

# H-Net Reviews

in the Humanities & Social Sciences

Arthur H. Cash. *John Wilkes: The Scandalous Father of Civil Liberty*. New Haven and London: Yale University Press, 2006. xiii + 482 pp. \$37.50 (cloth), ISBN 978-0-300-10871-2; \$22.00 (paper), ISBN 978-0-300-12363-0.

Reviewed by Carla Spivack (School of Law, Oklahoma City University)  
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John Wilkes, Squire of Aylesbury, lived from 1726 to 1727, a time span that, as his biographer, Arthur H. Cash, Distinguished Professor Emeritus at the State University of New York at New Paltz, notes, spanned the French and American Revolutions and the beginning of the Industrial Revolution. Wilkes is lauded by many—including Professor Cash—as winning “for Great Britain and its American colonies rights that Thomas Jefferson said were inalienable, but that people knew were suppressible” (p. 2). Over the course of a lifetime of political activism, Wilkes succeeded in nullifying the general warrant, a warrant that did not name a specific suspect but rather allowed the king’s messengers to arrest anyone they deemed suspicious; helped dismantle the prohibition against newspaper reporting of the debates and activities of Parliament; made the first motion in the House of Commons to extend the franchise to all adult males; and succeeded in establishing the principle that candidates can run for office with or without the approval of the legislature.

He also derived his power partly from the threat of Cockney mob riots; piled up mountains of debt by borrowing from his friends and cheating his creditors with the dizzy obliviousness of a Harold Skimpole; lied in print about receiving funds from the government; raped his housemaids; frequented prostitutes; mysteriously “lost” money donated to a charity of which he was a board member; and secretly helped to buy arms for the colonies during the American Revolution, arguably an act of treason for which he could have been hanged. Cash, previously best known as the authoritative biographer of Laurence Sterne (author of *Tristram Shandy* [1759] and *A Sentimental Journey* [1768]), writes with passion for his subject and with scholarly depth; this book will in-

terest anyone who cares about the origins of the American Founders’ thinking and the history of civil liberties. A more balanced treatment of this not always admirable figure, however, would have been appropriate.

Wilkes attended both Lincoln’s Inn and the University of Leiden, although he never completed a degree—a common omission among English gentlemen in this era. He was elected to Parliament in 1757, in the midst of the Seven Years War. His first clash with the forces of governmental censorship came when he began to print attacks on Lord Bute and his ministers in his newspaper, the *North Briton*. In this medium, Wilkes took aim at the role of favorites at court; at excise taxes, which gave politicians an excuse to search the homes of their opponents for contraband in the form of taxed items like cider and other alcoholic beverages; and criticized the ministry. In doing so, Wilkes scorned the custom of the time by which political writers tried to avoid libel charges by replacing proper names with asterisks. Claiming that “the laws of my country are my protection,” Wilkes boldly spelled out the names of his powerful targets (p. 71). These attacks culminated with a particularly virulent article in the forty-fifth edition of the *North Briton*, which finally caused King George III to demand Wilkes’s arrest under the infamous general warrant.

This arrest, the attendant search of his house for incriminating material, and Wilkes’s resulting lawsuit for trespass, led to a ruling in the Court of Common Pleas that the general warrant was illegal, a key development in the history of privacy and due process. Wilkes’s next foray into publishing, however, caused Parliament to expel him. Driven into exile, he was then imprisoned for two years upon his return. His offense: he had printed a

limited run of twelve copies of “An Essay on Woman,” a pornographic parody of Alexander Pope’s “Essay on Man,” written by Wilkes’s friend Thomas Potter and given further obscene annotations by Wilkes. Wilkes’s much-publicized fight for a free press had made him so popular, however, that he won reelection to his old seat in Parliament from prison. Indeed, so widespread was his acclaim that on the day set for the opening of Parliament in 1768, his supporters gathered outside the prison expecting to see him taken to the House of Commons. When this failed to happen, a riot started, during which the king’s soldiers shot and killed about seven protesters.

Wilkes’s election to Parliament from prison led to an important development in the history of free elections. Although Wilkes had won the election, Parliament refused to seat him, and called for a special election, which Wilkes handily won. This cycle of events happened three times, after which the House of Commons decided to ignore the election results and seated his opponent. Wilkes argued that such a move amounted to allowing representative bodies to choose their own members, and, when finally returned to his seat after being released from prison, he succeeded in expunging from the record all mention of his incapacitation, thus preventing it from becoming precedent. Cash suggests that this episode inspired James Madison to include in the Constitution provisions setting forth uniform requirements for holding office.

Cash’s book is erudite and lively, well written and informative. Even so, it has two flaws, one stylistic and one substantive. As a stylistic matter, Cash is so enamored of his subject and every detail of his life that he devotes equal space and attention to trivial matters and important ones alike, sometimes making the trajectory of significant events hard to follow. For example, Cash spends a longer paragraph describing the behavior of a mentally disturbed Scotsman who once pounded on Wilkes’s door in the middle of the night and threatened his life than he does on the decision rendering general warrants illegal. This equal weight given to minor and major events gives the book an almost paratactic feeling, and may be frustrating for those unfamiliar with the high points of Wilkes’s achievements and the major events of the period.

More important, however, is the substantive problem. Cash’s enthusiasm for his subject sometimes leads to lack of balance in his treatment of Wilkes. In many ways, even by the standards of the period concerning gender and race, Wilkes behaved contemptibly. For example, always profligate and endowed with a sense of entitlement

that made cheating his creditors seem perfectly acceptable, Wilkes at one point sued the wife from whom he was separated to try to force her to relinquish her claim to her alimony. He lost, and though Cash admits that Wilkes incurred his debts mostly through “high living and debauchery,” he attributes Wilkes’s failure to prevail in that lawsuit to his wife’s “pitiful looks” at court, which “put Wilkes in a light that [the Judge, William Murray, Lord Chief Justice Mansfield, an enemy of Wilkes] was prepared to see as vicious” (p. 46). It is hard, in fact, to see his actions here any other way. Again, though coerced sex with female servants was common in this period, it is unfortunate that Cash feels the need to palliate with euphemism Wilkes’s conduct by saying that he “[took] his female servants to bed” (p. 300).<sup>[1]</sup> With respect to his debts, loans from friends that he never repaid, and the disappearance of money donated to the Foundling Hospital, Cash assures us Wilkes was “not dishonest, just irresponsible” (p. 28). Readers may wonder why they should excuse irresponsibility but be free to condemn dishonesty—especially when foundlings were the ultimate victims of Wilkes’s irresponsibility.

There is no doubt that Wilkes fought for and won many civil liberties that American consider fundamental today, and that his stance inspired the American Founders. It is unfortunate however, that his manner of doing so was often, though certainly not always, more adolescent than high-minded. For example, the publication that brought about his banishment and imprisonment, “An Essay on Woman,” was obscene and pornographic rather than political, including Wilkes’s poem “The Dying Lover to his Prick” (a parody of Pope’s “The Dying Christian to his Soul”). Alexander Pope may well have been a tempting target, but there is something sadly immature about the frontispiece to a major document in the history of free speech being adorned with an erect penis. Moreover, is Wilkes’s contribution to American war effort praiseworthy, given that his country was at war with the colonies at the time? Cash admits that he could have been hanged had his involvement ever been proved, but he treats the episode—high treason—as worthy of admiration, apparently because Wilkes was on the “right” side. This seems like a dangerously relativist view of the crime of treason.

Given the debased nature of our current political discourse, a more balanced view of Wilkes’s at times admirable, at times adolescent actions, would have been more helpful. Indeed, Wilkes’s blurring of the distinction between liberty and license might offer insight, in a more even-handed narrative, into the origins of our own

troubled navigation between the two.

Note

[1]. As Annette Gordon-Reed has discussed in

*Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: University Press of Virginia, 1997), the idea of consent between master and servant is highly problematic, given the difference in power and economic reality.

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