

A Letter to Lord Ellenborough

Percy Bysshe Shelley

1812

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INTRODUCTION.

While the Blasphemy Laws remain on the English Statute Book it is well that Shelley's letter to Lord Ellenborough should be kept in circulation. As the work of a lad of eighteen it is surprisingly eloquent, logical, and powerful.

Of course it does not rank with Milton's *Areopagitica*, which was written in that great poet's full maturity, but it carries the tradition of freedom beyond the standpoint of the Republican poet of the seventeenth century. Daniel Isaac Eaton, whose imprisonment for blasphemy called forth Shelley's letter, was a Deist in religion, and an advanced reformer in politics. He was tried at the Old Bailey in 1793 for publishing Thomas Paine's *Rights of Man*, and found "guilty of publishing but without criminal intention."

Nineteen years later, on March 6, 1812, he was tried in the Court of King's Bench on a charge of Blasphemous Libel for publishing the Third Part of Paine's *Age of Reason*. Lord Ellenborough presided at his trial, and brutally interrupted his defence. Eaton was sentenced to eighteen months' imprisonment in Newgate, and to stand for two hours in the pillory.

Shelley, who was then a disciple of Godwin, bitterly resented this outrage on the liberty of the press. His letter to Lord Ellenborough was written in July. It appears to have been printed by a Mr. Syle, of Barnstaple, who was frightened into destroying the greater part of the edition; but fifty copies were sent to London, in care of Mr. Hookham the publisher, and privately distributed. It was first really published, though not without omissions, in 1859 in the Shelley Memorial. The full text was given by Mr. Forman in his complete edition of Shelley (1880).

Shelley's own preface runs as follows: — "Advertisement. -I have waited impatiently for these last four months, in the hope that some pen fitter for the important task would have spared me the perilous pleasure of becoming the champion of an innocent man. This may serve as an excuse for delay to those who think I have let pass the aptest opportunity; but it is not to be supposed that in four short months the public indignation raised by Mr. Eaton's unmerited suffering can have subsided."

"Perilous pleasure" is not an unmeaning or a fanciful phrase. Men were imprisoned at that time for less "offensive" things than several passages in Shelley's letter. It is a pleasant reflection that the great poet of intellectual and moral freedom never lacked the courage of his convictions.

A LETTER TO LORD ELLENBOROUGH.

My Lord,

As the station to which you have been called by your country is important, so much the more awful is your responsibility, so much the more does it become you to watch lest you inadvertently punish the virtuous and reward the vicious.

You preside over a court which is instituted for the suppression of crime, and to whose authority the people submit on no other conditions than that its decrees should be conformable to justice.

If it should be demonstrated that a judge had condemned an innocent man, the bare existence of laws in conformity to which the accused is punished would but little extenuate his offence. The inquisitor, when he burns an obstinate heretic, may set up a similar plea, yet few are sufficiently blinded by intolerance to acknowledge its validity. It will less avail such a judge to assert the

policy of punishing one who has committed no crime. Policy and morality ought to be deemed synonymous in a court of justice, and he whose conduct has been regulated by the latter principle is not justly amenable to any penal law for a supposed violation of the former. It is true, my Lord, laws exist which suffice to screen you from the animadversions of any constituted power, in consequence of the unmerited sentence which you have passed upon Mr. Eaton; but there are no laws which screen you from the reproof of a nation's disgust, none which ward off the just judgment of posterity, if that posterity will deign to recollect you.

By what right do you punish Mr. Eaton? What but antiquated precedents, gathered from times of priestly and tyrannical domination, can be adduced in palliation of an outrage so insulting to humanity and justice? Whom has he injured? What crime has he committed? Wherefore may he not walk abroad like other men and follow his accustomed pursuits? What end is proposed in confining this man, charged with the commission of no dishonorable action? Wherefore did his aggressor avail himself of popular prejudice, and return no answer but one of commonplace contempt to a defence of plain and simple sincerity?

Lastly, when the prejudices of the jury as Christians, were strongly and unfairly inflamed¹ against this injured man as a Deist, wherefore did not you, my Lord, check such unconstitutional pleading, and desire the jury to pronounce the accused innocent or criminal² without reference to the particular faith which he professed?

In the name of justice, what answer is there to these questions? The answer which Heathen Athens made to Socrates is the same with which Christian England must attempt to silence the advocates of this injured man — "He has questioned established opinions." Alas ! the crime of enquiry is one which religion never has forgiven. Implicit faith and fearless enquiry have in all ages been irreconcilable enemies. Unrestrained philosophy has in every age opposed itself to the reveries of credulity and fanaticism.

The truths of astronomy, demonstrated by Newton, have superseded astrology ; since the modern discoveries in chemistry the philosopher's stone has no longer been deemed attainable. Miracles of every kind have become rare, in proportion to the hidden principles which those who study nature have developed. That which is false will ultimately be controverted by its own falsehood. That which is true needs but publicity to be acknowledged. It is ever a proof that the falsehood of a proposition is felt by those who use power and coercion, not reasoning and persuasion, to procure its admission. Falsehood skulks in holes and corners; "it ets I dare not wait upon I would, like the poor cat in the adage,"³ except when it has power, and then, as it was a coward, it is a tyrant ; but the eagle-eye of truth darts through the undazzling sunbeam of the immutable and just, gathering thence wherewith to vivify and illuminate a universe!

Wherefore, I repeat, is Mr. Eaton punished? Because he is a Deist? And what are you, my Lord? A Christian.

Ha, then! the mask is fallen off; you persecute him because his faith differs from yours. You copy the persecutors of Christianity in your actions, and are an additional proof that your religion is as bloody, barbarous, and intolerant as theirs. If some deistical bigot in power (supposing such a character for the sake of illustration) should, in dark and barbarous ages, have enacted a statute making the profession of Christianity criminal; if you, my Lord, were a Christian bookseller and

¹ See the Attorney-Generals speech.

² By Mr. Fox's Bill (L791) juries are, in cases of libel, judges both of the law and the fact.

³ Shakespeare.

Mr. Eaton a judge, those arguments, which you consider adequate to justify yourself for the sentence which you have passed, must likewise suffice, in this suppositionary case, to justify Mr. Eaton in sentencing you to Newgate and the pillory for being a Christian. Whence is any right derived but that which power confers for persecution?

Do you think to convert Mr. Eaton to your religion by embittering his existence? You might force him by torture to profess your tenets, but he could not believe them, except you should make them credible, which, perhaps exceeds your power. Do you think to please the God you worship by this exhibition of your zeal? If so, the Demon to whom some nations offer human hecatombs is less barbarous than the Deity of civilised society.

You consider man as an accountable being; but he can only be accountable for those actions which are influenced by his will.

Belief and disbelief are utterly distinct from, and unconnected with, volition. They are the apprehension of the agreement or disagreement of the ideas which compose any proposition. Belief is an involuntary operation of the mind, and, like other passions, its intensity is precisely proportionate to the degrees of excitement. Volition is essential to merit or demerit. How, then, can merit or demerit be attached to what is distinct from that faculty of the mind whose presence is essential to their being? I am aware that religion is founded on the voluntariness of belief, as it makes it a subject of reward and punishment; but, before we extinguish the steady ray of reason and common sense, it is fit that we should discover, which we cannot do without their assistance, whether or no there be any other which may suffice to guide us through the labyrinth of life.

If the law "de heretico cuniburendo" was not been formally repealed, I conceive that, from the promise held out by your Lordship's zeal, we need not despair of beholding the flames of persecution rekindled in Smithfield. Even now, the lash that drove Descartes and Voltaire from their native country, the chains which bound Galileo, the flames which burnt Vanini, again resound. And where? In a nation that presumptuously calls itself the sanctuary of freedom. Under a government which, whilst it infringes the very right of thought and speech, boasts of permitting the liberty of the press; in a civilised and enlightened country a man is pilloried and imprisoned because he is a Deist, and no one raises his voice in the indignation of outraged humanity.

Does the Christian God, whom his followers eulogize as the Deity of humility and peace, — he, the regenerator of the world, the meek reformer, authorise one man to rise against another, and, because lictors are at his beck, to chain and torture him as an Infidel?

When the Apostles went abroad to convert the nations, were they enjoined to stab and poison all who disbelieved the divinity of Christ's mission, assuredly they would have been no more justifiable in this case than he is at present who puts into execution the law which inflicts pillory and imprisonment on the Deist.

Has not Mr. Eaton an equal right to call your Lordship an Infidel as you have to imprison him for promulgating a different doctrine from that which you profess? What do I say! Has he not even a stronger plea? The word Infidel can only mean any thing when applied to a person who professes that which he disbelieves. The test of truth is an undivided reliance on its inclusive powers; the test of conscious falsehood is the variety of the forms under which it presents itself, and its tendency towards employing whatever coercive means may be within its command, in order to procure the admission of what is unsusceptible of support from reason or persuasion. A dispassionate observer would feel himself more powerfully interested in favor of a man who, depending on the truth of his opinions, simply stated his reasons for entertaining them, than in that of his aggressor, who, daringly avowing his unwillingness to answer them by argument,

proceeded to repress the activity and break the spirit of their promulgator, by that torture and imprisonment whose infliction he could command.

I hesitate not to affirm that the opinions which Mr. Eaton sustained when undergoing that mockery of a trial at which your Lordship presided, appear to me more true and good than those of his accuser ; hut were they false as the visions of a Calvinist, it still would be the duty of those who love liberty and virtue to raise their voice indignantly against a reviving system of persecution, against the coercively repressing any opinion, which, if false, needs but the opposition of truth ; which, if true, in spite of force, must ultimately prevail.

Mr. Eaton asserted that the scriptures were, from beginning to end, a fable and imposture,⁴ that the apostles were liars and deceivers. He denied the miracles, resurrection, and ascension of Jesus Christ. He did so, and the Attorney- General denied the propositions which he asserted, and asserted those which he denied. What singular conclusion is deducible from this fact? None, but that the Attorney- General and Mr. Eaton sustained two opposite opinions.

The Attorney-General puts some obsolete and tyrannical laws in force against Mr. Eaton, because he publishes a book tending to prove that certain supernatural events, which are supposed to have taken place eighteen centuries ago, in a remote corner of the world, did not actually take place.

But how are the truth or falsehood of the facts in dispute relevant to the merit or demerit attachable to the advocates of the two opinions? No man is accountable for his belief, because no man is capable of directing it. Mr. Eaton is therefore totally blameless. What are we to think of the justice of a sentence which punishes an individual against whom it is not even attempted to attach the slightest stain of criminality?

It is asserted that Mr. Eaton's opinions are calculated to subvert morality. How? What moral truth is spoken of with irreverence or ridicule in the book which he published *Morality*, or the duty of a man and a citizen, is founded on the relations which arise from the association of human beings, and which vary with the circumstances produced by the different states of this association. This duty in similar situations must be precisely the same in all ages and nations.

The opinion contrary to this has arisen from a supposition that the will of God is the source or criterion of morality; it is plain that the utmost exertion of Omnipotence could not cause that to be virtuous which actually is vicious. An all-powerful Demon might, indubitably, annex punishments to virtue and rewards to vice, but could not by these means effect the slightest change in their abstract and immutable natures. Omnipotence could vary, by a providential interposition, the relations of human society; in this latter case, what before was virtuous would become vicious, according to the necessary and natural result of the alteration; but the abstract natures of the opposite principles would have sustained not the slightest change ; for instance, the punishment with which society restrains the robber, the assassin, and the ravisher is just, laudable, and requisite. We admire and respect the institutions which curb those who would defeat the ends for which society was established; but, should a precisely similar coercion be exercised against one who merely expressed his disbelief of a system admitted by those entrusted with the executive power, using at the same time no methods of promulgation but those afforded by reason, certainly this coercion would be eminently inhuman and immoral ; and the supposition that any revelation from an unknown power avails to palliate a persecution so senseless, unprovoked, and indefensible is at once to destroy the barrier which reason places between vice and virtue, and

⁴ See the Attorney-General's speech.

leave to unprincipled fanaticism a plea whereby it may excuse every act of frenzy, which its own wild passions, not the inspirations of the Deity, have engendered.

Moral qualities are such as only a human being can possess.

To attribute them to the Spirit of the Universe, or to suppose that it is callable of altering them, is to degrade God into man, and to annex to this incomprehensible being qualities incompatible with any possible definition of his nature. It may here be objected: Ought not the Creator to possess the perfections of the creature? No. To attribute to God the moral qualities of man is to suppose him susceptible of passions which, arising out of corporeal organisation, it is plain that a pure spirit cannot possess. A bear is not perfect except he is rough; a tiger is not perfect if he be not voracious; an elephant is not perfect if otherwise than docile. How *deep* an argument must that not be which proves that the Deity is as rough as a bear, as voracious as a tiger, and as docile as an elephant! But even suppose with the vulgar that God is a venerable old man, seated on a throne of clouds, his breast the theatre of various passions, analogous to those of humanity, his will changeable and uncertain as that of an earthly king : still goodness and justice are qualities seldom nominally denied him, and it will be admitted that he disapproves of any action incompatible with these qualities. Persecution for opinion is unjust. With what consistency, then, can the worshippers of a Deity whose benevolence they boast, embitter the existence of their fellow being, because his ideas of that Deity are different from those which they entertain? Alas! there is no consistency in those persecutors who worship a benevolent Deity; those who worship a Demon would alone act consonantly to these principles, by imprisoning and torturing in his name.

Persecution is the only name applicable to punishment inflicted on an individual in consequence of his opinions.

What end is persecution designed to answer? Can it convince him whom it injures? Can it prove to the people the falsehood of his opinions? It may make him a hypocrite, and them cowards; but bad means can promote no good end. The unprejudiced mind looks with suspicion on a doctrine that needs the sustaining hand of power. Socrates was poisoned because he dared to combat the degrading superstitions in which his countrymen were educated. Not long after his death, Athens recognised the injustice of his sentence ; his accuser, Melitus, was condemned, and Socrates became a demigod.

Jesus Christ was crucified because he attempted to supersede the ritual of Moses with regulations more moral and humane ; his very judge made public acknowledgment of his innocence, but a bigoted and ignorant mob demanded the deed of horror. Barabbas, the murderer and traitor, was released. The meek reformer, Jesus, was immolated to the sanguinary Deity of the Jews. Time rolled on, time changed the situations, and with them the opinions of men.

The vulgar, ever in extremes, became persuaded that the crucifixion of Jesus was a supernatural event, and testimonies of miracles, so frequent in unenlightened ages, were not wanting to prove that he was something divine. This belief, rolling through the lapse of ages, acquired force and extent, until the divinity of Jesus became a dogma, which to dispute was death, which to doubt was infamy.

Christianity is now the established religion; he who attempts to disprove it must behold murderers and traitors take precedence of him in public opinion, though, if his genius be equal to his courage, and assisted by a peculiar coalition of circumstances, future ages may exalt him to a divinity, and persecute others in his name, as he was persecuted in the name of his predecessor, in the homage of the world.

The same means that have supported every other popular belief have supported Christianity. War, imprisonment, murder, and falsehood ; deeds of unexampled and incomparable atrocity, have made it what it is. We derive from our ancestors a belief thus fostered and supported. We quarrel, persecute, and hate for its maintenance. Does not analogy favor the opinion that, as like other systems it has arisen and augmented, so like them it will decay and perish; that, as violence and falsehood, not reasoning and persuasion, have procured its admission among mankind; so, when enthusiasm has subsided, and time, that infallible controverter of false opinions, has involved its pretended evidences in the darkness of antiquity, it will become obsolete, and that men will then laugh as heartily at grace, faith, redemption, and original sin as they now do at the metamorphoses of Jupiter, the miracles of Romish saints, the efficacy of witchcraft, and the appearance of departed spirits.

Had the Christian religion commenced and continued by the mere force of reasoning and persuasion, by its self-evident excellence and fitness, the preceding analogy would be inadmissible. We should never speculate upon the future obsolescence of a system perfectly conformable to nature and reason. It would endure so long as they endured; it would be a truth as indisputable as the light of the sun, the criminality of murder, and other facts, physical and moral, which, depending on our organisation and relative situations, must remain acknowledged so long as man is man. It is an incontrovertible fact, the consideration of which ought to repress the hasty conclusions of credulity, or moderate its obstinacy in maintaining them, that, had the Jews not been a barbarous and fanatical race of men, had even the resolution of Pontius Pilate been equal to his candor, the Christian religion never could have prevailed; it could not even have existed. Man! the very existence of whose most cherished opinions depends from a thread so feeble, arises out of a source so equivocal, learn at least humility; own, at least, that it is possible for thyself also to have been seduced by education and circumstance into the admission of tenets destitute of rational proof, and the truth of which has not yet been satisfactorily demonstrated.

Acknowledge, at least, that the falsehood of thy brother's opinions is no sufficient reason for his meriting thy hatred. What! because a fellow being disputes the reasonableness of thy faith, wilt thou punish him with torture and imprisonment? If persecution for religious opinions were admitted by the moralist, how wide a door would not be opened by which convulsionists of every kind might make inroads on the peace of society! How many deeds of barbarism and blood would not receive a sanction! But I will demand, if that man is not rather entitled to the respect than the discountenance of society, who, by disputing a received doctrine, either proves its falsehood and inutility, thereby aiming at the abolition of what is false and useless, or giving to its adherents an opportunity of establishing its excellence and truth. Surely this can be no crime. Surely the individual who devotes his time to fearless and unrestricted inquiry into the grand questions arising out of our moral nature ought rather to receive the patronage, than encounter the vengeance, of an enlightened legislature.

I would have you to know, my Lord, that fetters of iron cannot bind or subdue the soul of virtue. From the damps and solitude of its dungeon it ascends, free and undaunted, whither thine, from the pompous seat of judgment, dare not soar. I do not warn you to beware lest your profession as a Christian should make you forget that you are a man; but I warn you against festinating that period, which, under the present coercive system, is too rapidly maturing, when the seats of justice shall be the seats of venality and slavishness, and the cells of Newgate become the abode of all that is honorable and true.

I mean not to compare Mr. Eaton with Socrates or Jesus; he is a man of blameless and respectable character ; he is a citizen unimpeached with crime; if, therefore, his rights as a citizen and a man have been infringed, they have been infringed by illegal and immoral violence. But I will assert that, should a second Jesus arise among men, should such a one as Socrates again enlighten the earth, lengthened imprisonment and infamous punishment (according to the regimen of persecution revived by your Lordship) would effect what hemlock and the cross have heretofore effected, and the stain on the national character, like that on Athens and Judea, would remain indelible, but by the destruction of the history in which it is recorded. When the Christian religion shall have faded from the earth, when its memory, like that of Polytheism now shall remain, but remain only as the subject of ridicule and wonder, indignant posterity would attach immortal infamy to such an outrage; like the murder of Socrates, it would secure the execration of every age.

The horrible and wide-wasting enormities which gleam like comets through the darkness of gothic and superstitious ages are regarded by the moralist as no more than the necessary effects of known causes; but, when an enlightened age and nation signalises itself by a deed, becoming none but barbarians and fanatics, philosophy itself is even induced to doubt whether human nature will ever emerge from the pettishness and imbecility of its childhood. The system of persecution, at whose new birth you, my Lord, are one of the presiding midwives, is not more impotent and wicked than inconsistent. The press is loaded with what are called (ironically, I should conceive) *proofs* of the Christian religion : these books are replete with invective and calumny against Infidels; they presuppose that he who rejects Christianity must be utterly divested of reason and feeling.

They advance the most unsupported assertions, and take as first principles the most revolting dogmas. The inferences draw from these assumed premises are imposingly logical and correct; but, if a foundation is weak, no architect is needed to foretell the instability of the superstructure. If the truth of Christianity is not disputable, for what purpose are these books written? If they are sufficient to prove it, what further need of controversy? If God has spoken, why is not the universe convinced? If the Christian religion needs deeper learning, more painful investigation, to establish its genuineness, wherefore attempt to accomplish that by force which the human mind can alone effect with satisfaction to itself? If, lastly, its truth cannot be demonstrated, wherefore impotently attempt to snatch from God the government of his creation, and impiously assert that the Spirit of Benevolence has left that knowledge most essential to the well-being of man, the only one which, since its promulgation, has been the subject of unceasing cavil, the cause of irreconcilable hatred? Either the Christian religion is true, or it is not. If true, it comes from God, and its authenticity can admit of doubt and dispute no further than its Omnipotent Author is willing to allow; if true, it admits of rational proof, and is capable of being placed equally beyond controversy as the principles which have been established concerning matter and mind, by Locke and Newton; and in proportion to the usefulness of the fact in dispute, so must it be supposed that a benevolent being is anxious to procure the diffusion of its knowledge on the earth. If false, surely no enlightened legislature would punish the reasoner, who opposes a system so much the more fatal and pernicious, as it is extensively admitted; so much the more productive of absurd and ruinous consequences, as it is entwined by education, with the prejudices and affections of the human heart, in the shape of a popular belief.

Let us suppose that some half-witted philosopher should assert that the earth was the centre of the universe, or that ideas could enter the human mind independently of sensation or reflection.

This man would assert what is demonstrably incorrect; he would promulgate a false opinion. Yet would he therefore deserve pillory and imprisonment? By no means; probably few would discharge more correctly the duties of a citizen and a man. I admit that the case above stated is not precisely in point. The thinking part of the community has not received as indisputable the truth of Christianity, as they have that of the Newtonian system.

A very large portion of society, and that powerfully and extensively connected, derives its sole emolument from the belief of Christianity, as a popular faith.

To torture and imprison the asserter of a dogma, however ridiculous and false, is highly barbarous and impolitic.

How, then, does not the cruelty of persecution become aggravated when it is directed against the opposer of an opinion *yet under dispute*, and which men of unrivalled acquirements, penetrating genius, and stainless virtue have spent, and at last sacrificed, their lives in combating.

The time is rapidly approaching — I hope that you, my Lord, may live to behold its arrival—when the Mahometan, the Jew, the Christian, the Deist, and the Atheist will live together in one community, equally sharing the benefits which arise from its association, and united in the bonds of charity and brotherly love. My Lord, you have condemned an innocent man; no crime was imputed to him, and you sentenced him to torture and imprisonment. I have not addressed this letter to you with the hopes of convincing you that you have acted wrong. The most unprincipled and barbarous of men are not unprepared with sophisms to prove that they would have acted in no other manner, and to show that vice is virtue. But I raise my solitary voice to express my disapprobation, so far as it goes, of the cruel and unjust sentence you passed upon Mr. Eaton; to assert, so far as I am capable of influencing, those rights of humanity which you have wantonly and unlawfully infringed.

My Lord,
Yours, &c.

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