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# Beyond the Law: Fox, Antichrist, and the Bastard Norman Yoke

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The early Quaker objection to certain laws is widely acknowledged. However, the reasoning behind this opposition has been less widely considered, with historians tending to follow Quaker mythology in attributing this positioning to fundamental 'Testimonies' established by the earliest Friends, not least a refusal to pay tithes or any of the fees associated with the 'Hireling Minister' and his 'Steeple-House'. Wider consideration of both context and documentary evidence from early Advices and the Society's records of the seventeenth century suggests that those who became Quakers were representative of a much wider group whose rejection of the authority of both ecclesiastical and state law was founded (however curiously) upon what they considered to be firmly rational grounds. As such, the varied and complex measures adopted by early Friends to place themselves beyond the law (including appeals, arbitration, the Anglican Church or perhaps any regulations associated with any religious formality) were a necessary consequence of two widely-held beliefs (both theological and secular) which had taken root in the interregnum populace but which have since become obscure: Antichrist and the Norman Yoke.

## Introduction

That the early Quakers claimed the right to challenge the status quo is quite possibly axiomatic. Indeed, their 'sufferings' in pursuit of 'Truth' have arguably become a defining characteristic. Such sufferings were established as a cornerstone of Quaker historiography with the publication of a collection by Joseph Besse in 1733, some eighty years after the earliest events documented therein and with the intention of lobbying the Parliament in London for a reduction in penalties for non-payment of tithes.[1]

However, while it is accepted that these Quaker challenges were commonplace, the search for an explanation as to 'why?' such views were held seems to have attracted much less serious thought. Moving past the Marxist interpretation of 'failed revolutionaries',[2] the generally proposed reasoning still runs along pseudo-syllogistic lines which originated in the nineteenth century, arguing that the experiential Quakers discovered knowledge from living in the 'Light', that it was thus they discovered that the Kingdom of God was coming, and that 'from this fundamental idea came others. A main one was an uncompromising hostility to the parish ministry'.[3] Since disagreements with the established Church as an institution were a widespread phenomenon at this time, it seems curious to advance uniquely Quaker millenarian insights as the reason. And as a rationale for disputing the legal basis of the tithe, such a proposition ignores the accumulated evidence of previous centuries which one author has traced back as far as objections to the Archdeacon of London in 1199.[4] Alternative attempts to explain why so many became convinced of the Quaker position on law have sought to define a more formal process: Jane E. Calvert sees a construct of Quaker's legal singularity based upon 'its casuistic epistemology'. While accepting (along with many at the time) that there was a 'higher fundamental law that came from God', Calvert claims the Quakers accessed that law not through reason, but through conscience using a process once identified by William Penn (and by Penn alone, it would seem) as *synteresis*, a form of ethical intuition. The intellectual complexity demanded by such a stance seems somewhat at

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[1] J. Besse, '*Abstract of the Sufferings of the People call'd Quakers*', (London, vol. i. 1733); N. Crowther-Hunt, *Two early political associations: The Quakers and the Dissenting Deputies in the age of Sir Robert Walpole*', (Oxford University Press, Oxford; 1961); p. 71; Hunt observes that the Quakers were 'trying to draw an exaggerated picture of the extent of their tithe sufferings.'

[2] See Tim Harris, 'Revisiting the Causes of the English Civil War', *Huntington Library Quarterly*, Vol. 78, No. 4 (Winter 2015), pp. 615–635; https://www.jstor.org/stable/10.1525/hlq.2015.78.4.615.

[3] Rosemary Moore 'The Early Development of Quakerism' in *The Quakers 1656–1723*, eds. R.C. Allen and R. Moore (Penn State University Press, Pennsylvania; 2018) p. 12.

[4] See J. A. F. Thomson, 'Tithe Disputes in Later Medieval London', *The English Historical Review*, Vol. 78, No. 306 (Jan., 1963), (Oxford University Press, Oxford; 1963); pp. 1–17; the reference and attribution for the letter of complaint for Archdeacon Peter Blois can be found under fn. 3.

odds with both the Quaker's pursuit of simplicity and their well-documented plainness embedded in their desire to restrict themselves to a 'Yea' or a 'Nay'.[5]

Despite the obvious temptations, it remains bold to generalise concerning the nature of any formative Quaker beliefs, while to suggest that such a recherche philosophical mechanism was acknowledged by Fox and his contemporaries as the well-spring of their morality would argue for a familiarity with Scholasticism which is notably absent from the historical record.[6]

In pursuit of a more grounded explanation for the Quaker antipathy for the law it is first necessary to recognise that they were far from being alone in this stance. Indeed, by the middle of the seventeenth century it seems that a great many English men and women not only displayed increasing hostility towards perceived injustice, but were questioning the very basis upon which legislative power was grounded. The debate concerned the locus of the right to make laws and to govern by them which became a central issue in the series of conflicts we term the Wars of the Three Kingdoms. The origins of this issue may be traced at least in part to the evolving doctrines which challenged the divine right of a king to rule. On one side stood Charles I, following the absolutist line advocated by his father (James I & VI) in his *The True Law of Free Monarchies*, a work itself inspired by the rigours of apostolic succession.[7] On the other were those who would become leaders under the Interregnum, who held increasingly contractarian views influenced by developments in thought that would later crystalise in works as diverse as John Locke's *Treatise on Government* and Milton's *Paradise Lost*. Such 'Parliamentarians' maintained that any monarch worthy of support was obliged to take notice of the views of their subjects.[8]

The dichotomous nature of the dispute can be simply illuminated by the famous claim of King James

> "...that a wicked K.[ing] is sent by God for a curse to his people, and a plague for their sins. But that it is lawfull to them to shake off that curse at their owne hand, which God hath laid on them, that I deny".[9]

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[5] Following Matthew 5:37: "But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil", King James Version; see also Hugh Barbour, *The Quakers in Puritan England* (New Haven, Conn.: Yale University Press, 1964) pp. 39–40, and the quoted passage from the Ellwood edition of Fox's 'Journal'.

[6] Jane E. Calvert, 'The Quaker Theory of a Civil Constitution', *History of Political Thought'* Vol. 27, No. 4 (Winter 2006), pp. 586–619, Stable URL: https://www.jstor.org/stable/26222111.

[7] See James VI, *The True Law of Free Monarchies* (Robert Waldegrave, 1598).

[8] For a recent description of the Parliamentary position in early 1640s politics, see David Cressy, *England on Edge: Crisis and Revolution, 1640–1642* (New York: Oxford University Press, 2005).

[9] James VI, *The True Law of Free Monarchies*; p. 14.

This notion was not only rejected by those who opposed Charles I, but the contrary position asserted to such an extent that 'Parliamentarians came to claim that it was God, not man, who called the Long Parliament in 1640; that God, not man, created the New Model Army and brought about the trial and execution of Charles I in 1649'.[10] And with the death of the King, a no less a fatal blow was dealt to the mechanism by which the laws themselves were made.

These seismic shifts were widely witnessed by the time of the Interregnum and had provoked many to question their relationship with the apparatus of legislation. The debate on the legality of laws preceded the conflicts and continued within the New Model Army for some years afterward; it contained two major concepts of equal importance to contemporaries: one goes under the popular name of Millennialism, aspects of which have been widely considered; the second concerns a grievance that extended back half a millennium, and was labelled 'The Norman Yoke'.

It was in midst of the popular debate surrounding the implications of these propositions that proto-Quakerism began to develop, and this article argues that it is only by understanding both that what became the Quaker position with respect to 'The Law' can be seen in context, and the development of what became their Advices and their practices properly understood.[11]

## Millennialism and Antichrist

As the Wars edged ever closer, England had clearly entered a state of flux with the very basis of authority under question. This drove those in the vanguard of change, notably the Independents and the Army, to seek after other authorities in search of direction and guidance, and thus, perhaps by default, renew their acquaintance with biblical precedent and scripture.[12]

This immersion in the Bible was a phenomenon common to all persuasions. Indeed, it was perhaps inevitable that those seeking elucidation from the 'word of God' would both look for and find scriptural evidence to support a wide variety of claims, be they never so contradictory. And if that debate was initially confined to the more learned sort, as the century progressed the wider availability of the English Bible converged with a 'trickling down of literacy…so men and women began to take literally the more subversive texts of the Bible which their betters preferred to read allegorically.'[13]

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[10] Christopher Hill, 'God and the English Revolution', *History Workshop*, No. 17 (Spring, 1984), pp. 19–31; p. 21.

[11] Advices were a quasi-regulatory set of Quaker guidelines; this is discussed more fully below.

[12] For a general discussion on the related but wider concept of the ubiquity of providentialism during this period, see Blair Worden, 'Providence and Politics in Cromwellian England', *Past & Present*, Nov., 1985, No. 109 (Nov., 1985), pp. 55–99; https://www.jstor.org/stable/650610.

[13] Christopher Hill, 'God and the English Revolution', *History Workshop*, No. 17 (Oxford University Press; Spring, 1984) pp. 19–31; p20; https://www.jstor.org/stable/4288543.

One of the more favoured areas of study were the prophecies in the books of Daniel and of Revelation wherein even the casually informed reader could discern indications that England might anticipate the Second Coming of Jesus Christ without much further delay. Hill has amassed evidence that such interpretations were not the province of the crank, rather 'it attracted the attention of serious historians, chronologists and mathematicians, from John Napier (inventor of logarithms, which speeded up his calculations of 666, the number of the Beast) to Sir Isaac Newton'. The date ascertained by such scholars for the great conflagration which would end the world and mark the arrival of the millennium was 'either the sixteen-fifties or the sixteen-nineties'.[14]

Alongside such luminous scientists of the day were the Independent theologians, and certain artists, although it should be noted that the Presbyterians had largely withdrawn support for any Parliamentary attempts at legitimacy by 1649. Consensus amongst the remaining Puritan elements favoured Christ's coming, and looked for signs with hope. One such sign concerned the fate of the Jews, predicating the arrival of the messianic kingdom on their 'Restoration' to the lands of Judah from their 'captivity'. Government supporters such as John Milton (latterly more remembered for his poetry) declared each stage of the process

> The special signs are extreme carelessness and impiety, and almost universal rebellion....
>
> Secondly, the revelation of antichrist, and his destruction through the spirit of Christ's mouth ...
>
> Some authorities think that a further portent will herald this event, namely, the calling of the entire nation not only of the Jews but also of the Israelites.[15]

In furtherance of this, Cromwell would informally welcome the Jews to return to England in 1656, countermanding their expulsion by Edward I in 1290. The complexities associated with attempts to unlock the biblical 'evidence' on this point rumbled on for decades, and 'although at the height of the Cromwellian revolution theologians rashly ventured with dates and threats, in the period after 1660 Restorationists were satisfied to renege on their earlier proclamations and to leave the whole matter to God's providence.'[16]

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[14] Hill, 'God and the English Revolution', p. 20.

[15] Don M. Wolfe, gen ed., *Milton: Complete Prose Works*, 8 vols. (New Haven and London: Yale Univ. Press, 1953–1983), vol 6: 616–17; quoted in N.I. Matar, 'Milton and the Idea of the Restoration of the Jews', *Studies in English Literature, 1500–1900*, Vol. 27, No. 1, *The English Renaissance* (Winter, 1987), p. 114.

[16] Matar, 'Restoration of the Jews', pp. 109–124; p. 117.

There was, possibly quite naturally, some confusion as to what exactly would follow the destruction of the world. Some believed in a new creation destined for the Elect; others (a wider group which included many proto-Quakers) tended to believe in a thousand-year (Millennial) reign of Christ in his Kingdom upon Earth.[17] What was essential to both beliefs, however, was that this Second Coming event would be preceded by a period of confusion in which false prophets and illegitimate pretenders would assume positions of authority from which the populace could expect to be misdirected towards the everlasting bonfire. By the middle of the seventeenth century, this notion had been popularly held as long as the oldest person could remember. And although the identification of Antichrist with Rome and the Pope was by then well-established, the village elders might remember that towards the end of the previous century the Archbishop of Canterbury, John Whitgift himself, had helped the Puritans to build their case against the English bishops by denouncing them as "limbs of Antichrist".[18] A comprehensive exposition of the importance of Antichrist in the period leading to the Interregnum has been documented by Hill in an excellent exploration of the phenomenon and its consequences which has unfortunately become as obscure as its subject.[19] His essential point is to recognise that, for the population at large, this was both a relevant and a pressing issue. Relevant because it forced enquiry into the legitimacy of the officeholders within the established church; pressing because the arrival of King Jesus was anticipated more with each passing year. The impeachment in 1640 of the head of the Church of England, Archbishop of Canterbury William Laud, would have been felt keenly by more people than Laud himself. Under the circumstances, it was a powerful signal that even the most exalted and reverend seat was not safe, and that to follow the doctrines emanating from Lambeth Palace might be no more than to take a short cut to the fiery furnace. And if the Archbishop of Canterbury were in error, what hope had the local parish clergy?

It is vital that we understand the prevalence of such thinking across the wider populace during the turbulent years that culminated in the Interregnum. If we fail to appreciate its importance, our vision becomes clouded by the Wars themselves, and we fail in our obligation to understand the lived experience of those lives that populate our history. This was a time in which religiosity gave birth to a bewildering progeny, but its centrality cannot be overestimated: Hill illustrates the related phenomenon that at this time it was natural for 'perfectly normal people to hear God speaking to them', and that this was a consequence of 'the theological assumption that God dwells in all his saints,

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[17] See Bernard Capp, 'The Millennium and Eschatology in England' *Past & Present*, No. 57 (Nov., 1972), pp. 156–162.

[18] Capp, 'The Millennium and Eschatology in England', p. 159.

[19] Christopher Hill, *Antichrist in Seventeenth-Century England* (Oxford, 1971).

perhaps in all men and women. [While t]he Quakers became the best-known exponents of this theology…it was widespread during the revolutionary decades.'[20]

The drift into conflict which accompanied, indeed exacerbated, such thinking only provided further indication that the world was entering the End Time. By 1644 it was possible for one Church of England cleric, Robert Ram, to state in print that the goal of every true Protestant should not only be to aim at the advancement of Christ's Kingdom but 'at the suppression of an Antichristian Prelacy, consisting of Archbishops, Bishops &c.' and 'At the Reformation of a most corrupt, lazie, infamous, superstitious, soul-murdering Clergie.'[21] The *'souldiers catechisme'* was read widely, going through many editions, and even when parodied reflects the language of the contemporary debate down to the paradoxical aims of 'saving the King from his Friends'.[22]

The refutation of episcopal authority represented a general undermining of all aspects of the Church hierarchy, not least any obligation to pay the tithe (whether the beneficiary was a local parson or a lay proprietor). The later imposition of fees for the registration of births, marriages and deaths were possibly regarded as a further manifestation of errors with a sulphurous origin. The ecclesiastical courts found their legitimacy questioned in the eyes of many, although when considering the prosecutions experienced by proto-Quakers, it must always be acknowledged that many, possibly one third, of the cases for non-payment of tithes were at the behest of lay-impropriators chasing lost revenue from their former church lands.[23]

In consequence of the above, it became possible for some in the erstwhile congregation to look upon their Church of England minister as a chimera whose distorted offerings were the lures of Antichrist. This belief allowed two things to fall naturally into place: the coming of Christ must indeed be nigh; and the safest position from which to secure a place in the New Kingdom was as far from the steeple house and its hireling minister as possible.

In his preface to the *Journal of George Fox*, William Penn, in hindsight, recalls those fearsome early days:

> Thus the false church sprang up, and mounted the chair. But though she lost her nature, she would keep her good name of the Lamb's bride, the true church and mother of the faithful; constraining all to receive her mark, either in the forehead, or

[20] Hill, 'God and the English Revolution', p. 23.

[21] Ram, Robert *The souldiers catechisme: composed for the Parliaments Army*, (London: Printed for J. Wright, in the Old-Baily; 1644) pp. 8–9.

[22] Bagwell, R., Ram, Thomas (1564–1634). Oxford Dictionary of National Biography.

[23] Eric J. Evans, 'A History of the Tithe System in England, 1690–1850, with special reference to Staffordshire', Ph.D. thesis, University of Warwick, 1970: pp. 190–213.

> right hand, publicly or privately: but in deed and in truth she was Mystery, Babylon, the mother of harlots: mother of those that, with all their show and outside of religion, were adulterated and gone from the Spirit, nature, and life of Christ, and grown vain, worldly, ambitious, covetous, cruel, etc., which are the fruits of the flesh, and not of the Spirit. Now it was that the true church fled into the wilderness.[24]

By accepting the contemporary reality of an imminent Second Coming, and the subsequent expectations of a Millennium, we begin to glimpse the foundation of reason which underpinned the popularity of the Sectaries[25] and the diversity of their opinions. It would have a been a brave individual, or perhaps only a fool, who regarded the advent of the year 1650 without some trepidation.

## The Norman Yoke

Consideration of the rule of Antichrist naturally invoked interest in the more general question of when and how the Church had begun its fall from grace. Whilst intellectual coherence was hardly a pre-requisite for the eschatological doubts which characterised the Millenarian Sectaries, there are tangible connections which tie concerns regarding the perversion of God's Law with the burden of the Norman Yoke.

In the mind of James VI of Scotland, later James I of England, the Law was synonymous with the Testaments:

> Kings are called *Gods* by the Propheticall King *David*,* because they sit upon God his throne in the earth, and have the [ac]count of their administration to give unto him. Their office is, *To minister justice and judgement to the people*, as the same *David* saith,**To advance the good, and punish the evill*, as he likewise saith: *To establish good laws to his people, and procure obedience to the same*, as divers good Kings of *Judah* did: *To procure the peace of the people:* as the same *David* saith.[26]

However, James draws a distinction between the Laws dictated by God to a rightful King, and those imposed by someone not placed upon an earthly throne by God's hand:

> For when the Bastard of *Normandie* came into *England*, and made himselfe King, was it not by force, and with a mighty army? Where he gave the Law, and tooke none, changed the laws, inverted the order of government, set downe the strangers his

[24] Ed. Thomas Elwood, '*Journal of George Fox*', Preface, William Penn (Friends Library Publishing: 2018); pp. 8–9.

[25] Sectaries is here used as a collective noun for the various more or less heretical religious factions of the time.

[26] Stuart, James, (King James I), *True Law of Free Monarchies, or The reciprocall and mutuall duty betvvixt a free king and his naturall subjects.: By a well affected subject of the kingdome of Scotland*. (Edinburgh: Robert Waldegrave, 1598), p. 4.

> followers in many of the old possessours roomes, this day well appeareth a great part of the Gentlemen in *England*, being come of the *Norman* bloud, and their old Lawes, which to this day they are ruled by, are written in his language, and not in theirs.[27]

Quaker historian Richard Vann investigated this phenomenon almost at the start of his career in an article from whose title, 'The Free Anglo-Saxons: A Historical Myth', one broad conclusion may easily be drawn.[28] Vann charted how, as a direct result of the Henrician Reformation, a case was built up to champion the antiquity of English Christianity to establish a second-century formation which endured through the Anglo-Saxon period and thus predated any Roman Church, whose interference (in the form of Augustine) was rejected. The 'purity' of this English Church, Henry's scholars claimed, was unsullied before the arrival of William of Normandy who polluted it with Romish errors and subjugated the Archbishops and Bishops to the King by making them temporal barons.[29]

Perhaps naturally, the hand of God was again considered manifest in the march of historical events. Accepting the sanctity of Edward the Confessor, all blame was placed firmly upon the head of Harold, whose violation of an oath had combined with the vices of the Clergy to entirely justify God's judgement in favour of the Conqueror, and the sufferings he subsequently visited upon the populace.[30]

While such ideas originated in the previous century, there was a perceived relevance to the contemporary situation of the 1640s which caused their exhumation as a foundation stone for the arguments of those who became known as 'Levellers'. This grouping became significant in both the New Model Army and the City of London towards the end of the First English Civil war (1642–6), and while, as Vann notes, 'Few of the Leveller writers demonstrated more than the haziest notions of pre-Conquest England; … few of them seemed to care. It was enough to damn Charles and his colonels as the descendants of William and his lords of the manors."[31]

A lackadaisical approach to history, however, should not be allowed to mask the effect that these claims had amongst the Levellers' supporters and their neighbours. The various 'Agreement[s] of the People' published between 1647 and 1649 all called for tolerance for religious consciences (always excepting Roman Catholics) and demanded

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[27] *True law of Free Monarchies*, p. 10.

[28] Richard T. Vann, 'The Free Anglo-Saxons: A Historical Myth', *Journal of the History of Ideas*, Vol. 19, No. 2 (Apr., 1958), pp. 259–272.

[29] Vann, Free Anglo-Saxons, pp. 261–262.

[30] Vann, Free Anglo-Saxons, p. 263.

[31] Vann, Free Anglo-Saxons, p. 259.

an ‘equality under the law’, that same law which many had increasingly begun to view as inherently un-English.

Vann, in neatly summing up the Leveller platform as ‘No bishop, no lawyer’, goes as far as to suggest that

> the laity, suddenly invited to feast upon the riches of divine grace without intermediary of priest or prelate, might easily demand freedom in secular affairs without encumbrance of lawyer or judge. The (secular) writ in the vernacular, and the lawyerhood of all citizens: this was a consistent and attractive application of Protestant faith.
>
> Further, the Levellers turned to history for evidence that usurpations had destroyed a traditional enjoyment of these rights. Nothing is more common than the assertion…that in Anglo-Saxon times the laws were in the vernacular, and there was no necessity to go outside the hundred courts.[32]

The increasingly widespread view amongst the masses in England (and perhaps by most who had served in the Parliamentary army) was that the existing complexity of the laws was a burden that had been imposed upon the free-born Englishman with the arrival of William the Conqueror and his retinue.[33] This curse of the ‘Norman Yoke’ was a burning topic during the Interregnum.

## Early Quakers and the Law

The groups or communities from which Quakers would later draw their worshippers are traditionally identified as ‘Seekers’. As a descriptor, this term brings with it very similar challenges as that of ‘Quaker’. Their most dedicated recent researcher describes the sect as ‘a loose and pluralist Seeker milieu with a variety of entry points, experiences and exit points.’[34] Accepting the absence of more strict criteria, we may trace in those associated with this milieu the common values of both tolerance and independence, and possibly the additional characteristic as individuals who elected **not** to identify with other (possibly more defined) groupings that were evolving during the 1640s.

On principle, if not of necessity, religious ‘persecution’ had been substantially cast aside during the Interregnum, and a plethora of belief-clusters were seen to emerge like

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[32] Vann, Free Anglo Saxons, p. 269.

[33] An exploration of the extended and varied interpretations of the correct functioning of ‘Law’ can be found in Christopher Hill, *Puritanism and Revolution*, (London: Secker and Warburg, 1958); not least his chapters on ‘The Norman Yoke’, pp. 46–111, and ‘Thomas Hobbes and the Revolution in Political Thought’ pp. 248–268.

[34] See Philip Michael Smith, ‘The Seekers Found: Radical Religion during the English Revolution’ PhD Thesis, (Goldsmiths College, University of London: 2020).

rock-pools on a wide beach under a retreating sea. These clusters also changed with the tides, such that, as Milton observed, the 'new presbyter is but old priest writ large.'[35] The initial division which the Puritans were forced to face became formalised in a debate over whether there should be one formal state-operated church, formally styled as the Erastian position, or an independent, church-controlled hierarchy governed by a presbytery of ministers and elders, elected by and from the adult male members of the local congregations.[36] Further divisions would follow as certain congregations moved to reject the very notion of a national church in favour of a local independence. Still others preferred the lesser concept with more or less loosely affiliated worship communities. Ultimately, a somewhat bewildering array of positions came to be advocated, representing almost every possible combination of ritual, practice, and belief. The famous attempt made by the heresiographer Thomas Edwards to document all sectarian errors in his *Gangreana* of 1646 was a substantial compilation, but its scale and complexity is indicative of the near impossibility of charting the heretical sects therein condemned.[37]

Given the issues described above, allegiance to any religious offerings founded on the authority of the state would be highly questionable at best. Both the Antichristian snares and a dubious Norman legacy challenged their legitimacy at source. Those amongst the populace who thought, in particular, those who were gave thought to their souls were by default forced into the independent sectarian camps.

As a result, all that can be concluded with any safety is that the proto-Quakers were drawn from a variety of groups which were distinguished by a lack of conviction that **any** of the flavours of Puritanism available in the 1640s offered an unequivocal solution to the burning issues of the day.

As a national church was antithetical, the proto-Quakers would set up their own, ultimately guided by the recommendations of the pivotal meeting of Elders at Balby in 1656, from which gathering were agreed a dozen short tenets, all of which were famously non-binding. This step was a reasonable prophylactic against the Second Coming, supported by subsequent guidance (which over time became documented as 'Advices' to form the Quaker discipline) which required that fellow worshipers turn

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[35] Milton, John, *Complete Shorter Poems*. Ed. Stella P. Revard. (Chichester: Wiley-Blackwell, 2009); p. 315; 'On the New Forcers of Conscience under the Long Parliament' was probably written in during the early part of the first English civil war.

[36] See Chad B. Van Dixhoorn, 'Unity and Disunity at the Westminster Assembly (1643—1649): A Commemorative Essay', *The Journal of Presbyterian History* (1997–), SUMMER 2001, Vol. 79, No. 2, pp. 103–117; https://www.jstor.org/stable/23336582.

[37] Thomas Edwards, *Gangraena* (London, Ralph Smith: 1646); a third part was subsequently required to address lacunae as the sects evolved following publication.

their back forever on the Steeple House and the Hireling Priest, his rites for births, marriages, and deaths, his fees, and all tithes.[38]

Regarding the authority of the Law, the emerging sect took an equally strong line. Indeed, there is evidence to suggest that those who would go on to become Quakers regarded the occupation of lawyer with the same abhorrence as they did that of the hireling priest and, for the same reason, believing law should be freely dispensed. While documents describing Quaker views obviously post-date the formation of the Society, the homogeneity of the evidence demonstrates a consistency which is strongly suggestive of a continuity within the movement pointing backwards to the early Interregnum period for its origin.

One of the clearest indicators of the anti-legal positioning of the Quakers is given by George Fox's statement of 1659:

> Let all the laws of *England* be brought into a known tongue, that every Countryman may plead his own cause, without Attorney or Counsellor, or for money. Let men that fear God and hate covetousness decide and end things among People in all places, and let none do it for money and reward. Let it never be had in esteem among you, and away with the cap-men, and coys-men (as they are called) and thirty shillings and twenty shillings, and ten groat fees, and this oppression, that makes people pay eight pence a sheet, for not above fifteen lines. So away with all these Counsellors, that will not tell men the Law, a few words, without twenty, or ten, or thirty shillings, which is a great oppression.[39]

Here we hear the echoes of the Levellers, and the rasp of the Yoke. William Braithwaite found a strongly Puritanical condemnation of 'the prolixity of legal processes, the unknown tongues made use of, the exactions of lawyers',[40] but failed to identify or acknowledge the unmistakable origins in more popular concerns over Norman illegitimacy.

As Hugh Barbour notes, '[l]aw and order were at no time a matter of course' during the formative years of the first Quakers, and 'Puritan rulers expected to rewrite and change laws.'[41] Fox's 'Fifty-Nine' particulars contain more detailed demands regarding legal reforms, not least 'the importance of 'justice without money', echoing the Levellers'

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[38] A useful introduction to the development of the Quaker discipline is given by David J Hall, 'Christian and Brotherly Advices', *The Friends' Quarterly*, (July, 1981).

[39] George Fox, *To the Parliament of the Comon-Wealth [sic] of England. Fifty nine particulars laid down for the regulating things, and the taking away of oppressing laws, and oppressors, and to ease the oppressed./By G.F*, (Printed for Thomas Simmons, 1659): Particular #14. Cited as 'Fifty Nine'.

[40] Braithwaite, *Second Period*, p. 558, and fn. 3.

[41] Barbour, p.20, p.12.

'equality before the Law'.[42] There is a call to abolish the sinecure 'Office for Profit' where the State sold offices to the highest bidder who hoped for perquisites and a good harvest of fees.[43] If we allow Fox to represent the earliest shared beliefs of the movement, this would indicate negative attitudes towards legal office holding from the earliest formation of the Society of Friends, and a view that the legal process was from the first regarded as unfit for purpose and, probably, like the 'profession' of preaching, believed to be something which should be performed without the prospect of individual financial gain.[44]

There is further evidence that this view persisted into the formative years of the Society and beyond: Quaker marriage records existed from the 1660s, and usually contained a descriptor of the male participant, a sensible precaution in an era where names were less diverse and there existed a Quaker insistence on endogamy. An examination of the Quaker marriage records sampled across five regions from 1660 to 1822 finds no descriptors for lawyers or attorneys.[45] Significantly, there are also no Freemen of the Scriveners Company, which held exclusive rights in conveyancing for London until mid-eighteenth century.[46] While it is possible that Quaker lawyers chose not to marry, it seems more reasonable to suggest that members of the Society shared the widely-held contemporary view that a lawyer was one who pursued a parasitic existence, preying on the depravity of man.[47] The reputation of lawyers was ever undoubtedly low, even within the profession itself. An anonymous attorney writing in 1707 stated there was an excessive number, who:

> do a 1000 knavish Things for Bread, and become common Nusances to that Part of the Country they live in, and generally deserve Hanging more than Highway-men, as has often been declared by the Justice Hales, and others : That to convict one Barretor was more Service to the Public, than to hang an hundred Felons.[48]

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[42] Fox, 'Fifty Nine', *passim*; on-going particulars demand the abolition of Quaker obligations for specific church rates including tithes, and their exemption from hat honour and other causes of contempt.

[43] Curiously, two of these sinecure 'offices of profit' remain: the Crown Steward and Bailiff of the Chiltern Hundreds, and the Manor of Northstead, to be 'accepted' by parliamentarians wishing to resign.

[44] Compare Rufus Jones, *Studies in Mystical Religions*, (MacMillan, 1909): p. 317; on ministers: 'it was an element of the first importance that he took no pay…had none of the marks of a "professional" about him…'.

[45] Analysis of a marriage database derived from over 6,500 records from Digest Registers Index, Vols. 1–5 (QFHS, 2003–2012) covering the period 1660–1822; one solicitor married in 1822; for comparison, eight Quaker umbrella makers were married in this period; examination of later records finds an early marriage of an Attorney at Law recorded in London (1834), and in Durham (1835).

[46] Two scriveners are recorded in the 1660–1822 period, one as a Money Scrivener; but neither are described as Citizens or Guildsmen, suggesting they were not enrolled in the Guild.

[47] Robert Robson, *The Attorney in the Eighteenth Century*, (Cambridge: Cambridge University Press, 1959): p. 135.

[48] An Attorney, *Proposals Humbly Offer'd to the Parliament for Remedying the Great Charge and Delay of Suits at Law and in Equity*, (Norwich: Henry Cosgrove, 1707): p. 12.

It should be acknowledged that the legal profession was itself very small in number, with some estimates suggesting only forty or so individuals admitted to practice in the years before the civil war period (1590–1639): in such an elite occupation it may be that the absence of marrying Quakers is not surprising, but it is interesting to note that Quakers were present in the medical profession, despite comparatively similar barriers to entry.[49] Craig Horle supports the idea that Quaker beliefs were antithetical to the law as it stood, stating that 'by the end of their first decade of existence, Quakers had developed a collective set of principles which threatened the foundation of the English legal system'.[50] This positioning can be shown to be supported by an examination of the Advices in the formative Books of Discipline, but Horle makes no connection with the contemporary opposition to the Norman Yoke, nor acknowledges that such beliefs were widespread in the Interregnum communities from which Friends would be drawn. Interestingly, Horle gives a list of sympathetic legal counsel later used by Friends in the last quarter of the seventeenth century to provide opinions on case law: this inventory of lawyers includes no members of the Society, which would seem to support the absence of Friends in the profession.[51] He concludes that: 'Even after the millenarian excitement and the more "enthusiastic" aspects of Quakerism had died away...Friends still remained bound by law-breaking testimonies.'[52]

## Quaker Oath Testimony and the Law

Aside from the ecclesiastical issue with tithes addressed above, possibly the most widely known Quaker conflict with the requirements of law arises from a refusal to take oaths. In the days of their formation, these were usually associated with legal proceedings or office holding: the largest problem would only arise following the Restoration, when all were required to take oaths as a test of loyalty to the Crown and to the Anglican church, as later embodied in Acts of Parliament known as the Clarendon Code.

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[49] Wilfred Prest, *Inns of Court under Elizabeth & the early Stuarts 1590–1640*, (Rowman and Littlefield, 1972): pp. 28–45, p. 10; even by 1785, Prest cites a practicing bar of only 300; those admitted to Inns of Court were overwhelming of the peer-esquire-gentry social class, rather than the 'middling' Quakers. Rosemary O'Day, *Professions in Early Modern England*, p. 114, has only 2,000 common law barristers practicing in England between 1600 and 1640; while the 200 civil law advocates practicing in the ecclesiastical and university courts can be excluded; for Quakers in medicine, see Geoffrey Cantor, *Quakers Jews and Science*, (Oxford: Oxford University Press, 2005), not least for instances of Quakers taking oaths.

[50] Craig C. Horle, *The Quakers and the English Legal System 1660–1688*, (Philadelphia: University of Pennsylvania Press, 1988): p. 16.

[51] Horle, *Quakers and the English Legal System*, p. 179; pp. 187–254; see also his Appendix 2, *Lawyers Consulted or Utilized by Friends 1660–1690*, pp. 285–291; curiously, Horle's work does not acknowledge the detailed earlier research by N.C. Hunt.

[52] Horle, *Quakers and the English Legal System*, p. 16.

The Quaker refusal to take oaths was portrayed by the nascent Society as a religious scruple arising from a New Testament injunction (Matt.:5) to 'Swear not at all', aligned to a similar instruction regarding 'plain' speaking which demanded Friends let their Yea be Yea, and their Nay, Nay. However, given the general aversion to the law and lawyers discussed above it is hard not to see a secular rationale in this contrarian stance. Oaths required either witnessing, engrossing on legal parchment, or both. All stages came with a cost which may have been further reason to avoid the law. Certainly while there is copious evidence of financial transactions from the earliest minute books of the Society, there are very seldom references to legal expenditure. Such costs were generally associated with the registering of deeds for Meeting Houses, the fee for which was defined by statute as not to exceed six pence.[53]

As a result, many appear to have taken steps to avoid the process in its entirety. There is good evidence to indicate that individual Quakers found ways to sidestep the legal requirements, certainly with regard to the oaths associated with membership of the trade guilds. A substantial number of individuals in the marriage records are recorded as 'Citizen' or have the name of their guild inserted.[54] It seems that some Companies objected to this barrier to their membership: The Merchant Taylors, for example, were noted as known non-conformists. By 1680 they had removed the requirement for liverymen to take any oath except that required by the company's by-laws. Similarly, the Skinners Company made an order in 1681 to 'retain nonconformists who had become members without taking the requisite oaths.'[55]

Those who had returned to power with the Restoration had no sympathy for the tolerance that Cromwell and others had advocated for 'tender consciences'. Indeed, they saw a refusal to swear even on gospel grounds as a loophole for potential fanatics.[56] The sacramental test of the Corporation Act (1661) was designed to root out disaffected persons from offices in municipal corporations,[57] while the Five Mile Act (1665) was intended to exclude former church office holders who would not conform.[58] The Conventicle Act of 1664 was rather different.[59] Originally it was intended to provide

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[53] 'William and Mary, 1688: An Act for Exempting their Majestyes Protestant Subjects dissenting from the Church of England from the Penalties of certaine Lawes. [Chapter XVIII. Rot. Parl. pt. 5. nu. 15.]', in *Statutes of the Realm: Volume 6, 1685–94*. Edited by John Raithby( s.l, 1819), *British History Online*, https://www.british-history.ac.uk/statutes-realm/vol6/pp. 74–76; see section XVI.

[54] Raistrick, *Quakers in Science and Industry*, pp. 42–43.

[55] Knights, 'A City Revolution', p. 1146. The Skinners, led by London MP, Thomas Pilkington, were 'especially recalcitrant'.

[56] Such prompted the apologetic works such as *A Declaration from the people of God called Quakers against all seditious conventicles, and dangerous practises of any who under colour or pretence of tender conscience, have, or may contrive insurrections, the said people being cleer from all such things, in the sight of God, angels and men* (s.n., 1670?).

[57] Corporation Act (13 Cha. II. St. 2 c. 1).

[58] An Act for restraining Non-Conformists from inhabiting in Corporations (17 Charles II c. 2).

[59] An Act for preventing the Mischeifs and Dangers that may arise by certaine Persons called Quakers and others refusing to take lawfull Oaths; 1664 Conventicle Act (16 Charles II c. 4).

> further and more speedy Remedyes against the growing and dangerous Practises of Seditious Sectaryes and other disloyall persons who under pretence of Tender Consciencies doe at their Meetings contrive Insurrections as late experience hath shewed.

In practice it was rather more precisely aimed at those who represented a challenge to the law, containing a clause (XVI) directed specifically at a

> certaine Sect called Quakers and other Sectaryes [which] obstruct the proceeding of Justice by their obstinate refusall to take Oathes lawfully tendred unto them in the ordinary course of Law...such refusall which Record or Entry shall be and is hereby made a Conviction of such Offence.[60]

It should be noted that this clause was annexed to a separate schedule of the legal 'roll', indicating it was a later amendment. Interestingly, a further amendment annexed is the following Clause XVII which states:

> That if any the person or persons aforesaid shall come into such Court and take his or their Oath in these words.
>
> *I doe sweare that I doe not hold the takeing of an Oath to be unlawfull nor refuse to take an Oath on that account.*
>
> ...such Oath soe made shall acquitt him or them from such punishment. [61]

The existence of these clauses, each in the form of an annex, would seem to support a view that the law-makers proposed in the Conventical Act not merely an attack on religious meetings, but the seditious sectaries whose anti-legalistic behaviour continued to undermine the law itself.[62]

While Quakers themselves would later present the legislation surrounding compulsory oaths as a manifestation of a religious persecution, a view followed by many historians,[63] it seems more accurate to see such measures as an attempt to clamp

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[60] 'Charles II, 1664: An Act to prevent and suppresse seditious Conventicles.', in *Statutes of the Realm: Volume 5*, 1625–80, (s.l, 1819) pp. 516–520. British History Online https://www.british-history.ac.uk/statutes-realm/vol5/pp516–520 [accessed 29 May 2024].

[61] Conventicle Act (16 Charles II c. 4); Clause XVII.

[62] Conventicle Act (16 Charles II c. 4); Recital; note that the Act lapsed in 1667, and the registration of non-seditious meetings was introduced from 1672.

[63] Walvin, *The Quakers*, p. 32; Richard Turnbull, *Quaker Capitalism Lessons for Today*, (Oxford: CEME, 2014): p. 17; the notion is pervasive except for some of the most recent historians.

down on the activities of elements in the population known to question the legitimacy of the returning King's party.

## Quaker Advices and the Law

It was some time after George Fox had published his *Fifty nine Particulars laid down for the Regulating of things* that Quakers would start to codify their values in the form of Advices. It should also be noted that in 1659 the production of London Yearly Meeting's first handwritten and highly confidential Book of Discipline was still almost eighty years in the future, with the nascent Society very much feeling its way as to where lay the consensus within the coalescing groups.[64] Such Disciplines to be consulted by Friends in the latter part of the seventeenth century were held in the form of sewn sheafs of paper on which copied the guidance of Epistles issued annually by London Yearly Meeting. These were usually supplemented by local and Quarterly Meeting Advices.[65]

The passage of time which elapsed between these early years and the formation of written Advices throws an interesting light upon the development of the proto-Quakers by revealing the pre-occupations of a quarter century of evolution. It is arguably significant, therefore, that the emerging Discipline contains a number of Advices which continued to direct Friends to avoid the use of either lawyers or the laws.

As might be expected, the tithe, as the single largest area of conflict with ecclesiastical law, was represented in the Advices by an entire section. Tithes were an established bone of contention from pre-Quaker times, with multiple pamphlets demanding their abolition printed in the Interregnum.[66] This legacy may be reflected in the Quaker insistence that the anti-tithe stance was always referred to as an 'ancient testimony', apparently demanding an almost exceptional observance. The large number of Advices included in the section on Tithes, twenty-two before 1796, testify to the continuing importance of non-payment. Of particular interest are the Advices to disbar Friends guilty of payment from Ministry, and the express condemnation of Quakers who accepted tithe payments as lay impropriators![67]

Amongst the Advices against the legal profession, the earliest dated is the recommendation of the Meeting for Sufferings of 1675 which states that 'this meeting doth not enjoin or advise any friends, in sufferings for our Christian testimonies, to

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[64] The first collated Book of Discipline was produced from 1736, while the first printed edition was the *Extracts from the minutes and advices of the Yearly Meeting of Friends held in London from its first institution*, printed by James Phillips in 1783 (cited as the Book of Extracts).

[65] See Andrew Fincham, *The origins of Quaker commercial success, (1689–c.1755)*, (University of Birmingham. Ph.D, 2021);

[66] See for example Richard Overton, *The Ordinance for Tythes Dismounted*..., (s.l., 1646).

[67] Book of Extracts, p. 92 'Ministers and Elders' (#7 1745); Tithes 184–194 (Advice #18 1706).

take a course at law for remedy.'[68] The following year holds a further Advice which cautions 'That friends be careful of entangling themselves in law, because of some small irregularity in the proceeding.'[69]

Attitudes within the Society appear to have hardened still further against the use of law to resolve disputes. The recommendation to use arbitration is documented from the 1690s, advocating a process where trusted Friends determined outcomes without associated costs.[70] Such arbitration or extra-judicial compromise was never confined to Quakers, and had been a widespread alternative to the Common Law since the medieval period for resolving disputes between landowners and property, the rights of rival Guilds, or even issues between master and apprentice.[71] Yet Quakers uniformly stressed avoidance of the legal route: an Advice of 1684 obliged Friends to subject differences over matters of property to arbitration, abiding by the decision of persons nominated by their Monthly Meeting (1692). There was a prohibition on going to law with a fellow member (1696); and no proceedings were to occur before arbitration had been tried.[72]

It is worth noting that the passage of time failed to significantly erode the message of these ancient Advices. The first printed Book of Discipline was produced one hundred years after the first of them, in 1783, and reproduced all the above Advices while adding others from the eighteenth century, indicating how little the Friends' antipathy to the law had mellowed. One mid-century Advice urges that Friends 'rather than contend at law' use arbitration 'even with those not of our persuasion', which suggests the strength of sectarian opposition. A nod to the complexity of the times does allow recovery of debt through the law for individuals who reneged or absconded,[73] yet it must be stressed that even as late as 1782 any Quaker engaging in a legal proceeding could find themselves stopped by the authority of their Monthly Meeting.[74] For Quakers, the Law always remained under suspicion.

## Quakers and Legality

The Quaker rejection of the law was founded on fundamental objections to its foundations – reflecting arguments of legitimacy which were commonplace in the

[68] Book of Extracts, p. 181 'Sufferings' (#1).

[69] Book of Extracts, p. 181 'Sufferings' (#2).

[70] See Russell Mortimer, ed., *'Minute Book of the Men's Meeting of the Society of Friends in Bristol 1667–1687'*, (Bristol: Bristol Record Society, 1971): xxiii; which notes 'Conciliation was offered in disputes, which seem mainly to have concerned business deals As a corollary to this, Friends roundly condemned frivolous legal actions'.

[71] Edward Powell, 'Arbitration and the Law in England in the Late Middle Ages', *Transactions of the Royal Historical Society*, Vol. 33 (1983): p. 53, p. 56.

[72] Book of Extracts, p. 5.

[73] Book of Extracts p. 8 (Advice #7, 1720).

[74] Book of Extracts p. 8 (Advice #6 1782).

Interregnum. But where the wilder sectarian elements had used these arguments as the basis for embracing a more libertine anarchy, those that would go on to form the Society of Friends were motivated by building the Kingdom of Heaven on earth, in preparation of the arrival of King Jesus. As such, legality was a necessity, even while it was being rejected in the perverted form inherited from the Antichristian Church and the Bastard Norman.

A love of order would become a defining characteristic of the proto-Quakers and a feature of the Society of Friends. The very Advices which demanded a rejection of the legal process and which refused to allow complicity with tithe payments were accompanied by others which enjoined Friends to live peaceably under the Government. The Advice on Civil Government from 1689 following the Act of Toleration insisted that Friends should give 'no offence or occasions to those in outward government, nor way to any controversies' but instead 'walk wisely and circumspectly'.[75] By 1730, the law-abiding nature of the Society was unequivocally emphasised:

> we therefore think ourselves obliged earnestly to advise friends, that they be particularly careful to behave with all dutifulness and gratitude; and especially to discountenance every indecent mark of dissatisfaction in word or writing, relating to the government.[76]

The Society thus declined to allow its adherents to participate in the profession of the law, and urged Friends who found themselves at odds with it to arbitrate or accept the disciplinary consequences; all the while denying any authority of ecclesiastical rule. Yet these same Quakers would build a discipline wherein Friends adopted a stance which was increasingly in minimal conflict with the government of England.[77]

This dichotomy has received less attention than it deserves given its formative role in determining who out of the masses that held similar beliefs during the Interregnum would go on to form the Society of Friends. The hostility of the Quaker Discipline towards the legal system, but not the rule of law, had a lasting legacy. It was perhaps natural that belonging to a Society with no use for the law, very few Quakers would discover any motivation to develop a legal practice to serve their connection – in precisely the same way that no practicing Quaker would ever become a parson.

In the decades before the Society's formation opposition to both church and state laws was seen as a necessity if the Quaker Friends were to realise the promise of the

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[75] Book of Extracts p. 15 (#1 1689); p16 (#3 1692).

[76] Book of Extracts p. 17 (#4 1730).

[77] Reasons of space prevent exploration of the decline of other common causes of legal conflict, not least the flouting of the conventions of 'Hat Honour', or choosing to address a Justice with the informal 'thee.'

millenarian prophesies. As William Armistead acutely observed in a historical footnote to his edition of Fox's *Journal* in 1852, it would be a mistake to regarding the early Friends as mere revolutionaries. Regarding Quakers as

> disturbers of religious congregations, and as outraging the peace and order of the churches … would be exceedingly erroneous. In preaching in the national places of worship, they did but avail themselves of a common liberty, in a period of extraordinary excitement on religious things. [T]he preaching of Friends almost everywhere, at that time, whether in steeple-houses or private houses, in-doors or out of doors, equally called down the rigour of ecclesiastical vengeance. But the ministry of Friends struck at the very foundation of all hierarchical systems, and the discovery of this circumstance prompted the priests to call in the aid of the civil power, to suppress the promulgation of views so opposed to ecclesiastical domination.[78]

Only thus was the Kingdom to be built.

It took two centuries of changes in the external context of Friends to dilute their Quaker-dominated network, by which time interactions with non-Quakers had become the norm and rendered the ancient Advices disadvantageous or irrelevant. That incarnation of the Society would find ways to accommodate exogamy, with the children of the great Quaker bankers 'marrying out' while the banks sought the protection of the law in the shadow of the rising Chocolate Empires whose philanthropic dreams were ecumenical. But all that lay a century and more in the future.

By which time, both the Norman Yoke and the Second Coming had been consigned to history.

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[78] Ed. William Armisted, *Journal of George Fox*, p. 104, fn. 1.

## Competing Interests

The author has no competing interests to declare.

## Author Information

Andrew Fincham is an independent researcher concerned with understanding the links between Quakers, their values, and ethical commercial success to understand the implications for responsible corporate governance.

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