

## CHARLWOOD LAWTON, LATITUDINARIANISM, AND ECUMENICAL TOLERATION IN ENGLISH JACOBITISM, 1689–1721

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This article analyses the writings and correspondence of an influential English Whig Jacobite, Charlwood Lawton (1659–1721). Lawton was a prolific author of Jacobite propaganda during the 1690s, with eighteen Jacobite books and pamphlets attributed to him. This is more than any other individual during this period. His arguments often paralleled those of John Locke but were grounded in a particular form of Latitudinarian theology. His belief in the common salvation of all Christian sects caused him to argue for civic toleration across denominational boundaries. His writings thus contributed to the exiled Stuarts' attempts to present themselves as supporters of a more expansive model of religious toleration than the Williamite regime. Previous historians have associated Latitudinarianism solely with the Williamite cause. By exploring how Lawton adapted these principles to Jacobite ideology, the article complicates the theological history of post-revolution England. It simultaneously reinforces the now dominant re-evaluation of traditional Whig historiography, which portrayed the rise of civic and religious liberty as a Whig project beginning with the revolution of 1688–90 and culminating in the American and French revolutions. Modern religious toleration was not a progressive achievement begun by Locke (1632–1704) and perfected by Enlightenment thinkers. It was a contested settlement, as much pragmatic as ideological, and as much theological as political. A powerful subset of Jacobite thinkers participated in this process by building an imagined Jacobite restoration state with radically expanded laws regarding toleration.

**T**HE religious settlement created by the revolution of 1688–90 was inherently ambiguous. The 1689 Toleration Act in England and the failed attempt at Episcopalian comprehension in Scotland were mainly Williamite attempts to

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appease enough religious groups to stave off counter-revolution.<sup>1</sup> The Toleration Act granted legal worship to many Protestant Dissenters. However, Catholics, non-Trinitarians, and several other groups remained outside its protection. Even newly tolerated Dissenters faced continued legal barriers such as exclusion from holding civic offices and having to register their meeting houses. The settlement was therefore not a straightforward victory for toleration but a limited and contested compromise. Williamite Whigs, Latitudinarian churchmen, Dissenters, Scottish Presbyterians, Episcopalians, Catholics, and Jacobites all interpreted toleration differently. This article uses ‘toleration’ in that contested sense, not as a settled doctrine of modern religious liberty, but as a field of political and theological argument in which Jacobites as well as Williamites sought to define the boundaries of religious and civic liberty.

In this set of circumstances, the exiled Stuart court pursued Whig supporters by fostering an image of enlightened and ecumenical Jacobitism. This attempt was instigated most effectively by Charlwood Lawton (1659–1721). Lawton was an English lawyer who became a professional Jacobite propagandist. He convinced the Stuart court to subsidise his pamphlets, in which he subscribed to a version of Anglican Latitudinarianism that led him to affirm a broad conception of religious toleration. Attempts at expanding religious privileges were not new to James VII and II (hereafter James II)<sup>2</sup> in his exile. Alastair Raffe traced his multiconfessional experiment in Scotland as duke of York, before the revolution, which saw him extend toleration to Catholics and Protestants.<sup>3</sup> Scott Sowerby demonstrated that he continued this project during his reign, attempting to convince and then coerce the English Parliament to repeal the penal laws against Catholics.<sup>4</sup> This action initiated a movement of Dissenters and Anglicans called the Repealers who supported James II’s goal of removing the Penal Laws. Following John Coffey, this article distinguishes between comprehension, indulgences, limited Protestant toleration, and broader ecumenical toleration.<sup>5</sup>

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1. Ralph Stevens, *Protestant Pluralism: The Reception of the Toleration Act, 1689–1720* (Woodbridge, 2018), <https://doi.org/10.1515/9781787443204>; Ben Rogers, ‘Religious Comprehension in Scotland, 1689–1695’, *Journal of Ecclesiastical History*, 74 (2023), 774–800, at 777, <https://doi.org/10.1017/S0022046923000118>.

2. James II’s son was James Francis Edward Stuart, and his first grandson Charles Edward Stuart. All claimed the thrones of the three kingdoms and maintained a court in exile.

3. Alasdair Raffe, ‘James VII’s Multiconfessional Experiment and the Scottish Revolution of 1688–1690’, *History*, 100 (2015), 354–73, <https://doi.org/10.1111/1468-229X.12107>; idem, *Scotland in Revolution, 1685–1690* (Edinburgh, 2018), chs. 2 and 3, <https://doi.org/10.3366/edinburgh/9781474427579.003.0001>.

4. Scott Sowerby, *Making Toleration: The Repealers and the Glorious Revolution* (Cambridge, MA and London, 2013), <https://doi.org/10.4159/harvard.9780674075917>.

5. John Coffey, ‘Puritanism and Liberty Revisited: The Case for Toleration in the English Revolution’, *Historical Journal*, 41 (1998), 961–85, <https://doi.org/10.1017/S0018246X98008103>; idem, *Persecution and Toleration in Protestant England, 1558–1689* (Harlow, 2000).

Lawton's thought belonged to the latter tradition, advocating not merely the legal worship of Protestant Dissenters but the full civic inclusion of Anglicans, Catholics, Dissenters, Episcopalians, and other Christian confessions within a common political order. This included their right to vote, hold office, and establish Churches independent of state oversight. Lawton's ecumenical toleration stemmed from his Latitudinarian theology.

Latitudinarianism emerged in the mid-seventeenth century, rooted in the thought of the Cambridge Platonists, and emphasised reasoned approaches to faith. The term encompassed both a general theological disposition and a specific ecclesiastical-political movement. By the end of the century, they were a dispersed minority within the Church of England, with key figures including London bishops such as John Tillotson (1630–94), Gilbert Burnet (1643–1715), Edward Stillingfleet (1635–99), and Edward Fowler (1632–1714).<sup>6</sup> Latitudinarians sought broad agreement on the core tenets of Christianity while allowing diversity on secondary matters. Theologically, they were Arminians, affirming both human free will and natural morality. Politically, many accepted a more extensive role for government in religious matters than High Church Anglicans were comfortable with, which frequently led to accusations of Erastianism. The movement reached its peak after the revolution of 1688–90, and latitudinarian bishops worked closely with Locke in attempts to broaden the Church of England to include as many Dissenters as possible.<sup>7</sup> However, historians continue to debate the character of his arguments. Richard Ashcraft highlighted the radical nature of Locke's inclusion of Muslims, certain Catholics, and freethinkers.<sup>8</sup> John Marshall, however, delineated the limits of Lockean toleration, noting that he confined Catholics to private worship, barred them from holding government office, and generally regarded them as threats to liberty, and proscribed Muslims.<sup>9</sup> J. C. Walmsley and Felix Waldmann reaffirmed this reading of Locke with the discovery of a new manuscript in which he carefully weighed and decided against the toleration of Catholics.<sup>10</sup> This article adopts Ashcraft's view

6. Martin J. Griffin, *Latitudinarianism in the Seventeenth-Century Church of England* (Leiden and New York, NY, 1992), 4, <https://doi.org/10.1163/9789004246812>.

7. On the diversity of Latitudinarianism, see especially John Spurr, "'Latitudinarianism' and the Restoration Church", *Historical Journal*, 31 (1988), 61–82, <https://doi.org/10.1017/S0018246X00011997>; Dmitri Levitin, *Ancient Wisdom in the Age of the New Science: Histories of Philosophy in England, c.1640–1700* (Cambridge, 2015), 13–21, 143, 542–5.

8. Richard Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton, NJ, 1986), <https://doi.org/10.1515/9781400823420>.

9. John Marshall, 'John Locke and Latitudinarianism' in Richard Kroll, Richard Ashcraft, and Perez Zagorin (eds), *Philosophy, Science, and Religion in England 1640–1700* (Cambridge, 1992), 253–82, <https://doi.org/10.1017/CBO9780511896231.012>.

10. J. C. Walmsley and Felix Waldmann, 'John Locke, Toleration, and Samuel Parker's A Discourse of Ecclesiastical Politie (1669): A New Manuscript', *Modern Intellectual History*, 19 (2021), 997–1032, <https://doi.org/10.1017/S1479244321000421>.

of Locke as radical while recognising Marshall's observations on his restrictions. It further argues that Lawton represented a rare Whig whose ideas on toleration were even more expansive than Locke's. Lawton's understanding of religious liberty significantly shaped both the Stuart and revolutionary administrations. He aligned with the Repealers' earlier aims of prioritising religious toleration over more limited comprehension. Lawton's writings on the intersection of faith and politics both reflected and extended Locke's ideas.

Lawton adopted Latitudinarian arguments while coining the term 'Whiggish Jacobite' to describe those who supported the Jacobite cause on principles typically associated with 'Whig' beliefs, including the social contract, limited government, the right of rebellion, and, most importantly, a radical extension of religious toleration to almost all confessions.<sup>11</sup> The last of these was already present in the broader Jacobite tradition, which often portrayed the revolution as the removal of James II by religious bigots opposed to his toleration of Catholics and Dissenters, as well as for his own Catholic faith.<sup>12</sup> This article refers to that stance as 'ecumenical toleration'. Lawton endorsed James II's ecumenical view of religious liberty, which contrasted with the narrower toleration established by the revolution settlement of 1689–90.<sup>13</sup> Even this limited revolutionary toleration under William and Mary, Anne, and the Hanoverians was largely brought about due to the threat of counter-revolution.<sup>14</sup> The exiled Stuarts repeatedly sought to present the Jacobite movement as a defender of liberty to attract Whig support. Lawton argued that restoring James II with constitutional limitations would secure religious liberty for all Christians. He is the most valuable example of a Whiggish Jacobite for historical study, not just because he coined the faction's name and produced the largest share of its writings, but because he was the member in most frequent communication with the exiled Stuart court. His Latitudinarian version of ecumenical toleration was rooted in his radical conviction that members of all Christian denominations would attain salvation.<sup>15</sup>

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11. Charlwood Lawton, *A French Conquest Neither Desirable Nor Practicable Dedicated to the King of England* (London, 1693), 1. This is the first recorded use of the term.

12. For an example see James Francis Edward Keith to Edward Drummond, 6th earl and 6th Jacobite duke of Perth, 20 December 1755, Aberdeen University Library, MS. 2709, f. 160. Jacobite Field Marshal James Francis Edward Keith argued that England was great because of her spirit of toleration, but in James II's time this was deemed a crime.

13. Lawton supported James II's ecumenical toleration of Catholics and Dissenters at the royal court before the revolution. See Gabriel Glickman, 'The Politics of Coexistence: Dissenters, Catholics, and Jacobites, 1714–1745' in Nigel Aston and Benjamin Bankhurst (eds), *Negotiating Toleration: Dissent and Hanoverian Succession, 1714–1760* (Oxford, 2019), 88–121, at 108, <https://doi.org/10.1093/oso/9780198804222.003.0006>. He also did so in his printed Jacobite publications: see Charlwood Lawton, *The Jacobite Principles Vindicated* (London, 1692), 17.

14. Stevens, *Protestant Pluralism*, 1–12.

15. Will of Charlwood Lawton of Northampton, Northamptonshire, 15 December 1721, The National Archives (hereafter TNA), PROB/11/582/468, 239a.

James II's attempt to install a toleration for Catholics and Dissenters before he was deposed is well known.<sup>16</sup> Fewer scholars have given attention to the continued efforts of Jacobites to distinguish themselves from the Williamite regime with a more expansive toleration. Gabriel Glickman demonstrated that James II's first ten years in exile were spent actively attempting to win over Dissenters with promises of a broad toleration, which caused some to work together with Catholics for the cause of a restoration and check upon the Church of England.<sup>17</sup> Daniel Szechi described the Jacobite Juncto in the early eighteenth-century Scottish Parliament reluctantly accepting a toleration for Catholics under a restored Stuart monarchy. Paul Monod briefly described James Francis Edward Stuart's commitment to a broader toleration in the mid-eighteenth century.<sup>18</sup>

Lawton's importance in the Jacobite movement has been recognised by other historians. Paul Hopkins has undertaken the most comprehensive study of Lawton, establishing the modern canon of his anonymously published works and recovering his negotiations with the exiled Stuart court on behalf of Whig Jacobites.<sup>19</sup> This corpus was later expanded slightly by Mark Goldie and Clare Jackson who analysed Lawton's use of the language of liberty and tyranny to critique William and briefly compared Lawton's civic principles to Locke's.<sup>20</sup> Yet Gabriel Glickman's work is the most applicable. He directly traced Lawton's religious arguments for a broader toleration than the Revolutionary settlement offered, and the Stuart court's formal adoption of these arguments. Yet he mistakenly classified Lawton as a Dissenter due to his interactions with William Penn.<sup>21</sup> This article clarifies and builds upon this work, arguing that Lawton's arguments on toleration were broader than Locke's, and placing the origin of his thought in his Anglican, Latitudinarian theology.

Despite these exceptions, the broader lack of attention given to Jacobite promises of religious toleration is partially because the promise of an ecumenical

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16. Mark Goldie, 'James II and the Dissenters' Revenge: The Commission of Enquiry of 1688', *Historical Research*, 66 (1993), 53–88, <https://doi.org/10.1111/j.1468-2281.1993.tb01799.x>; Gaby Mahlberg, 'Henry Neville and the Toleration of Catholics During the Exclusion Crisis', *Historical Research*, 83 (2010), 617–34, <https://doi.org/10.1111/j.1468-2281.2009.00533.x>; Sowerby, *Making Toleration*.

17. Glickman, 'Politics of Coexistence', 108; idem, *The English Catholic Community, 1688–1745: Politics, Culture and Ideology* (Woodbridge, 2009), <https://doi.org/10.1515/9781846157196>.

18. Daniel Szechi, *The Jacobites: Britain and Europe, 1688–1788*, second edition (Manchester, 2019), 48; Paul Kléber Monod, *Jacobitism and the English People, 1688–1788* (Cambridge, 1989), 31.

19. P. A. Hopkins, 'Aspects of Jacobite Conspiracy in England in the Reign of William III' (Ph.D. thesis, University of Cambridge, 1981).

20. Mark Goldie and Clare Jackson, 'Williamite Tyranny and the Whig Jacobites', in Esther Mijers and David Onnekink (eds), *Redefining William III: The Impact of the King-Stadholder in International Context* (London and New York, NY, 2017), 177–99. For their comparison of Lawton and Locke see 197.

21. Glickman, 'Politics of Coexistence', 108.

toleration was confused during the life of the movement. Various political groupings within the Jacobite movement envisioned different forms of toleration. Some desired that the Stuarts would not grant Catholic toleration at all. As a result, the Stuarts hesitated to promise full religious toleration for Christian minority groups until 1717, though James II long said that he would 'recommend' it to a restoration Parliament.<sup>22</sup> More importantly, Protestant fears that James II and his descendants initially promised toleration only to gradually achieve the re-conversion of the three kingdoms to Catholicism has caused several modern historians to disregard their calls for religious liberty.<sup>23</sup> Yet many Jacobites took these promises at face value and actively promoted these ideas. Rather than interrogating the sincerity of James II and his descendants regarding their pledges, then, it is more productive to consider the ways in which Jacobites such as Lawton perceived issues of civil and religious liberty and adapted these ideas for the exiled Stuart cause.

The existence of Latitudinarian Jacobitism nuances our understanding of religious and intellectual change in the post-revolution period. It does so primarily by challenging the outmoded assumption that the Protestant ascendancy alone shaped the development of religious liberty in the Anglophone world during the long eighteenth century.<sup>24</sup> The creation of religious toleration involved direct and indirect contributions from the exiled Stuart dynasty as well. This postulation also builds on studies of Latitudinarianism, already known to be crucial to this process, which have not yet acknowledged the presence of a Jacobite contribution to the movement.<sup>25</sup> The Jacobites exemplify a political group that failed to achieve its goal but succeeded in deeply influencing British society and the wider Western world through its emerging empire. That fact challenges the antiquated story of the linear progress of toleration. This is often framed through the ideas of successive Whig thinkers, usually centred on Locke (1632–1704),

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22. Szechi, *Jacobites*, 50. For an example of James II's recommendation strategy, see 'Declaration of King James II, April 20, 1662' in James Stanier Clarke (ed.), *The Life of James the Second* (2 vols, London, 1816), II, 479–88.

23. Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685–1720* (London, 2007), 166, 171, 235–6, 249–55; Steve Pincus, 'The European Catholic Context of the Revolution of 1688–89: Gallicanism, Innocent XI, and Catholic Opposition', 79–114, in Allan I. Macinnes and Arthur H. Williamson, (eds), *Shaping the Stuart World, 1603–1714: The Atlantic Connection* (Leiden, 2006), 98–102, [https://doi.org/10.1163/9789047417507\\_007](https://doi.org/10.1163/9789047417507_007).

24. Annabel Patterson, *Nobody's Perfect: A New Whig Interpretation of History* (New Haven and London, 2005); Steven Pincus, *1688: The First Modern Revolution* (New Haven, CT and London, 2009); Jeffrey Stephen, *Defending the Revolution: The Church of Scotland 1689–1716* (Farnham, 2013); Onur Ulas Ince, *Colonial Capitalism and the Dilemmas of Liberalism* (New York, NY, 2018).

25. Griffin, *Latitudinarianism*; W. M. Spellman, *The Latitudinarians and the Church of England, 1660–1700* (Athens, GA, 1993); Daniel Pratt Morris-Chapman, 'High and Low? The Heritage of Anglican Latitudinarianism in the Thought of John Wesley', *Journal of Religious History, Literature, and Culture*, 5 (2019), 83–99, <https://doi.org/10.16922/jrhlc.5.1.4>; Euidon Joo, 'The Theology of John Tillotson (1630–1694) and Latitudinarianism in England' (Ph.D. thesis, Bangor University, 2019).

who directly influenced the British state.<sup>26</sup> This article will first provide a brief biographical account of Lawton's life, before examining the Lockean elements of his political thought. Finally, it will discuss the Latitudinarian principles that informed his belief in universal Christian religious liberty. The article offers a valuable reminder of the fluidity and vitality of Jacobitism's ideological dynamics, especially in the first decade after the revolution. It complicates the persistent historiographic trend of conflating Jacobitism with Toryism by presenting Whig Jacobite theories that were sometimes more radical than Locke's. It also advances the scholarly understanding of the rise of religious toleration by demonstrating the understated Jacobite participation in that process.

## I.

Lawton was raised as a Whig and an opponent of James II. His father, Ralf Lawton, served as a surgeon-general in the English army.<sup>27</sup> Lawton entered Wadham College, Oxford, in 1677, where, despite not earning a degree, he established many contacts, some of whom he later converted to Jacobitism.<sup>28</sup> In 1685, Lawton participated in the Monmouth Rebellion, an unsuccessful attempt to depose James II led by Charles II's illegitimate son, James Scott, 1st duke of Monmouth.<sup>29</sup> Lawton was drawn to Monmouth's cause by its promise to restore several rights he claimed James II had infringed. These included Parliament's right to resist James II's dispensing power, the right of the people to resist James II's unconstitutional customs taxes, and the right of companies to resist his attempted use of *Quo Warrantos* to remove their charters.<sup>30</sup> Despite the rebellion's failure, he ultimately received a royal pardon.<sup>31</sup>

In 1686, the Pennsylvania Quaker William Penn introduced Lawton to the Repealer movement, which supported James II's campaign to repeal the penal laws against Catholics and Dissenters. Interaction with Penn and the Repealers eventually led Lawton toward Jacobitism. The two met during a carriage ride

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26. Ashcraft, *Revolutionary Politics*.

27. W. A. J. Archbold, rev. by Philip Carter, 'Lawton, Charlwood (1660–1721)', *Oxford Dictionary of National Biography* (online edition, 2004) <https://doi.org/10.1093/ref:odnb/162111>, [hereafter ODNB; last accessed 16 July 2026]; Diego Lucci, *John Locke's Christianity* (Cambridge, 2020), <https://doi.org/10.1017/9781108873055>.

28. James Macpherson, *Original Papers; Containing the Secret History of Great Britain, From the Restoration, to the Accession of the House of Hannover* (2 vols, London, 1775), I, 391.

29. Howard Erskine-Hill, 'Alexander Pope: The Political Poet in His Time', *Eighteenth-Century Studies*, 15 (1981–2), 123–48, at 141, <https://doi.org/10.2307/2738239>.

30. Charlwood Lawton, 'Memoir of William Penn' in *Memoirs of the Historical Society of Pennsylvania*, III: II (Philadelphia, 1836), 216–17.

31. Hopkins, 'Aspects of Jacobite Conspiracy', 132.

and developed a close friendship, united by their shared beliefs in achieving religious liberty through constitutional means.<sup>32</sup> Penn also introduced Lawton to prominent Repealers, including the author and translator William Popple.<sup>33</sup> Penn arranged for Lawton to meet James II several times during the height of the movement, from roughly 1686 to the beginning of 1688. By Lawton's account, these meetings were attempts to dissuade James II from pursuing toleration in ways that threatened the established Church and civil liberties.

Lawton frequently petitioned James II to protect the people's 'civil liberties' as well as their religious 'liberty of conscience'.<sup>34</sup> After two years of pleading, he also secured pardons for two of his Whig associates, the lawyer Aaron Smith and Sir John Trenchard (1649–95), later Secretary of State under William. Both men had been imprisoned for their alleged participation in the Rye House Plot. Lawton's career advanced in 1688 when he was called to the bar from the Middle Temple.<sup>35</sup> The outbreak of the revolution later that year initially seemed to confirm his hopes in an ecumenical toleration that would not endanger civil liberties. Lawton believed William of Orange would correct James II's abuses of royal power and initially regarded himself as part of the revolutionary cause.<sup>36</sup> However, he quickly became disillusioned by William's restricted toleration, among other perceived shortcomings. Within months of the revolution settlement, Lawton had concluded that the restoration of James II was the only viable means of preserving the people's liberty, property, and religion.<sup>37</sup>

Lawton soon became involved in Jacobite activity. As early as 1689 he was publishing Jacobite pamphlets and serving as a courier between the exiled Stuart court in France and its supporters in England.<sup>38</sup> Arrested on 26 October under suspicion of treason, Lawton was released four days later.<sup>39</sup> In 1691, however, Richard Graham, 1st Viscount Preston and John Ashton, Mary of Modena's former clerk of the closet, were captured while attempting to sail to France to assist James II and plan a rising. The incident later became known as the Ashton Affair. Preston carried a document, almost certainly written by Lawton, in which a group of Whigs promised to back James II in exchange for key concessions including securing liberty of conscience, limiting the dispensing power

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32. *Ibid.*, 219.

33. *Ibid.*, 220; Sowerby, *Making Toleration*, 91.

34. Lawton, 'Memoir of William Penn', 223.

35. Archbold, 'Lawton, Charlwood', *ODNB*.

36. [Charlwood Lawton], *The English Man's Complaint* (London, 1689), 2; [*Ibid.*], *A Short State of our Condition, with Relation to the present Parliament* (London, 1693), 2.

37. John Drummond, Lord Melfort, to Charlwood Lawton, 24 October 1692, British Library (hereafter BL), Letter-Book of Lord Melfort, Add MS 37,661, f. 188.

38. Hopkins, 'Aspects of Jacobite Conspiracy', 133.

39. *Ibid.*, 258.

and ensuring a free Parliament.<sup>40</sup> Preston also alleged that Penn was the leading Whiggish Jacobite in England, a claim historians have often questioned.<sup>41</sup> Yet Lawton was never accused of wrongdoing during the crackdown.

In the following months, Lawton successfully attracted like-minded Whigs to Jacobitism. By early 1692, he had recruited many from the King's Head Tavern at Chancery Lane End, London, into James II's service, expecting his 'party' to dominate the parliament James II had promised to convene upon his restoration.<sup>42</sup> The 'King's Head men' referred to the Green Ribbon Club, which had met in the same tavern for the previous two decades. This exclusive group of radical Whigs had supported the attempts to exclude James II from the throne in the 1670s and 1680s, the Rye House Plot of 1683 and Monmouth's rebellion causes Lawton had also supported. Their green ribbon symbol honoured the earlier seventeenth-century Levellers, whose radical ideals aligned closely with Lawton's Latitudinarianism. These included religious toleration, broader suffrage, and natural rights which they defined as God-given and universal, usually emphasising ownership of one's body and property.<sup>43</sup> However, Lawton never followed them in granting civil liberties to atheists. The club drew members from across the Whig spectrum, both Anglicans and Dissenters. Among them were Smith and Trenchard, whom Lawton had earlier persuaded Penn and James II to pardon.<sup>44</sup> There is no direct evidence that he joined the club through these contacts, but it is possible. Lawton distinguished between two kinds of Whigs, writing that: 'I find there is a vast and unlucky mistake in the Computations of some People, and that by reason that they do not distinguish between the State and Religious Whig.'<sup>45</sup>

In his memoir of Penn, Lawton identified himself as 'one of the few, perhaps too few State Whiggs'.<sup>46</sup> He used the term 'State Whigg' to display his commitment to safeguarding civil rights in conjunction with religious toleration, separating himself from the exclusionary Anglican positions held by others who also claimed the Whig label.<sup>47</sup> This distinction centred primarily on Lawton's preference for toleration of other confessions that allowed them to exist independently, rather than bills of comprehension merely bringing them into the Anglican communion. He also used the phrase as a title for the 'party' he was

40. Paul Monod, 'Jacobitism and Country Principles in the Reign of William III', *Historical Journal*, 30 (1987), 289–310, at 298, <https://doi.org/10.1017/S0018246X00021452>.

41. Hopkins, 'Aspects of Jacobite Conspiracy', 264.

42. Macpherson, *Original Papers*, I, 391.

43. On the Levellers and their diverse ideological clusters, see: Gary D. De Krey, *Following the Levellers* (2 vols, London, 2018).

44. Tim Harris, 'Green Ribbon Club. act. c.1674–c.1683', *ODNB* <https://doi.org/10.1093/ref:odnb/92786>, [last accessed 16 July 2026].

45. Lawton, *Jacobite Principles Vindicated*, 17.

46. Lawton, 'Memoir of William Penn', 216.

47. Hopkins, 'Aspects of Jacobite Conspiracy', 306.

creating in England.<sup>48</sup> The King's Head group shared this outlook, aligning with his principles. The faction that formed around Lawton strengthened his influence within the exiled Stuart court.

Lawton became the main channel of communication between these like-minded Whig Jacobites and the exiled Stuart court. He used this position effectively to negotiate concessions from James II. In 1692, as James II prepared to join a French invasion across the Channel, he had issued a forceful declaration to the English people containing few concessions and no admission of error.<sup>49</sup> The loss of the French fleet at the Battle of La Hogue that year made James II and his ministers more receptive to Whig perspectives, as they desperately needed the support of domestic allies, especially English Protestants. From late 1692 to late 1693, Lawton corresponded regularly with the Catholic convert John Drummond, 1st earl of Melfort, James II's secretary of state, who conveyed the king's intentions and thoughts to him.<sup>50</sup>

Lawton authored numerous Jacobite pamphlets advocating for the influence and persuasiveness of his faction's views during this period. His representation of the State Whig Jacobites led James II to adopt their arguments in his official declarations. Melfort occasionally rebuked Lawton for focusing on philosophical arguments rather than practical politics, stating he wanted to hear 'not the theory but the practical of the politics [which] can serve our turn'.<sup>51</sup> Nevertheless, Melfort noted that he agreed with nearly everything Lawton wrote and promised to submit any future 'settlement' (likely any future published promise from James II) for review by Lawton's allies before finalisation.<sup>52</sup> Lawton successfully persuaded Melfort and James II to issue a letter apologising for the 1692 declaration.<sup>53</sup> When James II published his *Gracious Declaration* of 1693, it incorporated most of Lawton's proposals, including protections for 'religion, liberty, and property,' liberty of conscience, and revocation of the dispensing power.<sup>54</sup> This declaration was one of the last created by James II and, despite objections from hardline Tory Jacobites, it was never revoked. The exiled Stuart court had officially and publicly adopted a Whiggish stance.

Lawton also became the most prolific Jacobite author of the 1690s. Beginning shortly before 7 July 1693, the exiled court subsidised his writings.<sup>55</sup> This enabled him to have the results of his policy negotiations with Melfort published. These

48. Macpherson, *Original Papers*, I, 391.

49. Paul Antony Hopkins, 'Aspects of Jacobite Conspiracy in the Reign of William III' (Ph.D. thesis, University of Cambridge, 1981), 295–7.

50. Melfort to Lawton, 4 July and 29 August 1692, BL, Add MS 37,661, ff. 9, 49.

51. Melfort to Lawton, 17 October 1692, BL, Add MS 37,661, f. 179.

52. Melfort to Lawton, 24 October 1692, BL, Add MS 37,661, f. 186.

53. Hopkins, 'Aspects of Jacobite Conspiracy', 327, 333.

54. [James II], *His Majesties Most Gracious Declaration to all his Loving Subjects* (London, 1693).

55. Melfort to Lawton, 7 July 1692, BL, Add MS 37,661, f. 10.

works emphasised that a restored James II would protect life, liberty, and property, even as William failed to do so.<sup>56</sup> Lawton published eighteen known works, and it is likely more were issued anonymously. He continued publishing into the early eighteenth century, including a 1705 tract mourning James II as ‘that unfortunate Prince (who was betrayed by *Passive Pretensions*, and *Fanatic Flat-teries*. as well as by false Ministers)’.<sup>57</sup> His pamphlets remain the most valuable sources for understanding the network of Whiggish and Latitudinarian Jacobites he assembled around himself.

In later life, Lawton acted as an assistant to prominent quasi-Jacobite Country politicians. In 1700, he served as Penn’s agent in London while Penn was in Pennsylvania. Penn tasked Lawton with organising his English supporters to defend his proprietary rights.<sup>58</sup> Lawton met with Robert Harley (1661–1724), the leading Tory politician and future earl of Oxford, to coordinate these duties.<sup>59</sup> Around 1700 he became one of Harley’s dependents while acting as his legal advisor on some parliamentary issues.<sup>60</sup> In 1712, Lawton requested Harley’s assistance with Penn’s affairs, as the latter was ill and indebted.<sup>61</sup> In 1720, he joined others petitioning Harley to take action in parliament to address the South Sea Crisis.<sup>62</sup> These final letters were written during his retirement. Lawton died in 1721, requesting burial as a member of the Church of England.<sup>63</sup> His activity as a Whiggish Jacobite is well understood by historians. However, a picture of his political positioning in relationship to Locke has not yet been completed.

## II.

Lawton formulated a unique political theology in the post-revolution period, but he did not do so in a vacuum. In particular, several of Lawton’s ideas closely paralleled those of Locke. Lawton’s principles mirrored Locke’s key arguments regarding liberty, the social contract and limited government. Lawton and Locke were both Whig writers shaped by the political and religious

56. Lawton, *Jacobite Principles Vindicated*, 4.

57. [Charlwood Lawton], *Civil Comprehension, &c. In a Letter to a Friend* (London, 1705), 5. For later examples, see ‘Correspondence and Papers of the Harley Family’, BL, Add MSS 40621, f. 1; ‘Memoir of William Penn’, 226.

58. Alison Gilbert Olson, ‘William Penn, Parliament, and Proprietary Government’, *William and Mary Quarterly*, 182 (1961), 176–95, at 188, <https://doi.org/10.2307/1918542>.

59. Archbold, ‘Lawton, Charlwood’, ODNB.

60. Monod, *Jacobitism and the English People*, 27; Hopkins, ‘Aspects of Jacobite Conspiracy’, 373.

61. Historical Manuscripts Commission, *Report on the Manuscripts of His Grace the Duke of Portland* (10 vols, Norwich, 1899), V, 163.

62. *Ibid.*, 604.

63. Will of Charlwood Lawton, TNA, PROB 11/582/468, 3.

controversies of the later seventeenth century. Lawton's approach to toleration aligned more closely with Locke than with earlier seventeenth-century thinkers such as Thomas Hobbes or Roger Williams.<sup>64</sup> Lockean toleration stemmed from a progressive religious conviction: individuals had the right to express their beliefs and worship according to conscience. Both Locke and Lawton rejected Hobbes's centralised monarchical model and avoided the Puritanical 'dogmatism' of Williams, favouring what they considered a more gracious, Christlike civil toleration. This close similarity with Locke's thought explains Lawton's frequent use of what historians understand as Lockean terminology, as well as his friendship with Popple beginning in 1687. Popple, a close associate of Locke, produced the first English translation of Locke's *Letter Concerning Toleration* in 1689.<sup>65</sup> While the similarities between Lawton and Locke are unsurprising given their shared milieu, what distinguished Lawton was his attempt to apply these theories to a Jacobite restoration. He argued that the exiled Stuarts could protect the three kingdoms from the threats posed by William, an unusual application of Lockean ideas.

Like Locke, Lawton also endorsed contractual government. Lawton frequently referenced the English constitution and laws as the 'original contract' of the people, with 'Magna Charta' serving as shorthand for the constitution, contract, and English laws.<sup>66</sup> He incorporated language from Penn's work on toleration as part of the Repealer movement. Lawton argued that a free parliament should establish a 'new Magna Charta' upon James II's restoration, alternating between calls for a revised constitution and the reinforcement of a traditional one.<sup>67</sup> He subscribed to the theory of an ancient constitution, invoking 'Saxon liberties' and 'ancient British laws,' and saw the need to renew this contractual bargain.<sup>68</sup> This was because the people were 'degenerated from our ancient Liberties.'<sup>69</sup> Since the people had originally consented to form a government, they could negotiate with James II regarding the nature of that contract:

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64. Teresa M. Bejan, *Mere Civility: Disagreement and the Limits of Toleration* (Cambridge, MA and London, 2017), <https://doi.org/10.4159/9780674972728>.

65. Caroline Robbins, 'Absolute Liberty: The Life and Thought of William Popple, 1638–1708', *William and Mary Quarterly*, 24 (1967), 190–223, at 190, 203, <https://doi.org/10.2307/1920836>.

66. Charlwood Lawton, 'A Letter Formerly Sent to Dr Tillotson, and for Want of an Answer Made Publick, and Now Reprinted, with the Said Doctor's Letter to the Lord Russel, a Little Before His Execution' in Walter Scott (ed.), *A Collection of Scarce and Valuable Tracts, on the Most Interesting and Entertaining Subjects* (13 vols, London, 1813), IX, 367–71, at 370; Lawton, *Jacobite Principles Vindicated*, 10.

67. Charlwood Lawton, *Honesty is the Best Policy* (London, 1689), 1. On William Penn and, 'new Magna Charta' in the Repealer movement, see: Sowerby, *Making Toleration*, 40–4. James II also adopted this vernacular in his speeches.

68. Lawton, *Jacobite Principles Vindicated*, 11.

69. [Charlwood Lawton], *A Letter concerning Sir William Whitlock's Bill for the Trials in Cases of Treason* ([London], [1694]), 2.

'he [James II] told me he sent me to make a BARGAIN, to know what it was his People would have'.<sup>70</sup> Lawton understood government as the result of negotiations between rulers and the people; James II's willingness to engage in this process allowed Lawton to recommend him to the populace.

Lawton pressed the exiled court to promote the common good as the end of government. He urged James II to ensure that Melfort: 'may own the true interest of our island'.<sup>71</sup> In turn, Melfort assured Lawton that he would protect the common good, saying that Lawton should: 'not much doubt of my inclination to advance the interest of the Nation', and 'will be satisfied with my inclinations to do what may be done for the universal good'.<sup>72</sup> These assurances reflected Lawton's social contractarianism and his alignment with Locke's political philosophy. His success in negotiations with the Stuart court was unparalleled among other Whig Jacobites.

For Lawton, liberty was a natural and universal right inherent in all humanity. While he claimed this was particularly evident in the case of England: 'whoever looks into our Antiquities, will find the footsteps of our Liberties are as ancient as of our Being'.<sup>73</sup> He argued that such liberty had also been bestowed on all people by God at the moment of creation. As a natural right, liberty was therefore deeply embedded in human nature: 'The desire of Liberty is born with Mankind, and the love of it so deeply ingrafted in our Hearts, that in all Ages, and Nations of the Universe, it hath given plain and evident discoveries, how impossible it is to destroy it'.<sup>74</sup> These liberties included the universal freedom of conscience and the right of individuals to determine the use of their own persons: '*Liberty of Conscience* must be a natural Right; because, to worship God with Sincerity of Mind, and according to our own Convictions, is a natural Duty'.<sup>75</sup> While certain liberties might be surrendered for the sake of the common good, Lawton insisted that some, such as liberty of conscience, were inalienable.<sup>76</sup> In this respect, his arguments were closely aligned with Locke's Whiggish conception of liberty.

Lawton also paralleled Locke in his understanding of the relationship between Church and state. He championed ecclesiastical liberty and toleration

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70. Lawton, *Honesty is the Best Policy*, 2. In this instance, Lawton stated in a footnote that the word 'Bargain' is a term of condescending language.

71. Lawton to James II, 13 July 1691, Westminster Diocesan Archives, b.6.11.33/93. For more on the universal or common good, see [Lawton], *Civil Comprehension*, 8; Harley Correspondence, BL, Add MSS 40621, f. 1.

72. Harley Correspondence, BL, Add MSS 40621, ff. 9, 106.

73. Lawton, *Jacobite Principles Vindicated*, 15–16.

74. [Charlwood Lawton], *Some Reasons for Annual Parliaments, in a Letter to a Friend* (London, [1693]), 1.

75. [Lawton], *Civil Comprehension*, 1.

76. Lawton, *Honesty is the Best Policy*, 4.

of several confessional groups, exemplified by his defence of Scottish Episcopalians, who he argued were unjustly compelled to declare Presbyterianism as the best form of Church government for Scotland.<sup>77</sup> Locke criticised the interference of ministers in the secular business of the state.<sup>78</sup> Lawton likewise criticised clerical interference in secular governance, a stance that exposed both men to charges of Erastianism.<sup>79</sup> Their position contrasted with that of freethinkers such as James Harrington (1611–1677) and John Toland (1670–1722), who advocated the dissolution of the established Church in favour of a broadly acceptable civil religion. Early modern advocates of civil religion usually argued that the Church was placed beneath the civil authority, which used religion to promote social cohesion, political stability, virtue, and allegiance to the state.<sup>80</sup> Locke rejected this view, and Lawton's commitment to the established Church likewise prevented him from supporting such a proposal.<sup>81</sup> While Locke's religious views are complex, he was a self-professed Anglican who argued in favour of toleration because he believed it would bring about the success of Christian evangelism.<sup>82</sup> Lawton argued along these same lines and rejected freethinking atheism and deism.<sup>83</sup>

Lawton extended his defence of religious liberty into a broader defence of civil liberty in his Jacobite political writings. He criticised the Whigs for advocating religious liberty while simultaneously persecuting rival political factions. This included the use of various oaths to ensure allegiance. He stated that, under James II's rule, he and Penn had been able to reinstate Trenchard without compelling him to compromise his conscience by taking political oaths.<sup>84</sup> He accused the Williamite Whigs of lacking toleration toward dissenting political views, remarking 'you think a Man wants Principle, who steps in any one thing out of your Road, and the Opinions that are then in Vogue amongst you'. Such a mindset, he argued, amounted to 'a sort of Popery in Government'.<sup>85</sup> By invoking the

77. [Charlwood Lawton], *A Reply to the Answer Doctor Welwood Has Made in Answer to King James's Declaration* (London, 1694), 35.

78. Jacqueline Rose, 'John Locke, "Matters Indifferent", and the Restoration of the Church of England', *Historical Journal*, 48 (2005), 601–21, at 618, <https://doi.org/10.1017/S0018246X05004589>.

79. [Lawton], *Civil Comprehension*, 2.

80. Ashley James Walsh, *Civil Religion and the Enlightenment in England, 1707–1800* (Woodbridge, 2020); Adam Morton and Rachel Hammersley (eds.), *Civil Religion in the Early Modern Anglophone World, 1550–1700* (Woodbridge, 2024), <https://doi.org/10.2307/jj.11589114>.

81. J. A. I. Champion, *Pillars of Priestcraft Shaken: The Church of England and its Enemies, 1660–1730* (Cambridge, 1992), 23, 204; Rose, 'John Locke, "Matters Indifferent"', 619.

82. Mark Goldie, 'The Toleration Act and the Confessional State' in Chris Monaghan (ed.), *Leading Works in the History of the Constitution* (London, 2025), 89–104, at 101, <https://doi.org/10.4324/9781032658698-7>.

83. Lawton, 'Letter Formerly Sent to Dr Tillotson' in Scott (ed.), *Scarce and Valuable Tracts*, 370; Will of Charlwood Lawton, TNA, PROB/11/582/468, 239a.

84. Lawton, *Honesty is the Best Policy*, 3; Harley Correspondence, BL, Add MSS 40621, f. 1.

85. [Charlwood Lawton], *Better Late than Never* (s.l., 1689), 3.

rhetoric of anti-popery often used by Whig polemicists, Lawton suggested that they had abandoned their genuine political principles and were instead using governmental power to enforce conformity to their views.<sup>86</sup> In doing so, they denied the freedom to hold differing opinions on both religious and civil matters, much as they claimed Catholics sought to deny such liberty. Lawton advocated for a unified standard of religious and civil freedom: 'let there be no distinction upon the account of *Ecclesiastical* or *Civil Faith*; and let *Obedience* and *Allegiance* to the *Civil Power* be the only *Test* for Preferment'.<sup>87</sup> He insisted that anything not amounting to disobedience to the law or treason against the state should be tolerated. Here again, he adapted Lockean philosophy to serve Jacobite aims.

Lawton recognised a Lockean right to rebellion against James II. He had participated in the Monmouth rebellion and initially supported the revolution of 1688–90 before turning to Jacobitism. After his conversion to the movement he asserted that the people should have allowed the king the opportunity to rectify his misuse of the prerogative during the revolution, writing 'Had he or they slighted, or used you [the people] ill for this Offer, you had been justified before all Mankind in all you did before this Revolution; and what you have done since would be easily excused and palliated upon grounds of Polity.'<sup>88</sup> He maintained that James II's refusal to cease unconstitutional acts could have justified rebellion against him, even his removal. Thus, Lawton framed the defence of the constitution and the people's rights as legitimate grounds for resisting any ruler, including a Stuart.<sup>89</sup> He consistently rejected the doctrine of passive obedience, arguing that it fostered tyranny: 'our Swearing admired Divines. I blame them sufficiently for Ascribing such Luscious Authority to Princes, they have tempted them to Exercise an uncontrollable Rule.'<sup>90</sup> He affirmed that he had never subscribed to this principle at any point in his life, and he upheld the people's right to resist despotic government.<sup>91</sup> The problem was that William had proved to be more 'tyrannical' than James II, particularly in terms of religious toleration. Thus, Lawton concluded, the revolution needed to be reversed to give James II a chance permanently and constitutionally to correct William's errors.

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86. The language of anti-popery was contested in early modern Britain: see especially Scott Sowerby, 'Opposition to Anti-Popery in Restoration England', *Journal of British Studies*, 51 (2012), 26–49, <https://doi.org/10.1086/662296>; Mark Knights, 'Religion, Anti-popery and Corruption' in Michael J. Braddick and Phil Withington (eds.), *Popular Culture and Political Agency in Early Modern England and Ireland* (Woodbridge, 2017), 181–202, <https://doi.org/10.1515/9781782049449-015>.

87. Lawton, *Jacobite Principles Vindicated*, 16.

88. Lawton, *Better Late than Never*, 2.

89. [Charlwood Lawton], 'An Honest Commoner's Speech' in Scott (ed.), *Scarce and Valuable Tracts*, 326; [Charlwood Lawton], *Reply to the answer Doctor Welwood has made*, 39.

90. Lawton, *The Vindication of the Dead* (London, 1691), 4.

91. Lawton, 'Memoir of William Penn', 217.

Like Penn and some other Repealers, Lawton opposed James II's use of the royal prerogative to impose toleration, regarding it as a potential instrument of tyranny. He was distinctive among the Repealers, however, in initially supporting the Williamite revolution before turning to Jacobitism to address its perceived shortcomings. Lawton interpreted James II not as a source of oppression but as a potential reformer on matters of religious toleration. In this way, he transformed Lockean principles into a Jacobite framework, though he did so based on Latitudinarian religious convictions that diverged from Locke's own.

### III.

Lawton subscribed to a unique version of Latitudinarianism that promoted toleration for all Christian confessions, based on his belief in their common salvation. He argued that a Stuart restoration would expand the toleration of the Williamite regime and ensure religious liberty was protected for anyone out with the Anglican Church. Monod came closest to identifying Lawton's theological position when he briefly and indirectly described him as a Latitudinarian.<sup>92</sup> This section will confirm that classification and examine its significance in greater detail. It must first be demonstrated that Lawton openly embraced Anglican Latitudinarian principles in his pamphlets. He did explicitly use the label in *The Jacobite Principles Vindicated*. In this work he affirmed his agreement with Latitudinarian opinions:

I must beg you to remember how King James's Declaration of Indulgence was at first entertained ... though the Whigs misliked that it should be put out upon a Dispensing Power; yet believing it a Preface to Comprehensive Measures and Latitudinarian Politicks, they forgave that blemish in its Birth; and everywhere so unanimously embraced it, that those narrow Spirits of the Church of England who had a mind, were ashamed, if not afraid to oppose it.<sup>93</sup>

Lawton was here describing the very position he held during the Repealer movement. He had welcomed James II's attempts at indulgence while protesting his use of prerogative to accomplish it. He hoped James II's indulgence would be a step towards the enactment of a wider political toleration more in line with his Latitudinarianism. He contrasted his Latitudinarian stance with that of the 'narrow-minded' members of the Church of England. In the same pamphlet, Lawton further articulated his State Whig perspective, saying:

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92. Monod, 'Jacobitism and Country Principles', 298.

93. Lawton, *Jacobite Principles Vindicated*, 19.

many others, who are not at all Bigoted to any particular Form of Church Worship, who yet mostly, if not altogether, go to the Church of England... [are] more nicely Whigs in Civils, than are the Fanatics, though not so generally called so: So that there are Church of England and Latitudinarian or (as the Scotch call them) Erastian as well as Fanatic Whigs.<sup>94</sup>

The Erastian designation of his 'Civil Whigs', which he elsewhere refers to as 'State Whigs', was particularly significant. Lawton here argued that, while maintaining the Church of England's privileged position, the government nonetheless had a duty to protect religious liberty for other Christian sects. This position represented a radical extension of Latitudinarian arguments for comprehension. Rather than rejecting the Erastian label, which was often thrust upon Latitudinarians by their detractors, Lawton publicly embraced it.<sup>95</sup> At the same time, he distinguished himself from Freethinkers through his adherence to orthodox Anglicanism, and from other Latitudinarians by extending their principles more fully than they were willing to do.

Lawton represented a radical strand of Latitudinarian thought, expanding the movement's traditional principles to advocate for the spiritual inclusion of all Christian denominations. In his will, he went beyond political concerns to articulate what he considered the eternal truths of Christianity. After affirming that he would die in communion with the Church of England, he wrote:

I have about one and thirty years believed all laws mandating or [illegible] religion with rival penalties comixed unchristian and though I don't doubt of the salvation in some way best known to our infinitely merciful Creator of sinners and virtuous men and women of all persuasions that my precious and immortal soul would be so safe within the Romish or in the communion of any sort of our protestant dissenters as to my body I desire ...<sup>96</sup>

Lawton's theological position was distinctive. He was not a Universalist, as he did not believe all individuals would be saved regardless of faith.<sup>97</sup> He was not an Inclusivist because he did not claim salvation outside the Christian Church.<sup>98</sup> He was not a political Leveller, as he did not argue for civil liberties for atheists or adopt the Leveller title.<sup>99</sup> Neither was he a conventional Latitudinarian, given

94. Ibid., 17.

95. Champion, *Pillars of Priestcraft Shaken*, 77–97.

96. Will of Charlwood Lawton, TNA, PROB/11/582/468, 239a.

97. Richard Bauckham, 'Universalism: A Historical Survey', *Themelios*, 4 (1978), 47–54.

98. Ryan P. McLaughlin, 'Jonah and the Religious Other: An Exploration of Biblical Inclusivism', *Journal of Ecumenical Studies*, 48 (2013), 41–59.

99. John Lambie, *How to be Critically Open-Minded* (New York, NY, 2014), 215.

his conviction regarding the salvation of Catholics.<sup>100</sup> For Lawton, religious liberty was not merely a civic duty or natural right: it was grounded in a deeper spiritual reality, the shared salvation of all Christians, irrespective of sect.

This commitment to religious liberty fundamentally shaped Lawton's Jacobite thought. Believing that God would save all Christian denominations, he argued that the civil government was obliged to protect them all, invoking the principle of 'liberty of conscience'.<sup>101</sup> In his advocacy for Catholics, he went further than Locke. Indeed, Locke opened his famous *Letter Concerning Toleration* by portraying Catholicism as inimical to religious liberty.<sup>102</sup> He maintained that the civil authorities should immediately and fully grant religious toleration to all Catholics. As with any subject, the government reserved the right to revoke their civil liberties later if they refused to acknowledge the authority of the state. According to Lawton, Catholics were considered a threat to the state only because they had been persecuted, rather than for any inherent danger they posed to it.<sup>103</sup> He said of Catholics:

I would treat them better; I would enfranchise them; I blame neither *Papist* nor *Fanatick* for being in a Plot, till they are impartially dealt with ... As we manage the point [now], the Papists will be Vassals for the Court of *Rome*; and Spies for every Catholick Monarchy from whence they may hope a deliverance, as well as *Flatterers* of *Prerogative*; but if you would blend them with all the other Sects, they would not be tasted in the Composition, nor would they be looking for Succours from abroad.<sup>104</sup>

Here he clearly argued that granting political toleration to Catholics was not only just but was a wise move that would disincentivise them from rebelling against civic authority. He went further in other texts and portrayed them as true and long-standing loyal subjects, committed to liberty as proven by their authoring of the Magna Carta.<sup>105</sup> Lawton's defence of political toleration was broadly aligned with that of other Repealers who also did not specify which non-

100. Griffin, *Latitudinarianism*, 130, 160.

101. Lawton, *French Conquest*, 2, 25; idem, *Jacobite Principles Vindicated*, 12, 16, 18; [idem], *Reply to the answer Doctor Welwood Has Made*, 35, 43; [idem], *Civil Comprehension*, 3–4; [idem], *A Second Letter Concerning Civil Comprehension* (London, 1706), 2, 4; idem, 'Memoir of William Penn', 219, 222, 223; Melfort to Lawton, 19 September and 6 October 1692, BL, Add MS 37,661, ff. 98, 166; Letter from Charlwood Lawton to [Somers], Surrey Heritage Centre, SHC 371/14/E/21; Harley Correspondence, BL, Add MS 40621, f. 1.

102. David Womersley (ed.), *A Letter Concerning Toleration and Other Writings, Edited and with an Introduction by Mark Goldie* (Indianapolis, IN, 2010).

103. Harley Correspondence, BL, Add MSS 40621, f. 98.

104. Lawton, *Honesty is the Best Policy*, 4.

105. Lawton, *French Conquest*, 2.

Christian religious groups would be included.<sup>106</sup> His defence of religious liberty could have extended beyond Christianity. He suggested that England should emulate 'what the large souls of the pagan *Romans* have left us an example of. Those honest and celebrated Heathens admitted all the Gods of other Countries, enquired not into the Belief of those that were their Subjects.'<sup>107</sup> Because this is the only statement hinting at universal religious toleration, though, it remains uncertain whether Lawton genuinely endorsed it or was merely praising the Roman example while seeking an expanded Christian liberty for England. Regardless, in advocating an ecumenical conception of political toleration, Lawton rhetorically surpassed Locke.

Lawton advocated for political toleration to allow for independent religious existence of other confessions, rather than their comprehension within the Church of England. He supported the right of every Christian group to exist outside the established Church, while remaining subject to state authority. He consistently opposed bills of comprehension.<sup>108</sup> Indeed, Lawton's two pamphlets dedicated to comprehension were written as attacks upon the Occasional Conformity Bill, which he condemned explicitly.<sup>109</sup> This was an attempt by High Church Anglicans to prevent Dissenters from qualifying for civil offices by taking Anglican communion once a year. He wrote in 1705 and 1706 opposing the bill and arguing instead for the formal recognition of Dissenting worship by the state, 'I say, Civil Comprehension, for a Religious one is a spiritual Hodgepodge. It is an insincere Project'.<sup>110</sup> Other Latitudinarians were satisfied with the legislation of 1689, which excluded Catholics and certain other heterodox Christian groups. Yet even this limited settlement was largely pragmatic.<sup>111</sup> Its main objective was to secure the allegiance of moderate Presbyterians in England to the Anglican Church and Williamite state. This constituency was closely aligned with the Anglican Church and represented the majority of English Dissenters.<sup>112</sup> By contrast, Lawton envisioned a wider toleration. He sought the full enfranchisement of Catholics and Dissenters, as well as their appointments to government positions. In his view, such toleration was fully compatible with maintaining an established Church.<sup>113</sup>

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106. Sowerby, *Making Toleration*, 68.

107. [Lawton], *Civil Comprehension*, 4.

108. Lawton, *French Conquest*, iii.

109. [Lawton], *Civil Comprehension*, 5; see also [Lawton], *Second Letter Concerning Civil Comprehension*.

110. [Lawton], *Civil Comprehension*, 4.

111. Rainer Forst, *Toleration in Conflict: Past and Present* (Cambridge, 2013), <https://doi.org/10.1017/CBO9781139051200>; Stevens, *Protestant Pluralism*.

112. Griffin, *Latitudinarianism*, 139, 155, 158.

113. [Lawton], *English Man's Complaint*, 1; idem, *Honesty is the Best Policy*, 4.

Central to Lawton's vision was a distinction between the Church and the state. In 1689 he argued: 'If Divines are not suffered to dispose of the Kingdoms of this World, Civil Crimes and Rights will be soon called by their proper Names, and we shall recover our Liberties in a Parliamentary way before Things grow desperate.'<sup>114</sup> He continued this argument against Church interference in civil government in publications through 1705.<sup>115</sup> In each of these he presented James II as the most viable means of securing religious liberty from both an overbearing Anglican Church and the expansionist Williamite regime. Lawton suggested that his commitment to toleration was a key factor motivating the Williamite Whigs to depose James II.<sup>116</sup> With the possibility of a Jacobite restoration, he believed that James II could be returned to power under the oversight of a free parliament to ensure liberty. Lawton's criticism of clergymen and advocacy for broad toleration aligned him with contemporary Atheist and Socinian freethinkers.<sup>117</sup> Yet he remained an orthodox Christian in the Latitudinarian tradition.<sup>118</sup>

Lawton's critique of Whig bishops, like Tillotson and Burnet, further demonstrated his radical views on toleration within the Latitudinarian movement. Most Latitudinarians were Williamite Whigs and clergymen. Lawton identified as a low-Churchman like many of these Anglican Whigs and distinguished himself and his party from 'the high Church of England men,' who supported passive obedience and defended the full scope of the King's prerogative.<sup>119</sup> Yet he largely avoided engagement in Church politics. He did not refer to contemporary ecclesiastical disputations such as the Bangorian controversy, the Convocation controversy, or the Sacheverell trial, though he published Jacobite pamphlets before and after these events. His focus was consistently on theoretical civil and religious liberty, and he rarely addressed specific ecclesiastical debates. He challenged Locke's anti-popish rhetoric by targeting Latitudinarian bishops who invoked Locke to deny Catholics religious liberty.<sup>120</sup> Lawton contended that the Court of High Commission, in suppressing Catholic liberty, acted as 'Assistant to the sour *Popish Bishops*', again weaponising their rhetorical anti-papery arguments against them.<sup>121</sup> In doing so, he highlighted how Williamite authorities were replicating the oppressive measures they had previously condemned. Lawton's repeated and principled defence of Catholic liberty demonstrates that

114. Lawton, *Honesty is the Best Policy*, 2.

115. Lawton, *Jacobite Principles Vindicated*, 17, 19; [idem], *Civil Comprehension*, 4.

116. Lawton, *Better Late than Never*, 2; Harley Correspondence, BL, Add MSS 40621, f. 97.

117. Champion, *Pillars of Priestcraft Shaken*, 23. Lawton criticised Catholic and Protestant clergymen, see: [Lawton], *Civil Comprehension*, 2.

118. Guglielmo Sanna, 'Latitudinarian Politics', *Anglican and Episcopal History*, 85 (2016), 141–63, at 144.

119. Lawton, *Jacobite Principles Vindicated*, 19.

120. Griffin, *Latitudinarianism*, 26.

121. Lawton, *French Conquest*, 24.

his argument was not merely a *reductio ad absurdum* but a deliberate attempt to extend the Latitudinarians' Protestant conception of liberty into a broader, irenic framework.

Lawton endorsed a version of divine right that centred on the consent of the governed.<sup>122</sup> He explicitly rejected the traditional, absolutist formulation of the doctrine.<sup>123</sup> In its place, he posited an alternative method of the securance of the right to rule:

the only Jus divinum of our Monarchs, and all other Monarchs too, is derived from the Voice of the People, that Hereditary Right is one of Sir Robert Filmer's Dreams, or at most but a Monkish Fable, Election is the most Authentic Title, and that the Commissions of Kings are de Beneplacito'.<sup>124</sup>

While he acknowledged God's providence in determining succession, the monarch's authority depended on popular consent. He described this as a commitment to: 'allow Government from God, but the Specification from Men'.<sup>125</sup> Through this framework, Lawton developed a comprehensive system of Whig-ish Jacobitism grounded in Latitudinarian theology, which he disseminated widely via pamphlets intended for general readership.

Unlike Locke, Lawton advocated for concrete legal measures to extend religious liberty to all Christian sects in England. His proposals for granting Catholics and Dissenters both civil rights and parliamentary participation required the repeal of restrictive legislation. He consistently opposed the Test and Penal Acts and gained the backing of his State Whigs on this issue, declaring: 'if it please God the King returns into England and holds a Parliament, his party shall unanimously take off the penal law, and put the Catholicks in equal security with the King's other subjects.'<sup>126</sup> Lawton also argued that Quaker affirmations should be accepted as substitutes for oaths.<sup>127</sup> He pressed for specific legislative changes rather than vague promises of religious liberty from James II's Court, believing that formal enactment through a free parliament would prevent any restoration from merely paying lip service to popular freedoms, as he believed William's had.

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122. Goldie and Jackson, 'Williamite Tyranny and the Whig Jacobites', 181.

123. Lawton, *Better Late than Never*, 2; [idem], 'Honest Commoner's Speech', 325.

124. [Lawton], *Letter Concerning Sir William Whitlock's Bill*, 4.

125. Lawton, *Honesty is the Best Policy*, 4.

126. Macpherson, *Original Papers*, I, 391; Lawton, *Better Late Than Never*, 2; [idem], *Jacobite Principles Vindicated*, 13; [idem], *Reply to the Answer Doctor Welwood Has Made*, 24; Melfort to Lawton, 19 September 1692, BL, Add MS 37,661, f. 97.

127. [Lawton], *Civil Comprehension*, 6.

The Whiggish Jacobite camp that Lawton led was politically sidelined in 1693–4. In early 1693, King William appointed several Whig ministers, which sapped the force of Whiggish Jacobitism and caused James II to turn again and attempt recruitment of Tory politicians.<sup>128</sup> This process only continued after the turn of the century. Though Queen Anne favoured the Tories, active Jacobitism was effectively put on hold during her reign. This was partially because the exiled Stuarts were caught in long negotiations with France, attempting to recruit for a military rising, but also because they believed that Anne might lead Parliament to restore their branch of the dynasty peacefully upon her death.<sup>129</sup> The Hanoverian assumption of the throne instigated the 1715–16 Jacobite Rising, but its failure led to Tory proscription. This ensured that many Whigs remained loyal to the government and caused James II to continue pursuing engagement of Tories. Jacobitism was subject to the dynamics of party rage that impacted all factions in this period. Lawton authored his final Whiggish Jacobite tract in 1694, calling for a constitutional resettlement in favour of James II, and arguing that the current Whigs no longer acted in accordance with their principles.<sup>130</sup> His publications after this were no longer sponsored by the Stuart court. Yet he remained a Jacobite and continued to publish sporadically until his death in 1721, defending religious liberty, though no longer socially recruiting for the Stuart cause. While Whiggish Jacobitism was sidelined, its ideological principles continued as a subset of Jacobitism.

#### IV.

Despite the decline of the Whiggish Jacobites, numerous future Jacobites carried on Lawton's ideas. Perhaps most famously, Philip Wharton, 1st duke of Wharton, described himself as a 'violent Whig' in support of James Francis Edward's (1688–1766) cause in 1716.<sup>131</sup> More impactful was the adoption of Whig positions by Jacobites who eschewed the label. While most Jacobites officially avoided the Whig party and associated it with hostility towards Jacobitism, many adopted formerly Whiggish positions such as constitutional limits on the dispensing power, while maintaining a radical form of religious liberty for Dissenters, Episcopalians, Catholics, and others.<sup>132</sup> The most famous example was Andrew

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128. Hopkins, 'Aspects of Jacobite Conspiracy', 354–5.

129. Daniel Szechi, *Jacobitism and Tory Politics, 1710–14* (Edinburgh, 1984), 27–9.

130. [Lawton], *Letter Concerning Sir William Whitlock's Bill*, 5–6.

131. Philip Wharton to William Erskine, RA SP/MAIN/12 ff. 35–6.

132. Doron Zimmerman labelled several of Charles Edward Stuart's policies during the failed 1745–6 rising as Whiggish, see Doron Zimmerman, *The Jacobite Movement in Scotland and in Exile 1746–1759* (Basingstoke, 2003), 125.

Michael Ramsay who adopted these positions after 1715 while retaining his original Jacobite commitments.<sup>133</sup>

Lawton's approach combined pragmatic politics with philosophical and religious theory, merging Lockean-style Whiggery with Jacobitism. His expansive vision of religious toleration demonstrates that its adoption in Europe was neither straightforward nor uniformly progressive. Post-revolutionary Britain was a Protestant state competing with a wider iteration of toleration promised by a Catholic dynasty. James II and his ministers were initially receptive to Lawton's radical proposals for inclusion, though they tempered this approach under pressure from conservative factions within their movement.<sup>134</sup> Nevertheless, James II did not abandon these principles entirely. He transmitted them to his heirs. James Francis Edward and Charles Edward Stuart continued to emphasise religious toleration as part of their political platforms, which their various declarations display.<sup>135</sup> Like many Jacobites, Lawton's allegiance was practical rather than ideological. He embraced the cause primarily as a vehicle for advancing his pre-existing religious and philosophical convictions. Chief among them was the civic recognition of a right to religious latitude. This was possible because Jacobitism was a movement united around a political goal rather than a single ideological or theological conception.

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133. Andrew Mansfield, *Ideas of Monarchical Reform: Fénelon, Jacobitism, and the Political Works of the Chevalier Ramsay* (Manchester, 2015), 166–89, <https://doi.org/10.7228/manchester/9780719088377.003.0007>.

134. Hopkins, 'Aspects of Jacobite Conspiracy', 355.

135. For instance, see Charles Edward Stuart's 10 October 1745 manifesto in *A Collection of Declarations, Proclamations, and other Valuable Papers* (Edinburgh, 1749), 15–19.