

Even if the *Saturday* did not want to “rake up that old story,” the historian presented by the reviewer was very different than the man the weekly denounced twenty-one years before. This was because Huth showed that Buckle was not the arrogant and vulgar abuser who was too easily stereotyped as such in the defences of Coleridge written in the wake of Buckle’s initial review of Mill. Buckle was deeply principled and believed that he was fighting—in both his *History of Civilization* and in his defence of Poole—to keep the sceptical spirit of the age alive against the forces of custom and protection. It is in his letters where this is perhaps most clear, especially his letter to Emily Shirreff where he attempts to convince his friend that he has no personal animosity towards Justice Coleridge. “On my part there is no personal feeling, no rivalry, no jealousy; but I felt great indignation. I believed that the indignation ought to be expressed; and I knew that many who agreed with me would shrink from compromising themselves, and incurring the hostility of Coleridge’s numerous and powerful friends.”⁷⁹ Buckle was willing to put his newly established reputation at great risk in order to defend Poole and with him the liberty of expression and thought, a reputation that was certainly for a time “irreparably” damaged in the words of the *Christian Remembrancer*.⁸⁰

Huth’s study made it clear that Buckle was well prepared to accept the consequences for speaking out so violently against a public figure. Those consequences were particularly harsh in part because Buckle was not just a man of letters, but a historian. This was a period when historians were claiming authority, much like men of science, on their ability to overcome their subjective identity in order to let the past (or ‘nature’ in the case of men of science) speak for itself.⁸¹ Controversy, in particular, was viewed as anathema to the new disinterested historical identity. William Stubbs, Regius Professor of Modern History at Oxford (1866–83), spoke for many of his colleagues when he said in a lecture that “Of all things in the world except a controversial woman, a controversial boy is the most disagreeable.”⁸² Buckle was not the only historian who suffered because of a public controversy. James Anthony Froude, author of a very popular *History of England* (1856–70), could never escape his earlier life as a controversial (and heretical) novelist, and his histories were attacked throughout his adult life as the product of a weak and inherently subjective mind.⁸³ Posterity has been kinder to Froude’s historical studies than it has been to Buckle’s, but the memory of Buckle’s intervention against Coleridge has for the most part been a positive one despite the early consensus that deemed it libellous.

Buckle not only jeopardized his authorial reputation in defending Poole; he also jeopardized his health. In the words of the now rather sympathetic *Saturday Review*, Buckle had a “kind heart and a large intellect cramped in a feeble body.”⁸⁴ Indeed, he struggled to produce what he could against the demands of

his sickness throughout his short adult life. His health went into serious decline just as he began his review of Mill's *On Liberty*, and he admitted to Parker that he wished he had not proposed to write the review in the first place as it had taken a severe toll. He would eventually, much like Byron's *Gladiator*, "consent to death" in 1862 while in Beirut trying to find a warmer climate more suitable to his sickness, but not before he avenged Thomas Pooley and attempted to play his own role in keeping the sceptical spirit alive like the handful of great men who appear in his *History of Civilization in England*. Before he died Buckle told Alfred Huth's father Henry, in reference to his defence of Pooley, that "I have not done anything in my life on which I look back with greater satisfaction than this".⁸⁵ By 1880 there were more than a few who would have agreed with him. Surely there are more now.

NOTES

- ¹ H. T. Buckle Collection, University of Illinois at Urbana-Champaign (hereafter cited as Buckle Collection), MS 66, vol. 5; Lord Byron, *Childe Harold's Pilgrimage*, Canto IV, No. 140–141.
- ² Henry Thomas Buckle to John Parker, 17 April 1858, Buckle Collection, MS 66, vol. 1, 13–14; MS 66 vol. 10, 143–144.
- ³ Leslie Stephen, "An Attempted Philosophy of History," *Fortnightly Review*, 27 (1880), 672–695: 672.
- ⁴ Henry Thomas Buckle, *History of Civilization in England*, 2 vols. (1857, 1861; New York: D. Appleton and Company, 1860, 1861), vol. 1, ch. 1.
- ⁵ [J. D. Lester], "History and Biography," *Westminster Review*, 43 (1873), 301–18: 302. On the opposition of historians to Buckle's project see Ian Hesketh, *The Science of History in Victorian Britain: Making the Past Speak* (London: Pickering & Chatto, 2011), ch. 2; Christopher Parker, "English Historians and the Opposition to Positivism," *History and Theory* 22 (1983): 120–45; and T. W. Heyck, *The Transformation of Intellectual Life in Victorian England* (London/Canberra: St. Martin's Press, 1982), 137. On the general opposition to Buckle's work see John Mackinnon Robertson, *Buckle and His Critics: A Study in Sociology* (London: Swan Sonnenschein & Co., 1895).
- ⁶ On meeting Darwin and Hooker see Darwin to Hooker, 23 February 1858, and Hooker to Darwin, 25 February 1858, in *The Correspondence of Charles Darwin*, vol. 7: 1858–1859, ed. Frederick Burkhardt and Sydney Smith (Cambridge: Cambridge University Press, 1991), 31, 34. For Tyndall and Livingstone see Tyndall to Thomas Archer Hurst, 8 Feb. 1858, Royal Institution, London, RI MS JT/1/HTYP/508–509. On meeting Spencer see Giles St. Aubyn, *A Victorian Eminence: The Life and Works of Henry Thomas Buckle* (London: Barrie, 1958), 8–9.
- ⁷ On Huxley's defense of Buckle see Adrian Desmond, *Huxley: From Devil's Disciple to Evolution's High Priest* (London: Penguin Books, 1997), 242. For the election results see Buckle to George Capel, 2 February 1858, Buckle Collection, MS 66 vol. 1, p. 4; vol. 10, 129. "I have just received (9 a.m.) the news of my triumphant election at the Athenaeum by 264 votes against 9."
- ⁸ Henry Thomas Buckle, "The Influence of Women on the Progress of Knowledge," *Fraser's Magazine*, 57 (April 1858): 395–407; also published in *Miscellaneous and Posthumous Works of Henry Thomas Buckle*, ed. Helen Taylor, vol. 1 (London: Longmans, Green, and Co., 1872), 1–19. Buckle was no fan of Baconian science preferring a method that combined broad generalizations and a poetic imagination with an analysis of particular facts. Aside from his Royal Institution lecture see his *History of Civilization in England*, vol. 2, esp. 256–259, 396–397, 401. He argued that "we need to give more scope to the imagination, and incorporate the spirit of poetry with the spirit of science." *Ibid.*, 396.
- ⁹ Alfred Henry Huth, *The Life and Writings of Henry Thomas Buckle*, 2 vols. (London: Sampson Low,

Marston, Searle & Rivington, 1880), vol. 2, 256.

¹⁰ Tyndall to Hurst, 8 Feb. 1858, 509.

¹¹ The advertisement is quoted in George Jacob Holyoake, *The Case of Thomas Pooley, the Cornish Well Sinker* (London: Holyoake and Company, [1857]), 12. See also Timothy J. Toohey, "Blasphemy in Nineteenth-Century England: The Pooley Case and Its Background," *Victorian Studies* 30 (1987), 315–333: 315.

¹² See Holyoake, *The Case of Thomas Pooley*, 21; and Toohey, "Blasphemy in Nineteenth-Century England," 315–316.

¹³ David Bentley, *English Criminal Justice in the Nineteenth Century* (London: The Hambledon Press, 1998), xiv–xv, 10.

¹⁴ Toohey, "Blasphemy in Nineteenth-Century England," 325.

¹⁵ Holyoake, *The Case of Thomas Pooley*, 10 ("Bush and Coleridge Christianity").

¹⁶ Toohey, "Blasphemy in Nineteenth-Century England," 325.

¹⁷ Holyoake, *The Case of Thomas Pooley*, 13.

¹⁸ *Ibid.*, 13–16, 15.

¹⁹ For a useful summary of the McNaughtan trial see Nigel Walker, *Crime and Insanity in England*, vol. 1: *The Historical Perspective* (Edinburgh: Edinburgh University Press, 1968), ch. 5.

²⁰ On the McNaughtan Rules see *ibid.*, ch. 6. On the rules in practice see *ibid.*, ch. 7; and Joel Peter Eigen, *Unconscious Crime: Mental Absence and Criminal Responsibility in Victorian London* (Baltimore: The Johns Hopkins University Press, 2003), 7–8, 23–8.

²¹ Ian Hacking, *The Taming of Chance* (Cambridge/New York: Cambridge University Press, 1900), 105.

²² On Buckle's embrace of a "positivist" approach to the study of history see, in particular, Eckhardt Fuchs, *Henry Thomas Buckle: Geschichtsschreibung und Positivismus in England und Deutschland* (Leipzig: Leipziger Universitätsverlag, 1994). For his use of statistics see Helen Small, "Chances Are: Henry Buckle, Thomas Hardy, and the Individual at Risk," in *Literature, Science, Psychoanalysis, 1830–1970*, ed. Small and Trudy Tate (Oxford: Oxford University Press, 2005): 64–85; and Theodore Porter, *The Rise of Statistical Thinking, 1820–1900* (Princeton: Princeton University Press, 1986), 60–5. For Buckle's "science of history" in general see Hesketh, *The Science of History in Victorian Britain*, ch. 1.

²³ Buckle, *History of Civilization in England*, vol. 1, 5.

²⁴ *Ibid.*, 242.

²⁵ *Ibid.*, 243.

²⁶ He wrote to Vice-Chancellor Wood, 31 October 1857, that "my inquiry has nothing to do with the individual, but is solely concerned with the masses." Buckle Collection, MS 66, vol. 10, 117–119.

²⁷ The Catholic *Rambler* noted this in its review of Buckle's work, arguing that despite his methodological statements to the contrary "Buckle knows better than to reduce history to such dry chaff" as statistics and laws. When Buckle "writes history he makes persons as his centres, and reduces it to what it must always be, an intricate and interlacing tissue of biographies". [Richard Simpson and Lord Acton], 'Mr. Buckle's Thesis and Method (1858),' in Lord Acton, *Essays in the Liberal Interpretation of History: Selected Papers*, ed. William H. McNeill (Chicago/London: University of Chicago Press, 1967), 18.

²⁸ Buckle, *History of Civilization in England*, vol. 1, 327–328.

²⁹ *Ibid.*, 330–332.

³⁰ *The Writing and Speeches of Edmund Burke*, vol. 7: *India: The Launching of the Hastings Impeachment 1786–1788*, ed. P. J. Marshall (Oxford: Clarendon Press, 1991), 459. I thank Todd Webb for drawing

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my attention to this reference.

³¹ Buckle, *History of Civilization in England*, vol.1, 334–335.

³² *Ibid.*, 340–341, on 341.

³³ *Ibid.*, 538.

³⁴ *Ibid.*, 541.

³⁵ *Ibid.*, 581.

³⁶ *Ibid.*, 592.

³⁷ *Ibid.*, 587–589.

³⁸ Buckle to J. W. Parker, 9 Dec. 1858, Buckle Collection, MS 66 vol. 10, 168–169.

³⁹ Buckle to Parker, 9 March 1859, Buckle Collection, MS 66 vol. 10, 183. See also Huth, *The Life and Writings of Henry Thomas Buckle*, vol. 1, 284–285.

⁴⁰ John Stuart Mill, *On Liberty* (London, John W. Parker and Son, 1859), 54–55. See also Huth, *The Life and Writings of Henry Thomas Buckle*, vol. 1, 295–296.

⁴¹ Henry Thomas Buckle, “Mill on Liberty,” *Fraser’s Magazine*, 59 (May 1859), 509–542, quotes on 529–530.

⁴² *Ibid.*, 531.

⁴³ Buckle, *History of Civilization in England*, vol. 1, 168–169. “England is the one [country] where, during the longest period, the government has been most quiescent, and the people most active, where popular freedom has been settled on the widest basis; where each man is most able to say what he thinks, and do what he likes; where every one can follow his own bent, and propagate his own opinions; where, religious persecution being little known, the play and flow of the human mind may be clearly seen, unchecked by those restraints to which it is elsewhere subjected; where the profession of heresy is least dangerous, and the practice of dissent most common; where hostile creeds flourish side by side and rise and decay without disturbance, according to the wants of the people, unaffected by the wishes of the church, and uncontrolled by the authority of the state....”

⁴⁴ Buckle, “Mill on Liberty,” 533.

⁴⁵ *Ibid.*, 533–534.

⁴⁶ *Ibid.*, 534.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, 534–535.

⁴⁹ *Ibid.*, 535.

⁵⁰ *Ibid.*, 536–537.

⁵¹ “Mr. Buckle and Sir John Coleridge,” *Saturday Review*, 14 May 1859, 585–587, on 586.

⁵² *Ibid.*, 587.

⁵³ “Mr. Buckle’s Attack upon Sir John Coleridge,” *Christian Remembrancer* 38 (July 1859): 200–202, quote on 201.

⁵⁴ *Ibid.*, 202. It should be noted that the legal periodical press similarly defended Coleridge against Buckle’s “foul mouthed virulence”. See “Mr. Buckle and Sir John Coleridge,” *Law Times*, 21 May 1859, 114–115; and “Sir John Taylor Coleridge and Mr. Buckle,” *Law Magazine and Law Review* 7 (May–August 1859): 263–284. See Toohey, “Blasphemy in Nineteenth-Century England,” 327–328, for an analysis.

⁵⁵ John Duke Coleridge, “Mr. Buckle and Sir John Coleridge,” *Fraser’s Magazine* 59 (June 1859): 635–644, quote on 635.

⁵⁶ *Ibid.*, 637.

⁵⁷ *Ibid.*, 638.

- ⁵⁸ Ibid., 640.
- ⁵⁹ Ibid., 641.
- ⁶⁰ Ibid., 639.
- ⁶¹ Ibid., 638.
- ⁶² Buckle to Emily Shirreff, 10 May 1859, Buckle Collection, MS 66 vol. 10, 195–198; and see Huth, *Life and Writings of Henry Thomas Buckle*, vol. 1, 309–312.
- ⁶³ Buckle to Shirreff, 13 May 1850, Buckle Collection, MS 66 vol. 10, 202–207; and see Huth, *Life and Writings of Henry Thomas Buckle*, vol. 1, 312–318.
- ⁶⁴ Huth, *Life and Writings of Henry Thomas Buckle*, vol. 2, 1, 8–9.
- ⁶⁵ Henry Thomas Buckle, *A Letter to a Gentleman Respecting Pooley's Case* (London: Parker and Son, 1859). There is a copy of this pamphlet in Buckle Collection, MS 66 vol. 7. It has also been reprinted as “A Letter to a Gentleman Respecting Pooley's Case,” in *Miscellaneous and Posthumous Works of Henry Thomas Buckle*, ed. Helen Taylor, vol. 1 (London: Longmans, Green, and Co., 1872), 71–81. All citations will be from this version.
- ⁶⁶ Buckle, “A Letter to a Gentleman Respecting Pooley's Case,” 73–5, quote on 75.
- ⁶⁷ Ibid., 76.
- ⁶⁸ Ibid., 79.
- ⁶⁹ Coleridge, “Mr. Buckle and Sir John Coleridge,” 639; Thomas Starkie, *A Treatise in the Law of Slander and Libel*, 2 vols., 2nd edn. (London: J. and W. T. Clarke, 1830), vol. 2, 130–147; and see Toohey, “Blasphemy in Nineteenth-Century England,” 320.
- ⁷⁰ For sending his review to James Fitzjames Stephen see Buckle to Parker, 20 April 1858, Buckle Collection, MS 66 vol. 10, p. 190.
- ⁷¹ James Fitzjames Stephen, “Blasphemy and Blasphemous Libel,” *Fortnightly Review* 27 (1884): 289–318.
- ⁷² On the persecution of blasphemy throughout the nineteenth century from the vantage point of literature see Joss Marsh, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England* (Chicago/London: University of Chicago Press, 1998), see esp. ch. 3 for the *Freethinker* trials.
- ⁷³ See Own Chadwick, *The Victorian Church*, vol. 1 (London: Adam & Charles Black, 1966), 489.
- ⁷⁴ Huth, *Life and Writings of Henry Thomas Buckle*, vol. 1, 295.
- ⁷⁵ G. A. Simcox, “Henry Thomas Buckle,” *Fortnightly Review* 27 (1880), 270–80: 278.
- ⁷⁶ Review of *The Life and Times of Henry Thomas Buckle* by Alfred B. Huth, *New Quarterly Review* (1880): 448–451, quote on 451.
- ⁷⁷ “A Philosophical Life,” *Examiner*, 27 March 1880, 405–407, quote on 406.
- ⁷⁸ “Life and Writings of Buckle,” *Saturday Review*, 24 January 1880, 120–122, quote on 121.
- ⁷⁹ Buckle to Emily Shirreff, 10 May 1859, Buckle Collection, MS 66 vol. 10, 198; and Huth, *The Life and Writings of Henry Thomas Buckle*, vol. 1, 312.
- ⁸⁰ Ibid., 202.
- ⁸¹ On objectivity and scientific history see Hesketh, *The Science of History in Victorian Britain*, ch. 5 (“History from Nowhere”). For the relationship between objectivity and a scientific identity in the Victorian period see esp. Lorraine Daston and Peter Galison, *Objectivity* (New York: Zone Books, 2007). For the relationship between scientific objectivity and literature see George Levine, *Dying to Know: Scientific Epistemology and Narrative in Victorian England* (Chicago: University of Chicago Press, 2002).
- ⁸² William Stubbs, *Seventeen Lectures on Medieval and Modern History* (Oxford: Oxford University Press, 1887), 53; see also J. W. Burrow, *A Liberal Descent: Victorian Historians and the English Past* (Cambridge:

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Cambridge University Press, 1981), 97.

⁸³ See Ian Hesketh, "Diagnosing Froude's Disease: Boundary Work and the Discipline of History in Late-Victorian Britain," *History and Theory* 47 (2008): 373–397.

⁸⁴ "Life and Writings of Buckle," *Saturday Review*, 122.

⁸⁵ Quoted in Huth, *The Life and Writings of Henry Thomas Buckle*, vol. 2, 9.