

**Making orthodoxy in late Restoration England: the trials of Edmund Hickeringill, 1662-1710.**

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In the preface to the posthumous collection of his miscellaneous works of 1709, the Godly cleric Edmund Hickeringill (1631-1708), was described as being 'averse to ceremonies and superstition; without a tincture of atheism; he was daring in the field, and prudent in the cabinet. He was a scholar without affectation, a divine without pride, and a lawyer that never took fee'.<sup>1</sup> Cambridge educated, in May 1652 he was ordained into the Baptist Church at Hexham, Northumberland. While chaplain to Robert Lilburne's regiment, a 'grievous apostasy' befell him and he became a Quaker. Although described by one contemporary as a 'desperate atheist', from October 1662 until his death in 1708 Hickeringill was a conforming rector of the established Church of England.<sup>2</sup> That his reputation amongst contemporaries was controversial is indicated by two posthumous events. Henry Compton, his diocesan bishop was reportedly responsible for erasing and defacing the funeral monument in the parish church, removing the phrase '*Reverendus admodum Dominus*'.<sup>3</sup> Two years later, further aspersions were cast against his orthodoxy when his collected works were cited, in the state trial of Henry Sacheverell, as evidence of the scandalous profanity of the times.<sup>4</sup> To some, Hickeringill was a 'false brother'; to others he was a devout defender of piety and true religion. Despite his public conformity, the course of his clerical career saw him in almost constant dispute and conflict with ecclesiastical authority. Historiographically, Hickeringill has been described as an example of the transition from radical puritan critique of 'popery' to the

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<sup>1</sup> E. Hickeringill *The Works* 2 volumes (London, 1709) Preface.

<sup>2</sup> E. Underhill, *Records of the Churches of Christ Gathered at Fenstanton, Warbuoys and Hexham 1644-1720* (London 1854) pp. 330-333. For an extended discussion of Hickeringill see, J.L.C. McNulty 'An anticlerical priest. Edmund Hickeringill (1631-1708) and the context of priestcraft' (Unpublished M.Phil, University of Cambridge, 1998).

<sup>3</sup> See DNB.

<sup>4</sup> See, G. Holmes *The Trial of Doctor Sacheverell* (London, 1973) especially pp. 156-78. See also *The Tryal of Dr Henry Sacheverell* (London, 1710) p. 224 citing Hickeringill's *Miscellaneous Tracts* (London, 1707) Part I, p. 12

deistical attack upon 'priestcraft'.<sup>5</sup> Hickingill, it seems challenged the authority of the established religious and political order at every opportunity.

Understanding the nature and purpose of religious heterodoxy or dissidence in the early modern period has been problematic given that the dominant tone of religious culture in the period was forged in the act of heretical schism from traditional religion. The battle cry of 'true and complete reformation' was refurbished periodically by competing and hostile interests. Identifying the 'rags of popery', the agents of 'antichrist' or the gangrene of 'heresy' was the routine business of establishing an authentically Godly platform for religious order. One man or woman's heretic might well be another's true prophet or Godly bishop. The language of orthodoxy, the institutions of ecclesiastical government, the articles of true belief and the ceremonies of divine worship were all made, and revised, by the dominant politico-religious affinities whether Kings, Queens, Bishops, priests or gentlemen.

One useful way of conceptualising the political and cultural process of making such a dominant order has been the work of James C. Scott. The idea of a 'public transcript' whereby the effect of domination on the processes of political communication might be traced is an important tool which early modern historians could use to un-pick the meaning of religious dissidence. Scott's understanding of a 'public transcript' that naturalised, or made routine, the coercive power exercised by the political and religious elites is one that accommodates the procedures for making claims to public religious truth. Importantly, Scott also articulates a dialectic between the public and hidden transcripts, between the routine acts of domination or conformity, and the acts of transgression, subversion or non-conformity.<sup>6</sup> Acts of inversion, insinuation, appropriation and disruption of orthodoxy routine were moments through which the marginal, the subordinate and the dissident might articulate their objections in a manner that the historian might capture and reconstruct. The language of 'conformity', used by Scott in a *marxisant* sense, as an act of power and domination, was a central theme of the act of ecclesiastical dominance in the period: forms of dissidence from the politics of institution, ceremony and belief were routine and persistent in the period.

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<sup>5</sup> R.L. Emerson, 'Heresy, the Social Order and English Deism' in *Church History* 37 (1968) especially pp. 396-397.

<sup>6</sup> See J.C. Scott *Domination and the arts of resistance. Hidden Transcripts* (Yale University Press, 1990) p. 15, 67, 71, 87.

The politics of conformity and strict enforcement of a national church settlement was especially problematic after the crisis of the 1640s and 1650s, which saw the infrastructure of religious domination eroded and dismantled.<sup>7</sup> As a consequence of the turmoil of the interregnum, Scott's notions of the public and hidden transcripts, as ways of seeing the conflict between the dominant and the dominated, is especially relevant after the Restoration of the 1660s: in these years, as many historians have shown, there was a concerted and converging attempt by the agencies of Church and State, Archbishop and Monarchy, to re-establish a pre-Revolutionary order of discipline and obligation.<sup>8</sup> The politics of religion was fiercely contested both in the national contexts of parliament and statutes, and the provincial contexts of towns, villages and parish churches. There was an attempt to refurbish and reinvent the public transcript: study of the life and conflicts of Edmund Hickerlingill, with Scott's approach to the questions and strategies of dissidence, allows an interesting account of the relationship between order and disorder.

## I

By exploring the social context of his life this essay intends to examine the nature of Hickerlingill's insubordination. The starting point for this re-assessment will explore his status as a clergyman whose 'orthodoxy' was contested. The commonplace narrative that suggests Hickerlingill was emblematic in his shift from an early (sincere) religious position to one on the margins of heterodoxy will be challenged by exploring how 'orthodoxy' was more a process of successful negotiation between nexi of priest, laity and ecclesiastical institution than a category of doctrinal authenticity. Hickerlingill's significance is then, not as a representative of a cadre of figures who lost their 'faith', but as a case study for establishing the sophisticated repertoire of tactics and strategies that could be deployed in different contexts (the parish, church courts, the way of print) to both fabricate and corrode authority.

The root of Hickerlingill's ambiguous status lies in his position as a conforming priest in the Church of England. By exploring, in precise detail, his pastoral conduct and self-fashioning as a sacerdotal and ecclesiastical figure it is possible to indicate how Hickerlingill's use of his *sacerdos* was janus-faced. His clerical persona was an instrument of order within the

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<sup>7</sup> See J. Morrill *The nature of the English Revolution* (Longman, 1993) 'Part One: England's Wars of Religion' pp. 31-175; the *locus classicus* of revolutionary inversion is still, C. Hill *The World Turned Upside Down* (1972).

<sup>8</sup> See J. Spurr *The Restored Church of England* (Yale, 1991). See also, T. Harris, P. Seaward, M.A. Goldie (eds) *The Politics of religion in Restoration England* (1990).

parish, at the same time as a platform for dissidence from the 'orthodox' national church.<sup>9</sup> By capturing the language of true piety Hickeringill was able to turn sacerdotal language into political power of different forms. Returning from overseas in May 1662 he was ordained into the Church of England, first as deacon then priest. In October he was instituted as rector of All Saints in Colchester, and vicar of Boxted ten miles to the north, by the Bishop of London.<sup>10</sup> Contrary to his claim that he sought merely 'a happy retirement from the noise and turmoil of the gaudy world', he immediately courted controversy.<sup>11</sup> In 1664 eleven of his parishioners accused him of having evaded the important ordinances which authorised a 'Complete Parson'.<sup>12</sup> This was a direct threat to his 'orthodox' status. By statute a protracted ritual of conformity was imposed upon prospective ministers, conducted under episcopal supervision. According to Canons 31 to 35 of 1604 robust tests certified that ordinands were both respectable and conforming.<sup>13</sup> Canon law required that a minister's diocesan was persuaded of his true conformity, but statute law dictated that the minister's own parishioners also were witness to his unequivocal submission. Within two months of induction to a benefice Ministers were obliged, on a Sunday, and during divine service before their own congregation, to read out and give unfeigned assent to the 39 Articles.<sup>14</sup> This protocol reinforced both the status of the new minister and the jurisdiction of the established church: parading the priest before the congregation made a performance that could be monitored. This act of conformity, as the case of Hickeringill indicates, might also be the moment for subtle subversion: although licensed by ecclesiastical authority it created an independent status in the new cleric.

The list of interrogatories gathered in evidence from witnesses in the Boxted congregation suggests that Hickeringill manipulated the protocols of conformity. The court was concerned with his precise adherence to the rubric: did he 'publicly declare his assent and consent' to the legally prescribed doctrinal and sacramental ceremonies 'in the very words mentioned in the Act of Uniformity... and no other words?'.<sup>15</sup> Assent was standardised by a public reading of a printed declaration: Hickeringill, it appears, stuck to the script. The public declaration of the 39 Articles, however, constituted a more ambiguous and porous point in the

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<sup>9</sup> For an overview of the politics of the religious life of the parish see, K. Wrightson 'The politics of the parish in early modern England' in P. Griffiths, A. Fox, S. Hindle (eds) *The experience of authority in early modern England* (London, 1996) pp. 10-46.

<sup>10</sup> Guildhall [London] MS 20,868/1.

<sup>11</sup> R. Thoresby (ed), *Letters of Eminent Men* (London 1832) ii p. 15.

<sup>12</sup> See S. Degge, *The Parson's Counsellor* (London 1676) p. 59.

<sup>13</sup> For details of the canons see, F. Makower, *Constitutional History of the Church of England* (London 1895) pp. 196-199 and Appendix XII pp. 491-492.

<sup>14</sup> The statute was 13 Eliz.cap.12iv; see J. Godolphin, *Repertorium Canonicum* (London 1678) p. 306.

<sup>15</sup> Guildhall MS 9182/Box 1, vi, Interrogatory 6.

procedures for making conformity. Hickeringill made his first reading on 4th November; 'upon that occasion he did read the 39 Articles agreed upon by the Church of England and by Law established, and of a certain Booke with Rogers his Comment, and Notes upon the said Articles in quarto with a red cover.'<sup>16</sup> By intruding Roger's work into the performance, Hickeringill compromised the moment.

Thomas Rogers' *The Catholic Doctrine of the Church of England* (1607), contained not only expositions of each article broken down into its constituent propositions and Scriptural proofs, but also the 'Errors and Adversaries' to each proposition. Indeed, Rogers claimed 'there is not an heretick, or schismatic... that from the Apostles times hitherto hath discovered himself and opinions vulgarly in writing or print... but his heresy, fancy or frenzy may here be seen against one proposition or other,' and fully half the book is devoted to cataloguing (and copiously referencing) schisms.<sup>17</sup> The work was intended as an effort to buttress uniformity in alerting subscribers to the potentially heretical meaning of doubt, but intruded in this context - although it is not known how Hickeringill incorporated Rogers' book into his performance - its 'meaning' became ambiguous. Any lecture to the congregation from the Preface would certainly have compromised the spectacle of conformity. Rogers argued that the Church and its enemies agreed on the broad points of theology and doctrine: there was a 'unity of doctrine'. He also sought a more reasonable understanding of the mentality of dissent exploring 'Reasons why the Brethren will subscribe to some, but not all of the Articles'. There was no law to compel subscription, and many things in the Common Prayer Book were 'not agreeable, but contrary to God's Word'.<sup>18</sup>

Significantly, Boxted parishioners were asked to recall whether Hickeringill had read the articles 'as the same are sette down,' raising the possibility that he, with Prayer Book in one hand and Rogers' heterology in the other, had harnessed the body of the text to a commentary - qualifying each article with a catalogue of variances. It was at least in his power to diminish the reception of the Articles in the parish community, and to undermine or reverse the Church's intention behind their performance. In Hickeringill's hands Rogers' book became a symbol of the Church's intolerance allowing him to manipulate the tensions within orthodox

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<sup>16</sup> *ibid* Interrogatory 8.

<sup>17</sup> T. Rogers, *The Catholic Doctrine of the Church of England, An Exposition of the 39 Articles* (London, 1607; this edition, Cambridge 1854) p. 31.

<sup>18</sup> *ibid*, p. 26.

discourse.<sup>19</sup> When required to broadcast conformity, he tailored the Church's doctrine to his own understandings of religion. That Hickeringill challenged 'orthodoxy' by introducing apparently minor variations from the precise script in his conduct can be seen in the repeated attempts to 'certify' his public assent.

The concern of ecclesiastical authority to establish with precision the performance can be seen in the duplicate records of certification which were uniquely transcribed into the parish records twice, dated three weeks apart, with two different sets of witnesses.<sup>20</sup> Local officials, heeding reports of his conduct in Boxted, had gone to great lengths to establish beyond doubt his public subjection to conformity in Colchester. When Hickeringill undertook several additional readings of the 39 Articles in Boxted, the Court made queries about the performance: 'whether any publique notice was given in the parish Church, or by the ringing or tolling of any Bells, or any other way... to assemble themselves together at that time in the said Church.'<sup>21</sup> It seems likely that, against the spirit of the law, Hickeringill had selected a more accommodating congregation. Witnesses were asked whether Hickeringill had announced what he was about to read, and whether he had said 'this is the first, this is the second, and so forth throughout?' The court sought to establish whether by inflection in performance Hickeringill had compromised the 'orthodox' meaning of the act of conformity.

For similar purposes the Consistory was concerned to establish that Hickeringill had acted with correct ministerial dignity. Evidence suggests that while in London for his court summons, Hickeringill had 'reviled' several of his parishioners, saying to them 'Will you not go home... Go home and buy Ropes to hang yourselves?'. Upon returning to Boxted, Hickeringill attempted to appropriate the protocols of orthodoxy to his own ends. Approaching the house of his chief antagonist he boasted loudly that he had won the case, and 'likewise caused the Bells of the parish Church to be rung for Joy, so that, as he then pretended, he had gotten the victory in his Cause... And whether by his appointment the said Bells were rung from morning till night'.<sup>22</sup> Hickeringill paid for the Church bells, usually rung to denote 'orthodox' ceremony, to reinforce his own status. Indeed, according to the evidence of a clearly hostile witness, the bell-ringers became so 'drunke with excessive, and inebriate drinking at the expense of the said Mr Hickeringill' that they fell into disorderly quarrelling

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<sup>19</sup> Thomas Fuller had explained in 1655, that the (unintended) mal-effect of the book was to have created an illusion that the 39 Articles were too narrow to comprehend Dissenters; *The Church History of Britain* (J.S. Brewer ed) (1970) vol 5, p. 81.

<sup>20</sup> E[sssex]R[ecord]O[ffice] D/P200/1/6.

<sup>21</sup> Guildhall MS 9182 Box 1, vi, Interrogatory 9.

<sup>22</sup> *ibid* Interrogatory 14.

and fighting. This was hardly a parochial image befitting a Minister of the Church of England. According to canon law parishioners were informed of the induction of a new minister into their church when they heard the pealing of the Church bells. By instigating such a clanging at this moment and in this riotous manner, Hickeringill mocked the ecclesiastical hierarchy; he had usurped their control over clerical induction. Church bells, moreover were sounded at pre-ordained times for specified events, their regular chimes epitomising the Church's ubiquity in dictating the structure of daily life .

Hickeringill's misappropriation of the bells was calculated to reinforce his parochial authority. Interpreting Hickeringill's motivation is difficult: his dissidence might be characterised as 'Puritan', rejecting a corrupt central ecclesiastical authority. The circumstances were more complex: Hickeringill's dissidence was instrumental in refurbishing and maintaining his local clerical status against rival challenges. The parishioners, by whom he was prosecuted, were themselves led by a dissident from the established order, Nathaniel Carr, who had been presented as Minister to Boxted by Oliver Cromwell, and had resigned the living in 1662.<sup>23</sup> Several others were certainly non-conformists in a parish notable for its dissidence.<sup>24</sup> Subordinate as Hickeringill was to ecclesiastical authority - a force hitherto largely alien to him - he was at the same time employed as one of the agencies for defining and maintaining order in the parish.

Hickeringill was not singular in attempting to capture the sounds of orthodoxy. Hearing the unauthorised tolling of church bells and investigating, Hickeringill came across 'divers boys' playing inside the church, including one John Maidstone, whose father was Boxted's wealthiest parishioner and whose family were regularly presented at visitations for Nonconforming offences. What did he do 'playing in the Church when he never came to pray in it?' demanded Hickeringill, identifying him as 'one of the Maidstones who pissed in the Church. In the childish frankness of the boy's reply it is possible to catch the hidden words of the home: 'You 'piscopall priest, I have as much to do here as you!'. Thrust to the ground by the Vicar, the boy again retorted 'You Bishop's bratt, I will have a course taken with you!' and was later seen 'pissing off the Belfry on some Men's heads'.<sup>25</sup> Here Hickeringill can be seen attempting to use his authority over the parish bells to reinforce his disciplinary control over the local community.

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<sup>23</sup> See H. Smith, *Sequence of the Parochial Clergy of Essex 1640-1664*, (unfinished typescript at ERO).

<sup>24</sup> Archdeacon's Visitation records 1663, E.R.O. D/ACA 55 ff35-40; In 1670 one-quarter of the parish were presented as Non-conformists, E.R.O.D/ACV 6.

<sup>25</sup> E.R.O. Q/SR/400/137.

Hickeringill was not then simply a figure of dissent, but simultaneously, a figure of order. Conformity in the parish was a volatile and delicate procedure. In this context, Hickeringill's dissidence was not eccentric, but thoughtfully negotiated and attuned to a need for lubrication between central conformity and local dissent. He carefully compromised official doctrine and used the power of his own sacerdotal office in order to intrude a more flexible parochial religion. This was the sort of local practice, sensitive to local needs, which Richard Baxter had proposed for the nation in 1662.<sup>26</sup> Written much later, Hickeringill's censure of needless ceremony-mongers sheds light on his earlier conduct: the right to ordain a Minister lay with 'his own Church Members only, and by the consent of the rest of the Members'. The Book of Common Prayer was 'a Crutch to the lame Parson,' and 'Ears to the deaf Disciples'; it earned his vote only 'on Condition though, that it be not cramm'd down other Men's Throats, that need not to be so fed, but can chew what they swallow.'<sup>27</sup> At a time when many dissenters did not consider themselves wholly divorced from the Church of England, Hickeringill enacted a practical comprehension; by highlighting the divisiveness of the national Church, he underscored the latitude of his own parish, in order to foster not turbulence but unity.

What ensued can be described as a process of micro-domination, where parishioners perceived that the instruments of ecclesiastical authority were open to influence: individuals could appropriate to their own agenda the routine institutions of everyday authority. That the London Consistory Court, in collaring Hickeringill, was reliant upon informers who were themselves dissident, to activate their machinery of subordination, is extraordinary testimony of how interpersonal battles at parochial level impinged upon the wider ecclesiastical system. In 1664 Hickeringill, as Rector of All Saints, presented the local schoolmaster, one Griffiths, to the Episcopal Visitation. This was irregular; the presentation of ecclesiastically licensed officials was conventionally the function of the churchwarden. Bypassing the usual protocols, Hickeringill acted as both churchwarden and court notary, entering into the act book in his own hand a remarkably long account of Griffiths' malfeasance. Such performances fostered his image of exclusive competence and independent authority. The schoolmaster, he reported, was guilty of Non-conformity; of preaching without licence, detaining his scholars from attending services at the parish church, and uttering many opprobrious words' against

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<sup>26</sup> For Baxter's Savoy Liturgy see P.Hall, *Reliquiae Liturgicae* (Bath 1847) pp. 117-141. See particularly R. Baxter *Reliquiae Baxterae* (London 1696) p. 306, for his vision of pastoral discipline centred on the authority of the priest and community.

<sup>27</sup> E. Hickeringill, 'Of Ordination' in *The Ceremony-monger his Charcter*, (1709 edition) pp. 81 and 85.



Humphrey, Bishop of London. Worse, Griffiths officiated as Rector of St. James' Church in Colchester, though he had no tithes to the rectory, and where he conducted divine service without surplice, having also 'refused to read the service appointed by authority in Commemoration of the Martyrdom of King Charles the First,' on 30th January.<sup>28</sup> The schoolman represented an alternative powerbase to conforming Colcestrian ministers, the more dangerous for being ecclesiastically authorised, and fundamentally opposed in ideology to the Church of England; this Hickeringill could not tolerate.

Hickeringill also deployed his authority against other ecclesiastical officials in his parish such as the Churchwarden. Since the parish had a role in election of at least one Churchwarden this meant in Colchester the influence of the most prominent householders often resulted in the appointment of dissenting men. In 1664 Hickeringill presented his own churchwarden at All Saints, William Abbot: 'He has asserted that it is superstition to place the Communion Table at the East End of the Chancell,' and 'does detain in his own House the Communion Table-Cloth ... asserting that he will suffer not idols in the said Church', and that 'he would suffer no superstition to please any old Dotard'.<sup>29</sup> The office was one of dignity that gave the dissenting churchwarden a platform for intruding his religious ideals into parish life, either by neutralising the clerical courts, or else harnessing them to their own ends. Abbot struck back by presenting Hickeringill at the same visitation for not 'flooring his Chancell' - an offence of secondary importance, yet this was the stuff of domination to the clerical judiciary. Such protocols inflicted by the dominant on the weak, as Scott points out, permitted on the one hand a practical scope for the toleration of non-compliance, but on the other (when the situation called for a display of power), a cumulative history of indictable conduct.

One of the intriguing aspects of Hickeringill's situation was the fluidity with which he switched roles in the parish; from the dominant role his superiors expected of him, to the trimmer, who through his own status allowed Dissenters to capture the dynamic of orthodoxy. In May 1664 he personally presented to the visiting Archdeacon, and saw through to excommunication, cases against twenty-five Boxted dissenters. Robert Maidstone was presented for asserting 'that for him it is a sin to make use of the Lord's Prayer, and that there are other Churches of Christ in England besides the Church of England', for 'keeping conventicles in his house and thereby detaining others from their duty in publique ordinances', for not coming to Church and for 'maintaining that there are things in the Book of Common Prayer contrary to the Word of God'. During the same visitation Hickeringill was himself

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<sup>28</sup> Guildhall MS 9583/2 Part 3 f.130.

presented by the conformist churchwardens for 'detaining one of the kies of the Church chest so that we are debarred from the Church goodes therein', and also for detaining the Register Book of the parish.<sup>30</sup> Hickeringill had a religious mission; he claimed to have been 'persuaded into Holy Orders' by a 'Presbyterian Bishop' to minister to Colchester's notorious Dissent.<sup>31</sup> His ambiguous relationship with orthodoxy during Visitation was a symptom of this charge. Remaining loyal here to the principle of uniformity - personally serving up Dissenters for prosecution - he was nevertheless at odds with its machinery, choosing to stand in contempt against the functionaries of parochial subordination. As intermediary between the clashing interests of Non-conformists and the ecclesiastical hierarchy, it was necessary for Hickeringill to display to all parties the personal authority derived from holy orders.

Evidence of the mutability of meanings ascribed to the orthodox performance of central religious practices can be seen during 1663, when, with the help of his Sexton, Hickeringill exhumed the body of a female parishioner. He refused to re-inhume her, 'nor suffer any other ministers to bury her', but commanded the sexton to refill the empty grave.<sup>32</sup> This macabre instance became the prompt for fierce controversy. Hickeringill had discovered a clandestine burial. The Church of England's exclusive power to administer the office of burial was a powerful instrument of uniformity. To strict Calvinists the corpse was an object of horror, not worthy of the attention bestowed by Anglican funeral rites: a decent burial involved no ceremonial.<sup>33</sup> Clandestine burials then, were symbolic of a broader tradition which rejected the Church's eschatological authority. Rather than brush aside the implied threat to his authority in what was probably a well-attended and (deliberately?) provocative event; his dramaturgy demanded a very formal adherence to the official transcript.<sup>34</sup> It was this standpoint which would precipitate events in March 1664 at the burial of Edward Warner, where a man, 'taking him by the arm and turning him about,' called him several times 'Hireling', and 'having a great crewe of people about him, who did with shouts and cries abet and own what he did,' bid the people 'beware of that priest'.<sup>35</sup> A week later the beleaguered cleric attempted to bury the wife of Robert Dymond, a Dissenter of Boxted. Reports of the incident, related at Quarter Sessions, were unanimous. As Hickeringill was about to read the office of burial, witnesses saw the mourning John Wallis 'throw the child of Barth Watts of

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<sup>29</sup> *ibid.*

<sup>30</sup> E.R.O. D/ACA 55 ff.35-40.

<sup>31</sup> Thoresby, *Letters* ii pp. 14-15.

<sup>32</sup> Guildhall MS 9182/Box 1, vi, Interrogatory 13.

<sup>33</sup> C. Gittings, *Death, Burial and the Individual in Early Modern England*, (London & Sydney 1984) pp. 47-50.

<sup>34</sup> *ibid* p. 56.

Langham into the grave, and Wallis wished that "Mr Hickeringill's Fat Guts" were in the grave.'<sup>36</sup> Another witness recounted a different mourner 'thrust the sexton, and she believes had he not leaned upon his spade he had been shoved in the grave.' Further testimony recorded that 'also the Common Prayer Book was kicked into the grave,' and that his hat was made to follow it. The bereaved family, and neighbours from Dedham, then attempted 'to put her [the corpse of Anne Dymond] into the grave before the office of burial was read.' Determined in grief, they further 'endeavoured violently' to 'throw' in the corpse. A keening relation declared of the dead woman that 'she used not to go into church when she was alive, and should not be carried into church now she was dead'.<sup>37</sup>

At different moments then, Hickeringill failed to exercise a convincing representation of authority. By his conduct he had compromised his own and the Church's domination: he was hardly a proper priest. The dissenting community exploited this weakness, and directed their graveside dirge at Hickeringill, announcing that 'it were a good deed to bury him'. 'He were', shouted a rioter, underscoring Hickeringill's sympathies towards Dissent, 'a shame to the Kingdom of God for doing such an action'. One woman from Dedham, he claimed, 'threatened him that if the other women of Dedham would join with her, she would throw him into the grave and bury him (using the expression) "You know what I mean" which words she uttered twice'.<sup>38</sup> In the ensuing days Hickeringill was engaged in a series of skirmishes with his non-conforming parishioners. This violence signified that Hickeringill had faltered in his balancing act. Maintaining orthodoxy and order was a delicate and continually revised process.

A later prosecution in June 1681 at the Court of Arches in London, 'upon a citation for marrying people without bannes or license', suggests how Hickeringill exploited his own status to adjust commonplace practice. In effect Hickeringill subverted episcopal jurisdiction at the parochial level by customising local marriage ceremonies. Canon law demanded the public posting of banns - announcements of intended unions which gave a community the chance to raise objections, especially on a Non-conformist basis - a payment of five shillings for a licence from the Bishop, and a fee due to the cleric for conducting the service. In All Saints Hickeringill omitted the marriage banns; ceremonial fees were waived; as he told one

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<sup>35</sup> Quarter Sessions records, E.R.O. R 400/135

<sup>36</sup> E.R.O. R 400/133. Wallis was a local Nonconformist; Watts was an ally of Hickeringill, who probably held some local clerical office.

<sup>37</sup> E.R.O. R 400/134, 135.

<sup>38</sup> E.R.O. R 400/135.

groom 'if he would to any other to be married the fees would be twice as much'.<sup>39</sup> Though taking the money for licences, the documents he produced lacked the Bishop's seal, and parishioners suspected their validity.<sup>40</sup> In this way he was able to 'adapt' the ceremonies of the Church of England to his own standards. Hickeringill was also prepared to assert his own power against other clerical rivals. This is most clearly seen in his dispute with Samuel Harris, Vicar of Fingringhoe that was little more than tithes poaching. A decision by Bishop Compton, against prevailing custom, had re-awarded the tithes of the ruined Colchester church of St Botolph (that had formerly accrued to Hickeringill) to Harris. Hickeringill's response was to persuade the villagers of Fingringhoe that they were not required to pay their small tithes to Harris. He also successfully bullied those of Harris' parishioners who dwelt within Colchester, to redirect their small tithes into his own purse, threatening to 'molest them' and 'put them to charge'.<sup>41</sup> This conflict was extended into public dispute. As Harris entered the churchyard of St Botolphs in July 1681 at the head of a funeral procession, he found that 'Mr Hickeringill had got into the Churchyard before the corpse.' Their altercation over authority now took the form of a race to garble out the service: as the corpse neared the churchyard 'Mr Hickeringill, (standing at the grave) began to read the office of burial,' and as it reached the grave 'Mr Harris did likewise begin to read the same.' Hickeringill would not desist, keeping Harris from 'the performance of his Ministerial function,' and 'thereby caused a very great disturbance and laughter in the churchyard'.<sup>42</sup>

## II

Throughout these parish disputes Hickeringill was concerned to preserve his status as a sincere and 'true' clergyman. It is also possible to explore his negotiations with power and contestations of authority in his textual labour and legal battles. His printed works are the most obvious forum for articulating resistance. Hickeringill was skilled in the arts of political disguise and insinuation. Articulating his polemic in dialogic form he engaging with the dominant religious idiom attempting to capture its emotive power to his platform. Exploiting a Protestant erastian discourse that, as Thomas Hobbes had shown, could easily be turned against any form of ecclesiological ambition, Hickeringill from the early 1680s published a

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<sup>39</sup> Lambeth Palace, Bbb 497, testimony 1.

<sup>40</sup> *ibid*, testimony 3.

<sup>41</sup> *ibid*, testimonies 4-6.

<sup>42</sup> *ibid*, testimonies 7 and 11.

series of indictments of the jurisdictional 'popery' of the Church of England.<sup>43</sup> Rebuking all *de jure divino* claims, Hickeringill insisted that all ecclesiastical power was defined by *regnurn*. There was no ecclesiastical discipline separate from civil power: church courts and clerical excommunication were 'popish' chimeras. Importantly, as we will see in his performance when indicted by Church courts, Hickeringill exposed the illegality of all independent ecclesiastical jurisdiction according to common law.

Alongside the jurisdictional condemnation of the established order were theological and dogmatic assaults upon established practise. Here again Hickeringill exploited a wide range of radical resources to deconstruct the cultural premises of sacerdotal authority: inerrant and inspired understandings of Scripture, the cultural foundations of Protestant authority, were exposed as fraudulent and false. Claims to interpreting the infallible bible were denounced as the wiles of popery: Scripture was corrupted by the duplicitous transmission of priests. Giving a learned account of the formation of the canon, of the variations of ancient manuscripts and debates about the status of the apocrypha, Hickeringill advanced a reasonable hermeneutic against the monopolistic claims of the church. Hickeringill exploited his status as a learned cleric. His published writings were projected as remedial rather than revolutionary: he appropriated 'orthodox' discourses of true Protestantism, whether it be virulent anti-popery, or the erastianism of reformation ecclesiology, to his critique of contemporary practice. Hickeringill vindicated the naked truth against ceremony mongers, black non-conformists, 'hirelings' and 'spiritual highway-men'. Intruding his criticism in the clothes of 'orthodoxy', Hickeringill claimed to be defending the true religion.

Many of these strategies of exploiting the tensions within 'orthodox' discourses of true religion and law were most manifest in Hickeringill's repeated legal confrontations with the religious establishment. From 1680, when he was approaching his fiftieth year, Hickeringill was repeatedly prosecuted in both civil and church courts. These attempts to impose compliance upon a dissident figure were prompted both by local and national concern to reinforce hierarchy and social deference in times of religious and political crisis.<sup>44</sup> Importantly, in his published accounts of his successive tribulations, Hickeringill attempted to exploit the fragility of established discourse by representing himself as a true priest fighting the iniquity of priestcraft and 'popery'. As the title page of one of these accounts indicated his

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<sup>43</sup> The most comprehensive account of this discourse is J.L.C. McNulty 'An anticlerical priest. Edmund Hickerigill (1631-1708) and the context of priestcraft' (Unpublished M.Phil, University of Cambridge, 1998).

story was 'faithfully related' and 'published to prevent false reports'.<sup>45</sup> Given the nature of the national crisis and its infrastructure of anti-popery discourses, Hickeringill's print contributions projected his dissidence on to a sensitive and sensitised audience. Unlike the accounts of Hickeringill's local conduct which were perceived (for the most) in the parish context, some of his behaviour, when broadcast in the medium of print, became a significant carrier of public and national dissidence. In March 1680, Hickeringill was charged at Chelmsford assizes with barratry. In June 1681 he was prosecuted before the Doctors Commons, for failure to follow the 'correct' procedure for Anglican marriages. In March 1682, again at Chelmsford assizes, Hickeringill was prosecuted under a writ of *scandalum magnatum* for defaming the reputation of Henry Compton and failure to use the correct forms of address in his correspondence and society with this ecclesiastical superior.

Examining the details of each prosecution indicates that the indictments were for some (minor) breach of public protocol in ceremony, jurisdiction or social and ecclesiastical deference. Accused of barratry and a range of other misdemeanours, a common theme was that he had used his clerical position to stir up hostility towards other civil and ecclesiastical officers either by encouraging parishioners to avoid tithe payment, or giving free legal advice. In the second case, prompted by his eirenic attitude towards Anglican ceremonial, Hickeringill was accused of ignoring the legally established procedures for marriage, specifically failing to read the banns. The local evidence shows that the dynamic of conflict with both lay and clerical figures was prompted by disputes with Henry Compton, Bishop of London, whom Hickeringill had repeatedly insulted. Conflicts over tithes, or jurisdictional competence were a manifestation of this more political dispute with the Bishop.

Local insubordination in the broader context of the national crisis of the early 1680s prompted the agencies of the established order to attempt to discipline such maverick churchmen. Attacks upon episcopal discipline was perceived as part of an assault that ultimately implicated the subordinationist ideologies of *de jure divino* monarchy.<sup>46</sup> There was then a combination of personal, institutional and political motivations for attempting to

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<sup>44</sup> The nature of the crisis of succession, popery and arbitrary power between the 1670s and late 1680s is still a matter of fierce historiographical debate: for an overview see T. Harris *Politics under the Later Stuarts. Political conflict in a divided society 1660-1715* (London, 1993).

<sup>45</sup> See E. Hickeringill *Scandalum Magnatum*, (London, 1682) Title page.

<sup>46</sup> See for example M.A. Goldie 'Danby, the Bishops and the Whigs' in T. Harris, P. Seaward, M.A. Goldie (eds) *The Politics of religion in Restoration England* (1990) pp. 75-106; and idem 'John Locke and Anglican Royalism' *Political Studies* 31 (1983) pp. 61-85.

enforce conformity on Hickeringill.<sup>47</sup> In each case, the precise grounds for prosecution were for repeated breaches of protocol rather than any specific act of dissidence suggests the importance of making compliance complete and routine. Underlying these infractions were orthodox anxieties about the impact of Hickeringill's dissident behaviour, in particular the reception of his printed attacks upon the legality of ecclesiastical jurisdiction and especially the repeated accusation that church court fees were illegal extortion.<sup>48</sup>

Over the two-year period from March 1680 to March 1682, Hickeringill confronted the episcopal might of Compton. Repeatedly complaining of the illegal harassment and persecution he suffered, Hickeringill emerged victorious in the first two cases. His conviction in the last trial, as he claimed, was because the Essex jury had been rigged. Although here is not the place to explore the personal details of every participant in the prosecutions, it is worth noting that the legal personnel for the trials overlapped.<sup>49</sup> Hickeringill made enemies of powerful 'orthodox' lawyers such as George Jeffries and Francis Withens, men who later made their reputations as brutal conformists. The narrative of these trials gives ample evidence for examining the tensions between public and hidden transcripts. The relation of the first trial at Chelmsford assizes (March 1680) exposes the complicated web of power relations in which Hickeringill was situated. Hickeringill was accused of both personal and political misconduct. A further set of charges complained that Hickeringill gave frequent legal counsel to people, in particular stirring up 'contentious suits' over tithing rates between a rival cleric Samuel Harris, (Vicar of Fingringhoe) and his parishioners. The charges indicate that Hickeringill was in serious dispute with different parts of his local community: both laity and clerical. Some charges suggest he exploited his clerical status for personal advantage, others indicate he transgressed the 'orthodox' decorum for priestly behaviour by compromising ceremony or ecclesiastical law. Although the records for the first trial are not detailed, it is clear that Hickeringill destroyed the prosecution case, employing his legal knowledge to contradict and denounce the legality of the charges and the status of the evidence ranged against him. Even in confrontation with a powerful established order it was possible by acute manoeuvres for the weak to trounce the strong.

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<sup>47</sup> The account of these trials are drawn from Hickeringill's *Works* (1709) volume 1, pp. 191 and following, and volume 2, pp. 51 and following

<sup>48</sup> For an overview of the anxiety about the legality and tyrannous use of church courts in the 1680s see J.A.I. Champion 'Willing to suffer: law and religious conscience in seventeenth century England' in J. McLaren, H. Coward (eds) *Religious conscience, the State and the Law* (SUNY, 1999) pp. 13-28.

<sup>49</sup> For a more detailed account see L. McNulty, 'Priests, politics and power, 1660-1720' forthcoming.

Hickeringill also launched a virulent print attack upon the legality of all church courts in the two parts of *The Naked Truth* (1680). The theatre of the consequent trial, as recounted by Hickeringill, saw conflict between the cleric and church over the power of defining 'true' religious order. Hickeringill, cited for ceremonial deviance, premised his defence upon a presentation of his authentic clerical status. This took the immediate physical form of refusing to remove his hat: 'He went up to the Doctors, Habited in all their *Formalities*, and with their caps on, and he also put on his hat'.<sup>50</sup> In response to seeing an ordained cleric challenging the codes of deference with behaviour more resonant of sectarian affinities, the Judge, Sir Robert Wiseman, 'no sooner espyed, but he bid Mr *Hickeringill* be uncovered'.<sup>51</sup> Hickeringill's reaction was to address the court in Greek: in his view the 'correct' language in which to discourse about primitive Christian practise. Confounded (and presumably confused) Wiseman 'ordered, that this appearance, and Answer in Greek, only should be registered as a Non-appearance'. Reluctantly speaking (behatted) in English, Hickeringill demanded to see evidence of a regal license without which he would not acknowledge its authority. Exploiting traditions of deference he insisted his head remained covered because (apart from Sir Robert) all were 'his juniors at the University, and most of them very much his Inferiors in many other respects, not suitable to his modesty there to particularise'.<sup>52</sup> Dissidence was thus legitimated by appealing to 'orthodox' ideas of clerical status manifested in his head-ware. The judge, refusing to show his commission, repeated his instruction to uncover his head and instructed a sumner to remove the offending hat. In what must have been a rather undignified scuffle, Hickeringill retrieved his hat and threw 'amongst them a Protestation' in which he rebutted the 'foreign' jurisdiction of the court 'and therefore it is that I will not be uncovered before you, until it appear that you are his majesties Court ecclesiastical, by commission derived from him'.<sup>53</sup> Later Hickeringill expanded upon his motives, 'it was not pride, insolence, nor any design to affront them, that made him then to be covered, but a sense of his duty'.<sup>54</sup> Indeed he had challenged his prosecutors to see 'if they could argue his Hat off his head'.<sup>55</sup>

Although there were explicit theological grounds for Hickeringill's actions, he constructed his defence by exposing the infractions of legal process. The minute and forensic attention to legal protocol in defence, mirrored the strategy of the prosecution. In the legal

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<sup>50</sup> See E. Hickeringill *News from the Doctors Commons* (London, 1681) p. 2.

<sup>51</sup> Ibid p. 2. See P. Corfield 'Dress for deference and Dissent: Hats and the decline of Hat honour' *Costume: Journal of the Costume society* 23 (1989) pp. 64-79.

<sup>52</sup> *News from the Doctors Commons* p. 2-3.

<sup>53</sup> Ibid.

<sup>54</sup> *Scandalum magnatum* p. 57-8



papers the King's arms had been omitted from the seal; only Wiseman's name, not even the Archbishop of Canterbury, nor the Dean of the Arches, had been used. Similarly his citation was illegal in its imprecision: 'no certain day nor time mentioned ... no certain and particular penal *crime*'.<sup>56</sup> Insisting that correct legal protocol only allowed a Presbyter to be condemned by a Bishop, Hickeringill, invoking *praemunire*, turned his trial into an indictment of the Judge informing him, 'that he would sue him, and prosecute him according to that statute'. Although the alarmed Wiseman indicated that proceedings would be stopped, Hickeringill exploited his position by demanding reparation for the 'vexatious citation, and unwarrantable trouble and charge you have put me to'.<sup>57</sup> Indeed in the printed account of the trial, Hickeringill presented his triumph as an erastian one, exposing the 'illegal fees, extortions, exactions, citations, excommunications, absolutions, dispensations, commutations, procurations, visitations, sequestrations etc.' of the established episcopal order. As a process for establishing compliance the trial was a disaster: the conduct and legitimacy of the court were exposed to ridicule and rebuttal. Hickeringill had, by the skilful deployment of his status as a learned clergyman, captured the dynamic of domination. The gesture of remaining behatted was turned from sectarian meaning to authorising or symbolising his 'orthodoxy'. By maintaining correct legal procedure the function of the trial was appropriated to Hickeringill's anti-episcopal agenda. The power of this attention to the correct formalities was underscored when Hickeringill successfully prosecuted the Sumner who had attempted to remove his hat at the trial, 'where he obtained a verdict, and had 20 marks damages against the officer'.<sup>58</sup>

The evidence of the second trial indicates how the process of establishing conformity was unstable, highlighting how the 'weak' could capture or appropriate the discourses and instruments of orthodoxy to make their own 'power'. The record of the third confrontation between Hickeringill and the established church provides further evidence for how, even in the act of successful compliance, the dissident might intrude tones that compromised authority. Hickeringill was charged with blackening Compton's reputation and spreading 'several false news and horrible lyes'.<sup>59</sup> Bound over by a writ *supplicavit* at King's Bench for his 'unmannerly deportment' in the previous trial, damages of £5000 were threatened upon conviction.<sup>60</sup> Hickeringill's defence focused upon the precision of linguistic meaning: the

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<sup>55</sup> *Scandalum magnatum* p. 58.

<sup>56</sup> *News from the Doctors Commons* p. 3-4.

<sup>57</sup> *Ibid* p. 5.

<sup>58</sup> See *CSPD* 11<sup>th</sup> Feb 1682.

<sup>59</sup> *Scandalum magnatum* p. 8.

<sup>60</sup> *Ibid* pp. 68-69 which reproduces the articles of good behaviour.

words of defamation against Compton had been taken out of context. As the trial proceeded Hickersingill showed that the prosecution witnesses (especially his old enemy and clerical rival Samuel Harris) could not consistently remember the exact words and context of their use. To establish this point Hickersingill shocked the court by declaring that he had, at least a thousand times, said 'there is no God'. His point was that although he had uttered such words this had been in the context of reading Psalm 14. 1: 'the fool has said in his heart: there is no God'.<sup>61</sup> Complaining that letters he had sent to Compton in which he had expressed his unhappiness about episcopal conduct were being used as evidence against him, Hickersingill attempted to capture the precedent of Charles I's disgust at the revelation of his private correspondence after the battle of Nasby.<sup>62</sup> Again, establishing the concern with the precision of meaning and intonation, Hickersingill was outraged not only by the fact that his letters were used, but also with the way they were read out. The prosecutor, Sir Francis Withens, used gestures and 'cadence' to direct the Jury to a malevolent understanding: 'at every period or Clause, - *Hah*'.<sup>63</sup> Hickersingill supplied his own counter-performance by his own intonation: in this reading the letters contained only commonplace scriptural language against pride and domination. The record of the performance of his defence is punctuated by exclamation and expostulation, intended as a mirror image of Withens's delivery: 'Church and Churchmen! Ha! Do you speak against Prelacy? Say that word again, say it again before Witness - Sirrah, Villain, Rogue! How dare you at this time of day, speak Scripture, dangerous Scripture, Scripture against Statute Law'.<sup>64</sup> The 'orthodox' language of scripture, humility and godliness was in this way appropriated to Hickersingill's defence: to censor Hickersingill was to censor the Bible.<sup>65</sup>

The second major charge derived from the form of address he had used in the letters to Compton: he had omitted the formal title of 'The Right reverend Father in God'. Hickersingill initially replied that since the form of address was 'popish' he had avoided it, although he had used it when dedicating his *Black Non-conformist* to Archbishop Sancroft. Hickersingill, stressing his own 'seniority' in status, age, and military office, suggested that if he had called 'him *reverend father in God*, perhaps the Bishop would have thought the Defendant had jeer'd him, and then the fat had been in the fire again, and all in a flame'.<sup>66</sup> Hickersingill attempted to turn the charge against those who made it: The form of address was an 'old cogging, flattering,

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<sup>61</sup> Ibid p. 8.

<sup>62</sup> Ibid p. 17.

<sup>63</sup> Ibid p. 15.

<sup>64</sup> Ibid p. 17.

<sup>65</sup> See his ironic advice that prosecution could be best avoided by making 'an *Index Expurgatorius*, and blot out of your Bibles, *Luk 22, 25, 26, 27. And 2 Pet 5. 2, 3. And 1 Tim 5.2 1'*. Ibid p. 30.

Hierarchical, and prelatical complement'. It was also meaningless, 'now worn *out at the elbows*, and as tatter'd, trite, and Threadbare, as - Your Humble *servant*'. To prosecute for such trivial matters exposed the malevolent motives of ambitious churchmen. This time the attempted appropriation of the platform of the trial failed. Although Hickersingill expertly censured the debatable status of the Lambeth Canons of 1640, and denounced the reputation of many of the prosecution witnesses, the jury (prompted by prosecutor Jeffries continually bringing up the dissidence of Hickersingill's publications) convicted and fined him £2000.<sup>67</sup> Enforcing compliance involved the draconian threat of imprisonment, suspension, and financial penalties which were, as Hickersingill pointed out, ungodly if not illegal as treatment of a clergyman. Importantly it also demanded recantation. Sir Richard Lloyd, who had imposed the articles of good behaviour in 1682, noted that he had seen Hickersingill's recantation in which he promised 'to burn with mine own hands one of each of the aforesaid printed books in ... a public place'.<sup>68</sup> This recantation seemed to some contemporaries to be sincere; he was 'truly penitent for his crimes'.<sup>69</sup> Certainly the orthodox triumph over Hickersingill was reinforced by the printing (done by the order of Lloyd) of the 'humble confession and recantation' which had been 'publicly made, read, sign'd and sealed' at the Court of Arches.<sup>70</sup>

However, even in the act of compliance, Hickersingill intruded dissidence. In the aftermath of his conviction Hickersingill wrote twice to Compton (who had decided that the fine of £2000 would go towards refurbishment of St Paul's) with the hope of accommodation. The tone of these texts, written in a language of mercy, and hope, are readily open to a Scottian analysis. Addressing Compton, correctly as 'Right Reverend Father in God', Hickersingill insisted that he had learnt the way of peace: his letter was 'as smooth, docile, *courtly, and alamode*, as the best *Courtier of them all* can write'.<sup>71</sup> Explicitly underlining the deferential tone of the letter exposed the limits of its sincerity. As the letter asked for amicable settlement, mercy, and submission, it denied any crime in the original charge. The abusive language of ignorance and impudence was unintentional: 'All which, my Lord ... I am so far from justifying the *Irreverence* and *Indecency* of the Expressions, (what provocations soever I might have) that I give your Lordship what *Satisfaction* your Lordship might *reasonably*

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<sup>66</sup> Ibid pp. 13-15.

<sup>67</sup> Ibid pp. 14-15.

<sup>68</sup> Bodlian MS; Tanner Papers 42 f. 70.

<sup>69</sup> Bodlian MS; Tanner Papers 32 f. 77; See also N. Lutterell *Brief Relation* volume 1, pp. 162, 312.

<sup>70</sup> *The most humble confession and recantation of Edmund Hickersingill, Clerk* (Benjamin Tooke, 1684). Two copies of the recantation can be found in the British Library, call mark 515.1.2.(84).

*require*, with all humility and contrition. And I am the rather hopeful of the good success of this my *Humble submission*, because (I hope) your lordship intended nothing else in bringing the action, but only to bring me to *Acknowledgement of the Irreverence* of the expressions, and not with a *design to enrich your self* by money of mine, or *undoing me and my family*'.<sup>72</sup> In this 'humble submission' Hickeringill re-insinuated all of his original defence: the use of italicisation and parenthesis in the printed text indicates to the reader the defiance of the language. Hickeringill, in the act of conforming, established his autonomy: 'This submission proceeds from Nobler principles that Fear can suggest'.

As an act of compliance, the second letter auto-destructed in the course of its composition.<sup>73</sup> The inclusion of the letter into the printed version of the trial compromised the public enactment of deference. Although, again, addressed correctly to Compton, Hickeringill acknowledged that he had not wished to write 'I was not readily persuaded to write to you'.<sup>74</sup> Since Compton had not responded to the first letter he felt there was little chance of success, especially because he was unwilling to admit guilt or make a false submission of error. Even though the letter contained a veneer of deferential language ('My Lord, Your Lordship's (humble as well as) Humbled Servant, Edm: Hickeringill') it became, not a token of submission, but a bold re-statement of the grounds of his original dissidence.<sup>75</sup> Hickeringill said boldly that he would not pay his fine, but made counter-proposals for settlement. Willing to pay Compton's legal costs, he made the challenge of a retrial at any time or any place.<sup>76</sup> The rest of the 'letter' consisted of lengthy rant against the clerical ambition of contemporary 'Tantivees' whom derived their ambitions from the popishly affected Laudian tradition. In face of this 'turning' of deference into active defiance, the dominant power was impotent. Hickeringill was able to exploit the procedures of law and discourses of Protestant conformity by deploying his own status as a clergyman.

By examining the different forms and spaces of Hickeringill's dissidence from commonplace patterns of theological orthodoxy and ecclesiastical conformity it is possible to expose the fragility of processes of routine compliance to the re-established cultural order of the 1660s. His engagement with the protocols for establishing orthodoxy (for example, the

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<sup>71</sup> *Scandalum magnatum* p. 53; the text of the first letter runs from pp. 53-67.

<sup>72</sup> *Ibid* p. 54.

<sup>73</sup> The text of the second letter is in *Scandalum magnatum* pp. 87-105.

<sup>74</sup> *Ibid* pp. 88-89 records that Hickeringill was persuaded to write by the Londoner, Thomas Firmin, unitarian philanthropist and friend of John Locke.

<sup>75</sup> It is worth noting that Hickeringill's strategy here mirrored that of the trial where his private correspondence was used as evidence. Here he used the publication of supposedly 'private' letters to expose the deviant behaviour of the bishop.

micro-politics of local ceremonial performance, gesture, and dress) is a useful resource for teasing out the meaning and strategies of non-compliance in Restoration society. Much of the approach adopted here has been derived from James C. Scott's notions of the hidden and public transcripts. Although Scott's anthropological understandings were not specifically constructed for application to 'literate' cultures, the suggestion that the 'dominant discourse is the only plausible arena of struggle' is especially apt for examining Hickeringill's conflicts.<sup>77</sup> One of the persistent themes, not only of Hickeringill's work, but of the broader context of theological writing in the early modern period, was the attempt to 'capture' the language of 'orthodoxy'.<sup>78</sup> In examining Hickeringill in the context of local communal disputes, the idea of the naturalisation of routines of conformity, again provide a very precise way of exploring how such standards were contested.

The evidence of Hickeringill's life also allows some amendment of Scott's account of the function of religious dissidence. Perhaps because of his reliance upon a historiography premised upon the (admirable) work of Christopher Hill and Edward Thompson, Scott presents early modern religious dissidence as a 'subterranean heterodoxy'. Lollards, ranters and 'renegade lower clergy, would be prophets', carry the 'hidden transcript' through the seam of orthodoxy. For Scott, then, in the early modern period, 'much of the resistance to the dominant culture took the form of religious heterodoxy and heresy'.<sup>79</sup> Interestingly, this anthropological account chimes rather neatly with the recent assertions of J.C.D. Clark about the persistence of the 'confessional state' into the nineteenth century, and the consequent 'theological' form that much political dissidence adopted.<sup>80</sup> Such an accounts of religious heterodoxy interprets it as a form of deviant doctrinal belief, rather than a package of claims to authority and power implying a challenge to the hierarchies of normative social relations. The polarity between an orthodox religious culture and a counter-culture of heterodoxy is unsubtle and inaccurate as a model of power relations in early modern society. As the thrust of recent religious history has suggested, it is easier to write about 'varieties of Protestantism' than propose a singular dominant religious culture. The aspiration to establishing an authoritative religious order was ubiquitous: the doctrinal, ceremonial and institutional products of these agendas were persistently contested. Institutional forms (for example, most obviously, Books

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<sup>76</sup> *Scandalum magnatum* p. 93.

<sup>77</sup> J.C. Scott *Domination and the arts of resistance* p. 103.

<sup>78</sup> See M. de Certeau *The Capture of Speech* especially p. 102.

<sup>79</sup> *Ibid* pp. 121-24 and p. 226.

<sup>80</sup> See J.C.D. Clark *English Society 1688-1832* (Cambridge, 1985) and idem 'On hitting the buffers: the historiography of England's *ancien regime*. A response' *Past and Present* 117 (1987).

of Common Prayers, Liturgies, Doctrinal articles, translations of Scripture) were instruments, rather than products, of conformity and consensus. The national ecclesiastical institutions, intimate with cognate political and civil institutions, could articulate and construct a 'public transcript', but the meaning of that cultural and political claim to authority was made and enacted in the local context of the parish. The 'public transcript' was as much an opportunity and resource for individuals and affinities to capture and construct their own authority, as it was a dominant, powerful agency of order.

The case of Hickeringill, which could be replicated in many other comparative examples throughout the early modern period, suggests that the relationship between orthodoxy and heterodoxy, and conformity and dissidence, was much more complex than current historiographical assumptions suggest. The notion of a determined, defined 'dominant' religious culture imposed upon a subordinate laity, only challenged by the marginal and sectarian, is overly reductive. Religious authority was intimate with political power: it was made and negotiated in the series of transactions forged (amongst other spaces, sites and communities) between office and locality, text and performance, author and reader. As the example of Hickeringill indicates, clerical office was the platform for both dissent and the fabrication of order and compliance, both in the parish and in the public sphere. The relationship between an established order and cultural subversion was much more permeable and fluid than Scott's analysis suggests. The contested projection of a dominant religious culture was one part of a complex set of manoeuvres that distinct and competing interests articulated in ideological and sociological discourses. 'Orthodoxy' was as much made as 'heterodoxy'.<sup>81</sup> The ways of making such discourses authoritative was through the routinisation of (amongst many practices) ceremonial, economic, domestic and theological performances. At each performance was the opportunity for subversion, appropriation, contestation as well as compliance and domination. The political culture of early modern England was premised upon a sociological separation between 'power' and 'authority': the dynamic role of 'religion' (and its performance) made the connections between the representation of power and its enactment frequently fragile and often fractured.

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<sup>81</sup> See J.G.A. Pocock 'Within the margins: definitions of orthodoxy' in R. Lund (ed) *The Margins of Orthodoxy* (Cambridge, 1995) pp. 33-53.