

Constituting the Levellers: A Study of a Political Movement

By

Peter Stewart Woodcock

Thesis for the degree of Doctor of Philosophy

February 2004

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Abstract

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This thesis examines the way in which the Levellers were capable, as a group of individual thinkers with differing philosophical backgrounds, to unite as a movement around a set of political proposals. Central to the examination of this convergence will be an analysis not only of the political ideas of the Levellers (both individually and collectively), but the types of political media that the Levellers used in order to convey their political agenda. It will be shown that the Levellers were capable of uniting individuals around a political movement by their novel use of petitions and *Agreements* that provided a political, rather than philosophical convergence. This then will show how they were able to constitute themselves as a movement via the use of specific political devices.

The thesis will begin by looking at the three main Leveller leaders, William Walwyn, John Lilburne and Richard Overton, and the philosophical context in which they lived and wrote. It will be shown that whereas they diverged on their philosophical positions, the political conclusions that were drawn from them formed an overlapping consensus. It is this consensus that made a political movement possible. Then we will go on to see how, via the use of petitions and their invention of the *Agreements*, the Levellers were able to (a) unite people from differing philosophical viewpoints around a set of policy proposals and (b) bring more people into the movement and the political process. This discussion will involve examining the purposes of both petitions and *Agreements* as political texts.

Once we have an understanding of what constitutes a 'Leveller line' we will then progress to (a) look at the defence of the 'Leveller line' against its critics and (b) compare and contrast the 'Leveller line' to other contemporary thought. The main outline of the defence of the Leveller position against its critics will occur when we discuss the content of the Putney debates, where we see the Army Grandees attempting to portray the Levellers as a threat to property, and in so doing increase the opposition to the movement. This will be followed by a chapter comparing the Leveller position to that of the growing republican movement, which has been at the centre of much scholarly interest recently. It will be asserted that the Levellers and the republicans shared similar ideological goals, however differed in the means of obtaining them.

To L.H. Woodcock

1940 – 1998

Who lived his life by the maxim that “the poorest he that is in England hath a life
to live, as the greatest he”.

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Introduction

Aims of thesis

The Levellers are an anomaly for students of the history of political thought. The standard fares for historians of the subject are singly authored books or pamphlets; one studies the ideas of Thomas Hobbes, John Locke or Aristotle, but seldom or never the ideas of a group of people such as the Levellers. We also have a notion, however, that a claim that, say, popular sovereignty is a Leveller idea makes sense. Therefore we need to examine what is it that makes it possible for a group of individuals such as the Levellers to have a collective identity that can be studied by political theorists.

The question that this thesis seeks to analyse, therefore, is how we can talk of the Levellers as having a group political ideology that allows us in turn to be comprehensible when talking of a 'Leveller' idea. In particular we shall see how the Leveller leaders, each of whom has their individual philosophical or religious background manage, despite these differences, to converge around a set of political principles that can constitute a 'Leveller line'. We shall see that it is via their innovative use of collective political media, such as petitions and (especially) *Agreements*, which allowed people to converge around a set of political proposals that they arrived at from different premises. Constituting themselves in this manner not only allowed people who may have been at variance with one another over matters of religion or philosophy to agree on a set of political proposals, but it also allowed scope for difference between individuals within the movement

(which is especially evident at the Putney debates). It is, indeed, due to the success of the Levellers' ability to have fashioned themselves as a political movement that the phrase 'the Levellers' conjures first an image of a movement and only secondly the individuals who made up that movement.

This thesis is, therefore, an attempt to try to unpack the notion of what precisely constitutes a body of Leveller ideas. When one speaks of a 'Leveller idea', it can have two possible meanings, due to the dual nature of the Levellers. One meaning of the phrase 'Leveller idea' is an individual one; that an individual who became involved in the Leveller movement held an idea. Therefore an idea that is held by Walwyn, Overton or Lilburne can be said, under this individual understanding of the phrase, to be a 'Leveller idea'. This understanding of the phrase does not entail that an idea that is a 'Leveller idea' is held by a group of people, or the Levellers as a whole, but rather simply that a Leveller held this idea. Therefore a pamphlet written by Lilburne in 1638, or Walwyn in 1644, both prior to the beginning of the Leveller movement proper, can be said to contain, under this understanding of the phrase, Leveller ideas. There is another understanding of this phrase, however, which will become the focus of this thesis, that of a collective idea. One can also talk of a 'Leveller idea' in the sense that it was an idea that was held by the movement as a whole. Therefore an idea placed in a petition or an *Agreement*, one which a group of people subscribe to, can be said to be a collective one, therefore, which is held by a group of people. The Levellers as a movement is a combination of both individual and collective ideas, and in order to understand the movement we need to tease out the differences between these types

of ideas, and be careful of identifying which ideas are individual, and which are collective.

The Levellers, like any political movement, were a group of individual thinkers who united around a specific set of political proposals and policies. It was their individual ideas that provided the intellectual stimuli for their collective ideas, but just because a Leveller held a particular idea does not entail that it was a collectively held idea. Without some notion of a collective line, however, it becomes difficult to talk of the Levellers as a movement, therefore analysis of how the Levellers moved from being a set of authors with differing philosophies but similar political goals to becoming a political movement is necessary.

The way in which this thesis tackles the task of showing how the Levellers became a political movement is by examining not only the content of Leveller documents, but also the type of document in which particular claims are made, and the purpose of the claims and the type of document. It suggests that a pamphlet exists within the context of an intellectual dispute (which can and does have political consequences), and therefore its purpose is to contribute to a particular intellectual debate. A pamphlet may well have more than one author, but that, in and of itself, does not constitute the type of collective idea that is necessary for the constitution of a movement. The purpose of even a multi-authored Leveller pamphlet was still to win an ideological battle in the prose wars that accompanied the English Civil War, rather than to bring people together as a movement.

Collectively authored documents such as a petition or the *Agreement of the People*, however, are more illuminating for our purpose of showing how the Levellers were able to constitute themselves as a movement. Not only did both of these political devices (despite having subtly different purposes) involve more people in the political process, but also the form of both types of document, with brief political proposals rather than elaborate theoretical justification, allowed people following a variety of differing philosophies to adopt a set of political proposals. One can accept the principle of popular sovereignty, for example, from a variety of different theoretical standpoints, and by simply asserting that principle, rather than its justification, the Levellers were able to constitute themselves as a movement by adopting a 'Leveller line'. This does not mean to say that this 'Leveller line' was unchanging or even clear, but simply that it is claims made in petitions and *Agreements* that constitute a 'Leveller line', rather than ones made in pamphlets or, indeed, at the Putney debates. Thus we need to be careful about the use of the idea of a Leveller line. We can, this thesis will show, use the phrase with regards to unambiguous parts of the *Agreement of the People* and its successors, however we should not imagine that because a political claim is in these documents that we can apply it to all Levellers at all times.

Coherence and the 'Leveller line'

Quentin Skinner has suggested that it is necessary to avoid the "mythology of coherence" when writing on the history of political thought.¹ This means that it is dangerous to assume that any given writer across their body of work is, or indeed

¹ Quentin Skinner, "Meaning and Understanding in the History of Ideas", in J. Tully and Q. Skinner (Eds.) *Meaning and Context: Quentin Skinner and His Critics*, (1988: Polity Press, Cambridge), p.39.

intends to be, coherent. Coherence, in this sense, means that there is a consistent idea that is addressed and asserted over the course of an author's writing career. It is, of course, entirely possible that any writer "is not altogether consistent", or alternatively "fails to give any systematic account of his beliefs."² Thus we should not assume that coherence is present in any given number of an author's texts, or believe that if coherence is not immediately present, then further textual analysis must reveal coherence. There can be numerous reasons in a political text why an author's intentions change: a change in political circumstances, a change of mind, the influence of a new set of intellectual principles could all lead to a change in an author's argument from one text to another.

The problem of coherence becomes even more difficult when studying a group or movement such as the Levellers. Skinner has offered us a reason why it may be methodologically unsound to assume that a thinker, over the course of his/her writing career, would have a consistent argument. We can therefore assume that it is harder still, without resorting to methodological error, to find consistency between a group of people or a movement. The issues addressed and conclusions reached by the differing Leveller authors varied according to their own ideological position. This does not mean to say that it is not possible for the Levellers to reach an agreed political position to try to apply in a given context (e.g. *The Agreement of the People*), but it does mean that it is unlikely that the Levellers, either as individuals or as a collective whole, hold a consistently coherent position.

² *Ibid.*, p.38.

Our study of the individual Leveller authors will lead us to concur with Keith Thomas in his assertion that the careers of the Levellers illustrate “how mixed was the character of the temporary alliance of soldiers and civilians that went under the name of the Leveller party.”³ Therefore we should not imagine that the Levellers were a cohesive whole, or all held certain positions but rather they converged around certain sets of political proposals. Thus it will lead us to reject the claims of those who try to show consistent themes throughout the Leveller movement.⁴ This does not mean to say, however, that the Levellers did not adopt a common political standpoint at certain points in their history, as without this, a political movement would have been difficult, if not impossible. The ‘Leveller line’ is a political rather than philosophical or theoretical line, and consequently we should not impose the theoretical justification (such as possessive individualism) on the entire movement even if a prominent Leveller used it. Thus when we illustrate that there was a ‘Leveller line’ in the collectively authored pamphlets it will not be us anachronistically imposing a coherence on Leveller political thought, but rather highlighting a deliberate tactic on behalf of the Leveller leaders to constitute themselves as a political movement, and unite a philosophically diverse movement around a political agenda.

Structure of thesis

There are then two phases of the Leveller movement to be examined, the individual Leveller authors, and the way in which the Levellers as a movement

³ Keith Thomas, “The Levellers and the Franchise”, in G.E. Aylmer (ed.), *The Interregnum: The Quest for a Settlement 1646-1660*, (1972: Macmillan, London), p.66.

⁴ E.g., C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (1964: Oxford University Press, Oxford), pp.107-159.

were formed. This thesis is arranged into two sections in order to reflect these two phases. The first section aims to analyse the individual ideas of the Leveller leaders prior to the beginning of the movement proper, whereas the second section aims to analyse the collective ideas of the Leveller movement, and to show how they used different political devices to constitute themselves as a movement. A full outline of the contents of each chapter is provided at the beginning of the two sections; however it is worthwhile here to outline briefly what is aimed to be accomplished in each chapter.

Section one (chapters one to four) will first analyse the intellectual context in which the Levellers were writing and then outline the main ideas held by three of the Leveller leaders: William Walwyn, John Lilburne and Richard Overton. It will be shown that the three Leveller leaders come from differing religious and philosophical backgrounds, and consequently present their political proposals in differing styles. It will be illustrated, however, that despite their differing philosophical positions, their political conclusions are similar to one another. It will be shown that whereas there is considerable disagreement philosophically between the Leveller leaders, there is an overlapping consensus politically that makes a collective authorship and political movement possible.

Section two (chapters five to eight) turns its attention to the Levellers as a political movement and evaluates the Levellers' use of petitions and *Agreements* as a means to unite people from differing philosophical backgrounds around a political agenda. Following this, the section looks at the reaction to, and defence of these ideas at the infamous Putney debates. The section is concluded by a comparison

of the Leveller body of thought with the emerging republican ideas of the time, and it will be concluded that whereas the philosophical positions between these traditions of thought were broadly similar, their political conclusions often differed. As part of constituting a movement involves not only the convergence of individuals around a particular agenda but also the defence of this agenda against its critics, a sub-theme of this section is the Levellers' opponents attempts to portray the movement as a threat to private property, and the claims and subsequent denials and rebuttals, that this entailed.

Methodology

Certain decisions have been made in this thesis with regards to presentation. Firstly, I have sought, wherever possible, to quote from Leveller sources in print form rather than manuscript form, which has been aided by the numerous collections of Leveller pamphlets available in collected editions. I have endeavoured to be consistent in quoting the same piece of work (e.g. pamphlet/petition) from the same collection to aid referencing; the *Agreement*, for example, is included in all collections of the Levellers' work, but is only quoted in this thesis from one. Secondly, spellings and grammar have been taken from the collection I am quoting from, and never modernised or modified by me (although they may have been modified by the editor of the collection). The only exception to this is when I quote from Leveller pamphlets from the Thomason Tracts, or facsimile collections where the early modern printed 's' which resembles a modern 'f' is simply written as an s.

Also, whereas this thesis supports an historical approach to the study of the history of ideas, it is a work of political theory as opposed to history. The Levellers wrote and campaigned at a time that made their ideas and tactics possible, and they also contributed to intellectual debates that were informed by the ideas and attitudes of the day and age. These factors make it necessary to adopt a contextual approach to the study of their ideas and highlight not only what the Levellers said, but why they said it. This, in and of itself, however, does not make this thesis a work of history. Some biography is outlined with regards to the Leveller leaders, as well as analysis of contemporary debates and politics. The purpose of these discussions, however, is that they will help illuminate the nature of Leveller political thought. And in discussing the Levellers as constituting themselves as a movement I will focus entirely on their use of specific forms of political media. Consequently other, perhaps equally important factors that caused the Levellers to come together as a movement, such as meetings and demonstrations will be ignored. Whereas these other factors may well have helped the Levellers to form as a movement, it is not the type of movement formation that this thesis aims to analyse.

Section One

Introduction

The purpose of the first section of this thesis is twofold; to examine the context in which the Leveller leaders wrote, and to discuss the major themes emerging from the individual works of the leading Levellers. The overall aim is to show the diversity of influences, styles and philosophical positions of the Leveller leaders, before we go on in section two to examine the collective works, such as petitions, agreements and debates, which would constitute the Levellers as a political movement.

Some arbitrary decisions have gone into the construction of this section, and each of its chapters. With regard to the context chapter, a problem involved when one attempts to provide the context in which an individual, or in our case a group of individuals, wrote and published is in knowing where to start and finish. To provide a complete overview of the seventeenth century is, of course, beyond the ability of a single Ph.D. chapter, or indeed even perhaps any piece of written work. Therefore we need to accept that any form of contextualisation is necessarily selective in nature. Consequently the context chapter is an attempt to focus on themes that will illuminate the later chapters, and should not be regarded as exhaustive of influences on the Levellers, still less intellectual trends in seventeenth century political thought.

Another arbitrary decision is precisely who one regards as a Leveller leader, and then once that decision is made how one attempts to analyse best the key aspects of their thought. In deciding whom one regards as the key Leveller leaders, worthy of a chapter of their own, this thesis follows tradition by examining the ideas of Walwyn, Lilburne and Overton. This does not mean to say that Wildman and Rainsborough are unimportant, and indeed a snapshot of their lives and influences will be given later in the thesis, when they become central figures. However in order to complete the goal of this section, to show the diversity of thought within the Leveller movement, these three leaders will suffice.

The construction of each chapter on the Leveller leaders is, broadly speaking, thematic as opposed to chronological. This thesis is a work of political theory as opposed to history, and whereas it will become abundantly clear throughout the thesis that context is regarded as being crucially important, it is not the purpose of this section to provide a chronological account of the development of the thought of each Leveller leader. A chronological account of the Leveller leaders would provide a comprehensive biography of each person highlighting exactly when and where a change was made in their thought; citing books read, conversations, meetings or moments of enlightenment which led a thinker to construct a political position.¹ This is not what is attempted in this section. Although there are elements of this in the following chapters, their main purpose is to examine the types of arguments used by the Leveller leaders, rather than precisely how they came by them.

¹ For this type of account of the Leveller leaders' early thought see Joseph Frank, *The Levellers; A History of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn*, (1969: Russell & Russell, New York), pp. 11 – 44.

In the context chapter we will examine both historical and intellectual factors to which the Levellers were responding in their writings. In doing this we are supporting the view that works of political theory “should be viewed as elements in a wider political discourse”, and therefore the major tenets of that political discourse should be examined so as to enlighten our understanding of the Levellers.² The key assumption that is made in the way that the context chapter is constructed is that participants in the political debates of the seventeenth century looked backwards for justification, not forwards. As will be seen when we look at John Lilburne’s use of martyrdom to enhance his political following, he is using a form of political argument that dates from Marian England via Foxe’s *Acts and Monuments*.

The Context chapter will focus on two crucial aspects of seventeenth century life, one of which was novel; the other was a theme that had dominated Europe for centuries: popular literacy and religion. As the Levellers were to make full use of the relatively newfound ability to print and publish pamphlets and newspapers, and to find an audience for them, a study of this phenomenon is needed. This will also be useful when we go on to look at the impact of petitioning and the agreements in section two of this thesis. Following this we will examine the importance of religion from two angles: firstly in providing the basis for both obedience and resistance to authority in the sixteenth and seventeenth centuries, and secondly the religious policies followed by Charles I that would form an important aspect of the opposition to his regime in the 1640’s.

² Quentin Skinner, *Liberty Before Liberalism*, (1998: Cambridge University Press, Cambridge), p.106.

Having then examined the context in which the Levellers wrote and published, this section will go on to analyse the key ideas of the Leveller leaders, namely William Walwyn, John Lilburne and Richard Overton. Our discussion of William Walwyn will focus on two aspects of his thought: firstly his justifications for religious tolerance and secondly his advocacy of 'practical Christianity', i.e. the idea that people's religious beliefs should inform the way they lead their lives in aspects other than ceremony. Walwyn will also be highlighted as illustrating the tension between reformation and renaissance thought, in that he makes use of concepts from both bodies of thought.

John Lilburne, on the other hand, will be portrayed as a political actor who uses almost exclusively religious concepts to justify his political actions. We will look at his use of biography in his pamphlets, and see how in writing about himself he (a) uses images of martyrdom which were common currency in seventeenth century England and (b) presents himself as someone with political capabilities and powers, and in so doing creates an image of the public as he would like them to be. We will also address his ascending theory of governance that will challenge the justifications of obedience that are outlined in the context chapter.

Richard Overton will also be presented as a supporter of the idea of an ascending theory of governance, but central to his claim is the idea of self-propriety, which will be examined linked to his attack on tyranny. It will be suggested that Overton's concept of self-propriety is not an attempt to build an account of how an individual acquires property, such as Locke's, but rather a political argument used to buttress his account of representative government. Overton's use of satire in

political thought will also be addressed, and it will be shown how he uses this for political ends.

Therefore section one should give us the groundwork required as to the types of arguments used by the Leveller leaders that we will see developed in other collective forms of communication such as petitions, pamphlets and debates.

Chapter one

Context

Introduction

This chapter aims to recover the historical context in which the Levellers lived and wrote, with the basic assumption that as their thought (and action) was in response to this context, the further study of it will help us clarify their ideas. Firstly we will look at the way in which ideas were disseminated in seventeenth century England, and concentrate on literacy and political consciousness. We shall see that trends in literacy, printing and the dissemination of news were allowing more people more access to political events, and that this access often resulted in political activism.

Following that we shall go on to the second element of this chapter, a study of the ideas that formed the political vocabulary of seventeenth century, and it will be suggested that the link between politics and religion is all-important. Key to this element in the chapter is to show how religion had been involved in two opposite discourses; namely in the justification for obeying government, and also in the justification for resisting government. Thus we shall examine ideas such as divine right of kings, which sought to give a religious justification for obeying an absolute sovereign; but also resistance theory, which sought to show how religion could also justify resisting a monarch.

The third element of the chapter will examine how the broad discourses described above impacted upon the immediate context of England under Charles I. This will

involve a discussion of Charles' religious policy and how those experiencing it interpreted this. This will then lead on to show the type of political endeavour that the Levellers were involved in, namely, an attempt at practical Christianity.

Literacy and reading

Whereas the time in which the Levellers were active and wrote was, by our standards, illiterate, it was, by the standards of the time, experiencing a boom in literacy and literary culture. In 1500, some 140 years before our period, around 90% of the population of Britain could neither read nor write.¹ By the 1680s this figure had dropped to around 70% (and slightly less in London, where the bulk of the Leveller support would come from), and so just a 20% rise over 180 years "was all that was required to sustain the European cultural renaissance."² The pre civil war years saw a growth in the production of "small cheap almanacs, tracts and broadsheets" which catered for trades' people who could now read.³ So there was at this time the emergence of a literary news culture, with more and more people being able to read, and having affordable material to read.

The political upheaval in the early 1640's only stoked the interest in reading, especially after the abolition of the Star Chamber court by the Long Parliament, which removed the major fears of prosecution from printers. The growing conflict between the King and his Parliament led to a "hunger of the public" for news of

¹ Nigel Wheale, *Writing and Society: Literacy, Print and Politics in Britain, 1590-1660*, (1999: Routledge, London), p.2.

² Ibid., p.2.

³ Ibid., p.6.

current events.⁴ Whereas printers of news sheets did run the risk of their goods being confiscated and burned by the public hangman, the “brisk sales and brisk profits” which the newssheets brought them made this a risk worth taking.⁵ Indeed the demand for such information was so high that many newssheets materialised, each trying to win more readers with tactics such as more elaborate woodcuttings, and each purporting to be giving the reader a more accurate description of events than their competitors.⁶ The hunger for news was such that lack of money with which to purchase newssheets, and even to a certain extent a lack of literacy was not necessarily a bar to exclusion in these literary times:

The close-printed octavo sheets were passed from hand to hand, were read aloud in ale-houses and brought out to illustrate points of arguments, were packed into carriers’ carts to keep country readers informed of what went forward in the capital.⁷

Thus the inability to afford newspapers did not necessarily exclude one from getting the news, as they were often available in public or coffee houses, or may have been passed on from friends or colleagues.

The written word did not appear to bring a reduction in the oral culture. Newssheets were read aloud, were discussed openly and were debated, with the printed word being used as an authority. Many of the pamphlets and newssheets of the civil war period, Scott suggests, “were designed for performance.”⁸ Consequently the inability to read again did not necessarily exclude you from this

⁴ C.V. Wedgwood, *The King’s War: 1641-1647*, (1983: Penguin, Harmondsworth), p.37.

⁵ *Ibid.*, p.38.

⁶ *Ibid.*, p.38.

⁷ *Ibid.*, p.38.

⁸ Jonathan Scott, *England’s Troubles: Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), p.231.

literary culture as one could still have news conveyed orally. The publications of this time can be said to have a public and to have public meaning; just as pamphlets were meant to be read communally, so to they often addressed themes around the nature of community:

Their social context was communal, not individual. A key concern of the radical literature was with the practical meaning of 'community' and 'commonwealth'. This was, in its social manifestation, a radical Christian concern. Classical republicanism was no less preoccupied with translating into practice, in place of the divisive 'private interest' of monarchy, the reality of a self-governing civic community.⁹

News also travelled orally by way of gossip, which shows the interest that there was in political events and that news could travel without the aid of the printed word. This, whereas it emphasises the public nature of news, could also be converted into private reflection on news. Gentlemen such as John Rous, a clergyman from Suffolk, kept news-diaries summarising the gossip that he picked up in his locality.¹⁰ As John Rous rarely travelled, and yet his diary reveals sophisticated knowledge of the political events of his day and age, we can assume that the provinces were well supplied with news in this turbulent time.

Statistically the boom in the printing of texts was massive, and not confined to newspapers, with over 1,000 books other than newspapers or pamphlets being published each year from 1642-1648 (as compared with 9,680 from 1624-1642).¹¹ However what is important is not just that there were more newssheets and almanacs available, and that generally the country was news literate, if not

⁹ Ibid., p.231.

¹⁰ Richard Cust, "News and Politics in Early Seventeenth-Century England", in *Past and Present*, No.112 (1986), p.65.

¹¹ Nigel Wheale, *Writing and Society*, p.6.

actually literate, but also the role that they played in politics in seventeenth century England. As the thirst for news was so great, people involved in the politics of the day began to realise that they could use the press as a tool.

The importance of the printed word is emphasised by Roger L'Estrange, the conservative, who noted that "every Coffee-house [is] furnished with News-papers and pamphlets of personal scandal, schism and Treason".¹² He went on to note the affect that this had had on the people, and the only possible remedy: "[t]is the *Press* that has made 'um *Mad*, and the *Press* must set 'um *Right* again. The distemper is epidemical; and there's no way in the world but by printing to convey the remedy to the disease."¹³ Consequently the press became accepted by most in this period, and whereas it initially tended to be a tool of the puritan critics of the government, as L'Estrange recognised, the traditional authorities assumed that the best way to answer their critics was through the press. Thus the press during this time was seen not only as a way to attack instituted authority, but it would also become an accepted channel through which ideological debates would take place. For example, privy councillors seemed willing to leak information to the writers of broadsheets, and were thus "prepared to go to considerable lengths to use the news to their advantage".¹⁴ As politicians used the press to try to build up opposition to a particular policy or person, it followed that the circulation of news became "an integral part of the political process", and one in which they "could substantially affect public attitudes."¹⁵

¹² In Joad Raymond, "The Newspaper, Public Opinion, and the Public Sphere in the Seventeenth Century", in *Prose Studies*, Vol. 21, No. 2, (August 1998), p.109.

¹³ *Ibid.*, p.109.

¹⁴ Richard Cust, "News and Politics in Early Seventeenth-Century England", p.72.

¹⁵ *Ibid.*, p.73.

Now if politicians at this time sought to use the press to alter public attitudes, then we can assume also that public opinion, in some way, was important in politics in the early seventeenth century. If it was not, why would politicians leak information? This may seem like an unimportant truism; however it is an important development that helps us to understand the Leveller movement. We will see with the Levellers' ideas and in particular those of John Lilburne that they try to create a role in politics for public opinion that did not exist in, say, divine right theory. Thus John Lilburne's pamphlets went some way to fashion a 'public sphere' in that he "created a role for his audience to play"¹⁶, and endowed them with certain political capabilities that would liken them to citizens in a 'public sphere'. He sought to involve the public in political matters and indeed, often portrayed himself as a spokesperson for the public. The press, no doubt, and the role that it allowed for the public, meant that this kind of thing was possible; a role was created for the public by the press.

A few other points should be raised regarding the modes of political communication available in the seventeenth century before moving on to look at the types of ideas being advanced. The first is that this seemingly vibrant literary and political culture was largely limited (although not exclusively limited, as the example of John Rous above illustrates) to towns and cities. Cities and towns had a combination of factors that led them to having perhaps a higher political consciousness than the rest of the country:

¹⁶ Sharon Achinstein, *Milton and the Revolutionary Reader*, (1994: Princeton University Press, Princeton), p.45.

This had much to do with the cultural and material environment of the town. Due to the substantially higher rates of literacy prevalent amongst the urban population, the presence of printing presses in London and (later) in other major urban centres, the greater density of population and the closer proximity of established political institutions, immediate political information and religious controversy formed a more powerful element of everyday life than was the case in rural areas.¹⁷

The Leveller movement, as we shall see, had links with the intense religious and political environment that was to be found in the New Model Army, and especially when they began their disputes with Parliament over pay and conditions. Outside of the army, the Levellers, with their mix of “print propaganda with street politics” were to find support in London, where thousands of citizens would sign their petitions and crowd around Parliament when they were presented.¹⁸ Thus they were to find support in an area where, in the months preceding the outbreak of the civil war, “crowds gathered to demonstrate their political views, raucously cheer those members who they supported, harass those they despised, and distribute printed propaganda.”¹⁹ Whereas the Leveller movement would later find some support in Buckinghamshire, Hertfordshire, Nottinghamshire and Rutland, with reports of petitions relating to the Arrest of John Lilburne and the *Agreement of the People* coming from these counties, the Levellers were to find little support outside the army, London and the Home Counties:²⁰ “outside of the orbit of the capital it may have aroused sympathy, but little open support.”²¹

¹⁷ Andy Wood, *Riot Rebellion and Popular Politics in Early Modern England*, (2002: Palgrave, London), p.116.

¹⁸ Ibid., p.166.

¹⁹ Ibid., p.120. See also C.V. Wedgwood, *The King's War 1641-1647*, pp. 52-55, for the role of the crowd in pre Civil War politics.

²⁰ David Underdown, *Revel, Riot & Rebellion; Popular Politics and Culture in England 1603-1660*, (1987, Oxford University Press, Oxford), p.213.

²¹ Ibid., p.213.

Therefore we can trace links between certain phenomena that developed in the cities in the early seventeenth century and an heightening concern with affairs of the state.²² The Levellers would later be able to use this heightening concern to muster support for their political programme. However we have yet to talk of any of the types of ideas and political vocabularies that were available to people living in the seventeenth century, and therefore the ideas which those, using the modes of communication that we have just outlined, would have been responding to. Therefore it is now necessary to move on to discuss the nature of politics in this time, and as we shall see, our discussions will be dominated by the role of religion.

Religion and obedience

Religious matters were political matters in the seventeenth century. The state was not a secular entity. Since Henry VIII's break with Rome, the head of the state (i.e. the monarch) had also been the head of the Church and sought to impose a religious policy on the rest of society. The nature of this religion had changed over the intervening years, from 'Catholicism without the Pope' under Henry VIII, to Protestantism under his son Edward VI, to Catholicism under Mary, Protestantism under Elizabeth and Calvinism under James I. Not only were the subjects required to obey (and, if necessary, change to) a particular religious view, but if they refused to do so, they were branded heretics and liable to be burnt at the

²² I use the phrase 'affairs of the state' here because I do not wish to imply that because rural areas did not share certain trends with regards to literacy, and because they did not have a certain *type* of political consciousness that they did not have *any* political consciousness.

stake.²³ The state was then a confessional entity that sought not only to exert its control on secular matters, but also on matters of religion.²⁴ Thus, according to the early modern confessional state it was maintained that:

[T]he rightly ordered conscience considered it both rational, and a matter of honour and duty, to accept the constitutionally validated, historically and divinely ordained arrangement that prevailed in church and state.²⁵

Whereas England today still has an established Church, it is generally accepted that religions contrary to the established Church should be tolerated, that is to say that religions should be allowed to be practiced without the say so of the state. Therefore it is perhaps surprising to our modern eyes to see that in England from the sixteenth to early seventeenth centuries, there was strong ideological support for the position that Christians should obey the Government's edicts on religious matters. However the actual form of the justification for obedience did vary.

Divine right of kings and obedience

The main theory throughout the Middle Ages and early modern period that claimed that the Christian should obey the government was that of divine right of kings, the proponents of which claimed that a monarch was appointed by God, and thus must be obeyed. Under this theory God delegates power to his representative

²³ On the extent of religious persecution see, with special reference to the rule of Mary, Jasper Ridley, *Bloody Mary's Martyrs*, (2002: Robinson, London).

²⁴ This is, of course, a rather blanket statement. Elizabeth, it is argued, did not actually care about what a person believed about religion internally; all she cared about was external obedience. Thus she claimed that she "would not open windows into men's souls", as the actual content of their belief was not a matter of concern for her (Quoted in: *Oxford Concise Dictionary of Quotations*, (OUP, 1996, Oxford), p135). Thus the nature of religious policy, as the policy itself, varied from monarch to monarch.

²⁵ David Martin Jones, *Conscience and Allegiance in Seventeenth Century England: The Political Significance of Oaths and Engagements*, (1999: University of Rochester Press, Rochester, USA), p.2.

on earth in any given state (the monarch), who then delegates it downwards to ministers and other appointees. It can be said, therefore, to be a descending theory of governance. Thus whereas power, under this system, might end up below the monarch, it has only ended up there due to the benevolence of that Monarch.

Thus, as Walter Ullmann suggests:

One can here also see a metaphorical pyramid but it was at its apex that the sum-total of power was found 'below', was derived from 'above', for, as St Paul said, 'There is no power but of God.' Here one can speak only of delegated power. It was God who had appointed a vicegerent on earth, and it was, in actual fact, this vicegerent who was held to have embodied original power. Within this thesis the people had no power other than that it had been given 'from above'. Every officer was appointed 'from above' – and not elected by popular assembly. The supreme officer was responsible to God alone.²⁶

It held that just as the monarch was appointed to rule over the secular affairs of the state, so too must the monarch (as God's appointee) be responsible for religious affairs. The theoretical underpinnings of the idea of Christian obedience to government come from St Augustine of Hippo, who, in the fifth century had urged that "God distributed the laws to mankind through the medium of kings."²⁷ Not only was the individual therefore bereft of the powers necessary to create laws, but also, according to St Augustine, the fall of man entailed that they lacked the powers of judgement to have opinions on religious or political matters. The "devastating impact of Adam's original sin on the religious and moral capabilities of all his descendants" meant that people other than the monarch not only were

²⁶ Walter Ullmann, *A History of Political Thought: The Middle Ages*, (1965: Penguin, Harmondsworth), p.13.

²⁷ *Ibid.*, p.13.

unable to act legitimately, but also did not have the capabilities to judge a situation.²⁸

Here we see central element of divine right of kings theory, that God appoints a *monarch* (usually, of course a king; but the possibility of a Queen was not ruled out) as his representative on earth in a given country, and other powers which happen to exist in that country do not challenge the powers of the king. Divine right of kings theory does not necessarily suggest that political power does not reside elsewhere, nor that a king may not delegate power to other bodies (such as an aristocracy or a parliament), it does suggest, however, that ultimately the king is solely responsible for the governing of a country.

The idea that God legitimises political authority was, of course, a common one in seventeenth century England and Europe in general. The idea that all political power comes from God and that it should be obeyed, therefore, is not necessarily solely an argument in favour of the divine right of kings unless it places a king in an unchallengeable position with regards to the affairs of the state. Calvin, as we shall see, suggests that any government that happens to exist in a country is ordained by God and, therefore, should be obeyed. Equally, just as St Augustine above, Calvin suggests that people are inherently wicked, and therefore do not have the judgement or political capabilities to criticise political authority. This, however, does not make it a theory of the divine right of kings as political authorities other than a monarch could possibly have political power. Thus power, for Calvin is ordained divinely, but not, necessarily (although possibly) to a king.

²⁸ Francis Oakley, "Christian obedience and authority, 1520-1550", in J.H. Burns (ed.), *The Cambridge History of Political Thought, 1450-1700*, (1994: Cambridge University Press, Cambridge), p.162.

Indeed, as we shall see later in this thesis, a common Leveller claim is that the ability to make political decisions is given by God to all men, and that therefore one should have a set of political institutions that keeps these powers with the people. This, therefore, could be regarded as a divine right argument, however it is clearly not an argument in favour of the divine right of kings. Thus both ascending and descending theories of governance can make use of divine right arguments, whereas divine right of kings is committed to a descending theory of political power.

Thus the phrases 'divine right', and 'divine right of kings' need to be logically separated from one another. The first suggests that political authority comes from God; the second suggests that political authority comes from God and is given to kings alone. Divine right, in the broadest understanding of the phrase, is common to most political arguments in the seventeenth century, whereas the divine right of kings is specific to a particular political argument. Neither divine right of kings nor divine right necessarily holds that the power that is given by God to a particular person or institution is absolute, that is to say that a political power is unlimited. Often bodies or institutions that had power conferred on them were regarded as being "morally bound to follow divine law".²⁹ Most theories of divine right of kings, however, are accompanied with some sort of account to show that the political judgement of the people have been corrupted, and that even should a monarch breach divine law, they would most likely be unable to detect it. Therefore whereas divine right may claim that the monarch's powers are limited, they do not necessarily contain a theory of revolution, that is to say they do not lay

²⁹ David Miller, "Divine Right of Kings", in *The Blackwell Encyclopaedia of Political Thought*, (1991: Blackwell, Oxford), p.128.

out the path that an institution or people must take to remove a king who has transgressed divine law. The right to punish monarchs who transgress divine law, more often than not, is a responsibility left with God in the next life, not with subjects in this one.

The idea that a sinful people should obey a monarch was spread around the country in the fifteenth and sixteenth centuries by the way of homilies that were issued by the government and required to be read in churches. An example of this is *An Homily against Disobedience and Wylful Rebellion* of 1570 that was the government's response to the Northern Rebellion of the previous year. The government equated obedience with godliness, as it was the "virtue of all virtues".³⁰ Had Adam obeyed God in the Garden of Eden, there would have been "no poverty, no diseases, no sickness, no death, nor other miseries wherewith mankind is now infinitely and most miserably afflicted", thus suffering and government were a punishment for humanity's sinful nature.³¹ Thus as Adam failed to obey the chief virtue, which led to our fall, it held that disobedience was inspired by the devil who is the "grand captain and father of all rebels".³² The purpose of this homily was not just religious, however, but also to show why an individual should obey government. It was to show how every man "and every woman and child was expected to obey their immediate superior."³³ This then set up the "Great Chain of Being" whereby each individual obeyed his or her

³⁰ "An Homily against Disobedience and Wylful Rebellion", in David Wootton (ed.), *Divine Right and Democracy; An Anthology of Political Writings in Stuart England*, (1986, Penguin, London), p.94.

³¹ Ibid., p.94.

³² Ibid., p.95.

³³ Anthony Fletcher, *Tudor Rebellions*, (1970: Longman, London), p.4.

immediate superior, with the monarch being at the top of this chain.³⁴ The monarch was placed therefore at the top of the human chain by God, to restore obedience to a sinful people, and therefore was to be obeyed as if they were a God themselves:

After this breach of obedience to God and rebellion against his majesty, all mischiefs and miseries breaking in therewith and overflowing the world, lest all things should come into confusion and utter ruin, God forthwith, by laws given unto mankind, repaired again the rule and order of obedience thus by rebellion overthrown, and, besides the obedience due unto his Majesty, he not only ordained that in families and households the wife should be obedient unto her husband, the children unto their parents, the servants unto their masters, but also, when mankind increased and spread itself more largely over the world, he by his Holy Word did constitute and ordain in cities and countries several and special governors and rulers, unto whom the residue of his people should be obedient.³⁵

An Homily against Disobedience and Wylful Rebellion, therefore, was an argument in favour of the divine right of kings as the king was placed at the top of the chain of being, however it also gives certain powers, in certain situations, to other people. A wife should obey her husband not because the king had given him his power, but because it was part of God's plan. Whereas the husband had his powers, they did not, or could not challenge the powers of the king, who was at the top of the chain and solely responsible for certain types of decision. This idea was carried on by James I, in *A Speech to the Lords and Commons of the Parliament at White-Hall* in 1610, James asserted that "a king is truly *parens patriae*, the political father of his people."³⁶ Indeed he stated that not only should his subjects regard him as a God, "but even by God himself they [monarchs] are

³⁴ Ibid., p.5.

³⁵ "An Homily against Disobedience and Wylful Rebellion" p.95.

³⁶ James VI and I "A Speech to the Lords and Commons of the Parliament at White-Hall", in David Wootton (ed.), *Divine Right and Democracy*, p.107.

called gods.”³⁷ Therefore there is a strong strand of thought that saw the monarch as being personally ordained by God, which then entailed a theory of obligation of the obedience due to the monarch that was equated with obedience to God.

Calvin and obedience

There were, of course, other theological viewpoints on absolutism that were popular in the sixteenth and seventeenth centuries. John Calvin, an author whose ideas would later provide ammunition for those who would justify resistance to monarchs, also presented a case why people should obey any government that happened to exist. Calvin held that all government is established by God, and that the main duty of the subjects of that government is “to hold their office in the highest possible regard; that is, to recognize it as a commission delegated... by God, and on this account to revere them as God’s ministers and representatives.”³⁸ He goes on to suggest that it is “impossible to resist the magistrate without also resisting God.”³⁹ Due to this commission by God, Calvin asserts that the individual should obey any magistrate that exists, and that if their King is a bad one they should hold him “in the same honour and reverence as would be accorded an excellent king, if they had such a one.”⁴⁰ Thus just as the Divine Right of kings theorists had done, Calvin claimed that political authority was created by God, not by man, and thus it should be obeyed.

[I]t is not at all by the perversity of men that kings and other superiors obtain their power over all things on earth; on the contrary it comes

³⁷ Ibid., p.107.

³⁸ Harro Höpfl (ed.), *Luther and Calvin on Secular Authority*, (1991: Cambridge University Press, Cambridge), p.74.

³⁹ Ibid., p.75.

⁴⁰ Ibid., p.77.

about by the providence and sacred ordinance of God, whose pleasure it is to have mankind goverened in this manner.⁴¹

Calvin states that government is necessary for life in this world, and is not at all contradictory to the teaching of the Bible. He addresses those who point out that the Bible suggests that Christians should not condone difference in rank and wealth by suggesting that this does not mean that they should not exist in this world. Instead Calvin asserts that what is meant here is that “what your status or condition in the world is, and under the laws of the nation you live, are a matter of indifference, for the kingdom of Christ in no way inheres in such things.”⁴² So just because you are no more likely to be saved because you are rich or poor, or from the aristocracy or the masses, or just because these distinctions will not exist in heaven, does not mean to say that these distinctions should not exist in this world for Calvin. Difference in status is necessary for order in this world, and is obviously necessary for government. Calvin points out that government would not be necessary if everyone were perfect, however man is far from perfect, and thus Calvin takes a similar tone to that laid out in *An Homily against Disobedience and Wylful Rebellion*, stressing the essentially sinful nature of humanity.

As for the claim that the perfection of the Church of God must be so great as to make all other government and laws redundant, this is stupidity, for it is to imagine a perfection which can never be found in any association of human beings. The effrontery of the wicked is so great, and their evil-doing so incorrigible, that [even] laws of great severity are scarcely enough to hold them in check. If not even force is enough to restrain them from wrong-doing, how would we expect them to act once they [were to] see that they could do what evils they pleased, with impunity.⁴³

⁴¹ Ibid., p.52.

⁴² Ibid., p.49.

⁴³ Ibid., p.50.

So government is legitimised because God establishes the powers of its magistrates, and because it is necessary due to the lack of perfection on the part of humanity. Whereas this account so far looks very similar to that given by divine right of kings theorists, in that political power is ordained by God, and that people are inherently sinful, there are, however, some notable differences between the two accounts of government.

The first major difference Calvin strikes with the divine rights theories is that he does not regard monarchy as being the only form of valid government, nor even the best. Calvin asserts that there are three forms of government “which philosophers refer to”⁴⁴ which are kingship, aristocracy and popular rule, and that each form of government has its pitfalls in that each can turn into an unpleasant form of its original. He suggests that kingship can change to tyranny, aristocracy can change to faction and popular rule can easily change to sedition, so no form of government is perfect. Of course this is all pure Aristotle⁴⁵, who also made this classification of governments, and Calvin is united with Aristotle in his admiration of “aristocracy, either pure or in a mixed form compounded of aristocracy and polity, greatly excels all the others.”⁴⁶ This is because, should more than one person be involved in governing should anyone exceed his authority, “there will be others to act as his censors and masters, to curb his licence.”⁴⁷

Whereas Calvin outlines how there are various types of government which are possible, and offers his comments on which is the most preferable one, he makes it

⁴⁴ Ibid., p.56.

⁴⁵ See Aristotle, *The Politics*, (Trans.) T.A. Sinclair, (1981: Penguin, London), especially Book IV.

⁴⁶ Harro Höpfl (ed.), *Luther and Calvin on Secular Authority*, p56.

⁴⁷ Ibid., p57.

clear, however, that he thinks that subjects are bound to support whichever type of government exists in their state, and should not make judgements about which form of government is the best. He makes it clear that it is “utterly pointless for private men, who have no right to decide how any commonwealth whatever is to be ordered, to debate what would be the best state of the commonwealth... in the place where they live.”⁴⁸ This is because different people require a different form of government, and therefore “divine providence has so disposed that different regions are governed by different sorts of regime.”⁴⁹ As it is divinely ordained, subjects must “be obedient and dutiful to whomever he has appointed ruler over the place we inhabit.”⁵⁰ Therefore Calvin’s ideas, whereas they do not give the divine right theorists complete ideological support, do provide an account of divine support of government.

Sceptical justification for obedience

So far we have looked at two accounts of political obedience that sought to justify obedience upon the basis of divinely ordained power. Later I shall also show how religious ideas (and especially those from Calvin and Luther) would also lead to resistance theories, that is to say that there was a religious reason for disobeying government. Before we do this, however, we should pause to look at the one justification for political obedience that we haven’t looked at so far, namely the sceptical justification for political obedience, one that did not necessarily depend upon religious arguments.

⁴⁸ Ibid., p56.

⁴⁹ Ibid., pp57-58.

⁵⁰ Ibid., p58.

Whereas we generally accept that scepticism about the truth claims of various religions and toleration for various religions go hand in hand, Richard Tuck has pointed out that in the sixteenth and seventeenth century claims were being made from a sceptical background to justify religious repression. The basis for this repression was to keep domestic political peace, and consequently they were not repressing in order to save souls or for any religious reason, but rather for purely political reasons.

It was to Michel de Montaigne that those wanting to repress on political grounds turned for philosophical justification. He, like other sixteenth century sceptics, was, as Tuck suggests, “struck most forcibly by the absence of any secure criterion for discriminating between rival theories about the physical and moral worlds.”⁵¹ Montaigne asserts, “what truth is that, which these mountaignes bound, and is a lie in the world beyond them?”⁵² Thus the local character of ‘truths’, according to Montaigne, made them contestable. This was as true of religion as it was any other set of moral ideas.

Montaigne consequently advocated a life of *ataraxia*, that is to say detachment from the passions and beliefs that brought pain and destruction. Why detachment from those factors which brought pain and destruction was so important to writers such as Montaigne was due to the Stoic inheritance in sixteenth century philosophy – Stoics placed a supreme importance on self-preservation, and consequently any idea or belief that was likely to put you in danger should be

⁵¹ Richard Tuck, “Scepticism and Toleration in the seventeenth century”, in Susan Mendus (ed.) *Justifying Toleration; Conceptual and Historical Perspectives*, (1998:Cambridge University Press, Cambridge), p.23.

⁵² Ibid., p.24.

jettisoned. How this affected Montaigne is that he developed the idea that one should abide by the moral and religious standards of the society in which one lived, as if one didn't, one would be taking the truth-value of one's own personal moral and religious views too seriously. This would put you in danger of persecution by the state or the majority for holding a set of opinions that, for Montaigne, had no higher claims to truth than that of the majority. It would also create unneeded friction between members of any one society over issues that were deemed, by the sceptical mind, to be unimportant. Thus from a sceptical philosophical background, Montaigne justified the attempt to assert religious uniformity upon the grounds of civil peace. As any religious claims, such as those made by Protestants in a Catholic state, or vice versa, or Puritans under the reigns of the late Tudors and early Stuarts, would lead to civil unrest due to, what Montaigne felt to be, unsafe premises.

This form of reasoning would lead, in our period, to the philosophy of Thomas Hobbes, who would argue that we should obey the state not because it has any special access to truth in religious matters, nor because it was ordained upon religious grounds. Hobbes would, of course, base obedience upon a social contract, and the need to keep peace, and thus the sceptical argument would be appealed to in the seventeenth century. However, more importantly for our purposes here, is that not only was the need for obedience to government put forward by religious arguments, but also by sceptical ones. We shall see later in this thesis how Walwyn manages to synthesise religious and sceptical arguments to make the case for religious toleration. However we should not imagine that

because proponents of obedience used religious arguments, that its detractors did not also use them.

Resistance theory

Religion in the seventeenth century was a double-edged sword. Just as it had been used to justify obedience to a divinely ordained monarch or government, so too had it been used to justify active disobedience to the monarch or government. The link between church and state, had led resistance theories to develop in which it was claimed that it was legitimate for the subjects to overthrow a reigning monarch. These had been especially prevalent in the reign of Mary.

Most of the protestants who Mary had put to death believed in the doctrine of Christian obedience, that the Monarch was to be obeyed at all costs, and that they were to accept any punishment that the Monarch decided to dish out as their ultimate goal was the next life, not this one. Thus most “had patiently suffered without resistance...all the taunts and the humiliations inflicted on them, and they had faced their last agony in the fire, confident that they were going to their wedding and would soon be with Christ in Heaven.”⁵³ It was, they believed, God’s job to punish their persecutors, not the subjects of a monarch. Thus when John Bradford was condemned as a heretic, and burnt at the stake on 1st July 1555, he exclaimed “God forgive you this, Master Sheriff”, before calling to John Leaf

⁵³ Jasper Ridley, *Bloody Mary’s Martyrs*, p.171.

(who was being burned on the same stake), “Be of good comfort, brother, for we shall have a merry supper with the Lord this night.”⁵⁴

The sight of 280 Protestants being burned to death led people to reevaluate their Christian Obedience. Whereas the burning of heretics was not peculiar to Mary’s reign, “their scale was.”⁵⁵ When Julins Palmer, a Catholic who witnessed the public burnings of Nicholas Ridley and Hugh Latimer, two of the most senior protestants to be burned to death in Mary’s reign in 1554, he began to question his religious beliefs. Palmer witnessed Ridley’s legs burn off whilst he was still alive and the frantic efforts of his brother in law to end his misery. He added more wood to the fire so that he would burn more quickly, however his efforts only succeeded in extinguishing the fire, thereby extending Ridley’s ordeal.⁵⁶ Palmer exclaimed upon this “O raging cruelty! O tyranny tragical and more than barbarous!”⁵⁷ He then repudiated the Pope and Mary, and accepted the Protestant doctrine, presumably because he felt that no true religion could accept such acts. Palmer was later condemned and burned as a heretic himself.

Another who protested against the burnings of Protestants, and turned his thoughts into a coherent political argument against Mary was the Scottish Protestant John Knox who had, with other Protestants (such as John Foxe) illegally left the country in the early days of Mary’s reign, and had taken up residence in Dieppe.⁵⁸ John Knox began to wonder if “obedience is to be rendered to a magistrate who enforces idolatry and condemns true religion”, which, of course, were the

⁵⁴ Ibid., pp.101-2.

⁵⁵ C. S. L. Davies, *Peace, Print and Protestantism 1450 – 1558*, (1997, Paladin, London), p.302.

⁵⁶ Jasper Ridley, *Bloody Mary’s Martyrs*, p.117-118, p.150-151.

⁵⁷ Ibid., p.151.

⁵⁸ Ibid., p.52.

principal protestant complaints about Catholicism.⁵⁹ This question was of interest not only to English Protestants, but also to those across Europe who were facing Catholic rulers “reimposing religious unity by force.”⁶⁰ Knox posed his question to Calvin in Geneva and then to Heinrich Bullinger in Zurich, and failed to receive justification for disobedience from either.⁶¹ This did not prevent him from publishing *Admonition to England* in 1554, which not only attacked the Queen’s advisors, a relatively common form of political criticism, but also the Queen herself.⁶²

He wrote that if, in the reign of Edward VI, the Protestant government had put Gardiner, Bonner and Tunstall to death for idolatry, they would not now be burning Protestants. He was more cautious in his comments about Mary herself; but he hinted, though he did not expressly say, that the same applied to her. If the government of Edward VI had put ‘mischievous Mary’ to death for illegally celebrating her idolatrous Mass, everyone would have said that this poor princess had been unjustly persecuted; but God had ordered Jehu to put Jezebel to death, and Jezebel had killed fewer of God’s chosen people than Mary had burned in London alone.⁶³

The proponents of this stream of thought became known across Europe as the monarchomachs or king-killers, and their theory became popular throughout Europe as a resistance theory against Catholic monarchs. There were two distinct types of resistance theory, the Lutheran ‘private-law’ theory, and the Calvinist ‘constitutional’ theory, both of which, however, sought to justify the deposing of an unjust monarch. Gregory Brück, John of Saxony’s chancellor, was a key figure in the development of the Lutheran ‘private-law’ theory of resisting an unjust

⁵⁹ In Quentin Skinner, *The Foundations of Modern Political Thought, Volume Two: The Age of Reformation*, (1978: Cambridge University Press, Cambridge), p.189.

⁶⁰ Ibid., p.190. See also pp. 189 – 191 on the Catholic resurgence across northern Europe.

⁶¹ See Ibid., p. 189 and Jasper Ridley, *Bloody Mary’s Martyrs*, p.172.

⁶² Jasper Ridley, *Bloody Mary’s Martyrs*, pp.172-173.

⁶³ Ibid., p.173.

monarch. He utilised the civil and canon law theory of the private-law, which stated that, under certain circumstances, it was “justifiable to repel unjust force with force.”⁶⁴ This law was meant simply to apply to private individuals, not to governors, but Brück extended its remit. He wrote that should a judge exceed the bounds of their authority, then “he is no longer acting as a judge in the relevant matter but merely as a private person”, and this means that it is as lawful to resist him with violence as it would be with any other private person.⁶⁵

This assertion has two important ramifications. Firstly, if a monarch can exceed their authority it holds that there must be some limits to their authority. Brück cites religion as an area in which “the Emperor has absolutely no jurisdiction at all”, thus any attempt to impose religious uniformity must, by its very nature, be an example of a magistrate exceeding their authority which can then be resisted.⁶⁶ For Brück the powers of the Emperor were purely secular, whereas divine right theorists maintained that, as the monarch was God’s representative on Earth, their power extended beyond affairs of the state to include matters of religion as well.

Secondly, if the monarch could only legislate on certain matters without facing the threat of being deposed, then there appears to be a theoretical distinction between the person of the monarch on the one hand, and their powers on the other. Rather than the individual monarch being the possessor of powers from God, as divine right theorists asserted, the monarch and their powers are separated, as there are only certain things that he/she can legitimately do. The monarchomachs maintain

⁶⁴ Quentin Skinner, *The Foundation of Modern Political Thought; Volume Two: The Age of Reformation*, p.198.

⁶⁵ Ibid., p.198.

⁶⁶ Ibid., p.198.

“the contract of government must always have the effect of imposing terms and conditions on the exercise of public power.”⁶⁷ Thus by doing this they are using a conception of popular sovereignty about the origins of the power of the monarch⁶⁸, which then forms part of the transition from seeing sovereignty in “personal and charismatic terms”⁶⁹, to being wholly separate from the incumbent of a position. This has potentially radical consequences, as if one says that the holder of a position is sovereign rather than the person, it holds that you can remove a person from their position without materially damaging sovereignty. However the ‘private-law’ theorists also sought to show how by putting forward their theory, then they were still obeying the Christian obedience that was so important at the time. They claimed that as they were using civil and canon law to support their theory, that established law of governing authorities supported their theory. Thus they are saying that as the law allows resistance, then it is part of their Christian obedience to depose an unjust ruler as it is part of that ruler’s law.⁷⁰

The ‘constitutional’ theory favoured by Calvinist theologians rests on different assumptions to that of the ‘private-law’ theory. We saw above how Calvin asserted that God puts all government in place, and thus we have a duty of obedience to whatever type of government that exists where we live. The ‘constitutional’ theorists would extend this slightly to say that God sanctions all authority, and that certain types of authority could remove other types of authority. Andreas Osiander would claim that God ordains not only emperors (i.e. superior

⁶⁷ Quentin Skinner, “From the State of Princes to the Person of the State”, in Quentin Skinner (ed.) *Visions of Politics; Volume II: Renaissance Virtues*, (2002: Cambridge University Press, Cambridge), p.389.

⁶⁸ Ibid., p.388.

⁶⁹ Ibid., p.368.

⁷⁰ Quentin Skinner, *The Foundation of Modern Political Thought; Volume Two: The Age of Reformation*, pp.200-202.

magistrates), but also princes (inferior magistrates), and thus the emperor is not alone in his position of authority. This idea of superior and inferior magistrates comes, of course, from the Habsburg, which in the sixteenth century “covered much of western and central Europe and was beginning to include the best part of the recently discovered New World.”⁷¹ In a multi-national empire such as the Habsburg that covered such a vast area, the superior magistrate would be the Emperor, however local princes would have powers over their immediate population. The ‘constitutional’ theory of resistance looked to the regional rulers to prevent the Emperor from imposing the Catholic religion by force.

Thus the inferior magistrates are ordained by God and can resist the superior magistrate should they fail to fulfil their duties:

If a superior magistrate should fail to perform the duties for the sake of which he has been ordained – and which he may even have sworn to perform, as the Emperor swears in his election Capitularies – he may lawfully be resisted by his inferior magistrates, who are ‘no less ordained of God’ to ensure that the paramount need for good and godly government is unswervingly upheld.⁷²

John Knox, despite being a Lutheran, developed the ‘constitutional’ theory of resistance in his propaganda battle against Mary. Knox claimed that we should regard both the monarch and the nobility as being ordained with powers from God, and that certain political powers have been assigned to the nobility.⁷³

Powers are not given to any type of magistrate “to reign as tyrants”, but rather

⁷¹ G.R. Elton, *Reformation Europe 1517-1559*, (1963: Fontana, London), p.35.

⁷² Quentin Skinner, *The Foundation of Modern Political Thought; Volume Two: The Age of Reformation*, pp.204-205.

⁷³ *Ibid.*, p.211.

they have been ordained “for the profit and utility of others”.⁷⁴ Should the monarch, Mary in this case, fail to exercise their powers in the way in which they were granted, then the nobility are perfectly justified in removing Mary from power. Indeed not only are they perfectly justified in doing this, but they have an obligation to do so.⁷⁵ Thus the ‘constitutional’ theory manages to justify, as the ‘private-law’ theory does, resistance whilst at the same time claiming to follow Christian obedience.

Knox’s theory is specifically anti-catholic in that he argues for “resistance to ... Catholic clergymen, not to governments in general.”⁷⁶ He claims that all kings receive their powers from election, and that it is *never* permissible to elect an idolater (i.e. a Catholic). As a promise made to a Catholic is not binding, it follows that should a Catholic be elected to the monarchy then they should immediately be deposed.⁷⁷

We have looked so far solely at the Protestant political reaction to Catholic religious persecution, however we should remind ourselves that religious persecution, and reactions to it, were not limited to Catholic monarchs. The aim of many of the reformation writers was not to allow religious toleration, but to replace a false religion with a true one. Many Protestant monarchs were equally unwilling to allow dissenters to practice their religion, a fact made more relevant by the growth in Puritan thought. Many Puritans felt that they were being persecuted by Elizabeth I, and consequently this led to pamphlets and books being

⁷⁴ Ibid., p.211.

⁷⁵ See Robert M. Kingdon, “Calvinism and Resistance Theory”, in J.H. Burns (ed.) *The Cambridge History of Political Thought 1450 – 1700*, p. 198.

⁷⁶ Ibid., p.199.

⁷⁷ Ibid., p.199.

printed attacking her government. One example of this are the Marprelate tracts, that influenced Richard Overton's thought.

Marprelate tracts

It has been suggested that the Leveller Richard Overton had involved himself in the re-publication of some of Job Throckmorton's Marprelate tracts 1640 and 1642.⁷⁸ Throckmorton's satirical pamphlets were intended to highlight the oppression of the puritans in Elizabethan England, a topic that, for reasons we shall see, was perceived to be highly relevant under Charles I. In these Marprelate tracts, Throckmorton had used a method of satire similar to that of Erasmus in *The Praise of Folly*, whereby "the author impersonated the object of attack, in order to ridicule that object."⁷⁹

Overton, of course, had the advantage over Throckmorton in re-publishing his tracts in that, by the 1640's, censorship had all but collapsed, whereas the Marprelate pamphlets were "anonymously and illegally printed".⁸⁰ The Marprelate tracts were printed in 1588-9 as a response to John Whitgift's (Elizabeth I's Archbishop of Canterbury) policy of persecution of puritans. Whitgift, a Calvinist who, nevertheless, had an "abhorrence for innovation in religion"⁸¹ is credited with all but killing off the Puritan movement in Elizabethan

⁷⁸ See Nigel Smith, "Richard Overton's Marpriest Tracts: Towards a History of Leveller Style" in *Prose Studies*, Vol. 9, No. 2 (1986), p.43.

⁷⁹ *Ibid.*, pp.43-44.

⁸⁰ Christopher Hill, "Radical Prose in 17th Century England: From Marprelate to the Levellers", in *Essays in Criticism*, Vol. XXXII, No. 2, (April 1982), p.99.

⁸¹ John Guy, *Tudor England*, (1990: Oxford, Oxford University Press), p.307.

England. Throckmorton attempted to use his Marprelate tracts to gain support for the puritans. His writing style was an important factor in this attempt. The Marprelate tracts were different to most puritan tracts in that they were written “in a witty, rumbustious, savage and extremely effective colloquial style.”⁸² So much so in fact that, as Overton would find 60 years later, they “shocked even some of the respectable Puritans whose cause Marprelate was defending.”⁸³ Throckmorton explained in one pamphlet why he used this style:

I saw the cause of Christ's government and of the bishops' antichristian dealing to be hidden. The most part of men could not be gotten to read anything in the defence of the one and against the other. I bethought me therefore of a way whereby men might be drawn to both, perceiving the humours of men in these times (especially of those that are in any place) to be given to mirth. I took that course. I might lawfully do it. Aye, for jesting is lawful by circumstances, even in the greatest matters. The circumstances of time, place and persons urged me thereunto.⁸⁴

He mocked the political authorities of the time, calling Whitgift names from the playfully childish such as “nunckle Canterbury”, to the deadly serious “a plain Anti-christ”.⁸⁵ This kind of satire was so serious that Throckmorton's printers were tortured, and one person suspected of writing the pamphlets was thrown in prison whilst another was hanged.⁸⁶ However the style was successful as it “brought the Puritan cause into the market place”⁸⁷, in that it made their message more accessible to a wider range of people than traditionally would have engaged

⁸² Christopher Hill, “Radical Prose in the 17th Century England”, p.99.

⁸³ Ibid., p.99.

⁸⁴ In Ibid., p.99.

⁸⁵ Ibid., pp. 99-100.

⁸⁶ See Ibid., p.101.

⁸⁷ Ibid., p.101.

with political messages. Indeed, as Christopher Hill points out, Marprelate appealed to the same “audience to which the Levellers were later to appeal.”⁸⁸

The link between Overton and Throckmorton is cemented still further by Overton's fashioning of Martin Marpriest, the subject of some of his pamphlets as the son of Martin Marprelate. He is presented as “a chip of the old block”⁸⁹, and in doing so Overton is trying to stress the similarity between the religious intolerance of the 1580's and the 1640's. This hints at the relevance of Throckmorton and religious struggle in Tudor England, as the people living in seventeenth century England perceived themselves to be living in a similar age.

Relevance

Why is this history of resistance theory relevant to a study of the Levellers? Firstly resistance theory was discussed and read throughout the English Civil War, and especially in the years immediately prior to the execution of Charles I. For example, William Walker translated Herbert Languet's pamphlet of 1579, *Vindiciae Contra Tyrannos*, into English in 1648. The bookseller and collector of pamphlets George Thomason included this translation in his collection, and wrote on the frontispiece the phrase “king killer”.⁹⁰ At the same time the constitutional resistance theory argument would be developed by parliamentary propagandists to justify their taking up arms against the King. They would argue that the

⁸⁸ Ibid., p.101.

⁸⁹ Nigel Smith, “Richard Overton's Marpriest Tracts: Towards a History of Leveller Style” p.45.

⁹⁰ British Library, Thomason Tracts, E 430 (2). The original authorship of this pamphlet is in dispute, however this need not concern us for our purposes (see Quentin Skinner, *The Foundation of Modern Political Thought; Volume Two: The Age of Reformation*, p.305n).

Parliament is a legitimate authority, and as such they have the power to resist the superior magistrate should he fail to fulfil his duties.⁹¹ Parliament claimed to be a legitimate authority in that they represented the people, and it was from this claim that the Levellers would shape their key rhetorical twist in suggesting that that form of representation should be more literal. Secondly, and perhaps more importantly, the reign of Mary was responsible for Foxe's *Book of Martyrs*, which as well as being widely read due to the increased amount of material being available to the population, played a large part in influencing the thought and action of John Lilburne. Foxe's *Book of Martyrs* was popular reading material in the seventeenth century, and its images of the protestant Martyrs who suffered at the hands of a Catholic persecuting monarch were to become resonant once again under the rule of Charles I.⁹² God's service was the chief aim of the Christian, and to suffer in this life was a small price to pay for the rewards that waited in heaven for the martyr, and Lilburne would often portray himself to be such a martyr. For example, in *Innocency and Truth Justified*, Lilburne talks of the punishment he received from the government for importing illegal religious books into the country, and talks in a similar manner to John Bradford above:

[M]ade me one with himself, and also, hath made knowne unto me, that there is that excellencie in the injoying of himselfe alone, that will balance downe all the miseries, calamities, and distresses, which it is possible for the malice of man to heape upon me, the riches of which excelencie, is so transcendent, that it is worth to fोगing of all earthly

⁹¹ See Warren Chernaik, "Biblical Republicanism", in *Prose Studies*, Vol.23, No. 1, April 2000, pp. 149-150.

⁹² William Walwyn also uses the imagery of the Marian martyrs when he comes under attack for his political proposals reminding readers how "falsly and vilely were our Martyrs reproached and cruelly used in Queen Maries daies, for opposing the wickednesse of the great ones of that time". (William Walwyn, *The Fountain of Slaunder Discovered*, British Library, Thomason Tracts, E. 557 (4), p.3.

delights and pleasures, yea, Father, Bretheren, and kindred, and a mans owne life, and outward welfare.⁹³

However resistance theory is relevant thirdly, and most importantly, due to the fact that people in the early seventeenth century felt that they were experiencing similar religious struggles to those faced in the sixteenth century. Thus it is worth spending some time examining religion in the seventeenth century.

Religion in the seventeenth century

Religion has now become the focus for the explanation of the outbreak of English Civil War. As in the seventeenth century, as it had been in the time of Mary, “religion and the state were indivisible”⁹⁴, the failure of a religious policy could lead to the failure of a monarch. At the same time, due to the fact that religion was so widely believed in during the seventeenth century, it followed that it could lead individuals to commit acts that they would not ordinarily contemplate for secular reasons. H.N. Brailsford suggests that it has never been the habit of English gentlemen “to thrust their swords into each other’s bowels because lawyers were at odds over questions of constitutional theory.”⁹⁵ Religion, on the other hand, could lead them to such acts. Scott suggests that what “defined the lives of most seventeenth-century people was not self, or political government, but the government of God.”⁹⁶ Indeed one MP from the Long Parliament suggested

⁹³ John Lilburne, *Innocency and Truth Justified*, British Library, Thomason Tracts, E. 314 (22) p.2.

⁹⁴ Jean Morrin, *Civil War: The War of the Three Kingdoms*, (2002: Open University, Milton Keynes), p.4.

⁹⁵ H.N. Brailsford, *The Levellers and the English Revolution*, Christopher Hill (ed.), (1983: Spokesman, Nottingham), p.2.

⁹⁶ Jonathan Scott, *England’s Troubles*, p.233.

that “religion is our *primum quaerite*, for all other things are but etceteras to it”⁹⁷, thus it was religion, and the interpretation of it, which governed the thinking of political actors of the time.

Important to religion in the seventeenth century was the way that it was conveyed. To communicate religion in a particular way could, as we have seen above, convey a political message, and as a consequence “wars were fought to secure control of the pulpit.”⁹⁸ Catechisms may tell us a lot about the nature of the political debate in and around the English civil war, and highlight its religious backdrop. A catechism is defined as “[a]n elementary treatise for instruction in the principles of the Christian religion, in the form of question and answer”⁹⁹, thus a question which may be in the mind of the believer, is answered within the catechism. Their purpose was “to teach the principles of Christianity to the public at large”¹⁰⁰, and they had to be learnt by rote before they could take communion. The benefit of this method of learning for the church was not just that the principles of religion could be taught, but that the same answer could be relied upon by all. They must have provided a potent means of the control of ideas. The authority of this learning process is often combined with the content of the catechism, which would reinforce social and ecclesiastical hierarchies. One example of this is *John Ball’s Catechism*, written by a puritan divine in the 1620’s, and that had reached a 56th impression by 1678, which provides guidance on the fifth commandment and the individuals relationship with his superiors:

⁹⁷ In John Morrill, “The Impact of Puritanism”, in John Morrill (ed.), *The Impact of the English Civil War*, (1991: Collins & Brown, London), p.52.

⁹⁸ H.N. Brailsford, *The Levellers and the English Revolution*, p.25.

⁹⁹ OED.

¹⁰⁰ Andrew Sharp, *Political Ideas of the English Civil Wars 1641-1649*, (1983: Longman, London), p.26.

- Ques.* What is the fifth commandment?
Ans. 'Honour thy father and thy mother', etc.
Ques. Who are to be understood by 'father' and 'mother'?
Ans. Not only parents but also all superiors in office, age and gifts.
Ques. What is to honour?
Ans. To acknowledge the excellency that is in men by virtue of their place, and to carry ourselves accordingly towards them.
Ques. Are only the duties of inferiors here intended?
Ans. No, but of superiors and equals also.
Ques. What then is the duty of the commandment?
Ans. That we are carefully to observe that order which God hath appointed men, and do the duties which we owe unto them in respect of their places and degrees.¹⁰¹

This tells us not only that political matters were regularly linked with religious matters in the seventeenth century, but also that even illiterate members of society would have a body of religious knowledge that could be used by radical pamphleteers. So now that we have asserted the importance of religious affairs in the seventeenth century, it is perhaps time that we look at specific religious themes that would dominate England in the seventeenth century.

Fear of Catholicism

The religious tensions, which had been a defining feature of early modern England, led many to conclude that one should tolerate other religions in order to establish religious peace. Perhaps the most well remembered seventeenth century (pre Locke) account of toleration comes from the poet John Milton's pamphlet of 1644 entitled *Areopagitica*, in which he argued against the government licensing publications. Government licensing, of course, was one of the key tools of the

¹⁰¹ "John Ball's Catechism", in *Ibid.*, p.29.

confessional state as it could prevent publication of heretical political or religious tracts, and in so doing define as heretical anything that was contrary to the belief of the government. One key theme that Milton addresses in *Areopagitica* is that of truth, as he claims that licensing the press may result in truth being banned in the first instance as its “first appearance to our eyes, bleared and dimmed with prejudice and custom, is more unsightly and unpalatable than many errors”.¹⁰² To those that doubt this, and asserted that licensing was the best way to prevent falsehood from entering the minds of the people, he claims that this is to “misdoubt her strength.”¹⁰³ “Let her and Falsehood grapple”, asserts Milton, “who ever knew Truth put to the worse, in a free and open encounter?”¹⁰⁴

Despite this call for an open battle between truth and falsehood, and one in which, Milton was certain, the truth would win, there are certain types of opinion which Milton asserts cannot be allowed this type of toleration. The chief belief that cannot be tolerated is Catholicism as “popery, and open superstition, which, as it extirpates all religions and civil supremacies, so itself should be extirpate”.¹⁰⁵ So as Catholicism had been so intolerant to other religious viewpoints in the past, it has no right to be the recipient of toleration in the present.¹⁰⁶

¹⁰² John Milton, *Areopagitica*, in John Milton, *Prose Writings*, (1970: Everyman Paperback, London), p. 183.

¹⁰³ *Ibid.*, p.181.

¹⁰⁴ *Ibid.*, p.181.

¹⁰⁵ *Ibid.*, p.182.

¹⁰⁶ John Gray has recently highlighted John Locke’s failure to accommodate Catholics in his view of toleration as typical of the way that Liberal toleration has developed from “the divisions of monocultural societies”, a claim that, of course, could as easily been levelled at John Milton (John Gray, “Pluralism and Toleration in Contemporary Political Philosophy”, in *Political Studies*, Vol. 48, No. 2, 2000, p.323). As toleration in early liberal thought is extended only to people with certain types of religious beliefs, it follows then that toleration cannot be granted to other religious groups, and therefore it has “limited relevance to the circumstances of the contemporary world” in which there is value pluralism (*Ibid.*, p.323). I will hope to show in the following chapter on William Walwyn that whereas this may be true of Locke and Milton upon their grounds for toleration, this does not necessarily mean to say that it holds true for all early modern English theories of toleration.

In 1673 John Milton wrote *Of True Religion, Heresy, Schism, Toleration*, in which he attempted to justify religious toleration and to develop his anti-catholic stance, but here he moved away from simply saying that Catholicism does not deserve toleration due to its lack of toleration by claiming that it should not be tolerated as it is wrong. True religion, Milton asserted was “the true worship and service of God, learned and believed from the word of God only.”¹⁰⁷ As all protestants accept this rule, Milton then suggested that “no true protestant can persecute, or not tolerate, his fellow-protestant”, as their faith has the same basic precept.¹⁰⁸ Thus toleration should be the norm between Protestants because although there may be different understandings of the nature of religion, their basic assumption is the same.

False religion, or heresy, according to Milton, “is a religion taken and believed from the traditions of men, and additions to the word of God.”¹⁰⁹ Milton points his finger firmly at the Catholics as believing this, which, he concludes makes “popery...the only or greatest heresy; and he, who is so forward to brand all others for heretics, the obstinate papist, the only heretic.”¹¹⁰ Thus Milton’s call for religious toleration to all religious sects, fails to justify toleration for the Catholic:

But here the papist will angrily demand, What! are Lutherans, Calvinists, Anabaptist, Socinians, Arminians, no heretics? I answer, All these may have some errors, but are not heretics. Heresy is in the will and choice professedly against scripture; error is against the will, in misunderstanding the scripture after all sincere endeavours to

¹⁰⁷ John Milton, “Of True Religion, Heresy, Schism, Toleration”, in John Milton, *Prose Writings*, p.133.

¹⁰⁸ Ibid., p.133.

¹⁰⁹ Ibid., p.134.

¹¹⁰ Ibid., p.134.

understand it rightly: hence it was said well by one of the ancients, 'Err I may, but a heretic I will not be.' It is a human frailty to err, and no man is infallible here on earth.¹¹¹

Thus we can see something of the nature of anti – Catholicism in early modern England, however it was far more prevalent than just John Milton. Jonathan Scott comments that what one notices about the seventeenth-century English fear of popery are “its range and power: it spanned the century; it crossed all social boundaries; as a solvent of political loyalties it had no rivals.”¹¹² Puritans, for example, took to celebrating Guy Fawkes Day enthusiastically due to its anti-catholic connotations. Thus Guy Fawkes Day (or Gunpowder Treason Day, to give it its seventeenth century title) “became an occasion for affirming Protestant and national identity” and failure to celebrate it properly “automatically aroused suspicion”.¹¹³

The principal reason for this fear of Catholicism was the Thirty Years War. The Calvinist rebellions in Bohemia and Scotland and the Catholic powers attempts to re-impose Catholicism by force led many English people to fear the same type of Catholic response at home. Thus, as Scott points out, we should not ignore the European religious and political aspect of England in the seventeenth century:

The crisis of 1618-48 threw not only the whole of religiously mixed, half reformed central and western Europe into conflict, but Britain too, because Britain was part of religiously mixed, half-reformed central and western Europe. It is commonly asserted by students of European history that the thirty-year crisis of the first half of the seventeenth century followed from the unfinished business – in particular religious

¹¹¹ Ibid., p.134.

¹¹² Jonathan Scott, *England's Troubles*, p.29.

¹¹³ David Underdown, *Revel, Riot & Rebellion*, p.70.

business – of the sixteenth. This is no less evidently true in England.¹¹⁴

Therefore we can see the Levellers as being part of a response to perceived religious persecution by Charles in the same way that resistance theory was a response to religious persecution by Catholic monarchs in the sixteenth century. The contemporary belief held by many of the radical writers was that they were trying to stem back the tide of Catholicism in the same way that Knox et al had been, and that they were suffering from similar religious persecution to that Mary had administered. We shall see this with especial clarity when we look at John Lilburne as he takes on the mantle of the martyr, using Foxe's *Book of Martyrs* as a stylistic guide.

That the reformation still had a hold on the popular memory in England during the seventeenth century can be seen by the reaction to radicals such as the Levellers by the Duke of Newcastle, an advisor to Charles II upon his restoration. Newcastle thought movements such as the Levellers had involved the “vulgar” people, people who should not be involved in politics. However he thought that the people had not just entered political life in the 1640's, that is to say that their emergence was not due solely to the Civil War, but rather it had been the result of “long-term social and cultural factors.”¹¹⁵ It was the reformation, Newcastle thought, which had led to “social mobility and religious dispute”, which in turn had undermined a “hitherto static social order.”¹¹⁶ Thus Newcastle regarded movements such as the Levellers as a continuation of trends from the previous century, rather than an entirely new phenomenon.

¹¹⁴ Jonathan Scott, *England's Troubles*, p.28.

¹¹⁵ Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England*, p.28.

¹¹⁶ *Ibid.*, p.28.

In this context it is worth spending some time looking at the religious policy of Charles I, to see why these fears of popery had been aroused, and why then the situation in his rule could be compared to that of the previous century.

Charles' religious policy

The direct impact of anti-Catholicism was to be felt in England due to the religious policies favoured by Charles I. This religious policy would, due to the events of the early 1640's, have an impact on the military and political policy, and would eventually be a contributory factor in the outbreak of civil war. War would then further exacerbate religious differences.

Charles I's father, the first Stuart monarch James I, was a "creedal Calvinist" who "favoured a broad, inclusive church".¹¹⁷ This inclusiveness ran even to Catholicism, to which he exhibited a "broad-minded attitude" in his attempt for religious balance.¹¹⁸ James attempted to divide the moderate Catholics from the "small revolutionary minority" (such as those involved with the Gunpowder Plot), and whereas he enacted several new penal laws against Catholics, they "do not appear to have been enforced with any real vigour".¹¹⁹ Indeed James regarded Catholicism not as a religious problem, but rather a political one, in that he did not care which religion people followed, just so long as they pledged their allegiance

¹¹⁷ Christopher Durston, *James I*, (1993: Routledge, London), p.54.

¹¹⁸ Ibid., p.54.

¹¹⁹ Ibid., p.59.

to him. Consequently “in 1606 he devised a special oath of allegiance and tacitly offered to leave unmolested those Catholics who would swear their loyalty to him and pay their recusancy fines.”¹²⁰

Not only did James’ failure to persecute the Catholics disappoint the puritans, but so did his failure to fully reform the English Church. James was well aware that if one could not justify the rule of a bishop in the Church, one could not justify the rule of the King. At the same time James’ issuing of the Book of Sports, which provided guidance and encouragement for those wishing to partake of sporting and leisure pursuits on a Sunday, annoyed many puritans, who believed that the Sabbath should be kept for church and prayer.¹²¹ However James did achieve relative religious harmony by balancing those on the episcopal bench between Arminians and Calvinists, and he sought to achieve balance due to the fact that he needed to maintain relations between the two churches that he had direct control of, namely the English and the Scottish.

Just as Calvinism sought to be anti Catholic, Arminianism sought to be anti Calvinist, and in particular attacked the Calvinist (as held in England at the time) stance on predestination. For Jacobus Arminius, Christ died for all, not only for the elect.¹²² By attacking the idea of pre-destination, and consequently salvation by faith alone, the Arminians suggested that it was possible to achieve salvation through works; a standard Catholic belief. Charles’ Arminian Archbishop of

¹²⁰ Ibid., p.59.

¹²¹ Ibid., p.54. When a priest in Marlborough was reproached a parishioner for practicing sports on a Sunday he was promptly told that “the King did allow of it by his Book”, so the book was known by the people, if not approved of by the clergy (in David Underdown, *Revel, Riot and Rebellion*, p.66).

¹²² John Adair, *Puritans: Religion and politics in Seventeenth Century England and America*, (1998: Sutton, Stroud), p.171.

Canterbury from 1633 believed “that the holiness of worship should be distinguished by the beauty and decorum of its surroundings.”¹²³ Thus he ordered that decorative rails be placed around communion tables to emphasise the “sanctity of communion”, and brought back many religious images to the Church.¹²⁴ Arminianism was not Catholicism, nor was it close to Catholicism. Arminius’ views on pre-destination attempted merely to stress one set of Calvin’s ideas over another, and Laud’s view on beauty in the church came at a time when Bishops would rent out Churches to shelter cattle,¹²⁵ and at a time when (still) the majority of Church goers were illiterate, and thus images would help convey ideas to the population.

Despite this, however, many Calvinists and Puritans regarded Charles’ religious policies as being a return to Catholicism, with works and idolatry back to the forefront. To compound this Charles sought to impose a religious unity around Arminianism; both across England, and most importantly in Scotland. In England Laud pursued a relentless policy against those who criticised the government’s religious policy in print. The most famous recipients of this treatment were Prynne, Burton and Bastwick who had their ears cut off in public for publishing (supposedly) seditious plays and books. Sir Simon D’Ewes wrote that most of the onlookers were “affrighted” by Prynnes’ treatment, and subsequently he and his fellow sufferers gained the status of “popular heroes”.¹²⁶ Indeed one of the onlookers, John Lilburne, would later use his suffering at the hand of Charles’ star chamber to much political use. So not only did, to some contemporaries, Charles’

¹²³ Jean Morrin, *Civil War: The Wars of the Three Kingdoms*, p.5.

¹²⁴ Ibid., p.5.

¹²⁵ See H.N. Brailsford, *The Levellers and the English Revolution*, p.4.

¹²⁶ Brian Quintrell, *Charles I 1625-1640*, (1993: Longman, Harlow), p.106, p.80.

religious policy have some tenets that appeared to be a return to Catholicism, but also he had started to persecute the godly, and thus appeared to some to be like Mary.

Another issue that linked Charles to Catholicism was his wife, Henrietta Maria, “an aggressive Catholic” who “declined to be crowned with Protestant rites”, which was unlikely to make her popular in such a staunch protestant nation.¹²⁷ After the Irish Rebellion in 1641, Pym persistently insinuated that the Queen had a role in stirring Catholic violence in Ireland against the protestant settlers.¹²⁸ Indeed Henrietta Maria was certainly responsible for Charles’ lukewarm policy against Catholics within England, who escaped the level of persecution that was aimed at the Puritans. Archbishop Laud urged Charles to suppress Catholicism, but Henrietta Maria used her access to the King and “begged him not to be too harsh.”¹²⁹ Whereas Charles’ leniency against Catholics appears commendable, it led to suspicions amongst the Puritans who were at the receiving end of persecution that it was a Catholic that was persecuting them.

Charles sought to impose his revised version of the *Book of Common Prayer* on the Calvinist Scottish Kirk in 1637, beginning the political ramifications that would later lead to civil war. This attempt “provoked the revolt which united all sections of Protestant Scotland”, and would lead to the Bishops’ Wars, with Scottish forces invading the north of England.¹³⁰ This primarily religious issue, which had already led to military action, would then provoke financial and political problems

¹²⁷ J.P. Kenyon, *The Stuarts*, (1966, Fontana, London), p.63.

¹²⁸ See C.V. Wedgwood, *The King’s War 1641-1647*, p.51, p.55.

¹²⁹ Elizabeth Hamilton, *Henrietta Maria*, (1976: Hamish Hamilton, London), p.147.

¹³⁰ Martyn Bennett, *The English Civil War*, (1995: Longman, London), p.2.

for Charles. Charles was left with enormous bills from his campaign against the Scots, and faced a problem; he needed money for this campaign but he had not called a Parliament since 1629, the start of his personal rule, and in order to get taxation he needed Parliament's consent. Throughout the personal rule he had relied on extra parliamentary forms of taxation such as Ship Money and the Forced Loan to finance the government, acts which had aroused opposition in and of themselves, by such as John Hampden who led campaigns in favour of non-payment. However these tactics would not provide enough revenue to cover the costs of the Bishops' wars.

Charles expected the Parliament that met in April 1640 (the Short Parliament) to rally behind him in a patriotic fervour, however this was not the case since Parliament were nervous about waging wars against fellow protestants. Instead the House of Commons demanded that its grievances be heard before they would decide to grant the King money or not. John Pym, who led the attack, located three areas where the house had grievances:

I shall ranke these Grievances under these 3 Generall heads:
Grievances:

- 1 Ag[ains]t Libertyes of Parliament
- 2 In Matters of Religion
- 3 In Affaires of State or matters of propertye.¹³¹

Whereas Pym claimed to take care to "maintaine that great prerogative of the King that hee can doe no wrong", he claimed that they were at present witnessing "the subversion of the true protestant religion by the agents of the popish Church",

¹³¹ Ibid., p.108.

which was strong criticism indeed of Charles' policy.¹³² Monarchs claimed in the seventeenth century to be the sole decider of the religious beliefs of their kingdom, and to question this was radical indeed.

This is, of course, not a comprehensive guide to the links between religion, politics and the outbreak of the Civil War in Charles' reign; however it does give us a taster of some of the themes that will be addressed in the forthcoming chapters. Firstly it shows us how central and radical is the Leveller claim that "matters of Religion, and the wayes of Gods Worship, are not at all intrusted by us to any humane power", i.e. that the state should play no role in dictating what religions were permissible, and which were not.¹³³ It is central in that whereas it might address issues that are regarded as uncontroversial in the twenty first century, in the seventeenth century it is addressing issues that are of central importance to the political debate. It is radical in that it is putting forward a position far removed from what was either agreed to by most thinkers and politicians of the time, or from what the political reality was at the time. We should remember that "the right of individuals to opt out of the state Church, and the right of liberty of conscience...were not yet formally established", and thus the Levellers were novel in proposing it.¹³⁴ The Levellers were not attempting to replace one state religion with another; they were attempting to take religion out of the remit of competencies for a government of any kind.

¹³² Ibid., p.108, p.3.

¹³³ "An Agreement of the People", in A.L. Morton, (ed.), *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), p. 140.

¹³⁴ John Morrill, "The Impact of Puritanism", in John Morrill (ed.), *The impact of the English Civil War*, p.51.

Secondly it gives us an idea of why certain Levellers wrote in the manner that they did. On the front cover of John Lilburne's pamphlet *Innocency and Truth Justified* is the phrase let "the quintessence of sweetnesse which is Lord Jesus Christ, be alwayes your delight".¹³⁵ Later on in the same pamphlet he describes himself as being "a young soldier of Jesus Christ".¹³⁶ Lilburne, no doubt, portrayed himself as a person who was doing God's work.

Leveller pamphlets are also littered with biblical quotations, or sometimes just references. It is reasonable to expect that the people who were reading these pamphlets would know these references by rote. Just as *John Ball's Catechism* had sought to use a Christian message to enforce a political viewpoint (and indeed had taught the public at large the central tenets of religion), so too do Leveller pamphlets. Just as Calvin, James I, etc., had sought to show what the central political duties of a Christian were, the Levellers were engaged in a similar activity, although their message would be different. Rather than suggesting that one should worship according to a particular form of Christianity, the Levellers would argue that Christianity entailed practical morality, i.e. that one should live by a Christian moral code. This code, of course, had immense political implications.

The central message that the Levellers were attempting to put forward was that the political obligations of a Christian were not to obey, but rather to live the life of a Christian. The life of a Christian, Walwyn asserted, was to follow the essence of Christianity that lay in "universall love to all mankind without respect of persons,

¹³⁵ John Lilburne, *Innocency and Truth Justified*, p.1.

¹³⁶ *Ibid.*, p.2.

opinions, societies...churches or forms of worship".¹³⁷ Therefore practical Christianity was to be applied "to the economic, religious, legal and social circumstances of the time."¹³⁸ The oncoming chapters will go some way to explain precisely what political messages this moral code was.

Conclusion

We have covered a number of topics that help us to understand the context in which the Levellers were writing. We know, for example, that literacy rates were rising (especially in the cities), and that there was a growing market in newssheets aiming to cater for this growth. We have seen how the dissemination of news was not necessarily a private one in that there were informal news spreading devices such as gossip, and that printed sources were either shared through coffee shops or sometimes read aloud.

We also have examined the theological justifications for obedience to government, which would, no doubt, have been common currency in the early seventeenth century, and that whereas divine right may have been dominant, both politically and ideologically, that there was also a rich tradition of resistance theory that the people involved in the early civil war would have had access to. Thus the resistance theory that developed in civil war England is not without precedent. We have also suggested that the events around the civil war should be seen within the context of anti-Catholicism and in keeping with the theme of the discourses of

¹³⁷ Quoted in Jonathan Scott, *England's Troubles*, p. 253.

¹³⁸ *Ibid.*, p.254.

resistance of the previous century. Thus perhaps, rather than seeing the ideas around the civil war as being the beginning of something new, we should see them as being the continuation of something old.

Chapter two

William Walwyn

Introduction

This chapter aims to examine the key themes present in the writings of William Walwyn. In particular it will address Walwyn's views on religious toleration, and how these impacted upon the justifications for religious repression outlined in the context chapter. It will also address what Walwyn regards as the key duties of a Christian and, as we shall see, this involves both social and spiritual obligations. We will see that Christianity plays an important part in Walwyn's work, however we will also see that renaissance thinkers such as Montaigne heavily influenced his thought. However before we go onto examine Walwyn's thought, it is necessary to look at the man himself, and in particular his intellectual background.

The man

William Walwyn was the second son of a gentleman from Worcestershire, his maternal grandfather being the bishop of Hereford.¹ Thus, like many other Leveller leaders, he was from a gentlemanly background, but failed to become a gentleman himself due to primogeniture. Consequently he was apprenticed to a London silkman.² What this means for the purposes of his intellectual development is that he received no university education, and therefore he was largely self-taught, as opposed to his elder brother who received a university education.³ That a young man from a gentlemanly background was apprenticed to

¹ G.E. Aylmer, "Gentlemen Levellers?", in *Past and Present*, No. 49, (Nov. 1970) p.121-122.

² *Ibid.*, p.121.

³ *Ibid.*, p.121.

a tradesperson was perfectly common in early modern England, and thus we should not regard apprentices as necessarily coming from an impoverished background. Indeed as apprentices were not paid (as servants were), but rather paid a fee to the tradesperson to whom they were apprenticed, it ensured that those taking on such a trade came from a background with at least some wealth.⁴ After apprenticeship, trades people could go on to make a comfortable living; Walwyn is a case in point here as his life as a cloth merchant meant that he could maintain his wife and approximately twenty children in “a middle and moderate but contentful condition.”⁵ Thus Walwyn can be regarded as part of the class nominally known as the ‘middling sort’, in that he was neither rich nor poor, but perhaps more importantly, he had an independent way of making a living. It was precisely to this type of people, moderately affluent but denied a political voice, that the Levellers would appeal to.

His pamphleteering career saw him write extensively on religious toleration and matters of theology, as well as writing, mostly in the latter part of his life, on medical and scientific matters. Also, as we shall see, his lack of a formal education did not prevent him from accessing the humanist and religious texts that were popular in the universities at this time. Of Walwyn’s personal characteristics, it appears that Walwyn did not relish publicity like the other Leveller leaders such as John Lilburne, and consequently he wrote many of his pamphlets anonymously, leading to scholarly disputes about the authorship of

⁴ Keith Wrightson, *Earthly Necessities; Economic Lives in Early Modern Britain, 1470-1750*, (2002: Penguin, London), p.59. Wrightson also points out that apprenticeship were a means of “preparing the young for their future assumption of adult responsibilities as householders” (*Ibid.*, p.60).

⁵ William Walwyn, quoted in Joseph Frank, *The Levellers; A History of the Writings of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn*, (1969: Russell & Russell, New York), p.29.

some pamphlets.⁶ When not pamphleteering, his greatest pleasures in life seemed to be spending times in the library or the garden of his London home. Of Walwyn's personality Brailsford writes that "[w]e are at a loss to say which aspect of the man strikes us most forcibly – his strength, his intelligence, his serenity or his kindliness."⁷ However his contemporaries did not universally hold this opinion of him, as he attracted a lot of criticism due to his "alleged intentions against property and order", and he was denounced as a "dangerous underminer of all religion."⁸

Religion vs. Renaissance

The Levellers, it has been asserted, were first and foremost religious thinkers. Their political thoughts were a by-product of this, and as a result should we divorce the political theory from its religious significance, we may be robbing them of their coherence and misunderstanding the point the Levellers were trying to make. Joseph Frank makes this point by suggesting that the Levellers were "a product of the reformation rather than of the renaissance - a distinction which means, in turn, that both the roots and the original impelling force of the movement were predominantly religious."⁹

⁶ For an overview of some of these disputes, see Barbara Taft, "William Walwyn's Canon" (Appendix 1) in Jack R. McMichael and Barbara Taft (eds.), *The Writings of William Walwyn*, (1989: The University of Georgia Press, Athens, Ga), pp.527-536.

⁷ H. N. Brailsford, *The Levellers and the English Revolution*, Christopher Hill (ed.), (1983: Spokesman, Nottingham) p.61.

⁸ W. Schenk, *The Concern for Social Justice in the Puritan Revolution*, (1948: Longmans, Green and Co. Ltd, London), p.41.

⁹ Joseph Frank, *The Levellers*, p.3.

It is undoubtedly true that Walwyn's promotion of the ideas of liberty of conscience and toleration comes from his interpretation of the Bible and the Christian faith, and therefore he regards toleration as a tenet of Christian faith. He regarded Christianity not merely as a set of ceremonies but rather as a practical code to how one should lead one's life. However this reliance on the Bible does not exclude the possibility of him gaining intellectual inspiration from other sources such as the works of the renaissance. Some writers place Walwyn firmly within a humanist tradition of political thinking. Brailsford suggests that Walwyn was a "surprising figure in this Puritan age, [he] seems to have strayed into it from the humanist Renaissance."¹⁰ It is perhaps, as we shall see, more accurate to regard Walwyn's thought as being a fusion of reformation (religion) and renaissance (humanist) thought, rather than trying to categorise it as being one or the other.

We know that Walwyn read extensively from the classics, as well as from renaissance thinkers and contemporary theology. Walwyn appears to have knowledge of the sceptical works of Michel de Montaigne and his disciple Pierre Charron, both of who are said to influence his thoughts. Walwyn's opponents, who often accused him of atheism, focused on this reading matter¹¹, however this is not a charge that can be understood by anyone reading one of his pamphlets in the twenty first century. Atheism, as we understand the word, the denial of the existence of God, is not how it would have been understood by Walwyn's contemporaries. To them "[t]o be regarded as an atheist in the seventeenth century did not require a denial of the existence of God, but the denial of a 'divine

¹⁰ H. N. Brailsford, *The Levellers and the English Revolution*, p.59.

¹¹ See H.N. Brailsford, *The Leveller and the English Revolution*, pp. 541-552.

economy of rewards and punishments, in heaven and hell’.”¹² Therefore any one religious grouping might bring the charge of atheism against others who failed to share their convictions; it was this trend that Walwyn and also, perhaps to a lesser extent, John Milton would argue against.

It is true that Walwyn appears to be the best read of the Leveller pamphleteers, and his knowledge of classical and republican literature, shines through in his works. However it is also true that Walwyn also read theological works and combined his knowledge of these with his knowledge of humanist works. Nigel Smith sums up the intellectual influences and their results on Walwyn, stressing that he had knowledge of both religious and humanist texts:

In his library could be found Plutarch, Seneca, Lucian, Machiavelli, Montaigne, Charron, all in English translation, since Walwyn read no foreign or ancient languages. Walwyn was also familiar with radical religious thought, especially antinomianism, though his theological reading matter consisted also of the Episcopalians Hooker, Hall and Ussher (from whom he derived his arguments for toleration), and the Puritans Perkins and Downname. It has been argued that Walwyn threw over his humanist - inspired doubt in order to embrace antinomianism, but it is more accurate to say that he made subtle use of an extensive and familiar knowledge of the sceptical tradition to arrive at a unique radical religious and political position.¹³

An interesting comparison to note here is that many of the humanist authors mentioned in the above quote would have been the standard academic fare in the universities of the seventeenth century, with the exception that they would have also learned Latin and Greek, and therefore the texts would have been read in their

¹² Nigel Smith, ““The Charge of Atheism and the Language of Radical Speculation, 1640-1660”” in Hunter et al, *Atheism from the Reformation to the Enlightenment*, (1992: Oxford University Press, Oxford) p.134.

¹³ *Ibid.*, p.145.

original languages.¹⁴ To ground this information in political theory, Walwyn's contemporary Thomas Hobbes had a humanist education, but Hobbes also read them in their original language and indeed translated Thucydides in 1629.¹⁵ As Hobbes' translation of Thucydides was the only English version available, we can, therefore, be certain that Walwyn had read at least some of Hobbes' work.

It is from Michel de Montaigne that Walwyn gains much of his intellectual inspiration, and their link is especially apt as both authors were writing with the experiences of religious civil wars fresh in their minds. Montaigne's scepticism about the ability of any individual to find the truth can be summed up by his favourite quote "Que sais-je?"¹⁶ which he had struck on one side of a medal. Also when Montaigne retired from public life in 1570 to write *The Essays*, he daubed the beams of his library with quotes such as "all that is certain is that nothing is certain", and "I suspend judgement".¹⁷ Central to Montaigne's philosophical position is that ideas should be judged "by the ways of reason not by popular vote."¹⁸ We should not accept or reject any particular idea just because it is commonly accepted or rejected by our contemporaries, but rather you should examine ideas according to reason. An example of this is his famous essay *On the Cannibals*, in which he attempts to defend the customs and practices of the aboriginal peoples of Brazil where, he claims that the only reason we refer to the cannibals as being barbarians is that they are different to us. He states that (a) we

¹⁴ Richard Tuck, *Philosophy And Government 1572-1651*, (1993: Cambridge University Press, Cambridge), pp.3-4.

¹⁵ Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes*, (1996: Cambridge University Press, Cambridge), especially pp.231-2.

¹⁶ Peter Burke, *Montaigne*, (1981: Oxford University Press, Oxford) p.14.

¹⁷ *Ibid.*, p.14.

¹⁸ Michel De Montaigne, "On the Cannibals", in *The Complete Essays*, M.A. Screech (trans.), (1987: Penguin, London), p.228.

are not superior to these people, rather that (b) they represent a natural sort of life that we have ruined:

[T]here is nothing savage or barbarous about those people, but that every man calls barbarous anything he is not accustomed to; it is indeed the case that we have no other criterion of truth or right-reason than the example of our own country. There we always find the perfect religion, the perfect polity, the most developed and perfect way of doing anything! Those 'savages' are only wild in the sense that we call fruits wild when they are produced by Nature in her ordinary course: whereas it is fruit which we have artificially perverted and misled from the common order which we ought to call savage.¹⁹

Concentrating on their wrongdoings, Montaigne suggests, will lead us to be "blind to our own"²⁰, thus we should look at other people's beliefs being sceptical of our own. Walwyn would use this to argue that as no individual is capable of determining that his/her religious beliefs are true, that no individual, (or indeed state), should force another to adopt a faith that they do not regard as being true. He also argues that we should examine one another's faiths with the attitude that it could be us that are wrong.

We should not allow the similarities between Walwyn and Montaigne to blind us to their differences, however, as they diverge on one crucial point. Montaigne did write against and personally dislike religious repression, but thought that externally one should follow the state prescribed religion. Thus Montaigne's scepticism "cuts both ways" as it "condemned revolution no less than repression"²¹, as taking either line involves believing that you have reached the truth whereas others have not:

¹⁹ *Ibid.*, p.231.

²⁰ *Ibid.*, p.235.

²¹ Peter Burke, *Montaigne*, p.29.

It demands a great deal of self-love and presumption, to take one's own opinions so seriously as to disrupt the peace in order to establish them, introducing so many inevitable evils, and so terrible a corruption of manners as civil wars and political revolutions (mutations d'estat) bring with them.²²

Walwyn, on the other hand, took that the individual's (and state's) inability to distinguish truth from falsehood in belief meant that individuals should be left to their own consciences on matters of belief. As we discussed in the context chapter, scepticism of the truth values of religious ideas could lead either to toleration, or government prescription of which religious ideas could be practiced.

Walwyn and religious toleration

Walwyn concludes the pamphlet *A New Petition of the Papists* (1641) by claiming that he had outlined three reasons for accepting toleration: "for the quiet of the state, for the comfort of the subject, and for the love of truth".²³ Over the next five years Walwyn added two more reasons for tolerance, (1) that perceived religious differences were a trick played on the parliamentarians by the royalists, and (2) that toleration and love were Christian virtues, and therefore should be practiced by all Christians. In this section we shall outline each of these justifications, starting with 'comfort of the subject', that will be identified as Walwyn's core argument in favour of toleration. In this first discussion we shall also address the 'love of truth', and we shall see that whereas scepticism about the truth of any particular religious claim is central to Walwyn's argument, he has a thinner

²² Quoted in *Ibid.*, p.29

²³ William Walwyn, "A New Petition of the Papists", in J.R. McMichel and B. Taft (eds.) *The Writings of William Walwyn*, p.60.

conception of truth than that possessed by his contemporary John Milton, whose perhaps more famous treatment of toleration will also be examined. We shall then discuss 'quiet of the state', the idea that religious persecution would lead to civil unrest, and then look at how he thinks religious differences were a political trick. We will conclude by looking at the role of love in Walwyn's account of toleration, which will lead us into the second major discussion in this chapter, that of Walwyn's views on practical Christianity.

(I) Conscience, uncertainty and toleration: 'the comfort of the subject, and for the love of truth'

Religion is, as we shall see when we go onto discuss their collective works, an area of special importance for the Levellers. In *An Agreement of the People*, the Levellers list religion as one area in which the people's representatives, the House of Commons, do not have the power of political action. They state:

That matters of religion, and the wayes of Gods Worship, are not at all intrusted by us to any humane power, because therein wee cannot remit or exceed a tittle of what our Consciences dictate to be the mind of God, without wilfull sinne: neverthelesse, the publike way of instructing the nation (so it be not compulsive) is referred to their discretion.²⁴

Many of Walwyn's pamphlets focus almost exclusively upon the need for religious toleration, and a constant theme that recurs within these pamphlets is that in matters of religion, everyone should be "left to use his owne Conscience, [and]

²⁴ "An Agreement of the People", in A.L. Morton (ed.), *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), pp.140-141.

none to be punished or persecuted for it.”²⁵ This hints at the core of Walwyn’s argument for religious toleration; that what our conscience tells us to be true is not something that can be changed by any external factor, or indeed, one’s will²⁶ He suggests that as it is our judgement, rather than our will that makes us believe that which we believe, that it is both unreasonable and unproductive to fail to allow an individual to follow their conscience:

There is no man that profeseth a Religion, but is in conscience perswaded that to be the best wherein to save his soule, & can give no doubt some reason, yea, and alleage some authority out of the word of God for it, which is an argument that not his will, but his Judgement is convinced, and therefore holds it unreasonable, to be forced to follow other mens Judgements and not his owne in a matter of so great importance as that of his salvation is...²⁷

This is a subject that Walwyn returns to in *The Compassionate Samaritane* in 1644, when he asserts that religious faith is not a voluntary action, and that individuals cannot help the religious opinions they have. He asserts that “what judgement soever a man is, he cannot choose but be of that judgement.”²⁸ Walwyn adds to this account the idea that, as our beliefs about religion are uncertain, no one individual, or group of individuals has a privileged access to truth. Thus all those who hold religious beliefs are as likely as any other to be mistaken about those beliefs, including church and state authorities. This was, of course, an extremely radical statement at a time in which, as we saw in the context

²⁵ William Walwyn, “A New Petition of the Papists”, in J.R. McMichel and B. Taft (eds.) *The Writings of William Walwyn*, p.57.

²⁶ This is, of course, very similar to Locke’s later ‘irrationality thesis’; that state persecution work on the will, but that “belief is not subject to the will, and so those who would attempt to induce religious belief by applying the coercive means at the disposal of the state are engaged in fundamental irrationality.” (Susan Mendus, *Toleration and the Limits of Liberalism*, (1989: Macmillan, Basingstoke), p.26.

²⁷ William Walwyn, “A New Petition of the Papists”, in Jack R. McMichael and Barbara Taft (eds.), *The Writings of William Walwyn*, p.57.

²⁸ William Walwyn, “The Compassionate Samaritane”, in David Wootton (ed.), *Divine Right and Democracy: An Anthology of Political Writing in Stuart England*, (1986: Penguin, London), p.249.

chapter, the state sought to secure dominance over which religious beliefs were true, and which heretical:

The uncertainty of knowledge in this life. No man, nor no sort of men, can presume of an unerring spirit. Tis known that the Fathers, General Councils, National Assemblies, Synods and Parliaments in their times have been most grossly mistaken.²⁹

Walwyn uses the case for uncertainty in religious opinions to further support his claims for religious toleration. He suggests that “since there remains a possibility of error”³⁰ that “he who is in an error may be the constrainer of him who is in the truth.”³¹ Consequently religious toleration should not only be allowed due to the unfair nature of forcing a religious belief upon a person, but also because it may hinder the production of the truth.

We discussed in the context chapter the arguments put forward by John Milton for toleration in *Areopagitica* and later in *Of True Religion, Heresy, Schism, Toleration*, and how he supported Walwyn’s reasoning here that in failing to allow certain ideas to be discussed. you may hinder the production of truth. However Milton’s account was one of protestant toleration, and that therefore he did not extend this toleration to Catholics due to (1) their previous lack of toleration to Protestants and (2) the fact that their beliefs were false. For Milton a ‘true’ religion is one that is based upon the scriptures (Protestantism), whereas a ‘false’ religion is one that is not solely based upon the Bible (Catholicism). Protestantism, in all its forms should be tolerated, according to Milton, as it is “the

²⁹ *Ibid.*, p.250.

³⁰ *Ibid.*, p.250.

³¹ *Ibid.*, p.250.

true worship and service of God, learned and believed from the word of God only.”³² Thus Milton is very specific as to what actually constitutes truth or falsehood, and uses this as a reason to exclude Catholics from toleration upon the grounds of their beliefs being false.

Walwyn’s argument does not contain this type of account of truth, while he does claim that truth comes about via study of the Bible, he does not use this as a reason to exclude Catholics from toleration. He agrees with Milton in that the search for truth is likely to produce “difference in degrees of apprehension”³³, but this is natural for Walwyn, and should not to be punished. Instead error is excused if its aim is to “endeavour after knowledge”.³⁴ Men should study the Bible, but they should realise that their opinions following this study is their interpretation of it, not the truth, as men have no “infallible spirit to discern between truth and errors”.³⁵ Consequently, Walwyn states that even the clergy are not immune from the ability to err, let alone believers:

Whilst (as indeed it is) an understanding enquiring man, studious in the scriptures, it stantly discerneth me to be but as other lay-men, and findeth our learning to be but like other things that are the effects of study and industry, and that our preachings are like any other mens discourses, liable to errors and mistakings, and are not the very Word of God, but our apprehensions drawne from the Word.³⁶

³² John Milton, “Of True Religion, Heresy, Schism, Toleration”, in John Milton, *Prose Writings*, (1970: Everyman Paperback, London), p.133.

³³ William Walwyn “A Prediction of Mr. Edwards his Conversion, and Recantation”, in William Haller (ed.) *Tracts on Liberty in the Puritan Revolution*, Vol. III, (1933: Columbia University Press, New York), p341.

³⁴ *Ibid.*, p.341.

³⁵ *Ibid.*, p.346.

³⁶ *Ibid.*, p.344.

Although man is likely to err, this does not mean that the result of his study of the Bible is useless or sinful as, Walwyn asserts, "whatsoever is not of faith is sinne".³⁷ Consequently an honestly held religious opinion, be it true or false, based on study of the Bible arrived at by an endeavour after knowledge cannot be sinful. Sin, for Walwyn, is committed by foisting one person's ideas upon another when his conscience is not fully convinced of its truth.³⁸

Elsewhere Walwyn explicitly states that individuals and the state should tolerate Catholics, just so long as they acknowledge that the papacy has no political power in England. Walwyn states that:

If the Papists will have Alters, Priests, Sacrifice and Ceremonies, and the Pope for their supreame head in Spirtuall affaires, seeing they affirme so confidently they have these Sixteene hundred and odde yeares, let them alone with their pretended prescription, and let every Religion take what Spirituall head they please, for so they will, whether wee will or no, but the matter imports not, so they obey the King as temporall head, and humbly submit to the State and civill Lawes, and live quietly together.³⁹

Thus what form of organisation a church takes is not a relevant matter for banning it for Walwyn, so long as they follow the same laws and political bodies as all other churches. This rule applies as much to Catholicism as it does to Protestant congregations, and therefore Walwyn does not classify it as being a 'false' religion.

³⁷ *Ibid.*, p.341.

³⁸ Thus for Walwyn, the message that is learnt from the Bible is about toleration rather than a particular form of Christianity. As he states elsewhere, "the Scripture tells me, everyone ought to be fully perswaded in his own mind, and that whatsoever is not of faith, is sin: it tells me I must doe as I would be done unto." (William Walwyn, "A Whisper in the Eare of Mr. Thomas Edwards Minister", in William Haller (ed.), *Tracts on Liberty in the Puritan Revolution, 1638-1647*, Vol. III, p.325).

³⁹ William Walwyn, "A New Petition of the Papists", in Jack R. McMichael and Barbara Taft (eds.), *The Writings of William Walwyn*, p.58.

It will become clear, especially in his use of love, that Walwyn's account of toleration comes from within Christianity, however it has already been made clear that he did not support a lack of toleration towards Catholics. John Coffey illustrates the near universal non-toleration of Catholics by saying that "[t]he only exceptions I have come across were the Levellers Walwyn and Wildman and the Baptist Thomas Collier...".⁴⁰ This comes by the way of Montaigne's scepticism and the influence that these ideas had on Walwyn's thought. Walwyn shares Montaigne's scepticism, but not the support of repressing religion upon political grounds that, as we shall see, he regards as counter productive.⁴¹

This then illustrates the 'core' of Walwyn's argument for toleration, that conscience cannot be changed by the will, and that therefore people should be allowed to follow the religion that they choose. We also noted that truth actually plays a limited role in Walwyn's account, in that he does not believe necessarily that we will ever actually obtain this truth. Whereas this forms the 'core' of his belief in favour of toleration, it was not, however, his only argument in favour of toleration.

⁴⁰ John Coffey, *Persecution and Toleration in Protestant England 1558-1689*, (2000: Longman, Harlow), p.56.

⁴¹ Indeed it is due to this scepticism that Walwyn's theory of toleration calls into question the thesis put forward by John Gray that liberal toleration comes from a monocultural basis and therefore is of no use in modern multicultural societies. Gray suggests that liberal toleration theorists "shared a common understanding of morality which was rooted in shared religious beliefs", which can be illustrated by the fact that Catholics were routinely excluded from toleration. (John Gray, "Pluralism and Toleration in Contemporary Political Philosophy", in *Political Studies*, Vol. 48, No.2 (Special Issue 2000), p.323.) Walwyn's scepticism and inclusion of Catholics within his provisions for toleration illustrates that it is possible to call for toleration without a shared common understanding of religious belief, but upon the basis of love.

(II) Toleration and civil peace: 'for the quiet of the state'

A second argument, made in *A New Petition of the Papists*, is that toleration of religious differences, not their suppression, would lead to domestic peace. "If all were permitted", according to Walwyn, "all would bee pleased all in peace, and their obligation and love would be farre greater to the king and state for so great a benefit as the freedom of conscience".⁴² Walwyn, who asserts that preventing people from following their beliefs is the surest way to bring about civil discontent, counters then Montaigne's arguments for resisting taking the truth-value of your beliefs too seriously for the benefit of civil peace.⁴³

This is because should toleration not be allowed by the state, people would have no choice but to rebel, as matters of religion always trump those of the state. Indeed Walwyn asserts, using the aid of the Bible, that the state should have no role in religious matters, as they are God's powers, not the state's (or Caesar's, as Walwyn puts it). On the other hand, should toleration be allowed, peace is bound to follow:

⁴² William Walwyn, "A New Petition of the Papists", in Jack R. McMichael and Barbara Taft (eds.), *The Writings of William Walwyn*, p.57.

⁴³ "Who can live where he hath not the freedom of his minde" asks Walwyn, attempting to illustrate how important liberty of conscience is to individuals. He continues, emphasising the discontent that would ensue from a lack of toleration: "looke upon those Governments that deny this liberty, and observe the envyings and repinings that are amongst them". (William Walwyn, "A Helpe to the Right Understanding of a Discourse Concerning Independency", in William Haller (ed.), *Tracts on Liberty in the Puritan Revolution, 1638-1647*, Vol. III, p.199.

A Tolleration therefore would hinder all this strife and discontentment, but if oppressed with persecution they will cry out of the word of God, we will render to Caesar, the things that are due to Caesar, and to God that which is due to God, Marke 12. If tolerated, more promptly will they obey the king and state, if troubled or molested, they will cry, wee must obey God rather then men, Acts 5. and so remaine discontented and afflicted in spirit.⁴⁴

We saw above how Walwyn borrows from Montaigne the idea that all our knowledge is uncertain, and consequently we should be wary of saying that our opinion is true, and someone else's false. However here Walwyn takes a specifically different line from that of Montaigne. We noted in the context chapter that there was a rich intellectual tradition from Montaigne to Hobbes that advocated religious repression not upon the basis of saving souls, but upon keeping civil peace. Thomas Hobbes continued this trend into the seventeenth century, of course. Walwyn turns this on its head by claiming that as religion is so important to people, they cannot but rebel if not allowed religious freedom. Therefore Walwyn claims that religious repression leads to civil unrest, not civil peace. Another argument in favour of toleration advanced by Walwyn is linked to the idea of civil peace; that all parliamentarians should pull together against a common enemy to achieve freedom from the royalists.

(III) Exaggeration of differences by opponents and the need for unity:

It has often been noted that the groups that formed the parliamentary forces were heterogeneous and only held together by a common enemy. Following the defeat of this enemy they "gazed with bewildered eyes on the strange monsters with

⁴⁴ "A New Petition of the Papists", p.59.

whom they had walked as friends.”⁴⁵ Walwyn realised before the victory in the civil war, however, that division could occur amongst the differing religious groups fighting against the King, and consequently gave an explanation as to why division was counterproductive. In his pamphlet entitled; *Some Considerations tending to the Undeceiving Those, whose Judgements are misinformed*, Walwyn claims that those who stir up religious differences between people are doing it for an ulterior motive. Walwyn asserts that the royalists exaggerate the differences between followers of different religious sects so that attention is drawn away from their actions in the early part of the civil war. As he states:

[W]ee heare of daily plunderings, rapes, and murthers of the Cavaliers, women with child runne through, and many other butcheries, and yet wee passe by these, as if by no interest they concerned us, and let flie our speeches only against the Puritan for plucking a raile downe, or a paire of organs, a surplice, Crucifix, or painted window, which are indeed no way conducible to the substantiall worship of God...⁴⁶

Consequently, Walwyn argues, “slight and indifferent things divide” the parliamentarians, which is tragic as “substantiall things lie at the stake”.⁴⁷ The substantial thing of which Walwyn speaks is the slavery that is in store for all the parliamentarians should the royalists win the civil war. Thus he states:

Let every man thinke of the answering this question to himselfe: whether if lewd men doe get the better over the parliament and honest men of the kingdome, either protestant or Puritan are likely to be any other but slave.⁴⁸

⁴⁵ R.H. Tawney, *Religion and the Rise of Capitalism*, (1938: Penguin, Harmondsworth), p.212.

⁴⁶ William Walwyn, “Some Considerations tending to the Undeceiving Those, whose Judgements are misinformed”, in J.R. McMichel and B. Taft (eds.) *The Writings of William Walwyn*, p.69.

⁴⁷ *Ibid.*, p.69.

⁴⁸ *Ibid.*, p.70.

Consequently he thinks that men of all religious beliefs must fight the civil war against the royalists, lest they all be slaves. The differences between the various sects are slight, but exaggerated by the royalists to divide their opposition. This argument does not stand alone, however, as Walwyn takes this opportunity to promote liberty of conscience and, along the same lines in which he takes in his 'core' argument from toleration, suggests that we should study and learn from one another, and take a slightly sceptical attitude to our own religious beliefs:

We have all need one of another, and till such time things are thoroughly canvassed, and examined, how ever each man concludes himselfe to be in the right (we know we are partial to our selves) he may be mistaken, and upon better reasons which as yet he sees not may alter his judgement and be convinc't.⁴⁹

Here Walwyn seems to be promoting some form of deliberation amongst believers, suggesting that the parliamentarians should take the opportunity to learn about the beliefs held by the people with whom they are fighting. This deliberation may then lead to a better understanding of other people's religious position, and possibly to a change in one's own beliefs. Later Walwyn would lay down the ground rules for discussion, the key one being love.

(IV) Love and Christianity

In his pamphlet of 1643, entitled *The Power of Love*, Walwyn adds another concept to his list of reasons why we should tolerate different religious positions to our own, one which links together his political and religious viewpoints. Whereas the political side of practical Christianity will be discussed below, it is

⁴⁹ *Ibid.*, p.72.

worth pausing to see how Walwyn's concept of Christian love impacts on his theory of toleration. Walwyn argues that Christ wanted brotherly love, and therefore it is a Christian virtue to tolerate other opinions, or as Walwyn puts it "God is love, and love makes man God-like".⁵⁰ Showing love to others includes, for Walwyn, a respect for their opinions:

He bids you walke in love, as Christ hath loved you, and gave himselfe for you, an offering and a Sacrifice; you that love your brother so poorely, as that you cannot allow him the peaceable enjoyment of his mind and judgement would hardly lay downe your life for him; let brotherly love continue, and let every one freely speake his minde without molestation.⁵¹

For Walwyn asserts that most people get their information about other people's beliefs from second hand sources, but, upon reflection, we are likely to find that "scarcely any opinion hath been truly reported to you".⁵² This leads to prejudice and fear of other opinions, which Walwyn urges people counter by study of other ideas, and thus he asks people curious of others' religious ideas to "observe their wayes, and enquire into their doctrines your selfe...stand cleare from all prejudging".⁵³ Thus again Walwyn supports the open-minded study of other beliefs and deliberation as a way to heal rifts between people of differing religious opinions.

⁵⁰ William Walwyn, "The Power of Love", in J.R. McMichel and B. Taft (eds.) *The Writings of William Walwyn*, p.92. Elsewhere Walwyn states that a "persecuting spirit is the greatest enemy to human society, the dissolver of love and brotherly affection". (William Walwyn, "Toleration justified and persecution condemned", in Andrew Sharp (ed.), *The English Levellers*, (1998: Cambridge University Press, Cambridge), p.17.

⁵¹ William Walwyn, "The Power of Love", in J.R. McMichel and B. Taft (eds.) *The Writings of William Walwyn*, p.81.

⁵² *Ibid.*, p.81.

⁵³ *Ibid.*, p.81.

Walwyn returns to the theme of love in his pamphlet *A Prediction of Mr. Edwards His Conversion, and Recantation* of 1646, where he is replying to attacks made about him by Thomas Edwards in *Gangraene*. Edwards' writings identified, and attacked what he perceived to be the errors of the various religious sects that emerged in England around the time of the civil war. Religious toleration, to Edwards, was anathema. He believed that pamphleteers such as Walwyn who were arguing "that every man ought to have liberty of conscience must be silenced if not by censorship then by counter-argument and denunciation."⁵⁴ Walwyn attacks Edwards claiming that he shows no love in his often personal and bitter attacks of religious sects and that this is unchristian:

To rayle, reproch, backbite, slander, or to despise men and women, for their weaknesses: their meanes of trades and callings, or poverty, is so evidently against the rule of Christ and his Apostles, that he cannot but condemne himselfe herein: his understanding is so great, and he is so well read in Scripture, that he must needs acknowledge, these cannot stand with Love: that knowne and undisputable Rule.⁵⁵

However Walwyn asserts that "when things are at the worst, they are nearest to an amendment"⁵⁶, and as a consequence, due to Edwards' lack of love, "surely he is not farre from his recovery and conversion."⁵⁷ Walwyn's pamphlet was intended as a satire of Edwards', showing that all he needed was to be more loving and he could recant his previous opinions. In so doing Walwyn returns to his core argument in favour of toleration and asks that, as all people are inclined to error in matters of religion, why should one man impose his error on another?

I.M. Goldsmith, "Introduction" in Thomas Edwards, *Gangraena*, (1977: The Rota, Exeter), p.3.
 William Walwyn "A Prediction of Mr. Edwards his Conversion, and Recantation", in William
 er (ed.) *Tracts on Liberty in the Puritan Revolution*, Vol. III, p.341.

id., p.339.

id., p.341.

[H]ow unreasonable a thing it is, that one erring man should compell or comptroule another mans practice, *in things supernaturall*: or that any lawes should be made for punishing *of mis-apprehensions therein*, wherein thousands are as liable to be mistaken; as one single person.⁵⁸

So we can see here that Walwyn introduces a Christian virtue to support the need for religious toleration. In so doing he fills a conceptual hole in his theory of toleration that was filled by the idea of the truth of the protestant religion in John Milton's works. Milton argued that we should tolerate any form of protestant/true religion, but in failing to distinguish in any meaningful way what ideas were true or false, and basing ideas on scepticism, Walwyn could be open to charges that he gives no meaningful basis for toleration. By introducing the idea of love, Walwyn plugs this hole by saying that our love for one another as Christians is the basis for toleration, not that we are collectively the followers of a true religion. It is the duty of a Christian to tolerate differing religious positions, according to Walwyn, however this was not the end of the believers' social obligations.

Walwyn and political and religious action

William Walwyn, and The Levellers in general, are often referred to as being engaged in a process of "practical Christianity".⁵⁹ That is to say that Walwyn thought that being a Christian carried with it a code of practice for the way one lived one's life. This code of life involved charity to one's fellow man, and that

⁵⁸ *Ibid.*, p.340.

⁵⁹ See, for example, J.C. Davis, "The Levellers and Christianity" in Brian Manning (ed.), *Politics, Religion and the English Civil War*, (1973: Edward Arnold, London) p.234; Glenn Burgess, "The Impact on Political Thought: Rhetorics for Troubled Times" in John Morrill (ed.) *The Impact of the English Civil War*, (1991: Collins & Brown, London) p.81; Jonathan Scott, *England's Troubles; Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), pp.253-257.

the arrangement of Government and Civil society should be based upon these requirements. Authors have often sought to divide the ideas of the Levellers from other civil war groups, claiming that they shared the basic assumptions of freedom with the independents and Hobbes and Locke.⁶⁰ It is the idea of practical Christianity, however, that links them with perhaps more radical groups such as the Diggers and Ranters as they “shared a core of basic values and spoke a common language.”⁶¹ Burgess highlights the radical edge that this idea could have on the political structures of seventeenth century Britain:

This stance was potentially much more radical than any of the other major rhetorical positions used in the 1640's because it had the capacity to overcome the normal seventeenth-century preference for conservation over innovation. It was better to preserve rather than to change things - *unless*, that is, God was active in the world and was himself pulling down the established structures. For some, by the late 1640's, providence had shown the inadequacy of King, Parliament and army to serve as agents of God's work. These people found themselves involved in a search for the authority that would do God's work, for the type of rule that would actually enact the commandments of Christ. This seems to have been the main generator of radical theory.⁶²

Religion, however, like any other philosophical device in any period of time is “a tool which can be used by many different hands”.⁶³ That an author in seventeenth century England thought that God's law should be applied to the country does not, in and of itself, tell us what that law was, indeed most authors who wrote about politics claimed to be attempting to apply God's law on Earth. Burgess

⁶⁰ E.g. C.B. Macpherson, *The Political Theory of possessive Individualism: Hobbes to Locke*, (1962: Oxford University Press, Oxford) p.107-59.

⁶¹ Maurice Goldsmith, “Levelling by Sword, Spade and Word: Radical Egalitarianism in the English Revolution”, in Jones et al, *Politics and People in Revolutionary England*, (1986: Blackwell, Oxford) p.66.

⁶² Glenn Burgess, “*The Impact on Political Thought*”, p.81.

⁶³ Richard Rorty, “Truth Without Correspondence to Reality” in Richard Rorty, *Philosophy and Social Hope*, (1999: Penguin, London) p.23.

recognises this by suggesting that the godly rule trend in political theory in civil war England resulted in the fact that “it was open to anyone to produce their own view of what God’s cause required”.⁶⁴ Characteristic of such tracts was, however, “a blistering attack on hypocrisy and hypocrites, those who used the rhetoric of Godliness without showing their practical commitment to it.”⁶⁵ This is true of Walwyn who would indeed show his outline of what he expected the conduct of a Christian to resemble and the political consequences of such action. The key to understanding Walwyn’s practical Christianity is that he saw religion as being more than about ceremonies and formal aspects of worshipping, but also about applying the principles of Christianity to the individual’s everyday conduct and relations to his fellow men.

He expresses amazement in *The Power of Love*, written in 1643, shortly after the national wrangling over the religious policies of Laud had resulted in the outbreak of civil war, about the conduct of some people who claimed to be Christians:

It is a wonderfull thing to my understanding, that men should call themselves Christians, and professe to be religious, and to be diligent readers of Scripture and hearers of sermons, and yet content themselves to bee indeed many things carnall, and to walke as did the most indiscreete and inconsiderate Gentiles.⁶⁶

Walwyn’s message here is clear, that if one professes to be a Christian, one should act like one. Therefore Walwyn goes about trying to show the required actions that should be followed by the Christian. Elsewhere Walwyn lists these requirements as:

⁶⁴ Glenn Burgess, “*The Impact on Political Thought*”, p.81.

⁶⁵ *Ibid.*, p.81.

⁶⁶ William Walwyn, “The power of Love” in William Haller (ed.) *Tracts on Liberty in the Puritan Revolution 1638-1647*, Vol. II, (1933: Columbia University Press, New York) p.281.

[W]e should soon become practical Christians; and take more pleasure in Feeding the hungry, Cloathing the naked, visiting and comforting the sicke, releeving the aged, weake and impotent; in delivering of prisiners, supporting of poore families or in freeing a Common wealth from all Tyrants, oppressors and deceivers, thereby manifesting our universal love to all mankind, without respect of persons, Opinions, Societies or churches.⁶⁷

Walwyn starts *The Power of Love* by stating what would become the major theme of the pamphlet, that what should be important to all Christians is love, and nothing else:

For there is no respect of persons with God and whosoever is possest with love, judgeth no longer as a man, but as a true Christian.⁶⁸

Christian love, or lack of it, is what Walwyn regards as being the key distinction between people, not wealth or social status. The former is identified as being the Christian distinction, with the latter being the carnal or man made one. He says of God, highlighting the inequalities of seventeenth century England:

[H]e regards neither fine clothes, nor gold rings, nor stately houses, nor abundance of wealth, nor dignities, and titles of honour, no any mans birth or calling, indeed he regards nothing amoung his children but love. Consider our saviour saith, He that hath this worlds goods, and seeth his brother lack, how dwelleth the love of God in him? Judge then by this rule who are of Gods family; looke about and you will finde in these woefull dayes thousands of miserable, distressed, starved, imprisoned Christians: See how pale and wan they looke: how coldly, raggedly and unwholsomely they are clothed: live one week with them in their poore houses, lodge as they lodge, eate as they eate, and no oftener...⁶⁹

⁶⁷ William Walwyn, quoted in J.C. Davis, "Levellers and Christianity" p234.

⁶⁸ William Walwyn, "The power of Love" in William Haller (ed.), *Tracts on Liberty in the Puritan Revolution*, Vol. II, p.273.

⁶⁹ *Ibid.*, p.274.

Anyone, religious or not, who (when people live in the conditions he describes above) - is wealthy and wear "their silkes, their beavers, [and] their rings" according to Walwyn, "the love of god they have not."⁷⁰ The way to change this situation, according to *The power of Love* is via faith and love. "[L]et faith have her perfect working, and the issue will bee increase of love"⁷¹, faith and love combined will lead to the abolition of the vanities of man which has led to these vast inequalities of wealth, as "he that dwelleth in love, dwelleth in God".⁷² This idea of love is then both a religious and political idea in that it is a teaching of the Bible that will lead to certain social and political virtues such as charity to the poor and toleration.

Walwyn asserts that all that is necessary for man's survival is easily understood without in depth study, and that this is a gift given from God. The example he gives of these gifts is that in the entire inhabited world it is possible to grow crops, etc., in order to feed oneself without any great knowledge of horticulture. The reason for this gift, Walwyn states, is that God "intendeth unto man a pleasant and comfortable life"⁷³ in which man was intended to be "exempt from all labour".⁷⁴ In this life, if man had followed it, we could have passed our days with "aboundance of delight and contentment."⁷⁵ This then could have been the golden age of man, a primitive, but happy state in which men would not have had to compete with one another, but would rather while away the hours in freedom "to

⁷⁰ *Ibid.*, p.275.

⁷¹ *Ibid.*, p.278.

⁷² *Ibid.*, p.278.

⁷³ *Ibid.*, p.279.

⁷⁴ *Ibid.*, p.280.

⁷⁵ *Ibid.*, p.280.

apply themselves to the consideration and practise of wisdom and virtue".⁷⁶ As with Rousseau, some 100 years later, however, the metaphorical fall of man occurred not by an act of God, but via an act of men.

Men moved away from this state because they created inventions that added to the simple and natural form of life he had before:

[H]e sought out unto himselfe many inventions: inventions of superfluous subtilities and artificial things, which have beene multiplied with the ages of the world, every age still producing new: So now in these latter time we see nothing but mens inventions in esteeme, and the newer more precious.⁷⁷

The consequence of this was that newer, artificial things appealed to man's vanity, as they presented an image of wealth in the eyes of others. Clothes, rather than simple designs intended to preserve heat and protect modesty, were fancier, cost more and the further away they were made, the better they were regarded by the wearer. Meals, rather than being simple and nutritious, had to be made from the fanciest of ingredients, based again on recipes from overseas. These shows of wealth and good taste made people vain, and consequently became the focus of the attention of mankind according to Walwyn. The result was that they wasted their time on these pursuits, rather than in spending it reading and contemplating on the Bible and the nature of goodness. Man then was not natural, but also not even a Christian, but rather, in Walwyn's term, simply "carnall".⁷⁸

⁷⁶ *Ibid.*, p.281.

⁷⁷ *Ibid.*, p.280.

⁷⁸ *Ibid.*, p.281. Note here the influence of Montaigne and his essay *On the Cannibals*. That humanity has spoilt the gifts given by God (or nature) has given is a recurring theme in Montaigne. He states that we "have so overloaded the richness and beauty of her [nature's] products by our own ingenuity that we have smothered her entirely. Yet wherever her pure light does shine, she

Walwyn then, has provided an account as to why man is selfish and ignores the teachings of the Bible with regards to his conduct to his fellow men, he then goes onto to say how this can be changed. Love can save the individual according to Walwyn. The consequence of love for the individual is that it will “be as a new light in your understandings by which you judge quite otherwise of all things, than formerly you have done”.⁷⁹ Consequently “the vanities you have delighted in will become odious unto you.”⁸⁰

So we can see that Walwyn regards the concept of love to mean a respect for all persons (not just the wealthy), and leading towards some redistribution of wealth within society, and that this love comes from God. Essentially, this is still a religious, rather than political idea. Love will also lead us away from vanity, which has made man carnal and has diverted him away from his natural state of sufficiency and contemplation created for us by God. However, as I have suggested above, it is this very concept of love and its practical application which would involve a redistribution of wealth that links Walwyn closely with his (supposedly) more radical contemporary, Digger Gerrard Winstanley.

Conclusion

Thus we have seen some of the major themes of William Walwyn’s political work, and how they link with his contemporary authors’ views on those subjects.

wondrously shames our vain and frivolous enterprises”. (Michel De Montaigne, “On the Cannibals”, p.232).

⁷⁹ William Walwyn, “The power of Love” in William Haller (ed.), *Tracts on Liberty in the Puritan Revolution*, Vol. II, p.297.

⁸⁰ *Ibid.*, p.297.

We have also seen that Walwyn's views on toleration differ from those of Montaigne's, despite the fact that he borrowed language and arguments from him. Toleration was necessary due to the fact that Walwyn thought that religion was the single most important sphere of life, and consequently it should be left to each man's conscience, as his soul is too important to be entrusted to the state or another man's opinion that might be wrong. We have also seen that for Walwyn, Christianity was a practical code, and consequently he thought that believers should adopt certain attitudes to life. He felt that those who did not give to the poor or those who respected riches and power in life were not acting with the love of God.

Chapter three

John Lilburne

Introduction

This chapter aims to examine three themes present in the writings, and political actions, of John Lilburne. It will examine (1) his ascending theory of governance, which would have challenged the theories of absolutism outlined in the context chapter and (2) the way in which he exploited the words of Parliament in order to come up with a novel understanding of what it was to have a representative House of Commons. Also it will examine (3) the way in which, via use of self-imagery and rhetoric, Lilburne manages to create both an individual and a public with certain rights and political capabilities. Before we go onto do this, however, it is worth commenting on the differences between Lilburne and Walwyn, who we addressed in the last chapter.

We saw in the previous chapter how both humanist and theological literature influenced William Walwyn. We shall see in this chapter the differences between Lilburne and Walwyn, which will go some way to illustrate the variety of intellectual influences on the individual Leveller leaders. The differences between Lilburne and Walwyn are not confined to their influences, as they differ also in quantity and style of writing. Lilburne was a prolific writer, composing some 80 pamphlets on a variety of issues, by far the most of any of the Levellers; and this despite the fact that he spent most of his adult life in jail. We do not see Walwyn's clarity of expression in Lilburne's writing, which has resulted in him being accused of writing "unsystematic, undisciplined, and often prolix tracts",

which in turn has led some to conclude that “we may hesitate to regard him as the most gifted or skilful of the Leveller writers”.¹ If Lilburne was not the most skilful of writers within the Leveller fold, he was certainly the most dramatic, and the one that caused most publicity for the movement. We shall see that whilst Walwyn shrank from the limelight, Lilburne relished it, and in so doing promoted himself as champion and representative of the people.

John Lilburne, as we shall see, uses the Bible, the law and Parliament’s words to support his political position. He, like Walwyn, shows evidence of knowledge of some humanist thought, however he denies the validity of arguments based upon philosophy or the human arts. Lilburne’s view is that the human arts are “not of Gods but the Divells Institution, and Invention, with which the Limbs of the Beasts Kingdome have for many hundred yeares together, and still doe fight against the trueth of God”.² He goes on to point out that in his dispute with the Devil, Christ “runnes not to Philosophical or Logical Arguments, and so to refute him; but he only makes use of the holy scripture”.³ Thus there is a clear distinction in Lilburne’s works taking learning from, and arguments making reference to, humanist and Biblical sources. Consequently the style of Lilburne’s arguments will differ from those of William Walwyn.

John Lilburne’s political theory rests upon the idea that the House of Commons, as opposed to the House of Lords or the King, is the true representative of the people,

¹ David Loewenstein, *Representing Revolution in Milton and his Contemporaries; Religion, Politics, and Polemics in Radical Puritanism*, (2001: Cambridge University Press, Cambridge), p.17.

² John Lilburne, *An Answer to Nine Arguments Written by T.B.*, British Library, Thomason Tracts, E 25 7, pp.3-4.

³ *Ibid.*, p.2.

however he also adds that in order to be legitimate, the House of Commons must represent the people. However Lilburne also puts forward a novel definition of what representation means. The Parliamentary forces had suggested that they represented the country during the English Civil War, but this did not entail, nor had it attempted to, a theory of representation such as Lilburne's. We shall see in this chapter how Lilburne creates his account of an ascending theory of governance, and how he makes use of other authors' texts to justify his position.

Ascending theory of governance

For Lilburne, the House of Commons were merely the servants of the people, and should act therefore in the interests of those whom they serve. In 1645 Lilburne wrote a pamphlet outlining what he saw as being the relationship between the House of Commons and the people of England entitled *England's Miserie and Remedie*⁴, within which Lilburne put forward a popular view of sovereignty. Lilburne asserts that there are two different bodies of people that make up the body of the commonwealth, "the representative and the represented".⁵ He goes onto assert:

Now for any man to imagine that the shadow or representative is more worthy than the substance, or that the House of Commons is more valuable and considerable than the body for whom they serve, is all one as if they should affirm that an agent or ambassador from a prince

⁴ The authorship of this pamphlet is in some dispute, with some claiming that Wildman or Sexby was its actual author. Thomason, however, asserted that Lilburne was its author. For a brief summary of this debate see David Wootton (ed.) *Divine Right and Democracy, An Anthology of Political Writings in Stuart England* (1986: Penguin, London) p.273.

⁵ John Lilburne, "England's Miserie and Remedie", in David Wootton (ed.), *Divine Right and Democracy*, p.276.

has the same or more authority than the prince himself; which, in matters of proxy for marriage, I believe no prince will allow of.⁶

So whereas the House of Commons represents the people of England, the power comes from the people, they merely trust it to their servants, the House of Commons. As Lilburne continues to assert:

[T]he one is but the servant of the other (the house of Commons, I mean, of the people), elected by them to provide for their welfare and freedoms against all in-bred tyranny or foreign invasion, which, by reason of their numbers, they cannot conveniently do in their own persons without hazard both of confusion and desolation.⁷

This quote tells us a lot about John Lilburne's political theory. Apart from showing that the House of Commons held their powers' merely on trust from the people and consequently, had no independent power of their own, it gives us an idea of what Lilburne saw as being the purpose of government. He asserts that the purpose of government is to do those jobs that cannot be done by the individual alone, for example, the defence of the people. Lilburne therefore believes that there are some jobs, such as the choice of how to worship God, which the people can manage very well as individuals despite the fact that they were, at the time, taken by government. Thus the inference in Lilburne's works is that the people are always more important than the government, and government should only act in those spheres of activity which have not been reserved for the individual. If the House of Commons has become more important than the people of England, Lilburne muses, why have we fought against the King for the past few years? "[W]e have not withdrawn ourselves from our obedience to the King to yield

⁶ *Ibid.*, p.276. Lilburne is referring here to the trend of royalty to send a proxy to their own marriages, such as the one sent by Henry VIII to his marriage to Anne of Cleves.

⁷ *Ibid.*, p.277.

ourselves slaves and vassals to the tyranny of our fellow subjects.”⁸ Instead Lilburne asserts, quoting Buchanan, “supremam potestatem esse in populo, the supreme power to be in the people”.⁹

Here Lilburne is playing with the rhetoric of the parliamentary leaders during the English Civil War. They claimed that Parliament was representative of the people of England, but this claim did not entail the view of representation that John Lilburne was putting forward. Parliament, especially when the execution of Charles became imminent, began to argue that it was “the unquestionable embodiment of popular consent”.¹⁰ This was because they had previously tried to “characterize themselves as counsellors, and their actions as attempts to make an obdurately wrong-headed king take the advice of his proper advisors.”¹¹ It became harder and harder to style themselves as advisors to the King, however, when they were first fighting against him on the battlefield, and harder still when they were contemplating executing him. That they were the embodiment of popular consent did not mean that they actually had to refer to the actual will of the people, however. John Goodwin argued in *Right and Might Well Met* that the army or the Parliament might act in the interests of the people “without the particular and express consent, but even contrary to the mind and desires of the people, or at least of the major part of them”.¹² Thus Parliament and the Army

⁸ *Ibid.*, p.277.

⁹ *Ibid.*, p.278.

¹⁰ Glenn Burgess, “The Impact on Political Thought: Rhetorics for Troubled Times”, in John Morrill (ed.), *The Impact of the English Civil War*, (1991: Collins & Brown, London), p.71.

¹¹ *Ibid.*, p.68.

¹² *Ibid.*, p.72.

were seen not just to be seen as representative of the people because they got their authority from them, “but also because it was pursuing their welfare.”¹³

The Parliament’s claim to be representing the people in the English civil war was not the theoretical argument that Lilburne tried to make it out to be and exploit. Parliament’s claim to be the representative body of the whole kingdom “was couched in the language of appeal to precedent, legal fact and opinion, rather than the language of reason or contemporary common sense.”¹⁴ This was because just prior to the Civil War, and during the fighting there had been arguments between the King and Parliament as to who it was who had been subverting the traditional legal order. The King claimed it was the Parliament as they were claiming novel powers and diminishing the position of the King, whilst the Parliament asserted that it was the King, as he had not regularly called a Parliament and chosen unparliamentary taxes to pay for his court.¹⁵ Both sides in the civil war, then, were claiming to fight for the traditional legal order. As Richard Baxter phrased it, “the King professed to fight for the subject’s liberties, the laws of the land and the protestant religion. The Parliament professed the same.”¹⁶ As the Parliament was the highest court of the land, according to their supporters, whenever there was any doubt as to the nature of the law it had the “final adjudication”¹⁷ on what the law was and what new law was necessary. It was this which made it representative of the people, not any claim to popular sovereignty. During the

¹³ *Ibid.*, p.72.

¹⁴ Andrew Sharp, “John Lilburne and the Parliament’s *Book of Declarations*: A Radical’s Exploitation of the Words of Authorities”, in *History of Political Thought*, Vol. IX. No. 1. (Spring 1988), p.27.

¹⁵ Whereas Parliament had few powers as compared with modern parliaments, since the fourteenth century its main, and often jealously guarded power, was having the “sole right to grant taxes” to the crown. C.S.L Davies, *Peace, Print and Protestantism; 1450-1558*, (1977: Paladin, London), p.45.

¹⁶ Quoted in Andrew Sharp, “John Lilburne and the Parliament’s *Book of Declarations*”, p.25.

¹⁷ *Ibid.*, p.26.

Civil War, however, John Lilburne and others turned this claim made by the Parliament to a different end:

[I]n the direction of rationalist philosophising about the very nature and end of law and government in the light of the conviction that the natural liberty and rights of individuals and the good of society had logical and moral priority over positive law and establishments.¹⁸

Lilburne was armed in his ideological battle against the Parliament with, what he called, *An exact collection*, which was a collection of papers put together by the parliamentary supporters and distributed around the country to try to win support. This, however, was a double-edged sword as it allowed Lilburne to “turn his enemies’ weapons against them and to shelter behind the very defences they themselves had constructed.”¹⁹

Consequently the strength of Lilburne’s position was his ability to use against Parliament “those weapons it had earlier cultivated in its own support.”²⁰ Practically, what this resulted in was a campaign against arbitrary government no matter what form that government may take. Lilburne thought that in order for a Parliament to represent the people it should be accountable to the people, otherwise its rule would be no better than Charles I’s. Lilburne often wrote that Parliament’s rule was as bad as, if not worse than Charles’. The Levellers are often regarded as campaigning for substance against formalism,²¹ and in this

¹⁸ *Ibid.*, p.27.

¹⁹ *Ibid.*, p.31.

²⁰ Jonathan Scott, *England’s Troubles: Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), p.272.

²¹ See, for example, *Ibid.*, pp. 242-246. Lilburne himself alludes to this whilst talking about the law claiming that when it is “abstract from its original reason and end, [it] is made a shell without a kernel, a shadow without a substance and a body without a soul.” The same can be said of Lilburne’s view of Parliament; when it is abstracted from its original purpose (the safety and freedom of the people), it is an empty shell and is as capable of tyranny as is monarchy. (John

instance Lilburne takes this theme to suggest that government by Parliament, in and of itself, is not enough to guarantee freedom from tyranny. Thus it is not the form of a Parliament *per se* that guarantees freedom, but rather the powers which it is given and the manner in which it uses them.

This is a theme that Lilburne explores in his pamphlet of 1647 entitled *Jonah's Cry out of the Whales belly*, criticising Cromwell in taking a annual income from the House of Commons. Here Lilburne asserts that having a Parliament govern is not enough to ensure the freedoms of the people unless it is accountable to the people. He states “[f]or, if, as they have often said, That tyranny be resistable, then it is resistable in a Parliament as well as in a King.”²² So what matters for Lilburne is not what political institution holds power in the kingdom but the way in which it governs. He also points out that Parliament are abusing their power far more than the King did, and consequently that they too could be overthrown:

[T]he Parliament tyrannizeth ten times more over us then ever the King did: and I will maintain it, that by the law of this Kingdome, it is ten times easier to prove it lawfull for us to take up Armes against them in the wayes they now go, then it was for them to take up Armes when they did against the King.²³

Lilburne therefore shows in *England's Miserie and Remedie* how the House of Commons should react with regards to the people, and in *Jonah's Cry out of the*

Lilburne, “Englands birth-right justified”, in Andrew Sharp (ed.), *Political Ideas of the English Civil Wars 1641-1649*, (1983: Longman, London), p.172.

²² John Lilburne, *Jonah's Cry out of the Whales belly*, in British Library, Thomason Tracts E. 400 (5) p.4.

²³ Ibid., p.4. This is a perpetual theme in Lilburne's pamphlets. He would later state that “just government” was the “sole intended end of the war; and that the war cannot be justified upon any other account than the defence of the people's right unto that just government and their freedom under it.” (John Lilburne, “Legal Fundamental Liberties”, in A.S.P. Woodhouse (ed.), *Puritanism and Liberty: Being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents*, (1938: J.M. Dent and Sons Limited, London), p. 342).

Whales belly how Parliament is not necessarily any better than the King, however he has not offered a full blown account of how and why the House of Commons gained its powers. This he does in *The freeman's freedom vindicated*, written in 1646, where Lilburne addresses the creation of man and the nature of man in this original state. God created man, according to Lilburne, and "endued him with a rational soul, or understanding, and thereby created him after his own image".²⁴

Each individual since born are:

By nature all equal and alike in power, dignity, authority, and majesty - none of them having (by nature) any authority, dominion or magisterial power, one over or above another. Neither have they or can they exercise any but merely by institutional or donation, that is to say by mutual agreement or consent - given, derived, or assumed by mutual consent and agreement - for the good benefit and comfort of each other, and not for the mischief, hurt, or damage of any: it being unnatural, irrational, sinful, wicked and unjust for any man or men whatsoever to part with so much of their power as shall enable any of their parliament-men, commissioners, trustees, deputies, viceroys, ministers, officers or servants to destroy and undo them therewith.²⁵

This power of rights and liberties given to man by nature is limited by the principle that man was also given by God not to infringe upon the rights and liberties of another. God, it appears:

[G]ave no lordship, nor sovereignty, to any of Adam's posterity, by will and prerogative, to rule over his brethren - men, but ingraved by nature in the soul of man this golden and everlasting principle, to doe to another, as he would have another doe to him.²⁶

²⁴ John Lilburne, "Postscript to the Freeman's Freedom Vindicated", in Andrew Sharp (ed.) *The English Levellers*, (1998: Cambridge University Press, Cambridge) p.31.

²⁵ *Ibid.*, p.31.

²⁶ John Lilburne, *London's Liberty in Chains Discovered*, British Library, Thomason Tracts, E.359 (17) p.17.

And as God made all equal, and gave no-one dominion over others (thus, of course, attacking divine right theory), it followed for Lilburne that only the people, via their representatives, could make laws:

For the greatest and most superlative freedome, of this nation (and wherein the safety and wellbeing thereof doth reside) consisteth in this; that Lawes cannot be made, government (ecclesiastical or civill) cannot be established or Altered: Warre cannot be levied, nor peace concluded, nor monyes raised, nor any thing done, but by the authority of those whom the people themselves doe chuse for parliament: and intrust as their commissioners, with full and compleat power for their good.²⁷

So Lilburne has given an account of how the proper relations between the House of Commons and the people should be, and has also given a view of the individual. This, in and of itself, however, does not show how these powers had been lost in England. But Lilburne was no mere theorist; his interest was not an academic one in the nature of the power of government. He had a practical political agenda to fulfil, therefore he needed to apply the ascending theory of governance to English history and explain why, if the House of Commons were supposed to represent the people and act in their interests, that they were not doing it at the time and why monarchy had reigned in England for so long. This he did with the help of Edward Coke's works on the English common law. In his pamphlet entitled *Liberty Vindicated against Slavery*, Lilburne turned to one of his favourite subjects, the rights of Englishmen in the law, and how these rights have been eroded throughout history. In this pamphlet, in which he complains of the mistreatment of prisoners, he turns to Edward Coke's view of Magna Carta and

²⁷ John Lilburne, *A Word in Season*, British Library, Thomason Tracts, E.1184 (3) p.4-5.

the “great importance and weightinesse of the matter it containeth.”²⁸ Magna Carta, Lilburne asserts, “makes us Free-men”²⁹.

Common law and the Norman yoke

Edward Coke, who was born in 1552, rose to high positions in Elizabethan and Jacobean England such as Speaker in the House of Commons and the Attorney General. At this time there were many confusions about the nature of the law in England, and especially the common law. The common law had been formulated within an agrarian society; consequently it was thought not to apply satisfactorily to the nuances of the developing commercial society. Coke’s work on chronicling and modernising the law was taken by many as being authoritative on the contents of the law of England, despite Coke’s surprising and often radical conclusions. Coke’s work became especially authoritative from the Long Parliament onwards, and was then generally accepted as the “law of the land”.³⁰ Coke asserted that the common law, including the pronouncements of Magna Carta, was the Englishman’s birthright, and “Coke’s unspoken assumption that men have the right to do what they will with their own persons and skills represents the thread of continuity running through all his decisions.”³¹ During his time in high office Coke championed such legal reforms as abolishing the sale of legal offices, replacing the fees of those in legal office with salaries and abolishing torture.

²⁸ John Lilburne, *Liberty Vindicated against Slavery*, British Library, Thomason Tracts, E351 (2) 2 p.1.

²⁹ *Ibid.*, p.1.

³⁰ Christopher Hill, “Sir Edward Coke: Myth-Maker” in *Intellectual Origins of the English Revolution Revisited*, (1997: Oxford University Press, Oxford) p.218.

³¹ *Ibid.*, p.211.

Subjects of England, thought Coke, had a number of liberties that were their birthright:

No subject of this realm, but being truly instructed by the good and plain evidence of his ancient and undoubted patrimony and birth-right (though he hath for some time ignorance, false persecution, or vague fear been deceived or dispossessed) but will consult with learned and faithful councillors for the recovery of the same. The ancient and excellent laws of England are the birth-right and the most ancient and best inheritance that the subjects of this realm have, for by them he enjoyeth not only his inheritance and goods in peace and quietness, but his life and his most dear country in safety.³²

Magna Carta was central to Coke's thinking as, rather than being a baronial charter of privileges, he thought that it was a "declaration of rights of all free Englishmen"³³. For example Coke said that monopolies were against the common law by chapter 29 and 30 of Magna Carta, and that consequently guilds should not be given monopoly rights by royal charter. He thought that government should not interfere with an Englishman's right to follow a lawful trade, but this, of course, had radical undertones in the seventeenth century. By saying that the government should not allow royal charters or monopolies due to the liberties provided by the common law, it provided areas which should be free from royal interference. This, of course, was anathema to divine rights theorists, who thought that royal prerogative knew no bounds, and that no law or person was higher than the King.

Lilburne used Coke's legal opinions in *Liberty Vindicated against Slavery* in which he stated that the liberties contained within Magna Carta "were not of Grace

³² Edward Coke, quoted in *Ibid.*, p.229.

³³ *Ibid.*, p.211.

and donation, but the right of Inheritance”³⁴. So, for Lilburne as for Coke, there are certain liberties enshrined in law that belong to an Englishman by birthright. These liberties entailed that “...if any Judgement be given contrary to any of the points of Magna Charta, by any of the justices, or by any other of the Kings Ministers, &c. it shall be undone and holden for nought...”³⁵, so these liberties truly are above the King or Parliament. As Lilburne suggests, virtually quoting Coke “The Common Law hath so admeasured the prerogatives of the King, that these should not take away nor predudice the Inheritance of any, and the best Inheritance that the Subject hath is the law of the Realme...”³⁶ Lilburne goes on to suggest that although, he claimed, Parliament was denying these liberties for the people, now was the time to claim them:

[T]he question now is, Whether we the Free-men of England, may not, or ought not now of right, to expect and claim the benefit of the same (having subdued the common enemies of the Kingdome, and open appugners and violators of our Lawes and just Liberties) after so much treasure spent, and so much blood shed for defence and preservation of our lawes and just liberties, if in any doubt, Let the whole world consider, and judge.³⁷

But why, if liberties were enshrined within the law of England, had it come to such a situation in which they were being ignored and abused firstly by the King, and then by Cromwell and the Parliament? This was a dilemma that challenged Lilburne, and caused him to change his opinions on the nature of the English legal system: “his own experience in the courts convinced him that neither Magna Carta

³⁴ John Lilburne, *Liberty Vindicated against Slavery*, p.2.

³⁵ *Ibid.*, p.2.

³⁶ *Ibid.*, p.3.

³⁷ *Ibid.*, p.3.

nor common law guaranteed those liberties which he wished to see established.”³⁸ He then asserted that English law was subject to the Norman Yoke, which meant that since the Norman Kings had ruled England, English men’s birthright had been eroded. Common law now, as opposed to providing liberties for the people, took them away. As Lilburne pointed out:

The greatest mischief of all and the oppressing bondage of England ever since the Norman Yoke, is this: I must be tried before you by a Law (called the Common Law) that I know not, nor I thinke no man else, neither do I know where to find it or reade it....The tedious, unknowne, and impossible-to-be-understood common law practices in Westminster Hall came in by the will of a Tyrant, namely William the Conqueror.³⁹

Under Norman Yoke theory, of which Lilburne was far from the only proponent in the seventeenth century, it was held that liberties were preserved in law in Anglo-Saxon England, but following the Norman Conquest they had been corrupted by tyranny. As John Warr wrote in 1649, “Those laws which do carry any thing of freedom in their bowels do owe their original to the people’s choice, and have been wrested from the rulers and princes of the world by importunity of entreaty or by the force of arms.”⁴⁰ The purpose of law, according to Warr, was the liberty of the people, but that this had been bastardised by successive Norman kings who had chipped away at this liberty, using law to increase their powers. Consequently, according to Warr, the laws “run counter to their end”⁴¹, and are

³⁸ Christopher Hill, “The Norman Yoke”, in *Puritanism and Revolution*, (1986: Penguin, London), p.82.

³⁹ *Ibid.*, p.82.

⁴⁰ John Warr, “The Corruption and Deficiency of the Lawes of England Soberly Discovered: or Liberty Working up to Its Just Height”, in David Wootton (ed.) *Divine Right and Democracy*, p.149.

⁴¹ *Ibid.*, p.152.

“burdensome to the people”.⁴² Anglo-Saxon Britain became, under this theory, a golden age in which liberty ruled, and all law was all to promote the welfare of the people, and the tyranny of Charles I could be explained by the Norman Yoke. This formed the basis of the Levellers critique of the English legal system, whose agenda is best summed up thus:

The Levellers...wanted the laws rationalized and codified, “made certain, short, and plain”. Lilburne would have abolished the “Norman innovations” of courts at Westminster and had all causes and differences decided in the county or hundred where they had originated. This, he held, had been “part of the ancient frame of government in this Kingdome before the Conquerors dayes”. Like the elevation of the jury over the judge, this is an appeal from the existing state power to surviving vestiges of the old communal institutions.⁴³

Lilburne and the law

Of course John Lilburne’s interest in the English legal system was not just an academic one, as he was constantly involved in disputes and often found himself in front of the courts and in jail. Born in Greenwich⁴⁴ to Richard Lilburne, who was a gentleman, Lilburne was educated in schools in Newcastle and Auckland before his father had him apprenticed in 1630 to a cloth merchant in London where he remained until 1636. Thus John Lilburne followed the traditional route of the second son of a gentleman in that he was apprenticed to a trade. He would also have been used to disputes with the law due to his father’s persistent wrangling with his neighbours over the boundary between their estates. Indeed Richard Lilburne was one of the last people ever to demand a trial by battle in a

⁴² *Ibid.*, p.156.

⁴³ Christopher Hill, “The Norman Yoke”, pp.86-7.

⁴⁴ The date of Lilburne’s birth is uncertain, although the Dictionary of National Biography estimates it as 1614.

civil suit. During his spare time as an apprentice, John Lilburne read *The Bible*, Foxe's *Book of Martyrs* and various other books by puritan divines, including Luther, Clavin and Bèza.⁴⁵ Indeed in his early life, prior to his first brushes with the law, religion was his "sole concern", and after this, when he became absorbed in politics, "he believed that he acted under the direct inspiration of God."⁴⁶

Lilburne, after the end of his apprenticeship, met the Puritan authors William Prynne and John Bastwick. The histories of Prynne and Bastwick may have given Lilburne a clue about what he could expect from Charles' administration should he follow their course of action. Charles and his Archbishop of Canterbury, William Laud, were ruthless in their attempts to silence critics of their Arminian religious policy. Critics of Arminianism pointed to its similarity to Catholicism, and consequently many spoke of a 'popish plot' to convert England back to the Roman Catholic church, especially as Charles' Spanish queen, Henrietta Maria, was a staunch Catholic. Prynne was twice sentenced to life imprisonment, and had his ears partially cut off once, and then on another occasion had them severed completely. Dr Burton and Dr Bastwick also had their ears cut off, and Prynne was given the further punishment of having the letters S and L branded on his cheeks (for seditious libeller). These punishments may have caused more problems for Charles and Laud than they solved as the triumvirate of Prynne, Burton and Bastwick, following their punishments, "acquired a new status as popular heroes, attracting support far exceeding that of the readership of their

⁴⁵ *Dictionary of National Biography* (1922: Oxford University Press, London), p.1122, and H.N. Brailsford, *The Levellers and the English Revolution*, Christopher Hill (ed.), (1983: Spokesman, Nottingham), p.78.

⁴⁶ H.N. Brailsford, *The Levellers and the English Revolution*, p.73.

published work.”⁴⁷ Bastwick was in jail when John Lilburne was taken to meet him, and during this period Bastwick was busy writing his *Letany*, which, it was hoped, could be printed in Holland in order to be distributed in London. This seemed, for Lilburne, to be an ideal opportunity not only to get involved with puritan politics, but also it was a chance to make some money and consequently he volunteered to take the trip to Holland.⁴⁸

It was this trip to Holland that would lead to Lilburne’s first brush with the authorities, as John Chilliburne, who was one of those who would visit Bastwick with Lilburne, betrayed the purpose of his visit. In December 1637, when on his way to meet Chilliburne, he was set upon by a group of men arresting him in the King’s name for importing seditious books. After some legal wrangling, in which John Lilburne refused to take an oath before the court, Lilburne was sentenced to be whipped and pilloried. It was the execution of this punishment that provided Lilburne with autobiographical material for his early pamphlets, and in these pamphlets we see Lilburne casting himself in the role of the Martyr.

Lilburne, martyrdom and self-styling

John Foxe’s *Acts and Monuments*, commonly known as the ‘Book of Martyrs’, was popular reading material in the seventeenth century amongst literate Protestants, perhaps only eclipsed by the Bible in readership.⁴⁹ We know that Lilburne owned a copy and had read it. During Elizabeth’s reign it was ordered

⁴⁷ Brian Quintrell, *Charles I 1625-1640*, (1993: Longman, London), p.80.

⁴⁸ See Pauline Gregg, *Free-born John*, (1961: George G. Harrap & Co. LTD, London), pp.48-49.

⁴⁹ Nigel Smith, *Writing and Society; Literacy, Print and Politics in Britain 1590-1660*, (1999: Routledge, London), p.41.

that a copy of the book be placed in every cathedral in the country, and many churches followed suit.⁵⁰ Foxe aimed in *Acts and Monuments*, first published in English in 1563, to chronicle the sufferings endured by the protestant Martyrs in Mary's reign, and "the courage that they had shown in enduring torture and death for the true religion."⁵¹ These images would provide a guide for action for the Christian, and would influence figures as diverse as John Lilburne and Oliver Cromwell.⁵² Martyrdom was an issue in and around the Civil War, both from the puritan side (Burton, Bastwick and Prynne) and also, perhaps most famously, from the government side, the imagery of Charles I the martyr King. After the restoration, January 30th, the date of the regicide, would become a fast day to commemorate Charles' execution; a fast day which had a distinctly political purpose:

From the opening sentences of scripture and through the canticle, lessons, collects and prayers, the message of the service was explicit and unmistakable: that (in the words of the collects) Charles I had been 'barbarously murdered' by 'violent and blood-thirsty men'; that this was God's judgement for the nation's 'many and great provocations': and that equally it was His mercy that had enabled 'our ancient government in church and state' to be restored. Underlying all this was the implication that obedience to divinely instituted temporal authority was the foremost duty of a Christian.⁵³

Just as Charles' death was used for political purposes we should also remember that *Acts and Monuments* was a piece of propaganda written for a distinct purpose, to promote Protestantism over Catholicism, one that happened to coincide with government policy under Elizabeth. Indeed it was for this reason that all ships

⁵⁰ Jasper Ridley, *Bloody Mary's Martyrs*, (2002: Robinson, London), p.225.

⁵¹ *Ibid.*, p.221.

⁵² On Foxe's influence on Cromwell, see Christopher Hill, *God's Englishman; Oliver Cromwell and the English Revolution*, (1972: Pelican, Harmondsworth), pp.156-157.

⁵³ Howard Tomlinson, "Commemorating Charles I – King and Martyr?", *History Today* Vol. 45 (2), (February 1995), p.12.



fighting the Spanish Armada would carry a copy to inspire anti-catholic hatred in the sailors.⁵⁴ Like most martyrologies, *Acts and Monuments* “exaggerates its subject’s sufferings” in order to create an image.⁵⁵ We, of course, should not be surprised by this as the purpose of such books is not to give an accurate description of events, but rather to create a dramatic image of people or events in order to make a religious or political point. It is the same technique that John Lilburne would use when he was talking about his conflicts with the law in his pamphlets. Just as martyrologies sought to create a particular image in order to win public support, so too did John Lilburne.

It is for this reason that, when we read the biographical information that litters Lilburne’s texts, we should regard it not as an unproblematical and accurate description of his life, but rather as an endeavour to create a sympathetic portrait of himself that would win adherents to his political cause. In doing this Lilburne borrows from the concepts of martyrdom that were available and known in seventeenth century England, and twists them to his political cause. Ann Hughes, in her work on the portrayal of gender in Leveller literature, suggests that those involved in political activity “offer particular identities and visions that encourage people to become involved in political movements and activities”.⁵⁶ The telling of stories forges these identities, as it is through this process that we “develop a sense

⁵⁴ Jasper Ridley, *Bloody Mary’s Martyrs*, p.227. It is this anti-Catholicism that linked Foxe with nationalism. Indeed Frank Claims that it was from Foxe that Lilburne got his nationalism (see Joseph Frank, *The Levellers: A History of the Writings of Three Seventeenth Century Social Democrats: John Lilburne, Richard Overton, William Walwyn*, (1969: Russell & Russell, New York), p.13).

⁵⁵ David Starkey, *Elizabeth*, (2001: Vintage, London), p.143. See also Jasper Ridley, *Bloody Mary’s Martyrs*, pp.222-223, on corrections and clarifications made by Foxe between the first and second editions of *Acts and Monuments*.

⁵⁶ Ann Hughes, “Gender and Politics in Leveller Literature”, in Susan D. Amussen & Mark A. Kishlansky (eds.), *Political Culture and Cultural Politics in Early Modern Europe*, (1995: Manchester University Press, Manchester), p.165.

of identity, both individual and collective.”⁵⁷ Thus John Lilburne’s stories of his sufferings are part of a “process of self-definition”, in which, as we shall see, he endows himself and others with particular political powers of action.⁵⁸ It is through this process of self-definition that Lilburne was able to transform “the dramatic facts of his life into a political programme.”⁵⁹

Lilburne creates in his writings an image of himself as being two related things; firstly an honest Christian family man subjected to terrible acts of injustice, and secondly as being representative of any other men in society at the time. The message is clear in Lilburne’s work that the acts perpetrated against him are unjust as he is an honest Christian, and could in future be repeated on anyone in the future. Thus the reader is invited to not only sympathise with his sufferings as a fellow Christian, but also identify with him as a personification of all honest Christians. Lilburne makes it clear that the acts committed against him could have been committed to anyone and therefore “[e]very true hearted Englishman, that stands for the laws and liberties of the subject, was so used, and abused for it, might have beene any such mans case, as well as his.”⁶⁰

The emotive language, and various means Lilburne uses to get his message across are very varied. For example on the title page of “The Christian Mans Trial”, a pamphlet in which John Lilburne outlines his imprisonment and “Censure in star-

⁵⁷ *Ibid.*, p.166.

⁵⁸ *Ibid.*, p.167.

⁵⁹ Joseph Frank, *The Levellers*, p.12.

⁶⁰ John Lilburne, *A True Relation*, British Library, Thomason Tracts, E. 324 (2) 9, p.9.

chamber, and the manner of his cruell whipping through the streets”⁶¹, he puts on the title page not only a portrait of himself, but also the following poem:

Gaze not upon this shadow that is vaine,
But rather raise thy thoughts a higher straine,
To God (I meane) who set this young - man free,
And in like straits eke deliver thee.⁶²

This is then followed with two bible references, Revelations 2.10⁶³ and Matthew 10.19.⁶⁴ So before even a word of prose is written in this pamphlet, we get the image of its author as being an honest Christian man, who is doing God’s work and seeking solace, and indeed guidance, from the Bible. There is nothing unusual in this, as most Leveller pamphlets include biblical references to what they consider the relevant passages of the Bible.

In the pamphlet proper Lilburne tells us how the agents of the Star-chamber captured him after being betrayed by a friend, and in his account of this incident he makes interesting use of rhetoric and imagery. Firstly he states that “I was treacherously and Judally betraied (by one that I supposed to be my friend).”⁶⁵ He goes on to note, however:

Before I proceede with my speech, I desire to digresse a little in regard that John Chillibure doth yet stifly maintaine, that he did not betray me, nor laid the plot, and therefore I doe him wrong for accusing him, he saith. To which I answer, and say, in this, he is worse than Judas

⁶¹ John Lilburne, *The Christian Mans Trial*, British Library, Thomason Tracts, E. 181 (7), Title page.

⁶² *Ibid.*, Title page.

⁶³ “Fear none of those things which thou shalt suffer: behold, the devil shall cast some of you in prison, that ye may be tried; and ye shall have tribulation ten days: be thou faithful unto death, and I will give thee a crown of life.”

⁶⁴ “But when they deliver you up, take no thought how or what ye shall speak: for it shall be given to you in that same hour what ye shall speak.”

⁶⁵ John Lilburne, *The Christian Mans Trial*, p.3.

himselfe, for after he had betrayed Christ, he came and confessed his sinne, and said, I have sinned in betraying the innocent blood, and this man hath betraied Christ in betraying me his member, for what is done to his servant, he takes it as done to himself: but he is not so good as Judas, who confessed his fault, but he hides and justifies his sinne...⁶⁶

So Lilburne not only accuses Chillibure of betraying him and God, but also draws a parallel with his experience and that of Christ. This is followed by an act of forgiveness by Lilburne saying "And for that wrong they have done unto mee, I freely forgive them, and if any of them belong to God, I pray him to call them home unto him."⁶⁷

The rhetoric and imagery used in "A Christian Man's Trial" is continued in a follow-up pamphlet "A True Relation..." which describes the whipping pillory given to Lilburne. The punishment is described as being "BLOODY, WICKED, CRUEL, BARBAROUS and TYRANNICAL."⁶⁸ The witness to his flogging was

Mrs Mary Dorman:

Mr Lilburne whipt from Fleet bridge to westminster, in such a barbarous, and cruel manner, that she was not able to expresse it, and that shee did believe both his shoulders were swelled almost as big as a Penny Loafe, with the bruises of the knotted chords, and that she did see him set upon the pillory immediately, above the space of 2 hours bare head, the sunne shining very hot, and he took occasion to declare the unjustnesse of his sentence, upon which the warden of the fleet caused him to be gagged above an hour, and did it with such cruelty, that he made his mouth to bleed.⁶⁹

Elsewhere Lilburne more directly described the role that God had played in his punishment, and how, as a consequence, he thought that he was doing his work.

⁶⁶ *Ibid.*, p.10.

⁶⁷ *Ibid.*, p.13.

⁶⁸ John Lilburne, *A True Relation*, p.1.

⁶⁹ *Ibid.*, p.2-3.

In *Innocency and Truth Justified*, Lilburne, who describes himself as a “a young soldier of Jesus Christ”⁷⁰, recalls the day of his whipping and pillory. He says that “...I was on that day as merrie and cheerfull, as if I had been going then to be made possessor of all the treasures, pleasure, contents and delights, that this present world can afford...”.⁷¹ God, he claimed, inspired his actions, and consequently he feared not the punishment that he was going to receive nor the animosity of those who inflicted the punishment. God had:

[M]ade me one with himself, and also, hath made knowne unto me, that there is that excellencie in the injoying of himselfe alone, that will balance downe all the miseries, calamities, and distresses, which it is possible for the malice of man to heape upon me, the riches of which excelencie, is so transcendent, that it is worth to fोगing of all earthly delights and pleasures, yea, Father, Bretheren, and kindred, and a mans owne life, and outward welfare.⁷²

The way he faced his punishment, Lilburne goes on to explain, perturbed those who inflicted it as the “righteous are as bold as a lyon”⁷³. Consequently, Lilburne asserts that his enemies have been “even amazed and confounded in themselves seeing the mighty power and wisdom of God in me”.⁷⁴ Thus Lilburne is putting himself forward as a martyr not solely because his actions, and subsequent punishment, were done in God’s name, but also because he welcomed the punishment as it brought him closer to God. As Lilburne writes:

[God] in his wisdom hath so ordered it, that I his poore, weake and yound servant, should be counted worthy by him to have the honour and dignitie bestowed on me for to suffer for his cause and glory, and to bear witnesse to the purity of his truth, and to oppose his grand

⁷⁰ John Lilburne, *Innocency and Truth Justified*, British Library, Thomason Tracts, E. 314 (22) p.3.

⁷¹ *Ibid.*, p.3.

⁷² *Ibid.*, p.2.

⁷³ *Ibid.*, p.2.

⁷⁴ *Ibid.*, p.2.

capital enemies, namely the man of sin, and his chiefe servants and confederates, the Bishops, and their Priests, and Deacons, who have for many hundred yeares together, buried the truth and the true wayes of God in Oblivion, and trodden underfoot, the holy Citie and true Church of God, which John in his Revelation long since largely prophesised of, as you may fully read in that sacred Booke.⁷⁵

Here we see something about the political significance of John Lilburne's self-defined martyrdom. He claims that the church of England, of which, let us not forget, the King was the head, ran contrary to the teachings of Christ. In a time such as the seventeenth century when religion was deemed the most important aspect of life and when the King argued that he was God's representative on earth, this was an enormous political claim to make. Whereas Lilburne does not address the nature of religious tolerance to the same extent as his fellow Leveller William Walwyn, he does suggest that, as the established church was erroneous, all should be able to worship according to their consciences. Lilburne addresses this issue in *A Copie of a Letter* in which he states that whereas he had no objection to a state religion, that people should still be able to worship according to the dictates of their own consciences:

I am not against the Parliaments setting up a State-Government for such a Church as they shall thinke fit, to make the generality of the Land members of, for I for my part leave them to themselves, to doe what they shall thinke good, so that they leave my conscience free to do the Law and Will of my Lord and King.⁷⁶

This is very much along the lines of one of the clauses of the Leveller document *An Agreement of the People* of 1647 in which the "publike way of instructing the

⁷⁵ *Ibid.*, p.1.

⁷⁶ John Lilburne, *A copy of a Letter*, British Library, Thomason Tracts, E. 24 (22), p.7.

Nation (so it be not compulsive)”,⁷⁷ in matters of religion is referred to the discretion of Parliament. Of course the whole point of a state religion in the seventeenth century was that it was compulsory, so Lilburne is making two claims, each as radical as the other. Firstly he is claiming that, as the established church has buried the true ways of God, and as one should act upon religious principles (he has given himself as an example as one who has), that should the state act contrary to the ways of God it is resistible. Not only is this radical because he is saying that the state does not have absolute power, but because he is claiming for the individual the exact same connection with God as has previously been reserved for the King. Secondly Lilburne is claiming that the state should not force an individual to worship in any given way, which again denies the King his privileged connection with God. Again the individual usurps from the King the connection with God.

Public sphere, conscience and the individual

However Lilburne’s autobiographical work does not merely provide us with an account of himself and his view of the individual, but he also seeks to fashion the qualities of the public that he wants support from. Therefore Lilburne not only fashions himself as an individual with certain political powers, but he also aims to fashion a politically active and aware public who is sympathetic with his goals. It is worth noting before this fashioning is discussed that Lilburne writing about a supportive public was not necessarily a fictional account as there is ample evidence that he was indeed popular with the public. Brailsford notes that “the

⁷⁷ “An Agreement of the People”, in A.L. Morton (ed.), *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), pp.140-141.

masses read gladly everything he wrote, and some of these pamphlets...had for those days an immense circulation”⁷⁸, and he certainly developed the status of a folk hero within London. Many watched Lilburne’s legal exploits, not only because they supported his cause but also as “the courtroom provided a kind of entertainment sorely lacking after the closing of the theatres in 1641.”⁷⁹

The nature of the creation of a ‘public sphere’ in England during the seventeenth and eighteenth century has been subject to comment in recent years. Jurgen Habermas’ *The Structural Transformation of the Public Sphere* suggests that in Britain from 1695 onwards saw the growth of a public sphere with “growing space for public debate coterminous with the development of bourgeois society”.⁸⁰ This public sphere had three major features according to Habermas, firstly that all (in theory) had the right of access, secondly that it was non-instrumental in that it was determined by the agency of those participating rather than any other individual or group and thirdly that it operated with reason, as opposed to status or rank.⁸¹

In recent times, however, scholarship has suggested that something akin to the Habermas’ ‘public sphere’ was in development during the English civil war. Certain developments in political thought that have traditionally been placed within the European enlightenment of the eighteenth century, it has been suggested, could be found in seventeenth century England. Many point to the development of movable printing presses in England as making “books, pamphlets

⁷⁸ H.N. Brailsford, *The Levellers and the English Revolution*, p.74.

⁷⁹ Sharon Achinstein, *Milton and the Revolutionary Reader*, (1994: Princeton University Press, Princeton), p.43.

⁸⁰ Joad Raymond, “The Newspaper, Public Opinion, and the Public Sphere in the Seventeenth Century”, in *Prose Studies*, Vol. 21, No. 2 (Aug. 1998), p.110.

⁸¹ *Ibid.*, pp. 111-112.

and broadsheets available to a widely dispersed literate audience.”⁸² That the breakdown in censorship in the English civil war resulted in a “publishing free-for-all”⁸³ is common knowledge, but the effects that this had on the ‘public sphere’ has been less documented. What is certain is that the breakdown in censorship, combined with the technological developments that made the printing process more accessible, resulted in a “propagandistic conflict that engaged with and stimulated public debate.”⁸⁴ Consequently, it can be argued that there was an arena of political discussion that was open to far more people than previous political disputes. Indeed the Levellers played a huge part in this process, involving people in political discussions via novel techniques and agreements that sought to involve the reader in political action. John Lilburne’s pamphlets also went some way to fashion a ‘public sphere’ in that he “created a role for his audience to play”⁸⁵, and endowed them with certain political capabilities that would liken them to citizens in a ‘public sphere’.

John Lilburne portrayed himself as a “spokesman for the people”⁸⁶, as he regarded the hardships that he suffered as being able to happen to anyone. He asserts that since “this worthy man’s case is mine, and every man’s, who though we be at liberty today, may be in *Newgate* tomorrow, if the House of Lords so please, doth it not equally alike concern all the people of *England* to lay it to heart?”⁸⁷ Not only did Lilburne suggest that he was representative of any other person, but also

⁸² Andrew Hadfield, “Publish and be Freed” in *The Times Literary Supplement*, No. 5118, May 4th 2001, p.34.

⁸³ Roy Porter, *The Enlightenment. Britain and the Creation of the Modern World*, (2000: Penguin, London), p72.

⁸⁴ Joad Raymond, “The Newspaper, Public Opinion, and the Public Sphere in the Seventeenth Century”, p.114.

⁸⁵ Sharon Achinstein, *Milton and the Revolutionary Reader*, p.45.

⁸⁶ *Ibid.*, p.44.

⁸⁷ *Ibid.*, p.44.

that he was representative of the people as a whole during the turbulent times of the civil war. Loewenstein notes:

Since he himself suffered religious and political persecution, economic disaster, and legal oppression during his career, Lilburne quickly developed a knack for making his personal crises symbolic of a larger political crises in the English Commonwealth.⁸⁸

Thus Lilburne realised that he could use public opinion to his advantage in that he professed to be representing ideas and opinions which were held by the population at large, and that he should be judged by the population at large. This had the added benefit, as he was representing the population as a whole, of symbolically placing them in the dock with him. If all people held his views, and he was found guilty, surely the whole population was also guilty of treason along with him. Whilst he was on trial for treason in 1649, Lilburne chose to use his position as spokesman for the people to try to educate “his own jury in their rights”⁸⁹, in that Lilburne regarded the jury as being the true interpreters of the laws. This is in marked contrast to how juries were traditionally regarded at the time, which was that the jury was to decide on matters of fact, whereas the judge was to decide on matters of law.

It is true that there were tactical reasons for this approach, in that a jury was far more likely to declare Lilburne not guilty than a judge, however it also shows us more about what he regarded to be the role of the individual in his political theory. We have seen how Lilburne regarded that he should only be declared guilty if the jury, rather than the judge regarded him as such. As he regarded himself as a

⁸⁸ David Loewenstein, *Representing Revolution in Milton and his Contemporaries*, p.19.

⁸⁹ Sharon Achinstein, *Milton and the Revolutionary Reader*, p.50.

spokesman for public opinion, and that the jury was comprised of people just like him, Lilburne was trying to endow not just the individual jury members with powers of political action, but also the population as a whole. He asked the jury at his trial, as usual using the Bible, to “put care in my case, and do by me as you would be done unto me, if you were in my case and condition.”⁹⁰ Consequently Lilburne’s position is compared to that of any other individual in the country under what he regarded as the tyranny of the Parliament. Therefore, as Achinstein points out:

Lilburne fashioned his jury into his supreme judges, transforming an abstract argument concerning the people’s “fundamental liberties” into an actual practice in which he reached out to his jury as embodying the people. He imagined them as “honest fellow citizens” who would be able to perceive his “just and rational motion and request.” By his language – flattering, cajoling, and questioning – Lilburne endowed the members of his jury with those attributes which could help him.⁹¹

Achinstein highlights conscience as being the key attribute that Lilburne endows his jury with that leads to the individual to be capable of determining the correct course of political action. Conscience had become a “sovereign faculty”⁹² to many radicals during the civil war, as it was regarded as an inward guide that provided an individual link between man and God. It was Calvin that prompted the idea of conscience, and consequently we can see the piebald record that Calvin has with political radicals in the seventeenth century. On the one hand he provides an account of government in which the individual is not allowed to participate its foundation; and yet on the other hand he provides the individual with capabilities that would become the basis of their claim to be included in politics. Calvin called

⁹⁰ *Ibid.*, p.51.

⁹¹ *Ibid.*, p.50.

⁹² *Ibid.*, p.52.

the conscience the “guardian” the “keeper”; conscience is also “a thousand witnesses,” and associated with the idea of natural, or inward law, “written, even engraved, upon the hearts of all.”⁹³ With this type of conscience, the individual, according to Lilburne had the innate faculty “without external constraint judge right and wrong.”⁹⁴ It was conscience, for example, that led the Levellers to believe that all should be able to choose their own religion without interference from the state. But the same principle could be used for the individual to judge political and social goods for themselves as well as religious principles.

Consequently, regarding Lilburne’s trial for treason, conscience “became the key term on which the jury could hoist its authority.”⁹⁵ This had a twofold positive effect for Lilburne, firstly the jury had the capability of making a judgement about Lilburne in their own minds independent of the judge in the trial. Secondly it placed the jury in the position of judging whether they thought his actions were right or wrong rather than whether the law regarded his actions as being wrong.

Thus:

In this trial, Lilburne expressed the belief that citizens must make choices guided by heir own consciences and by reason alone, not by civil authority, or even by the law of treason that was interpreted by the state to apply to his pamphlets... By attributing supreme power to the jury, Lilburne underscored the mounting powers of the public, and the rewriting their script, he presented a radical conception of what a jury was to be... Lilburne fashioned their roles as conscientious actors.⁹⁶

⁹³ *Ibid.*, p.52.

⁹⁴ *Ibid.*, p.53.

⁹⁵ *Ibid.*, p.54.

⁹⁶ *Ibid.*, p.55.

Consequently, these conscientious actors were individuals who could participate in the public debates such as those depicted by Habermas' theory of the public sphere. This is coupled with the fact that the theories presented by Lilburne were distributed in pamphlets which were part and parcel of a public debate about the nature of government in England at the time. Therefore Lilburne could draw in the reader to public debates, trying to encourage them to partake of political action. Both in theory and in action, therefore, Lilburne seeks to create the type of individual who could participate in public debate free of the agency of any other group of political entity. It would be the purpose of the Levellers' agreements to try to create just the sort of government that would allow such political discourse to take place and a society in which government is created and valorised by the individuals that it represents.

Conclusion

This chapter has addressed the main themes of John Lilburne's political thought. We have seen how he uses religious images, texts such as *Acts and Monuments* and Parliament's declarations to his own advantage, and how he used dramatic self-representation to create an image of himself, and the public, as an actor in the political arena. We have seen how Lilburne has an ascending theory of governance, in that political power comes from the people; but we have also seen that this, coupled with his views on representation, were at odds not only with divine right theorists, but with the parliamentary rhetoric too. Also we have seen that whereas Walwyn uses humanist ideas coupled with religious ideas to support his arguments, Lilburne refuses to accept the legitimacy of using non-religious

sources. This goes some way to highlight the variety of intellectual positions adopted by the Leveller leaders.

Chapter four

Richard Overton

Introduction

The first purpose of this chapter is to examine some of the influences that Overton's life as a religious exile in the Netherlands may have had on his thought. It will be suggested that Overton was one of a very few writers in seventeenth century England that actively advocated change on the basis of rational principle rather than, say, legal precedent as in Lilburne's argument, and that his model of a good society, in which this principle appeared to be followed was the Netherlands. The second purpose of this chapter is to examine Overton's use of the concept of self-propriety, and the link that this has with canonical writers of the seventeenth century. It will be argued that Overton used this concept within the context of an attack on tyranny, rather than as the basis of an argument to justify the acquisition of property. The final purpose of this chapter is to examine Overton's style of political writing, and especially his use of satire, which made his works available and accessible to a broader range of people as well as reinforcing his political ideas. We will see that in his advocacy of toleration as a means to civil peace, Overton is similar to Walwyn, and in his championing of an ascending theory of governance, he is similar to Lilburne.

Biography and influences

Little is known about the life of Richard Overton prior to 1641-2 when he became involved in "clandestine printing and publishing in London."¹ Indeed some have suggested that our lack of biographical knowledge of Richard Overton is not entirely accidental as he "often deliberately surrounded himself with a cloak of mystery, and to his contemporaries he was the most elusive of the prominent radicals."² So whereas John Lilburne used himself as being representative of the people, Overton like Walwyn used his anonymity to add to his appeal as a pamphleteer. One thing that is known about Overton, however, is that between 1615 and 1641 he spent some time in Holland with a congregation of Anabaptists. At this time there was a large community of British people living in the Netherlands who formed various religious communities. Indeed as early as 1529 the Netherlands had seen Anabaptist ministers with "exalted visions and passionate preaching" gaining converts.³ Overton was a non-conformist in terms of religion; indeed his confession of faith is supposed to have included the passage "[l]ately of the English church, but convinced by the Word and Holy Spirit of God, I gave up all its errors".⁴ Thus it can be seen that Overton, through his religious beliefs, had already become a political radical as he was challenging the nature of the established church in England by his religious actions. Whereas this does suggest that Overton "provides the strongest Leveller connection with continental Anabaptism"⁵, our interest in his voluntary religious exile in Holland is not purely related to religious matters as the nature of Holland in the

¹ G.E. Aylmer (ed.), *The Levellers in the English Revolution*, (1975: London, Thames and Hudson), p.18.

² Joseph Frank, *The Levellers. A History of the Writings of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn*, (1969: Russell & Russell, New York), p.39.

³ G.R. Elton, *Reformation Europe 1517-1559*, (1963: Fontana, London), p.98.

⁴ Joseph Frank, *The Levellers*, p.39.

⁵ Howard Shaw, *The Levellers*, (1968: Longmans, London), p.32.

seventeenth century provides us with a society with which we can compare with England.

The Netherlands and toleration

The Netherlands in the seventeenth century was (with Italy) one of the “economic centres of Europe, as they had been for two or three hundred years, as they generated a remarkable artistic and intellectual life alongside their commercial activity.”⁶ Brailsford added to this list of achievements “the liberality of their statesmanship”⁷ which he suggests would have left Overton bewildered by religious intolerance in Civil War England:

When Overton recalled the tolerant republic of Grotius and Rembrandt, in which Huygens and Spinoza were getting ready to enlighten ages to come, Thomas Edwards must have looked like a puny barbarian long since outmoded.⁸

Indeed Overton states explicitly his belief that the Netherlands could provide a model of governance for civil war England, and suggests that the English should “follow their good example”.⁹ Overton suggests in *A Remonstrance of Many Thousand Citizens* that, in order for a government to have authority and achieve obedience from its citizens, it is not necessary to keep people in slavery, even in times of crisis like that of civil war. Overton here is opposing the conscription of

⁶ Richard Tuck, *Philosophy and Government 1572-1651*, (1993: Cambridge University Press, Cambridge), p.1.

⁷ H.N. Brailsford, *The Levellers and the English Revolution*, (1983: Spokesman, Nottingham), p.49.

⁸ *Ibid.*, p.49. Thomas Edwards was, of course, the author of *Gangraena*, who was briefly mentioned in the Walwyn chapter, who regarded the Levellers as heretics.

⁹ Richard Overton, “A Remonstrance of Many Thousand Citizens”, in William Haller (ed.), *Tracts on Liberty in the Puritan Revolution*, Vol. III, (1933: Columbia University Press, New York), p.366.

men to serve in Ireland, which he compares to slavery asking “what difference there is, between binding a man to an Oare, as a *Gally-slave* in *Turkie* or *Algiere*, and Pressing of men to serve in your Warre”?¹⁰ Regarding this he states that the:

Hollanders our provident Neighbours have no such cruelties, esteeming nothing more unjust, or unreasonable, yet they want no men; and if ye would take care, that all sorts of men might find comfort and contentment in your Government, yee would not need to enforce men to serve in your Warres.¹¹

The lesson to learn from Holland, according to Overton, is to “shew love to the People in the Constitutions of your Government, [and] the affection of the people, would satisfie all common and publike Occasions”.¹² Consequently Overton asserts that the way to achieve obedience to government and to make sure that people are prepared to serve it militarily is to arrange the constitution in a way to make people as free as possible. If people are free under government they will want to protect it and will fight for it not because of the strength of it, but because they want it preserved, as they love it.

Overton addresses this same issue elsewhere, noting that the United Provinces flourish due to their toleration of different religions which cements the link between the state and the people. Indeed this cohesion forged through plurality, Overton notes, leads to societies being “at peace in themselves” due to the fact that they “set the conscience free”.¹³ Persecution of conscience, Overton notes, does not lead to civil peace but rather the opposite, as those persecuted will inevitably

¹⁰ *Ibid.*, p.366.

¹¹ *Ibid.*, p.366.

¹² *Ibid.*, p.366.

¹³ Richard Overton, “The Araignment of Mr. Persecution”, in William Haller (ed.), *Tracts on Liberty in the Puritan Revolution*, Vol. III, p.223.

take part in “Conspiracies, Rebellions, Insurrections, &c.”¹⁴. This civil peace brought about by toleration, Overton suggests, is why the United Provinces can call upon its citizens to fight to defend it in battle. Overton suggests:

Whosoever readeth the history of the United Provinces, and considereth their wonderfull preservation, flourishing state and prosperity they enjoy, notwithstanding their waging of continuall warre with a forraigne Enemie, may clearly perceive, the great mercy of God upon a Nation and people, that in tender to the consciences one of an other, exclude, banish, and extirpate persecution out of their Territories.¹⁵

Indeed Overton goes onto suggest that if this “ignorant Zeall of forcing all to believe as we believe [becomes], extinct” then “National Feares, Jelousies, and Hatred would cease betwixt: Nation and Nation, people and people”.¹⁶ Thus Overton is following a similar line here to that of Walwyn, that toleration, rather than destabilising the state, makes it stronger as it breeds adherents and supporters from the people.

Continuity and change

Overton (and perhaps also Walwyn) were worried about the “moral and intellectual limitations” of ancient constitutionalism, and consequently “made the most striking attempt of the period to liberate the radical cause from appeals to precedent altogether.”¹⁷ This does not mean to say that Overton completely

¹⁴ *Ibid.*, p.214.

¹⁵ *Ibid.*, p.215.

¹⁶ *Ibid.*, p.222.

¹⁷ Jonathan Scott, *England's Troubles. Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), p.284.

rejected the Norman Yoke theory, as in *A Remonstrance of Many Thousand Citizens* he asserts:

The History of our fore-fathers since they were conquered by the *Normans*, doth manifest that this Nation hath been held in bondage all along ever since by the policies and force of the Officers of Trust in the Common-wealth, amongst whom, wee always esteemed Kings the chiefest.¹⁸

In the same pamphlet, however, he suggests that precedents are not valid, and that just because our forefathers had suffered under a particular tyranny does not mean to say that we should:

[F]or whatever our Fore-fathers were; or what ever they did or suffered, or were enforced to yeeld unto; we are men of the present age, and ought to be absolutely free from all kinds of exorbitancies, molestations or *Arbitrary Power*.¹⁹

These statements hint at a tension in the heart of both Leveller thought in particular and seventeenth century political thought in general; that is the tension between continuity and innovation. Leveller political demands were “appeals first to history, and then to reason”²⁰, and this can create theoretical problems. By pronouncing the type of theory that Overton does above, two consequences ensue. Firstly it suggests that, as we are men of the present age, we can make laws and shape the kind of government that we want, free from the shackles of legal precedent. Indeed it was precisely this type of argument, we shall see, that Overton goes onto advocate. This is of enormous consequence when we remember that in politics during the seventeenth century “almost everybody

¹⁸ Richard Overton, *A Remonstrance of Many Thousand Citizens*, p.354.

¹⁹ *Ibid.*, p.355.

²⁰ Jonathan Scott, *England's Troubles*, p.284.

opposed innovation.”²¹ By arguing against precedent, one is also arguing in favour of innovation. It was not just divine right theorists who argued in favour of continuity, but also people lower down the social spectrum. The most common ‘political’ attitude in the seventeenth century was that of “conservative localism: a stubborn reliance on ancient custom, and a tendency to view national issues through the prism of town or village life.”²² Consequently when riots took place in the provinces against arbitrary rule they were most often in protests against “violations of their traditional rights by outsiders.”²³ This often included protests against the enclosure of common lands which villagers had customary rights to use for their subsistence, but was of course, an argument against innovation.²⁴ Therefore perhaps we shall see that Overton, in putting forward a theory that government should be based upon principles deduced by reason, was arguing against the grain of political thought in the seventeenth century. This can perhaps be explained by his fondness for the Netherlands and the influence that Grotius’ thought had on him but not English political thought more generally at this time.

The second issue raised by the argument against precedent is that, if logically followed, it rejects Lilburne’s arguments for ancient constitutionalism. If we are men of our age and should not be bound by precedent then there is no reason why government should be bound by pre-Norman precedent any more than post-Norman precedent. However Norman Yoke theories appeal to different sets of people than to natural law theory, and perhaps this is why the two sets of ideas

²¹ *Ibid.*, p.231.

²² David Underdown, *Revel, Riot & Rebellion; Popular Politics and Culture in England 1603-1660*, (1987: Oxford University Press, Oxford), p.107.

²³ *Ibid.*, p.110.

²⁴ See, for example, Christopher Hill, *Liberty Against the Law; Some Seventeenth-Century Controversies*, (1996: Penguin, London), pp.19-43.

worked so well in tandem. John Lilburne, as we have seen, “enjoyed a popularity and public impact beyond comparison”²⁵ to the other Leveller leaders and perhaps this is because his ideas were in closer relationship with the rest of the population. He argued against innovation, whereas (as we shall see) Overton argued in favour of it. Therefore there was a rhetorical reason for keeping Norman yoke theory. Consequently in “terms of public impact... Leveller ancient constitutionalism remained important. In intellectual terms, however, Leveller claims became principally dependent upon a radical natural law theory.”²⁶ Whereas Lilburne had provided the ancient constitutionalism, Overton was to provide the radical natural law theory, and one of the key principles that were to be deduced by reason was self-propriety.²⁷

Self-ownership

The best-known English seventeenth century account of self-ownership comes, of course, from John Locke’s *Second Treatise of Government* published in 1690. In this Locke states “Man has *property* in his own *person*”, and that of this property “no body has any Right to but himself.”²⁸ Locke uses this theory to suggest that the individual is capable of owning property that is properly speaking his, and that no one (not even the King) has the right to take it away. Locke’s individual is capable of owning property because as he owns himself, he consequently owns his

²⁵ Jonathan Scott, *England’s Troubles*, p.285

²⁶ *Ibid.*, p.285.

²⁷ See also Peter Kurrild-Klitgaard, “Self-Ownership and Consent: The Contractarian Liberalism of Richard Overton”, in *Journal of Libertarian Studies*, Vol. 15, No. 1 (Fall 2000), p.43-96, which concentrates on the centrality of Grotius’ thought as an influence on Overton. Whereas I disagree with Kurrild-Klitgaard on the link between property & Overton’s thought, this article does provide a comprehensive review of the natural law links between the two thinkers.

²⁸ John Locke, *Two Treatise of Government*, Student Edition, (ed.) Laslett, Peter (1988: Cambridge University Press, Cambridge) p.287.

labour and should he mix his labour with that which God had left to all in common he would have “joynd to it something that is his own, and thereby makes it his property.”²⁹ Consequently anything with which an individual labours, providing he has a common right to it (i.e. it is not someone else’s property), and when “there is enough, and as good left in common for others”³⁰ can be called the property of that person. As Locke sums up in perhaps the most famous paragraph in the history of political thought:

Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg’d in any place where I have a right to them in common with others, become my *Property*, without assignation or consent of any body. The *labour* that was mine, removing them out of that common state they were in, hath *fixed* my *Property* in them.³¹

This assertion has made Locke’s theory a topic of discussion in the twentieth century with Marxist scholars accusing him of possessive individualism³², whilst Libertarians have used his theory to support a minimalist state in which any taxation to redistribute wealth is akin to slave labour.³³ It is also not an entirely uncommon argument in the seventeenth century, as we shall see that central to Overton's claim for an ascending theory of governance is that man has property in himself.³⁴

²⁹ *Ibid.*, p.288.

³⁰ *Ibid.*, p.288.

³¹ *Ibid.*, p.289.

³² See C.B. Macpherson, *The Political Theory of Possessive Individualism. Hobbes to Locke*, (1962: Oxford University Press, Oxford), pp.194-262.

³³ See Robert Nozick, *Anarchy, State, and Utopia*, (1974: Basil Blackwell, London).

³⁴ Indeed there are many similarities between Locke and the Levellers as Locke's theory of toleration put forward in *A Letter Concerning Toleration* seems very similar to that of William Walwyn's. The case for comparing Locke with the Levellers was put forward in Richard Ashcraft, *Revolutionary Politics and Locke's Two Treatise of Government*, (1986: Princeton University Press, Princeton). Another who compares Locke with the Levellers, albeit in a different manner to Ashcraft is C.B. Macpherson who asserts that they both hold the same view of freedom, namely that of possessive individualism. However we should be careful to ascribe too great an influence on Locke's thought from the Levellers as it has never been proved that Locke actually read any

Overton's central claim is that each individual owns himself, and that consequently government must be based upon consent. As he points out at the beginning of his pamphlet *An arrow against all tyrants*:

To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else he could not *be* himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man. Mine and Thine cannot be, except this be. No man has power over my rights and liberties, and I over no man's. I may be but an individual, enjoy my self and my self propriety and may right myself no more than my self, or presume any further; if I do, I am an encroacher and an invader upon another man's right - to which I have no right, For by natural birth all men are equally and alike born to like propriety, liberty and freedom; and as we are delivered of God by the hand of nature into this world, every one with a natural, innate freedom and propriety - as it were writ in the table of every man's heart,³⁵ never to be obliterated - even so are we to live, everyone equally and alike to enjoy his birthright and privilege; even all whereof God by nature has made him free.³⁶

From this basis of self-ownership, Overton goes on in *An arrow against all tyrants*, to build a case for an ascending theory of governance. Nature's instinct is, according to Overton, "to preserve itself from all things hurtful and obnoxious"³⁷, and that this rule is known by all as "God has implanted them in the creature".³⁸ Here Overton is creating a natural law argument similar to that of Hobbes, who in *Leviathan* states that a man is "forbidden to do, that, which is destructive of his

Leveller Tracts (See Peter Laslett's introduction to John Locke, *Two Treatise of Government*, p.22).

³⁵ This phrase "as it were writ in the table of every man's heart" was a common theme in seventeenth century England, which may give us some idea of Overton's reading. Calvin, whose works would have been known by most Puritans at the time, suggested that the moral law is "engraved in the souls of men by God" (From Harro Höpfl (ed.) *Luther and Calvin on Secular Authority*, (1991: Cambridge University Press, Cambridge), p.68).

³⁶ Richard Overton, "An Arrow Against all Tyrants", in Andrew Sharp (ed.) *The English Levellers*, (1998: Cambridge University Press, Cambridge), p.55.

³⁷ *Ibid.*, p.55.

³⁸ *Ibid.*, p.55.

life, or taketh away the means of preserving the same”³⁹, and that this law can be found by all, using reason. Locke would also use it some time later, however he would widen the concept of natural law saying “no one ought to harm another in his Life, Health, Liberty, or Possessions.”⁴⁰ So Hobbes claims that the natural law merely orders us to seek protection, whereas Locke argued that it should prevent us from attacking others. Hobbes claims that in the state of nature (i.e. the absence of a sovereign power) this may well involve using force, which will turn the state of nature into a state of war:

It followeth, that in such a condition, every man has a Right to everything; even to one anothers body. And therefore, as long as this naturall Right of every man to every thing endureth, there can be no security to any man, (how strong or wise soever he be,) of living out the time, which Nature ordinarily alloweth men to live. And consequently it is a precept, or generall rule of Reason, *That every man, ought to endeavor Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre.* The first branch of which Rule, containeth the first, and Fundamentall Law of Nature; which is, *to seek Peace, and follow it.* The second, the summe of the Right of Nature; which is, *By all means we can, to defend ourselves.*⁴¹

It is this law of nature, and the fear of violent death in the state of nature that, for Hobbes, leads to men contracting to form a sovereign power, which should have absolute powers. However Hobbes goes too far according to Overton’s account, as if individuals contracted to create a Hobbesian sovereign with absolute powers it would break his law of nature as he states “no man naturally would be befooled of his liberty by his neighbour’s craft or enslaved by his neighbour’s might.”⁴²

³⁹ Thomas Hobbes, *Leviathan*, (ed.) C.B. Macpherson, (1985: Penguin, London), p.189.

⁴⁰ John Locke, *Two Treatises of Government*, p.271.

⁴¹ Thomas Hobbes, *Leviathan*, p.190.

⁴² Richard Overton, “An Arrow Against allTyrants”, p.55.

Overton takes a similar line to Hobbes in many aspects of his thought; the end result, however, is different, as Overton believes that men cannot transfer all their powers of political action to an absolute sovereign since this would break the laws of nature.⁴³ Like Hobbes he thinks that political authority comes from below, not above, so the people create government due to powers which are given to them from God, rather than the governors receiving power direct from God. Overton states “from this fountain or root all just powers take their original – not immediately from God (as kings usually plead their prerogative) but mediately by the hand of nature, as from the represented to the representers”.⁴⁴ Of course Hobbes and Overton were not alone in this position as others in Civil War England claimed that political power came from below rather than from above. Henry Parker claimed in 1642, the year of the outbreak of the civil war (4 years prior to the publication of *An arrow against all tyrants*) that:

Power is originally inherent in the people, and it is nothing else but that might and vigour which such or such society of men contains in it selfe, and when by such or such a Law of common consent and agreement it is derived into such and such hands, God confirms that law: and so man is the free and voluntary Author, the Law is the instrument, and God is the establissher of both.⁴⁵

Thus there was a rich tradition of ‘ascending theories of governance’ in the political disputes of seventeenth century England: that one follows this ‘power from below’ thesis does not entail taking a specific political position, however, as

⁴³ For a more detailed account of Hobbes’ theory of the transferral of rights from subjects to sovereigns and the subjects authorisation of the sovereign’s actions see Quentin Skinner, “Hobbes and the Purely Artificial Person of the State”, in *The Journal of Political Philosophy*, Vol. 7, No.1, (March 1999), pp. 1-29.

⁴⁴ Richard Overton, “An Arrow Against all Tyrants”, p.55.

⁴⁵ Henry Parker, “Observations Upon Some of his Majesties Late Answers and Expresses”, in William Haller (ed.) *Tracts on Liberty in the Puritan Revolution 1638-1647*, Vol. II, (1933: Columbia University Press, New York), p.167. On Parker’s contribution to this debate see Quentin Skinner, *Liberty Before Liberalism*, (1998, Cambridge, Cambridge University Press), pp.1-2.

the differences between Hobbes and Overton illustrate. Where, of course, Overton and Hobbes differed was the nature of the transfer of power from the individuals to the government/sovereign. For Hobbes this was an absolute transferral, which could not be revoked at a later date. For Overton, sovereignty always resided with the people, and consequently could be revoked from a ruler at any given time. Hobbes is very specific in the fact that, once formed, the sovereign power is to expect complete obedience, and that the individuals who contracted to created that sovereign power have no right to change the nature of that contract, and consequently the nature of he sovereign power. This is because they have created the sovereign power; they must also own his actions, as they have given him the power to act.

Consequently those who have covenanted to create the sovereign “own the Actions, and Judgements”⁴⁶ of the power they have created, and consequently “cannot lawfully make a new Covenant, amongst themselves, to be obedient to any other, in any thing whatsoever, without his permission.”⁴⁷ Indeed, as the power to create the sovereign⁴⁸ has been given by the contractors and they are the author of his actions, it follows, according to Hobbes’ version of natural law, that it is impossible for the sovereign’s actions to harm the individuals as “to do injury to ones selfe, is impossible.”⁴⁹ Consequently Hobbes’ citizens are obliged to obey the actions of the sovereign because they have created him and endowed him with

⁴⁶ Thomas Hobbes, *Leviathan*, p.229.

⁴⁷ *Ibid.*, p.229.

⁴⁸ Of course the contract to create the sovereign is between the people, not between the people and the sovereign. Consequently subjects cannot free themselves from the power of the sovereign by claiming that the sovereign has broken the contract as he was not party to it. As Hobbes puts it: “Because the Right of bearing the Person of them all, is given to him they make Sovereaigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on the part of the Sovereaigne; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection.” (*Ibid.*, p.230).

⁴⁹ *Ibid.*, p.232.

their political rights. Indeed not only has the sovereign absolute political power within the commonwealth, but the sovereign has also been given the right to judge the political doctrines and religion that would be followed in the country as it is “a thing necessary to Peace, thereby to prevent Discord and Civill Warre.”⁵⁰

Overton is explicit that the Hobbesian transferral of power went too far. For Overton, that the people create the power and office of the rulers of the state means two things, firstly that they must be merely the representatives of the people rather than, as kings⁵¹ claimed, the God anointed ruler (as Hobbes would have agreed with). Secondly it meant that their power must be limited to those things that the people allowed the ruler to govern on, lest they breach natural law (Hobbes would, of course, have disagreed with this).

On the first point Overton is explicit in stating that the ruler of a country is the representative of the people rather than any superior type of magistrate with inherent powers separate to that transferred from the people. Consequently “all authority is fundamentally seated in the office, and but ministerially in the persons.”⁵² Consequently an individual could, should a minister exceed their power, disobey that minister or body without undermining the authority of that office or body; as Overton suggests (with regards to the Parliament), “the rejection, disobedience, and resistance of their personal commands is no rejection,

⁵⁰ *Ibid.*, p233.

⁵¹ Overton claims, indeed, that the traditional powers that divine right theorists granted to the king were in fact given by god to every man. As he points out in *An Arrow Against all Tyrants*, “every man by nature being a king, priest and prophet in his own natural circuit and compass, whereof no second may partake but by deputation, commission, and free consent from him whose natural right and freedom it is.” (p.55).

⁵² Richard Overton, *An Appeal from the commons to the Free People*, in A.S.P. Woodhouse (ed.), *Puritanism and Liberty. Being the Army Debates from the Clarke Manuscripts with Supplementary Document*, (1938: J.M. Dent & Sons Ltd., London), p.326.

disobedience, or resistance of their parliament[ary] authority; so that he doth resist their personal commands, doth not resist the Parliament”.⁵³ So Overton separates the position of the ruler from the actual person occupying that position, and in so doing chips away at the divine right position still further.

In *An arrow against all tyrants*, Overton addressed the second point; that is that only a certain amount of power could be transferred from the individual to the government. Therefore he differed from the Hobbesian position of an absolute transferral of political powers. He compares the position of a ruler to that of a schoolmaster to whom families of children sent to his/her school entrust their natural parental powers on a contractual basis. The powers given to the schoolmaster originate from the children’s parents, and consequently can be removed should the schoolmaster exceed his/her authority:

For such a one’s mastership, ordering and regulating power is but by deputation – and that *ad bene placitum* and may be removed at the parents’ or headmaster’s pleasure upon neglect or abuse thereof, and be conferred upon another (no parents ever giving such absolute unlimited power to such over their children as to do with them what they list, and not to be retracted, controlled, or restrained in their exorbitances) – even so and no otherwise is it with you our deputies in respect of the general.⁵⁴

The King, Overton asserts, is “but chief officer or supreme executioner of the laws”⁵⁵, as the sovereign power is not originally in him. The consequence of this for Overton is that the King or his deputy cannot extend their powers as if they did “they should go beyond themselves, which is impossible”.⁵⁶ As Overton suggests:

⁵³ *Ibid.*, p.329.

⁵⁴ Richard Overton, “An Arrow Against all Tyrants”, p.56.

⁵⁵ *Ibid.*, p.63.

⁵⁶ *Ibid.*, p.63.

That which goes beyond the substance and shadow of a thing cannot possibly be the thing itself either substantially or virtually; for that which is beyond the representers is not representative, and so not the kingdom's or people's, either so much as in shadow or substance.⁵⁷

Self-ownership as an attack on tyranny

So the principle of self-ownership seems to be part and parcel of Overton's theory of opposition to tyranny. If an individual owns himself or herself, then one cannot justify tyranny, as others would be infringing upon one's propriety. Indeed Overton highlights the two "most insufferable evils daily encroaching and increasing upon us"⁵⁸, i.e. those encroaching upon the rights of individuals, namely "the exorbitances of the Lords"⁵⁹ and the "barbarous, inhuman, blood-thirsty desires and endeavours of the Presbyterian clergy."⁶⁰ So Overton is using self-ownership as a tool to promote freedom over the tyrannical forces that he perceives to be threatening the people at the time in which he was writing. Therefore Overton's theory of self-ownership can be seen as part of the Civil War debate over the nature of tyranny, to which John Milton had contributed, suggesting that slavery "is an institution of the *ius gentium* by which someone is, contrary to nature, subject to the dominion of someone else."⁶¹ This statement is suggesting that should the crown possess any "discretionary powers capable of undermining fundamental liberties", then the liberties held by individuals are in a

⁵⁷ *Ibid.*, p.63.

⁵⁸ *Ibid.*, p.57.

⁵⁹ *Ibid.*, p.57.

⁶⁰ *Ibid.*, p.57.

⁶¹ In Quentin Skinner, "John Milton and the Politics of Slavery", in *Prose Studies*, Vol. 23. No. 1, April 2000, p.2.

“state of jeopardy”.⁶² Consequently, with regards to free speech, Milton felt that “if we fear some harm could or might befall us if we were to voice our less conventional thoughts, this in itself will be sufficient to take away our freedom to voice them.”⁶³ In a similar vein Overton suggests that the usurpation of the Common’s powers by the Lords were heaping “bondage, thraldom... [and] tyranny”⁶⁴ on the commoners, and consequently impinging upon each individual’s self propriety.

Consequently, as David McNally suggests:

Overton’s concept of ‘self-propriety’ involves a wide definition of property in which the emphasis, as it always was for the Levellers, is upon the individual’s inalienable rights in his own person.⁶⁵

This is as opposed to Locke’s view of property and self-propriety, which is, McNally suggests, more tuned towards the “improving landlord”⁶⁶ who was capable of taking property from its God given common state and enclosing it as their own by mixing their labour with it. Whereas Locke does share Overton’s view that the “attempt to deprive a man of his life, his liberty or his estate is to invade his ‘property’”⁶⁷, Locke’s account of self-ownership does more than Overton’s in that it provides a basis for acquisition which Overton’s did not, indeed that it did not attempt to do.

⁶² *Ibid.*, p.2.

⁶³ *Ibid.*, p.14.

⁶⁴ Richard Overton, “An Arrow Against all Tyrants”, p.57.

⁶⁵ David McNally, “Locke, Levellers and Liberty: Property and Democracy in the Thought of the First Whigs”, in *History of Political Thought*, Vol. X. No.1. (Spring 1989), p.35.

⁶⁶ *Ibid.*, p.30.

⁶⁷ *Ibid.*, p.35.

Satire

The Leveller leaders, as we have noted, brought their own distinctive backgrounds, political concerns and writing styles to the process of pamphleteering. Overton's distinctive style was that of a writer of satire and polemic, in that he made his political points via mocking his opponents, often in a savage fashion. He used literary devices such as allegory, personification and dialogue to make his political points. In so doing, he often offended not only his enemies, who, of course, were the target of his attacks, but also those whom he could have hoped to count as his allies. The Puritans, Nigel Smith notes, were often offended by satire in political debate as it used a literary form "which was in direct contradiction to their moral and ethical programme."⁶⁸ Likewise his opponents (the Presbyterians) could not reply in kind to Overton's attacks because the language was deemed profane.⁶⁹ Overton was aware of the shock that some of his pamphlets caused, and noted that "many are offended"⁷⁰ by his use of biblical imagery in pamphlets and profanity such as "the use of the word Genitals, Pox &c".⁷¹ However Overton counters that "modest mirth tempered with due gravity makes the best composition"⁷², and suggests to his critics that they should "take a little wine with your water"⁷³, and in return he would "take a little water with my wine".⁷⁴ He urged those who read his tracts not just to look at the style, but also the substance. His mockery was aimed at those who sought to deny people the

⁶⁸ Nigel Smith, "Richard Overton's Marpriest Tracts: Towards a History of Leveller Style", in *Prose Studies* Vol. 9 No. 2 (1986), p.44.

⁶⁹ See *Ibid.*, p.60.

⁷⁰ Richard Overton, "The Baiting of the Great Bull of Bashan", in A.L. Morton (ed.), *Freedom in Arms; A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), p.283.

⁷¹ *Ibid.*, p.284.

⁷² *Ibid.*, p.286.

⁷³ *Ibid.*, p.287.

⁷⁴ *Ibid.*, p.287.

ecclesiastical and political liberties that he, and the other Levellers, were arguing for, and consequently thought that the attacks were justified, and that those criticising him should turn their attentions to those oppressors: “[t]he figure is but the shell; will you not crack the shell to take out the kernel? [P]asse through the Parable to the Morall thereof?”⁷⁵

The Araignment of Mr. Persecution

Richard Overton’s pamphlet of 1645, *The Araignment of Mr. Persecution* shows us how he managed to link satire with his political message. In this pamphlet persecution is personified and then tried, convicted and condemned “of enmity against God, and all Goodnesse, of treasons, Rebellion, [and] Bloodshed”.⁷⁶ The printer of the pamphlet is identified on the title page as being Martin Claw Clergie, who operates out of a shop in Toleration Street, which is “right opposite to the persecuting court.”⁷⁷ Its license is given as the “Holy Order” rather than the “Stationers Monopole”⁷⁸, thus reminding us that not only is the account of the trial a call for toleration and an end to censorship, but the very printing of the pamphlet is indeed an act challenging the state’s censorship. Thus the anonymity of the printer is maintained as well as that of the author, who is, of course, given as Martin Marpriest. Indeed it is interesting that Richard Overton sought to use the context of the court of law as the setting for a pamphlet just as John Lilburne would do later. Not only does this reinforce the idea that the Leveller leaders had some faith that once a certain set of principles had been enshrined in law, that the

⁷⁵ *Ibid.*, p.284.

⁷⁶ Richard Overton, “The Araignment of Mr. Persecution”, p.205.

⁷⁷ *Ibid.*, p.205.

⁷⁸ *Ibid.*, p.205.

court system was a fair one, but it also illustrates the difference in style between Overton and Lilburne. Whereas Lilburne had written an account of his own trial, depicting himself as personifying the entire population, Overton rather sought to mock the holders of particular views by personifying those ideas. Consequently Overton himself is not identified anywhere within the pamphlet, not even indeed as the author; thus the “cloak of mystery”⁷⁹ with which Overton surrounded himself is intensified for the purposes of this pamphlet.

Mr. Persecution is identified as having taken many forms in the past; indeed in his testimony Mr. Christian claims to have known him “well nigh 1644 yeares”⁸⁰, i.e. since the beginning of Christianity. Once he was a Catholic going under the name of Mr. Spanish Inquisition, however he “shrunke out of his Roman Papall Robe, and presently turned Protestant”⁸¹, and currently goes “in the godly shape of a Presbyter”⁸², the very group that Overton claimed was resorting to tyranny in *An arrow against all tyrants* (see above). However Overton’s point here is not just to identify the Presbyterians as persecutors, but to note that whichever version of Christianity had been dominant at any given time had tended to persecute those who did not believe it. Thus Overton is highlighting an inherent trend in worship throughout the ages as being wrong, rather than supporting (or criticising) any one given denomination as being wrong on theological grounds. Overton highlights censorship as being Mr Persecution’s best trick as it is the “master peece of all the

⁷⁹ Joseph Frank, *The Levellers*, p.39.

⁸⁰ Richard Overton, “The Araignment of Mr. Persecution”, p.224.

⁸¹ *Ibid.*, p.211.

⁸² *Ibid.*, p.211.

rest” as it succeeded in “stop[ing] all mouthes” other than the dominant religion at the time, allowing it an uncontested voice of authority in religious matters.⁸³

Overton’s use of Irony shines through in Mr. Persecution’s attempt to change the members of the jury that would decide his fate. Persecution claims that the men of the jury “are men possest with an inveterate hatred and malice against me, and are parties in my indictment”.⁸⁴ He urges the judge to have “mercy upon me, consider the blood of the innocent, least it be prey to the malice of envy”, and consequently begs that “more indifferent men be chosen.”⁸⁵ Of course Overton’s hidden meaning here is that this is the very nature of the courts that persecutors use – they are filled with people with a vested interest in the maintenance of a particular denomination, and that consequently individuals are tried and judged by their accusers. Overton continues in this ironic vein when Sir Symon Synod, Persecution’s defence lawyer, fails to allow Mr. Liberty of conscience, a prosecution witness, to come into the court. When Mr. Liberty of conscience cries out he states that:

My Lord, Sir Symon Synod is like to pull my troate with the ravenous Clawes of an Assembly; and Mr. Scotch-Government was fit to stab me with his scotch dagger, and the John of all Sr. Johns, Sr. John Presbyter with his Classical Club would beat out my braines.⁸⁶

This again shows Overton’s satire and irony as this situation is intended as a metaphor for the situation within the country at the time, with liberty of conscience being trampled on by the Synod, the Scots and most of all the

⁸³ *Ibid.*, p.212.

⁸⁴ *Ibid.*, p.217.

⁸⁵ *Ibid.*, p.217.

⁸⁶ *Ibid.*, p.219.

Presbyterians. The four prosecution witnesses, Mr. Gods Vengeance, Mr. Christian, Mr. Martyr and Mr. Liberty of Conscience all address themes which have emerged in Leveller literature as reasons to find Persecution guilty of the crimes of which he is accused. Mr. God's Vengeance highlights censorship as being the chief tool which persecution uses to distort the messages of those who it attacks (a frequent Leveller claim) stating that persecution:

Suffers nothing to be Licensed, Printed, Preached, or otherwise published, but what himselfe alloweth, and thus bound the hands and stopt the mouthes of all good men, then he comes forth in print against them like an Armed man, and furiously assaults them, Exults and Exalts himselfe over them, Feigneth Arguments for them, and then like a Valiant Champion gives them a conquering Answer, and thus puts them to flight, and pursues them with Revilings, Scandalls, Forgeries, and Opprobrious Nick-names, as Antinomians, Anabaptists, Brownists, Independents, Scismatiques, Heretiques &c.⁸⁷

Mr. Christian's main claim about persecution is one that is followed by many Levellers and radical groups in civil war England; that persecution, though done in Christianity's name, is very unchristian. Mr. Christian identifies Mr. Persecution as being "the most Pestilent Enemy to Mankind, to God and all Goodnesse, that ever was borne into the World", who had "been a Murderer and Butcher of good men"⁸⁸. He goes onto say that "instead of building he destroyeth, instead of saving he damneth, under the colours of Christ he fighteth for the Divell his Master."⁸⁹ Mr. Christian points to the "burning, hanging, stoning, scorging, imprisoning" and other such cruelties, all of which are done "under the vizour of Religion".⁹⁰ Summing up Mr. Christian asserts that Mr. Persecution is the "most dangerous inveterate Antichrist, and Arch-traytour to his Majesty (the King of

⁸⁷ *Ibid.*, p.220.

⁸⁸ *Ibid.*, p.224.

⁸⁹ *Ibid.*, p.224.

⁹⁰ *Ibid.*, p.225.

Kings)’’⁹¹, which is about as bad an accusation as could be made against an individual in the seventeenth century. Herein lies the beauty of the method that Overton is using, however, as Overton is not (technically) speaking in the pamphlet, and not directly naming an individual as the object of his attack, but rather attacking a body of ideas, he can be as damning in his language as he chooses to be without causing a great deal of additional offence to his puritan readership.

Mr. Martyrs follows on from this attack by imaging Mr. Persecution as being “drunken with the blood of the Saints and Martyrs of Jesus’’⁹², thus identifying him as being contrary to the Christian faith. Mr. Liberty of Conscience develops on the points made by Mr. Gods Vengeance with regards to censorship, in claiming that persecution “is an utter enemy to all spirituall knowledge, [and] a hinderer of its encrease and groweth’’⁹³, a point that Walwyn and Milton addressed in their writings on toleration and censorship.

Thus we can see how *The Araignment of Mr. Persecution* manages to use various literary devices to aid the presentation of Overton’s political thought. Overton manages to put across a variety of political messages, whilst being able to discuss the implications of these ideas in a more vivid manner as no actual individuals are named. Likewise he defines the responses that various people and groups would give to persecution, and thereby makes his political agenda seem more accepted than perhaps it actually is. His satire and irony would also have helped to get his message across, especially since the dramatic style of this pamphlet would have

⁹¹ *Ibid.*, p.225.

⁹² *Ibid.*, p.227.

⁹³ *Ibid.*, p.234.

helped to fill the cultural hole left in London since the closure of the theatres during the civil war.

Conclusion

We have seen how Richard Overton uses the concept of the individual and satire in his political thought. His use of self-proprietie puts the individual at the core of his political theory, however it has been suggested that rather than using self-ownership as a basis for a justification of the acquisition of property he uses it as part of a discourse into the claim for liberty against tyranny. Thus Overton can be seen as taking part in the ideological disputes of Civil War England rather than the debates about property, which John Locke would lead some 40 years later. It has further been shown how Overton uses satire and irony to help get his political message above. Overton manages not only to mock his opponents, but also to put across a positive political programme as we saw in the testimony of Mr. Christian et al. in the *Araignment of Mr. Persecution*. All of these themes addressed in the prosecution case would later become themes in the Leveller political programme.

Section One

Conclusion

The purpose of this section of the thesis was to examine the ideas of the Leveller leaders within the context in which they were writing. Our examination has highlighted both diversity in subjects addressed, techniques, influences and styles, but it has also identified similarities between the authors in their political positions that resulted from their own particular background. We have also addressed the debates to which the Levellers were responding, and the background that made these responses possible and intelligible. We have commented on the political media that made the communication of ideas possible, and suggested that, due to the growth in printing, the breakdown in censorship and an albeit small growth in literacy, there was a burgeoning market for political debate.

The most obvious point of unity between the authors was the centrality of religion. Whereas Walwyn makes full use of humanist literature in his call for toleration, he does so accepting the basic precepts of the protestant call for religious toleration. Overton's advocacy of Holland as an ideal state comes about from its treatment of religion, and Lilburne often styles himself as a Christian Martyr. However to say that a group of people were Christian in the Seventeenth Century borders upon a truism. That they were Christian does not bring about philosophical unity. Other similarities must, therefore, be sought for if we are looking for a 'Leveller line'.

Diversity was also evident in the various authors' philosophical backgrounds, with Walwyn being influenced by humanist texts and Lilburne explicitly rejecting the validity of using such texts. We also saw differing uses of the self, with Lilburne using himself as an example of the ills facing the country, Walwyn often keeping anonymous, and Overton portraying himself as a fictional son of a 16th Century pamphleteer. We also saw differing writing styles, with Overton's use of satire, Lilburne's rhetoric and venom, and Walwyn's cultured calmness. If one were looking for a 'Leveller line' upon the basis of these factors, it would be tempting to give up the search.

However just as it is possible for people from similar philosophical backgrounds to come to divergent political conclusions,¹ the reverse is also true; one can come to similar political proposals from a variety of philosophical backgrounds. Both Overton and Lilburne put forward accounts of ascending theories of governance and all three Levellers regarded religious toleration as vital despite their philosophical differences. We can, in these chapters, see not only diversity in styles and backgrounds, but also common themes which run through the individual authors' work that will make a Leveller movement possible.

It is at this point we need to move onto the second part of this thesis, which looks at the Levellers' use of collective media such as petitions and pamphlets, which thereby constitute it as a movement. What is found in "the Levellers" individually authored pamphlets is a set of family resemblances, not with regards

¹ Take, for example, Hobbes' and Overton's political divergence, despite the fact they both held that the power of government came from below, and the difference between Lilburne and the parliamentary position, despite the fact that they both held that the House of Commons was the representative of the people.

to their philosophical approaches, but in their conclusions. Perhaps, therefore, we can see something approximating an “overlapping consensus” (in Rawls’ sense) in their works.² It is this that will make possible the constitution of “the Levellers” as a political movement, and, as we shall see, leads to a process of movement-formation in their innovative use of collective political media.

² See John Rawls, *Political Liberalism*, (1993: Columbia University Press, New York), pp.133-172.

Section Two

Introduction

The purpose of the first section of this thesis was to examine the ideas held by the individual Leveller leaders, this second section goes on to analyse the way in which the Levellers constituted themselves as a political movement. We saw in the first section that the Leveller leaders had varying philosophical and religious backgrounds, various different rhetorical styles and used different kinds of arguments and examples in their pamphlets. We also saw that the political conclusions that came from these differing philosophies and styles were broadly similar, however, and it is due to this convergence that a collective authorship and a political movement became possible. The individual Leveller authors supported an ascending theory of governance and popular sovereignty, amongst other political ideas, from a variety of philosophical positions. Thus, an overlapping consensus emerges around a set of political propositions, and the individual Leveller authors' "doctrines endorse the political conception, each from its own point of view."¹

It is this overlapping political consensus that allows the Leveller leaders to become a collective authorship in that they would be able to find agreement on political issues to campaign upon. It would also cause each of the Leveller leaders to identify with one another, and defend them despite their philosophical differences. Indeed, in his pamphlet *Englands Lamentable Slaverie*, William Walwyn highlights the differences between him and Lilburne, whilst at the same

¹ John Rawls, *Political Liberalism*, (1993: Columbia University Press, New York), p.134.

time defending him whilst he was in prison at Newgate, illustrating that there was common ground between the two of them. Walwyn points out that whereas “there is some difference between you and mee in matters of Religion”, that he held “great love and respect” for Lilburne due to his “undaunted resolution in defence of the common freedom of the People.”²

Walwyn then goes on to comment that he does not agree with Lilburne’s insistence that it is Magna Carta that makes people free, saying that it is “more precious in your esteeme then it deserveth”.³ But true to his defence of toleration, Walwyn asserts that when he hears of the suffering of a person he does not enquire “what his judgement is in Religion”⁴, and in John Lilburne’s case that he hates “for worthy and good men... to suffer for well doing”.⁵ Thus the message is clear from Walwyn; the differences between him and Lilburne on matters of religion and law are less important than the aim of these legal and philosophical reasonings. He regards Lilburne as a fellow traveller, as someone whose goals, if not their methods, are similar to his own. It is this attitude and overlapping consensus that allows the Levellers to defend each other, and then to go onto work together on pamphlets, petitions and *Agreements*.

Convergence on a set of political principles and a collective authorship is not, however, in and of itself, enough to constitute a political movement, as it is not enough simply for the leaders of a movement to converge around a set of political principles; to become a movement others must accept these principles as well.

² William Walwyn, “Englands Lamentable Slaverie”, in G.E. Aylmer (ed.), *The Levellers in the English Revolution*, (1975: Thames and Hudson, London), p.64.

³ *Ibid.*, p.67.

⁴ *Ibid.*, p.64.

⁵ *Ibid.*, p.65.

This section will analyse the way in which the Levellers used political devices such as petitions and *Agreements* that allowed both themselves, and other people, to converge upon a set of political principles.

Also involved in the process of constituting a movement is defining the principles which one stands for, and responding to the criticisms of those principles. Just as a movement will define itself in a positive way, so too its critics may try to define it in a negative way.⁶ This is certainly the case with the Levellers who, especially at the Putney debates, were faced with people trying to define the movement negatively. It is from negative imagery, of course, that we get the name the Levellers, as it was a tag of abuse given to them by their enemies who “interpreted their programme as a threat to existing property relationships”.⁷ Throughout the chapters in this section examples will be given of when the Levellers sought to define themselves in certain ways in an attempt to neutralise criticism that had been aimed at them during (especially) the Putney debates. Before we go on to outline the content of the chapters in section two, however, it is worthwhile to briefly discuss the immediate political situation that the Levellers faced whilst constituting themselves as a movement.

⁶ For example, one Cromwellian pamphleteer dubbed the Levellers “Switzerizing anarchists”, as part of the campaign to show how their constitutional proposals would inevitably lead to the social disorder (in George Woodcock, *Anarchism: A History of Libertarian Ideas and Movements*, (1986, Penguin, Harmondsworth), p.41).

⁷ W.M. Spellmann, *European Political Thought 1600-1700*, (1998: Macmillan, Basingstoke), p.119.

Political context

By 1646 Charles suffered a complete military defeat in the Civil War and gave himself up to the Scots.⁸ This left the government of England in a novel position. The Parliament had won militarily, however sought to negotiate a settlement with Charles, as despite the quarrels of the Civil War, it was “still unthinkable to establish any permanent form of government without the king.”⁹ The Civil War had not been fought in order to replace the Monarchy with another form of government; it was fought simply to clip Charles’ wings. The war developed its own momentum, however, and consequently the Parliament was faced with a situation in which the country had to be governed without a King unless agreement could be sought with Charles. Thus, despite the civil war and the propaganda which had accompanied it, Parliament were, at this point, still unwilling to contemplate government without the King.

In July 1646, Parliament presented the *Propositions of Newcastle* to the King, which listed the conditions that Charles would have to consent to in order to return to the throne and secure a “safe and well-grounded peace”¹⁰. The propositions included measures to place Parliament in control of the Army, to reform the

⁸ The Scottish forces had been fighting on the parliamentary side since the *Solemn League and Covenant* was signed between the English Parliament and the Scottish covenanters in 1643. In return for military support, the parliamentarians were to protect the liberties of the Scots, and introduce a Presbyterian church (along Scottish lines) in England following the civil war.

⁹ D.M. Loades, *Politics and the Nation 1450-1660*, (1986: Fontana Paperbacks, London), p.436.

¹⁰ “The Propositions Of The Houses Sent To The King At Newcastle”, in S.R. Gardiner (ed.) *The Constitutional Documents Of The Puritan Revolution 1628-1660*, (1889: Clarendon Press, Oxford), p.208.

English church along Presbyterian lines and to punish Charles' supporters, and consequently were "clearly unacceptable to the King".¹¹ Thus Charles procrastinated, in the hope that the Parliament's strength would crumble, and therefore offer him more generous terms with which he could return to the throne. The consequence of this was that the government of the realm was at peace, but had to decide the nature of the government that would operate, as the status quo had been disrupted by the war. Whereas in the past the monarchy had always been at the centre of government, the current situation placed Parliament in this role; unfortunately, however, the Parliamentary side were far from united in the way to proceed in these uncharted political territories. The conservative Presbyterian majority in the House of Commons led by Denzil Holles faced attacks not only from radicals such as the Levellers, but also from the victorious New Model Army to whom the Parliament owed its victory. It was this political situation which led to the formulation not only of a more cohesive 'Leveller' set of political ideas, as characterised by the *Agreement of the People*, but also of the radicalisation of the New Model Army's political agenda. The New Model Army would begin its political action by petitioning the Parliament on matters such as wages and immunity, however the Parliament would reject these petitions, and this lead the Army, especially in the *Heads of the Proposals* to involve themselves in affairs of the state.¹² The sudden break from the political past and the uncertainty of the political future, led groups to suggest what the groundwork of political power and authority should be. It was in this political context that the Levellers constituted themselves as a movement.

¹¹ Martyn Bennett, *The English Civil War*, (1995: Longman, London), p.75.

¹² On the Army's growing radicalism, and the supposed links with the Levellers, see Mark A. Kishlansky, "The Army and the Levellers: The Roads to Putney", in *The Historical Journal*, Vol. 22, No. 4 (Dec. 1979), pp.795-824.

Outline

Chapter five examines the Levellers' use of petitions as a way to constitute themselves as a political movement. It will examine why it is possible to unite more people around a set of political principles in a petition than it is in an individually authored pamphlet. We will see that the Levellers use their petitions not only to demand a certain set of policy proposals, but also to style a legitimate parliament one which accepts and listens to such demands. The ideas within the various pamphlets will be analysed, and we shall see that, similar to the *Army March Petition* before them, Parliament's refusal to listen to the *Large Petition*, led to an increase in demands by the Levellers. It also led the Levellers to realise that another form of political device was necessary, as petitions relied on the support of an outside body, a support which the Parliament were unwilling to give. Thus, the Levellers turned to the *Agreements* in an attempt to form (what they regarded as) a just and legitimate representative body.

Chapter six will analyse the ideas contained within, and the political purposes of, the *Agreement of the People*. It will analyse the differences between petitions and *Agreements*, and try to show how the latter was a very different form of political media. It will present the *Agreement* as a foundational document that aimed to confer powers on to political bodies, whereas petitions aimed to use the power of political bodies to implement a particular legislative agenda. Chapter six will also analyse the changes between the three versions of the *Agreement*, and demonstrate

that, whereas some changes were made to counteract criticisms of the movement made at Putney, the 'core spirit' of the first *Agreement* was maintained throughout.

Chapter seven will examine the Putney debates, and will concentrate on how useful the debates are as a source for the location of a 'Leveller line'. It will consider the dynamics that take place within debates, and discuss how this affects our notions of the Levellers as a cohesive political movement. It will analyse the arguments put forward by Ireton and Cromwell at Putney which attempted to show that the Leveller proposals would lead to private property being abolished, and it will assert that Rainsborough and Petty were at odds in the debates in their responses, which suggests that there was not a 'Leveller line' regarding the franchise. It will also assert, however, that the issue of the franchise, which has become the focus of the scholarly discussion on the Levellers, was not the most important issue discussed at Putney for our purposes.

By the conclusion of chapter seven we should have an idea of what constitutes a Leveller body of ideas. In chapter eight it will be time to critically examine these ideas against other, perhaps similar ideas that were in existence at the time. In this chapter we will firstly examine the account of the Leveller position put forward by William Walwyn in *A Manifestation*, and show it as an attempt to defend the movement against its critics. Secondly, we will show the similarities and differences between the Levellers position, and that of the republican thought that was emerging at the time. It will be illustrated that although there are differences between the Leveller and republican traditions, that the Levellers share a notion of

freedom as not being dependent upon the will of another with the republicans, however how they propose to achieve this *politically* differs from that of most republican authors.

This section, as was the first, is intended as a work of political theory rather than of history, and consequently has concentrated on certain areas over others. It is not an attempt, (nor is it intended to be), to show the historical moments of movement formation. It does not mention meetings, prison visits, specific demonstrations or biography (all of which, of course, were part of the process of building the Leveller movement) other than to illustrate themes within the chapters. This is not an historical attempt to give an account of the growth of the Leveller movement, but rather a theoretical inquiry as to how people were able to converge around a set of political proposals, and what those proposals were.¹³

History is not as thematically neat as this section may make it appear to be. Separate chapters have been included on petitions, the *Agreement* and the Putney debates, however it is not the case that the Leveller movement chronologically fits this pattern. There were petitions after the *Agreements*, and the second *Agreement* occurred after the Putney debates, however as the purpose of this section is to examine the importance of each event in the Leveller movement, a thematic approach is preferable to a chronological account due to its clarity. This clarity will allow us to understand the importance of each political device in the process of a group of individuals coming together to form the political movement we now

¹³ There are, of course, many attempts to give a historical account of the Leveller movement. Perhaps the most comprehensive is H.N. Brailsford, *The Levellers and the English Revolution*, (ed.) Christopher Hill, (1983: Spokesman, Nottingham).

know as the Levellers. It is this thematic approach rather than a chronological one, therefore, that best suits the purposes of this thesis.

Chapter five

The Levellers and petitioning

Introduction

This chapter aims to do two things concerning the Levellers' use of petitions as a political device. Firstly, it aims to show the Leveller's aims in using a petition as a device, or, to put it another way, what benefits arose from petitioning as an activity over, say, a pamphlet, treatise or book. Secondly, it aims to show what ideas were contained within the petitions and how the Levellers broadened their political demands throughout the course of their petitioning careers. It will be shown that it was Parliament's reaction to the Leveller petitions that caused them to broaden their demands and invent a new political device, namely the *Agreements of the People*.

Petitioning as an activity

Petitions are not often regarded as being an important factor in the history of democratic thought. Traditionally petitions were "submitted to Parliament by individuals on private matters, regarding property, legal proceedings or imprisonment", and therefore had little to do with either high politics or the idea of public opinion.¹ However, during the seventeenth century, and in the Civil War in particular, the role of petitions broadened to encompass a more political agenda. For example the *Root and Branch Petition* of December 1640, which called for

¹ Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, (2003: Cambridge University Press, Cambridge), p.301.

episcopacy to be abolished, attracted 15,000 signatures.² David Zaret has recently put petitions onto the agenda as a key factor in studying the growth of the public sphere, and has illustrated how they developed from the traditional format:

The special importance of printed petitions for the early democratic public sphere is that they were the principal means by which readers and subscribers participated in public debates, whose aim was to lobby elites on behalf of a legislative agenda.³

Zaret points out that it was in the seventeenth century, via the use of printed petitions, that the idea of public opinion was invented.⁴ Just as John Lilburne sought to give individuals certain powers in his pamphlets regarding his trial, authors of petitions often refer to the idea of public opinion to support a particular set of proposals or policies. It is for this reason, of course, that signatures are sought on public petitions; to show how widespread the support is for a particular idea or proposal. This was especially true in the Civil War period when petitions more and more “became a means to constitute and invoke public opinion.”⁵

The link between petitions and public opinion has, of course, two facets to it as petitions “represent individual opinions, yet they are also a tool for their manipulation.”⁶ Thus not only, by using petitions, are authors and/or movements just empirically reflecting the opinions held by the people; but they are often trying to constitute precisely what those opinions are. Just as the process of reading a pamphlet may shape an opinion, so too may reading a petition. Petitions

² *Ibid.*, p.301.

³ David Zaret, *Origins of Democratic Culture: Printing, Petitions, and the Public Sphere in Early-Modern England*, (2000: Princeton University Press, Princeton), p.217.

⁴ *Ibid.*, p.217.

⁵ *Ibid.*, p.220.

⁶ *Ibid.*, p.220.

were generally shorter than pamphlets, and took the format of a set of points that could then be subscribed to. The brevity and conciseness of petitions would mean that they would have a broader audience in a semi-literate society such as seventeenth-century England, than a pamphlet or book would.

The use of petitions by the Levellers in the Civil War period, then, had two broad objectives. Firstly, they aimed to involve more people in the political process than simply the authors of the petition, as by signing a petition an individual accepts a set of principles as being theirs. Frank notes, for example, that with the exception of the pulpit, petitions were the best way of both “educating and arousing the public”.⁷ He goes on to note the numerous advantages of petitioning:

It had many advantages: it was a relatively easy method of evading restrictions on the press; its signature provided a means of expression to an often otherwise inarticulate public opinion; and its circulation helped to crystallize public discontent and to serve as a vital preliminary to the organization of large-scale popular demonstrations.⁸

Secondly, following on from this, as more people were involved in the political process and signing Leveller documents, the Leveller leaders could then invoke public opinion to support their policy proposals. They could point to the fact that they were not alone in believing that a certain set of principles were necessary, but that they were supported by the signatories of the petition. This could then lead to the Levellers as being regarded as speaking on behalf of the people.

⁷ Joseph Frank, *The Levellers; A History of the Writings of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn*, (1969: Russell & Russell, New York), p.89.

⁸ *Ibid.*, p.89.

Petitioning as an activity can help to illuminate the nature of Leveller thought. Not only did petitioning involve circulating principles which allowed people other than the author(s) to subscribe, but it also involved directing a political discourse to a particular group of people, namely, in 1647, the Parliament. This expresses what Scott calls the pragmatic nature of the Leveller movement in that it did not just talk about politics in abstract terms, it also directed these thoughts to the body with political power. This often involved them complaining about the nature of arbitrary government to the arbitrary government itself.⁹ What concerned the Levellers in petitioning was “not mechanisms of government, but their effect upon the governed.”¹⁰ They were not trying to create the groundwork (necessarily) for a new polity, but highlighting the effects that the current polity were having on the individuals within it.

In doing this the Levellers would constantly remind the Parliament of the promises they made in order to get people to fight for them against the Royalist forces, and show how Parliament failing to deliver on these promises was a breach of trust. Indeed the Levellers in the *Large Petition* seem genuine in their praise of the Parliament before they address their grievances. They say it is “most thankfully acknowledged”¹¹ that Parliament had abolished the Star Chamber, prelacy and ship money. Consequently, it is feasible to imagine that had the Parliament addressed some of the issues from within the petition, that the Levellers would have supported the Parliament. Just as the Army became politicised by Parliament’s reaction to the *March Petition*, however, so did Parliament’s

⁹ See Ibid., p.275.

¹⁰ Ibid., p.273.

¹¹ “The Petition of March 1647”, in A.L. Morton (ed.) *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), p.92.

rejection of the Leveller's petitioning lead to a change in political tactics. We shall see in the next chapter that they moved away from petitioning, which was aimed at Parliament, which the Levellers grew to think was indefensible, to a more 'foundational' document which could change the nature of the English polity. Therefore, whereas petitioning worked within the framework of the existing state, the *Agreement of the People* would call for an overhaul of the state.

The Petitions and their content

The Leveller's Large Petition was circulated for signatures on 15th March (i.e., around the same time as the army's *March Petition* was being formulated).¹² Obviously the Levellers did not have separate corporate interests (other than those as individuals) in the same way that the Army did, and consequently did not limit their political claims.¹³ The Levellers try to justify petitioning as an activity at the start of the *Large Petition*, claiming that the purpose of a Parliament is to listen to claims from those who they represent, and that the present Parliament were not doing this. Thus, they try to show how Parliament should be listening to petitions:

That as not Civill Government is more just in the constitution, then that of Parliaments, having its foundation in the free choice of the

¹² I use the phrase 'The Leveller's' here as it was a petition, and consequently would have had many subscribers, and it is deemed to be the first statement of the collective position of the Levellers. However, it is thought to be written by William Walwyn, who took the lead in the petition campaign in 1647. See A.L. Morton, *Freedom in Arms: A Selection of Leveller Writings*, p.87.

¹³ Petitioning was also a tactic of localised political activity during the civil war; again a situation where there was a more identifiable 'constituency' with interests to protect (See David Underdown, *Revel, Riot & Rebellion*, (1987: Oxford University Press, Oxford), pp. 228-231). Whereas this could be seen as a weakness of Leveller thought/activity, that they had no easily identifiable group to support, perhaps a different viewpoint could be taken on this issue. By petitioning the Levellers, by identifying themselves as individuals like any other in society, were trying to create a constituency for themselves. They did this by claiming to speak for all in society, and thus trying to fashion a constituency of everybody for themselves.

people; and as the end of all Government is the safetie and freedome of the governed, even so the people of this Nation in all times have manifested most heartie affections unto Parliaments as the most proper remedie of their grievances.¹⁴

Thus petitioning is presented as a right of the individual, and part of the proper process of all just parliaments and governments. Not only is the *Large petition* here claiming that people have the right to petition, but that a parliament which tries to remedy the distresses of the people is likely to be loved by the people. This returns to a theme that Walwyn and Overton had already addressed, and that is one of how to create order in society. Overton had claimed that in order to get people to fight for the state, the state should allow the religious and political freedoms that would result in individuals valuing the state. Consequently, unity in the strong sense of the word was not needed in order to bring about stability, and therefore neither was the Hobbesian idea of undivided sovereignty. Concerning petitioning, the Levellers were saying here that a government that reacts to solve the problems of the individuals would be loved and consequently protected by the people. Should, however, the Parliament say that petitions were seditious in an attempt to bring about order; they would be creating the conditions that would lead to people actually wanting to bring down the government. In the case of the Leveller and Army's petitions, this is precisely what the Parliament did.

The *Large Petition* was, therefore, not simply a set of demands; it was prefaced with an account of the nature of Parliament, and its need to accept petitions. In the preface the Levellers are keen to style just Parliaments as being ones which are open to petitions. Therefore, the *Large Petition* should be seen as not only an

¹⁴ "The Petition of March 1647", p.91.

attempt at petitioning, but also as an exercise justifying the legitimacy of petitioning as a political activity. It begins by stating that, whereas Parliament was the correct body for people to address for the “proper remedie of their grievances”, often the people had been “deprived the people of their hopes” of relief from their distress.¹⁵ Here the *Large Petition* injects a note of optimism, however, suggesting that the current Parliament, having been victorious in the Civil War, was “the most absolute and free of any *Parliament* that ever was”.¹⁶ As a result of this, it goes on to suggest that the Parliament could go on to use its powers for a radical reforming agenda, as it is enabled with:

[P]ower sufficient to deliver the whole Nation from all kinds of oppressions and grievances, though of very long continuance, and to make it the most absolute and free Nation in the world.¹⁷

It continues by listing the ways in which the current Parliament had already reformed nation for the better; abolishing the Star-Chamber and Episcopacy, removing Ship Money and suppressing the Lords and Bishops are all cited as examples.¹⁸ A note of caution is then sounded, however, that the nation is still “oppressed with grievances of the same destructive nature”, and what is worse these grievances exist “in the very time of this present *Parliament*, under God the hope of the oppressed.”¹⁹ So the message is clear from the preface; Parliament had begun upon the reforms favoured by the Levellers, but that there was still work to be done, and that more disappointment was likely to arise from

¹⁵ *Ibid.*, p.91.

¹⁶ *Ibid.*, p.91.

¹⁷ *Ibid.*, pp .91-92.

¹⁸ *Ibid.*, p.92.

¹⁹ *Ibid.*, p.92.

grievances that were not resolved by the Parliament, than was the case under the King.

The *Large Petition* then goes onto list the ways in which the Parliament should make changes to society, with its list of demand being:

1. That no person or persons (e.g. King or House of Lords) should have a 'negative voice'.
2. That no one be subject to arbitrary proceedings, and that people who had been subject to them in the past be given reparations.
3. People should not be forced to answer questions that might incriminate themselves.
4. No more oaths or covenants to be introduced.
5. No one should be punished for giving their religious opinion.
6. End of monopolies.
7. All Law to be published in English.
8. Reform of the penal code.
9. Tithes should be abolished.
10. End to jail sentences for debtors.
11. Prison conditions to be improved.
12. Take efforts to keep men and women from begging.
13. Factional comments to be avoided.²⁰

These demands are all what could be termed social and legal reform rather than constitutional reform (with the exception of point one). These are all demands that, if they had the will, could easily be achieved by the Parliament, and the Levellers make it clear that they accept the legitimacy of the current Parliament to make these reforms, whilst also leaving the reader in no doubt that it was the purpose of Parliament to answer such grievances:

We beseech you therefore, that with all your might whilst he (sic) have time, freedome and power, so effectually to fulfill the

²⁰ Paraphrased from *Ibid.*, pp. 95-98.

true end of Parliaments in delivering this nation from these and all other grievances, that none may presume or dare to introduce the like for ever.²¹

The criticisms aimed at the Parliament are ones that can be remedied by adopting the social agenda outlined in the *Large Petition*. There are no demands for the Parliament to disband and seek re-election, and whereas the first sentence claims that civil government executed by Parliament is the most just as “its foundation [is] the free choice of the people”, no-where is it stated how this free choice should be organised or arranged.²²

The Levellers’ *Large Petition* received the same treatment from Parliament as the army’s *March Petition*, which led William Walwyn to publish *Gold Tried in the Fire*, a defence of petitioning which would preface subsequent copies of Leveller petitions. Walwyn tells how the petition fell into the hands of an MP who “was pleased to call it a scandalous, and seditious paper”.²³ Parliament concurred with this statement calling it a “breach of privilege”²⁴, arrested two of the people found circulating it and ordered it to be burnt by the Hangman. The imagery here is worth briefly commenting on. The Leveller petition was burnt by the hangman (as was the Army’s), a clear indication of their contempt for the petitions, and also a threat against further action. Not only were the petitions and the ideas contained therein considered unworthy (or indeed too dangerous) to exist, but also they were disposed of by the man who would see to the death of traitors, thus linking the ideas and actions of the Levellers with treachery symbolically. Walwyn turned

²¹ *Ibid.*, p.99.

²² *Ibid.*, p.91.

²³ William Walwyn, “Gold Tried in the Fire”, A.L. Morton (ed.), *Freedom in Arms: A Selection of Leveller Writings*, p.115.

²⁴ *Ibid.*, p.116.

this image on its head with his analogy of gold being tried in the fire, that the petitions contained ideas and principles that would withstand the fire.²⁵ This was almost certainly an analogy of England at the time, as the Levellers were constantly claiming that rights (be they based upon the ancient constitution or natural law) were being denied. Here Walwyn was claiming that these rights, although denied currently, would survive and prosper. Indeed this is a theme he addresses in the pamphlet itself, with a rousing call to arms, suggesting that although liberties may be denied by the current Parliament, they cannot be denied forever:

[B]ut God in time, will we trust, deliver the people of this Nation, from their deceit, and malice; and therefore let us not sorrow as men without hope, nor be discouraged, but goe on and persist, for the just liberties of England.²⁶

The Levellers had already put forward a case in the *Large Petition* itself of what gave people the right to petition Parliament; consequently Walwyn concluded that the present Parliament could not be legitimate if it failed to listen to the people's requests. Indeed Walwyn regarded it as a breach of trust for them to disregard the petitioners, as it was they who had fought for the Parliament in the civil war:

[T]he Petitioners being such who have laid out themselves, both in their persons and purses, far above their abilities; who have not valued their lives, their childrens lives, nor their servants lives, nor estates, to deare for the service of the Parliament, and Common-wealth.²⁷

²⁵ Walwyn had a history of such imagery in his pamphlet titles, for example the defence of John Lilburne when he was in Newgate prison entitled *A Pearle in a Dounghill*.

²⁶ *Ibid.*, p.118.

²⁷ *Ibid.*, p.117.

Walwyn thus states that the present Parliament refusing to listen to petitioners is “ingratitude of the highest degree”²⁸, and it is the failure of Parliament to respond to their petitioners that leads them to reject the legitimacy of Parliament. Whereas the individual Levellers had all supported the parliamentary side during the Civil War, the burning of the *Large Petition* was the event that made them realise that the current Parliament was illegitimate, and that therefore a legitimate one should be put in its place. It also signalled the beginning of disputes between them and the Parliament (and later Oliver Cromwell), suggesting that they had abused the people’s trust.²⁹ Walwyn concluded that they were wrong to put their faith in the Parliament, and that the Parliament had forfeited its right to future trust:

[T]hat as there is little good to be hoped for from such Parliaments, as need to be petitioned; so there is none at all to be expected from those that burn such petitions as these³⁰

Consequently, the Levellers moved away from petitioning as a means to bring about change in society when they realised that the body that they were petitioning was not going to change. Thus, the Levellers would change their political tactics when they realised that the Parliament represented little or no change from the King’s government. It also led them to believe that limitation of public power was necessary, and that the best way to do this was through a foundational document, or what we today might call a written constitution. This was because they thought that it was the exercise of certain types of power that was the problem in the state,

²⁸ *Ibid.*, p.117.

²⁹ These disputes reached their most acrimonious pinnacle in 1657 when Edward Sexby (a Leveller who would later speak at Putney) wrote a pamphlet entitled *Killing Noe Murder*, which justified the attempts on Cromwell’s life. In this he claimed that all parliaments since the civil war had been a sham, and that they were “pimps of tyranny, who are only employed to draw in the people to prostitute their liberty”. Edward Sexby, “Killing Noe Murder”, in David Wootton (ed.), *Divine Right and Democracy: An Anthology of Political Writing in Stuart England*, (1986: Penguin, London), p.383.

³⁰ William Walwyn, “Gold Tried in the Fire”, p.118.

rather than having particular types of political institution. As Scott suggests in “its radicalised form ‘arbitrary government’ no longer meant simply government without parliament or law, but unrepresentative or oppressive government in general.”³¹

Consequently, the Levellers needed to find a way to justify abolishing the current Parliament, and putting a new one in its place that would be representative of the people, and consequently free from tyranny. The *Agreement of the People*, which will be addressed in greater detail in the next chapter, was an attempt to do this. However, the *Agreement of the People*, and its new style of political argument, did not stop the Levellers from petitioning. The initial failure of Army or the Parliament to support the *Agreement*, led to a return to petitioning by the Levellers.

The Petition of November 23rd 1647 (hereafter the *November Petition*), which followed the *Agreement of the People*, takes a different tone to the *Large Petition*. Its primary aim is to support the *Agreement*, asking that Parliament consider it, however it also contains a robust defence of the right to petition. It contains no new actual demands, as it is intended to support the demands already laid out in the *Large Petition* and in the *Agreement*. Therefore, we can see that whereas petitions and agreements are different forms of political argument, they were often used together in the practical politics of the time:

³¹ Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), p.273.

And therefore we beseech you in your bowels of compassion to an oppressed people, to review and debate impartially the particulars of that Agreement of the people, wherein many thousands have already concurred...³²

Thus the *November Petition* has a broader scope than that of the *Large Petition*, as it sought not only social and legal reform, but also constitutional reform. It did this by asking Parliament to adopt the *Agreement*, rather than demanding constitutional reform in the petition itself. It begins by explaining why they had addressed the *Agreement* to the Army rather than the Parliament (who, it will be remembered, the Levellers had identified as the correct body to address grievances to). Again, following on from *Gold Tried in the Fire*, the Levellers identify Parliaments' unwillingness to listen to their petitions and their bad treatment at their hands that caused them to look elsewhere for address:

[W]e have had our petitions burned, our persons imprisoned, and many other wayes abused. That when the ears of the chosen deliveres were stopped, the Law of Nature enjoyned us to addresse our selves to the Army, from whom we had reason to expect relief, according to their many promises and engagements.³³

Thus, as Parliament had failed to fulfil the responsibility of listening to the petitioners' grievances, the Levellers had gone elsewhere to seek help. As the army had failed to adopt the *Agreement*, however, the Levellers now also turned their criticism upon them. They claimed that the army had committed themselves to an agenda similar to that of the Levellers during the war, but that now "those

³² "The Petition of November 23rd, 1647", in A.L. Morton (ed.), *Freedom in Arms*, p.157.

³³ *Ibid.*, p.155.

promises” had been “forgotten by the ruling part of the Army”.³⁴ The points raised in the *November Petition* are as follows:

1. That it is injustice that the House of Commons “represent these mens petitions as a contempt of them when they rendered them the highest honour in their petition.”³⁵
2. That using phrases like ‘sedition’ and ‘faction’ to condemn petitions should be stopped as “sedition nor faction is no crime, for no man knows what is sedition or faction”, but that these terms are just used to deceive.³⁶
3. That many in the Parliament lied about the nature of petitions and the *Agreement*.
4. That it is “an absolute tyranny” that people are committed to prison, “amongst Theeves and Murtherers, only for begging for their freedoms”.³⁷

Thus the *November Petition*, unlike its predecessor the *Large Petition*, is aimed solely at establishing a right to petition parliament as all of its demands concentrate on this right. It is worth commenting briefly on the second clause, that phrases such as ‘sedition’ and ‘faction’ not be used when discussing petitions. This is, of course, another aspect of the Levellers defence of the right to petition. These phrases were commonly used by enemies of the Levellers to define them as a movement, and consequently they respond by saying that this is just a deception. Just as the demands laid out in the petitions help to constitute them as a movement, by addressing issues such as this they were trying to reclaim their ability to define themselves, as opposed to being defined by opponents.

The Petition of September 11th 1648 (hereafter the *Humble Petition*) was presented to the Commons with a claim of having 40,000 signatories.³⁸ It came at

³⁴ *Ibid.*, p.155.

³⁵ *Ibid.*, p.159.

³⁶ *Ibid.*, p.159.

³⁷ *Ibid.*, pp.159-160.

a time when the Army were moving towards the trial of the King, and the Levellers decided to throw their weight behind this move, attacking the Presbyterian majority in the House of Commons who were in favour of further negotiations.³⁹ Consequently, the petition is a defence of the sovereignty of the House of Commons over the King, a principle that the Levellers point out, was why they supported the Parliament in the Civil War. Indeed both the *Agreement*, and most printed Leveller literature, supported the sovereignty of the House of Commons.⁴⁰ It is asserted once more in the *Humble Petition*:

Be pleased therefore to understand, that we had not engaged on your part, but that we judged this honourable House to be the supream Authority of *England*, as chosen by, and representing the People; and entrusted with absolute power for redresse of Grievances, and provision for Safety: and that the King was but at the most the chief publike Officer of this Kingdom, and accomptable to this House... for discharge of his Office.⁴¹

The petition then lists 27 demands, most of which had been already presented in either one of the *Agreements*, or the *Large Petition*. There did appear, however, 11 clauses that appear to be completely new, although some of them were old themes rehashed. The demands are presented as issues that, the Levellers claim, are things “long expected” to have been addressed by the Parliament.⁴² The new clauses were as follows:

1. (clause 11) That Excise be abolished.

³⁸ “The Petition of September 11th, 1648”, in A.L. Morton (ed.), *Freedom in Arms*, p.181.

³⁹ *Ibid.*, p.181.

⁴⁰ Unicameralism, or the idea that the House of Commons was the supreme sovereign power in the country, was not an exclusively Leveller demand. For an overview of the arguments supporting the (perhaps constitutionally novel) principle of the sole sovereignty of the House of Commons which took part at this time see: Sean Kelsey, “The Trial of Charles I”, *English Historical Review*, cxviii. 477 (June 2003), pp. 588-590.

⁴¹ “The Petition of September 11th”, p.185

⁴² *Ibid.*, p.189.

2. (clause 12) That recent enclosures be opened "to the benefit of the poor."⁴³
3. (clause 17) That confiscated lands be used to reward those who have contributed voluntarily to the war effort.
4. (clause 18) "That you would have bound your selves and all future Parliaments from abolishing propriety, levelling mens Estates, or making all things common."⁴⁴
5. (clause 19) That the role of the King and his revenue be defined.
6. (clause 20) That the traditional freedoms be returned to the City of London.
7. (clause 22) That Committees should not be used.
8. (clause 24) That the duties of the House of Lords be defined.
9. (clause 25) That the authors of the Civil Wars be subject to justice.
10. (clause 26) That constant pay be provided to the Army.
11. (clause 27) That an Act of Oblivion be considered with regards to the King.

Perhaps the most startling demand listed above, and the one of most interest to us when considering the Levellers as a movement, is clause 18, where the Levellers assert that property should be protected and estates not Levelled either by this Parliament, nor any future one. This quote, of course, tells us more about the Leveller movement than it does about the Parliament, as it was not part of the Parliament's agenda to abolish property. The Levellers put this in as a demand following the criticism that they received at Putney that their constitutional proposals would inevitably lead to the levelling of estates. As the Levellers sought to define themselves as a movement, this involved not only positive policy proposals, but also responses to attempts of other people to define them negatively. This is a trend that was present in all petitions. However in previous petitions the Levellers had sought that words such as 'roundhead', 'cavalier' or 'factionist' not be used so as to pervert arguments, but here they make it part of their concrete package of proposals that Parliament be unable ever to abolish

⁴³ *Ibid.*, p.191.

⁴⁴ *Ibid.*, p.191.

property, in an attempt to answer criticisms that their proposals would lead inevitably lead to it.

Petitions and the constitution of a movement

The purpose of this chapter is not only to see how petitions were used by the Levellers and the ideas that they contain, but also examine the way in which petitions helped to constitute the Levellers as a political movement. What is it about petitions that allows us to talk of a Leveller movement that is not true of individually authored pamphlets? We have addressed the idea that they involved more people in the political process than pamphlets, and that they placed responses to their critics in the petitions, but these do not by themselves show how petitions help to constitute the Levellers as a political movement. It is true that one cannot really call something a movement unless it has adherents, however what is more important for our purposes is how petitions constitute a movement in the sense that it gives a group of people a set of policies or principles around which it can unite.

We saw in section one of this thesis how the individual Leveller leaders had a variety of different styles, backgrounds and influences, but that in terms of practical political solutions they were actually quite similar. Petitions, being often brief documents with a very specific purpose, tend to put forward ideas or policies in the raw, rather than delving into the philosophical justification for that idea or policy. For example the *Large Petition* begins in a very theoretical vein, stating that “no Civill Government is more just in the constitution, then that of

Parliaments, having its foundation in the free choice of the people”, however this idea is merely asserted, and the philosophical justifications, of which there may be many, are not entered into.⁴⁵ It would be possible for people from a wide variety of religious and political positions to accept this principle as being true, and therefore a point around which they could unify. If, however, a philosophical justification for this was put forward in the petition, (along the lines, say, that Richard Overton did in *An Arrow Against All Tyrants*), the ability to constitute a movement would be weakened. Then, in order to consider an individual to be part of a movement, they would have to concur not only with the principle, but also with the philosophical justification. Thus, by firstly putting forward principles in a format to which people from a variety of philosophical backgrounds can agree, and secondly by then allowing individuals to subscribe to those principles via the act of signing the document, petitions allow for the constitution of a political movement.

We must remember, however, that petitions were “supplicatory but at the same time demanding.”⁴⁶ They made demands, but these demands were left to another body, be it the King, the Army or the Parliament to fulfil. A demand made in a petition is one that you hope a body with political power would implement. It has been noted that this reliance on bodies with power was one of the practical weaknesses of the Leveller movement, however it also tells us something about the type of demand being made in a petition. The *Agreement of the People*, as we shall see, was an attempt to found a new type of polity and therefore was not addressed to a body of power in the same way that a petition was.

⁴⁵ “The Petition of March 1647”, p.91.

⁴⁶ Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America*, (1988: W.W. Norton & Company, New York), p.225.

Conclusion

We have seen in this chapter the role that petitions played within the Leveller movement. We have seen that petitions were an effective way of gaining the adherents that one needed in order to be a movement, and also in using the idea of public opinion as a support to pre-existing Leveller ideas. Also, it has been shown that petitions were pieces of propaganda, aimed at convincing public opinion as well as representing it. We have also seen how the petitions contained within them an account of why Parliament should accept petitions, and that their scope broadened as it became apparent that Parliament did not accept the principle contained within them. In addition, it has been shown how petitions, by focusing on policies rather than philosophical justifications, allowed the Levellers to unite as a movement around a certain set of principles. It is now necessary to examine the *Agreements* that overlapped chronologically with the petitions, and examine the type of political device that they were, and the ideas contained within them.

Chapter six

The Agreements

Introduction

The Levellers as a collective body have been defined as “a political movement united around the programme of the first Agreement of the People.”¹ Thus the *Agreement* is of interest to us not only due to the ideas that it contains and the purpose of these ideas, but also as an example of the consensus that is needed within a political movement such as the Levellers. Therefore, this chapter aims to analyse the Leveller document the *Agreement of the People* in four different ways. Firstly, it will compare the *Agreement* as a political device to petitions, and will show that it had a different purpose to petitions as it sought to confer power on political bodies rather than request a certain set of policy demands be met. Secondly, it will show how the content of *Agreements*, which are put in a simple manner, free from philosophical justification, help people with wide ranging philosophical beliefs to unify around a political agenda. This then, will help us in our understanding of what can be considered to constitute a ‘Leveller line’. We will then go on to analyse the content of the first *Agreement*, and show how it attempts to limit the power of political bodies, and how this fits in with the broader theme of social contract theory. Finally, it will outline and analyse the differences between the three *Agreements*, commenting on the reasons for these

¹ David Wootton, “Leveller democracy and the Puritan Revolution”, in J.H. Burns (ed.) *The Cambridge History of Political Thought 1450-1700*, (1994: Cambridge University Press, Cambridge), p.412.

differences, however asserting that the ‘core spirit’ of the first *Agreement* was kept throughout all its versions.

The *Agreement* as a political device

Before we go on to look at the contents of the *Agreement*, it is worth commenting on why it can be considered to be a different type of political device to a petition. There are certainly some similarities between petitions and *Agreements* as political devices. Both are more specific than pamphlets, with policy or political proposals put in a simpler form so that people can agree to them even if they do not share a specific political philosophy. Both are the product of many authors, and require the signatures of a large number of people (who also subscribe to the principles inside) in order to be effective. However these factors do not mean that we should relegate an *Agreement* to be just another kind of petition, as the claims made in an *Agreement*, along with the type of political device it is, make it a very different type of political media.

Firstly, a petition, as we have seen, is addressed to, and therefore dependent upon, an already politically powerful body. It is making a request (or, in some cases a demand) that that body with power implement a specific set of policies. Those demands may well be wide ranging and involve constitutional change, however by its very nature, a petition demands that another body carry out these changes. This is not the case with the *Agreement*, as it is not dependent upon the power of any

other political body.² An *Agreement* (the specifics of which will be discussed later) confers powers on a particular set of political institutions. The *Agreement* constitutes the literal transferral of power (the theory of which Overton and Lilburne had outlined in their pamphlets) from the people to the representative bodies. As it confers powers, it also places caveats on these powers, and illustrates where the peoples' representatives cannot act, and the correct form of their operation. The *Agreement*, therefore, is a foundational document that seeks to create new constitutional arrangements by itself. The Levellers introduced this style of document, Morgan suggests, because they thought:

It was time for a full statement of popular rights and for spelling out the limits of the powers that the people could and would confer on their representatives in a reformed and supreme House of Commons.³

A second difference is the scope of the popular participation needed by a petition on the one hand, compared to an *Agreement* on the other. Petitions were generally given on behalf of a limited group of people who were easily definable, that is to say they were given by a regiment, a village or a guild. It was the Levellers who sought to expand the number of people who petitioned, and claimed to be petitioning on behalf of the people as a whole, rather than any one group. Petitions, therefore, needed large support in order to make an effective rhetorical claim to represent public opinion; *Agreements*, however, took this one step further. As the document intended to confer the power of the people on the representatives, it also followed that all people should sign it. Thus, it involved

² This does not mean that the *Agreement* was not dependent upon political power in the sense that it would not need support in order to be implemented. Indeed as the Levellers sought to get the Army to implement it shows that it was not outside of the ordinary political process. However the device itself did not request other bodies to make changes, it did so itself.

³ Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America*, (1988: W.W. Norton & Company, New York), p.72.

the ultimate form of political participation, in that all should sign it, and indeed, in some cases (as we shall see) should people not sign it then they would suffer penalties for refusal such as the inability to vote at, or stand for elections for a period of time. Therefore, whereas both petitions and *Agreements* are similar in the sense that they need people to sign the document, there is a very different political purpose entailed in the act of signing the two documents.

A third difference between the *Agreements* and a petition is the type of action the document performs. The *Agreement*, as we shall see below when we discuss its content, is a call for popular sovereignty, which, as we have seen, was to be signed by all. Thus, the content and the form of the *Agreement* are identical in that it is a call for popular sovereignty that is to be signed by all; it is, therefore, a performative enactment of popular sovereignty. The *Agreement* does not just argue in favour of popular sovereignty, it asserts it as a basic right, and in so doing endows the people with certain political rights. As it is a foundational document, aiming at constituting a political system and conferring upon it certain rights and responsibilities, and also claiming popular sovereignty, the *Agreement* (should it have been adopted) would have provided popular sovereignty. Just as John Lilburne had fashioned people with having certain political rights during his trial, in the *Agreement* the Levellers fashion the people as being the possessors of original sovereignty. This is something that petitions do not do. Whereas a petition can make a claim to popular sovereignty that is signed by a number of people, a petition cannot provide the same link with popular sovereignty.

The differences between the purposes of these two types of Leveller documents means that a statement made in these documents have different meanings. If a petition asks that a specific right be recognised or policy be implemented it is doing just that; it is asking for a specific right to be recognised. On the other hand, if an *Agreement* mentions a right it is declaring that it is a right and claiming that no other justification be required for that right. For the purposes of this thesis as a whole, this gives us a clearer idea of how we can approach the idea of the Levellers as a political movement, and consequently what we can regard as being a 'Leveller line'.

The *Agreement* and the 'Leveller line'

Much has been suggested in the previous chapters of this study that searching throughout the history of the Leveller movement to find a consistent 'Leveller line' is, at best, a search that is likely to be unfruitful, and at worst, an approach with severe methodological flaws. However in *The Agreement* the Levellers, for pragmatic reasons, agree upon a shared set of political principles upon which government could be based that should be taken around the entire population for their consent. Consequently, just as the Levellers sought to make signing *The Agreement* a necessary condition to involvement in politics, so too can it be taken to be as close to a 'Leveller line' that we are going to find, in that they were principles upon which the Leveller leaders agreed.

The Agreement, as one would expect from a document that was intended to be taken across the country to be signed, is very short. It contains none of the complexity of argument contained in any of the Leveller's pamphlets, yet there is nothing immediately contradictory contained within it to any of the Leveller's previous writings. Whereas previous pamphlets had engaged with particular religious or political debates, and had shown, for example, why toleration was an essential tenet of Christianity, why the English law implied individual rights or why reason and the law of God should lead to individual rights, *The Agreement* dealt with generalities. It did not attempt to show why certain ideas should be accepted but rather, again as one would expect from a foundational document, just highlighted the general principles on which legitimate government should be based. The conclusions in *The Agreement* could have been reached from a variety of religious, philosophical or political arguments, and could be supported (or, indeed, rejected) by people from different religious, philosophical or political backgrounds.

Consequently, *The Agreement* represents a political Leveller line, as opposed to a philosophical Leveller line. The Levellers needed, in order to create a foundational document, to formulate a set of political principles that they could all agree to, and perhaps most importantly, that they thought that the population of the country could agree to. Consequently, we can accept *The Agreement* as being a Leveller line, so long as we accept that (a) we should not apply this coherence retrospectively, that is to say that there was not always this convergence, and (b) that there was still considerable disagreement on both political and philosophical issues within the Leveller movement. Thus, the creation of a 'Leveller line' was a

pragmatic one in that it was necessary for the political events with which they were confronted, rather than as a wholesale creation of a philosophical whole.

Content of the first *Agreement of the People*

The *Agreement of the People* 1647 was an attempt to found a settlement at a time in which who should execute power in England was in dispute. In this sense it can be seen as similar to the *Propositions of Newcastle* and the *Heads of Proposals*, but representing a distinct political position. It differed in two important respects. Firstly, in that it aimed to create a fresh start for the nature of government rather than broker a peace between already powerful political elites (i.e. Army, Parliament and the King). Secondly, its scope was broader both in the political terms it laid out, and the support that it hoped to obtain. That the *Agreement* sought peace from Civil War was stated in the preamble, however its authors also noted that slavery was equally to be avoided, undoubtedly referring to Parliament's recent supposed mistreatment of petitioners. Consequently when the *Agreement* stated "we do now hold ourselves bound in mutual duty to each other to take the best care we can for the future, to avoid both the danger of returning into a slavish condition, and the chargeable remedy of another war"⁴, the slavish condition is not just a reference to the rule of Charles prior to the Civil War, but also an indication of the mistrust between the Levellers and Parliament.

Consequently, the *Agreement* sought to define the powers both of the institutions of government and the individual's rights against that government so that power

⁴ "An Agreement of the People", A.L. Morton (ed.), *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), p.139.

could be codified. Thus the aim was that the representatives of the people would know, just by looking at the *Agreement*, “the ends for which they are intended.”⁵ The first two clauses deal directly with the practical politics of the time, with clause one dealing with the distribution of parliamentary seats around the country, which should be proportioned “according to the number of the Inhabitants”⁶, and clause two stating that following the more equitable distribution of seats the existing Parliament should disband. Thus, the Levellers are undermining the legitimacy of the present Parliament, claiming that fundamental constitutional changes are needed before Parliament can be considered legitimate. Clause three begins in a similar vein, calling for the people to choose their representatives every two years, and naming the dates of those elections and when thereafter the Parliament should convene. It is halfway through clause three that the *Agreement* ceases to just provide remedies for the contemporary vacuum of power and begins to deal with the principles on which government is based, stating:

That the power of this and all future Representatives of this Nation is inferiour only to theirs who chuse them, and doth extend, without the consent or concurrence of any other person or persons; to the enacting, altering, and repealing of Lawes; to the erecting and...calling to account Magistrates, and Officers of all degrees; to the making War and peace; to the treating with forraign States; And, generally, to whatsoever is not expresly or impliedly reserved by the represented to themselves.⁷

This astonishing passage (to the contemporary reader) managed to dispute the power of all of the existing political bodies during the civil war. Firstly, it seemed to reserve no place in the political set up for the King, or at the very least it failed to provide a place for the King along the lines which Charles, or for that matter

⁵ *Ibid.*, p.139.

⁶ *Ibid.*, p.139.

⁷ *Ibid.*, p.140.

any British monarch in the seventeenth century could have agreed with. As the *Agreement* says that the people's representative can make or alter laws without the concurrence of any individual or group of individuals then this would take away the prerogative, or 'negative voice' of the King (and, indeed, the House of Lords). The *Agreement* does state that the representative of the people can call to account any magistrate or officer, which could leave a role for the King in the shape of being a magistrate, however this would be a role that diminished the role of the King far more than either the *Propositions of Newcastle*, or the *Heads of proposals*. The magistrate, if he had to answer, and justify actions to the Parliament, would not be a role that Charles could accept.⁸ However the *Agreement* did not only reduce the potential power that a Monarch could have, it also reduced the potential powers of the Parliament. Far from giving Parliament overall power in the kingdom, it descended powers down to the individual that not even a legitimate Parliament could infringe upon. Parliament's powers were all those things that were not held by the individual, and consequently there were a number of powers that were to be held by the individual alone. These, the Levellers asserted were our "native Rights"⁹, which were listed in the agreement as:

1. The right to decide what "our consciences dictate to be the mind of God", and consequently to choose the form of one's own religion.

⁸ This does not only challenge divine right theory, which suggests that the King is responsible to nobody but God for their actions, but also challenges notions of the King's powers in ancient constitutionalism. Implicit in ancient constitutionalism is the idea of balance, that the "prerogatives of the monarch and the liberties of the subject co-existed in stable perfection." (Glenn Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought, 1603-1642*, (1992: Pennsylvania State University Press, Pennsylvania), p.5-6). The King was to have his powers, however they should be used in such a way to balance those powers with the liberty of his subjects. The Levellers in the *Agreement*, however, challenge this as they seem to assert that King's prerogatives (or, indeed, unlimited power in Parliament) would inevitably infringe upon the liberty of the subject.

⁹ "An Agreement of the People", p.141.

2. The right not to be conscripted.
3. The right not to be punished for opinions or positions held during the “late public differences”.
4. That all laws should be equally applicable to all people, regardless of estate, birth etc.
5. That all laws should aim at “the safety and well-being of the people.”

Thus, a number of the powers that the Parliament would assume to hold were taken away from them by the *Agreement*. They have no right to dictate religious policy (which the Presbyterian faction in the House of Commons would have disagreed with), and they could not conscript soldiers to fight in Ireland (as the Army had also been arguing). The individual is depicted as a holder of a certain packages of rights that it would be illegitimate of even a properly representative and legitimate assembly to infringe upon. This is an individual who is the sole interpreter of religious matters, and one for whom the government has a certain set of responsibilities. This individual then marks the devolvement of power that occurs in the *Agreement*, as powers that were previously held by the King are not just devolved to the Parliament, but were devolved from any Parliament, be they legitimate or not, to the individual. Indeed, with the *Agreement* the test of legitimacy for any Parliament is that of protecting the individual’s package of rights.

So clearly the political claims made in the *Agreement* outreach those of the *Propositions of Newcastle* and the *Heads of Proposals* in that it sought not only to accommodate the existing claims to power of the different political bodies involved in the dispute, but also to set the basis of legitimate power in society. However, it also outreached the breadth of the support that it sought in that the Levellers intended the document to be signed by everyone, and that when it had

been signed by all a new era would have been achieved. Consequently, the *Agreement* was to “be taken round the country-side for signature by as many as would, so that personal consent to the proposed government might be as wide and real as possible.”¹⁰ Following the adoption of the *Agreement* people would not be punished for positions they had taken during the civil war. Thus in some ways the agreement was intended not just for a fresh start, but also the act of signing it absolved that individual from what they may have done during the Civil War. Its attempt was therefore to unite all, even opponents of the Levellers, on a set of political principles.

That the Levellers sought actual and literal consent from the people to the foundation of government marks them out from previous political thought regarding consent. Marsiglio of Padua had stated in his *Defender of the Peace* in 1326 that ultimate authority was located in the association of citizens or the people, however this did not involve actually getting the people’s consent to government as the medieval notion of representation held that consent was “equally valid when it is tacit or has been expressed in the distant past”.¹¹ Likewise, in the seventeenth century, Hobbes argued that government’s strength depends upon the consent of the people, and is formed by a social contract that involves every man saying to every other man:

I authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner.¹²

¹⁰ J.W. Gough, *The Social Contract: A Critical Study of its Development*, (1936: Oxford University Press, London), p.88.

¹¹ Antony Black, *Political Thought in Europe 1250-1450*, (1992: Cambridge University Press, Cambridge), p.60.

¹² Thomas Hobbes, *Leviathan*, (1985: London, Penguin Classics), p.227.

However, this contract was more of a thought experiment, or a theoretical argument to support the sovereignty of the State rather than something that was, or should, actually take place. The subject, if they considered themselves harmed by the actions of the sovereign, were to consider the consequences of their actions if they rebelled against a sovereign and brought society back into the state of war. In these circumstances, the subject would realise 1) that they would be worse off in the state of nature, 2) that consequently they should consent to sovereignty and finally 3) that as they have consented they have authorised the actions of the sovereign – which means that the sovereign cannot possibly have harmed them.¹³

Consequently, whereas for Hobbes the state should be seen as an artificial construct based upon the consent of the people, this does not actually mean that overt consent is necessary for the foundation of that government. This is also true for Hobbes' fellow seventeenth century social contractarian, John Locke, who places consent to government at the centre of his theory. However, Locke assumes that this consent will be tacit, that is to say illustrated by acts such as inheriting property, which shows that an individual is content with the state. As Iain Hampsher-Monk suggests:

[T]he main thrust of Locke's arguing that government is based on consent is to establish that consent can be withdrawn if need be, not that it has to be shown to have been given in the first place. The consensual nature of government in the end seems to be an assertion about its moral status, rather than a claim about what precise sort of actions must have accompanied its creation or continuance.¹⁴

¹³ As the sovereign has used the powers of political action transferred to them by the people, and the people have authorised his actions, it follows for Hobbes that as an individual cannot harm themselves (as it is against the laws of nature), then the sovereign cannot possibly harm his subjects.

¹⁴ Iain Hampsher-Monk, *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx*, (1992: Blackwell, Oxford), p.101.

The Levellers, on the other hand, sought the signatures of as many people as possible¹⁵ to *The Agreement*, which consequently has been referred to as a “original and revolutionary concept of an unalterable written constitution brought into being by the signatures of the people.”¹⁶ A cautionary note on including the Levellers within the broad ‘social contract’ tradition is sounded by Michael Lessnoff in his study of the subject, in which he regards them as being interesting but “peripheral to our subject.”¹⁷ Lessnoff distinguishes between “men of affairs, political propagandists, and philosophers (Hobbes and Locke)”¹⁸ and their use of the social contract, claiming that only philosophers should be used to study social contract *theory* due to their (presumably superior) “quality and style of argument”¹⁹. Consequently, the Levellers, for Lessnoff, as they were not philosophers in the style of Hobbes, contributed little to social contract theory, instead they stated “yet again the time-honoured contractarian ideas”²⁰, as opposed to Hobbes who was “innovative”²¹. This seems like a strange statement to make of the Levellers, as trying to get consent to the foundation of government does seem (as Gentles suggested above) to be quite original, and thus cannot be said to be just restating old arguments. It is true that religious groups had used what can loosely be called ‘social contract’ theories in the Puritan commonwealths in New England in the early seventeenth century, and the Scottish Covenanters had also

¹⁵ The question as to exactly who constituted the population that would be required to sign *The Agreement* (i.e. everybody, all men or all men owning a certain amount of property) will be addressed in the following chapter on the Putney Debates, as this issue seems linked to the debates on who would receive the franchise in Leveller ideas.

¹⁶ Ian Gentles, “The *Agreements of the People* and their political contexts, 1647-1649”, in Michael Mendle (ed.), *The Putney Debates of 1647: The Army, the Levellers and the English State*, (2001: Cambridge University Press, Cambridge), p.153.

¹⁷ Michael Lessnoff, *Social Contract*, (1986: Macmillan, Basingstoke), p.43.

¹⁸ *Ibid.*, p.43.

¹⁹ *Ibid.*, p.43.

²⁰ *Ibid.*, p.45.

²¹ *Ibid.*, p.46.

used them in 1638, in the lead up to the Bishop's wars²², however where they differ from the Levellers use is that of scale. The Levellers were not forming (what was at the time perceived to be) entirely new communities in the absence of traditional powers, nor attempting just to protect a religious belief. Rather, they were showing the foundation upon which legitimate government power could be based in a society in which the traditional political bodies were temporarily reduced in power, but still in existence. Perhaps this illustrates the difficulties in attempting to study concepts such as the social contract across time, as one can be praised for being original, yet condemned for merely attempting to apply existing theory into praxis.

However, one issue with the Leveller's attempt to get everyone to sign and agree to *The Agreement*, and consequently consent to the type of government it proposes which has not yet been directly addressed, is the problems that would occur if it was not accepted by the people. This illustrates the double edged sword of popular consent, that if you require government to be based upon consent, and the people refuse to agree to government upon that basis, then problems occur in practical politics.²³ The Levellers attempted to solve this issue by making subscription to *The Agreement* a necessary condition to involvement in politics.²⁴ Thus not only was *The Agreement* a foundational document that attempted to include people into the political process, but it would have also excluded all those

²² On these usages of social contractarian ideas see J.W. Gough, *The Social Contract; A Critical Study of its development*, pp.82-87 on the Puritan settlements in New England, and pp.91-92 on the Scottish Covenanters.

²³ This, then, is an advantage that Hobbes & Locke have over the Levellers, as direct consent is not necessary, but can be assumed on different levels.

²⁴ Hence the Levellers assertion in *The Agreement* that after the new parliament's inauguration, "no person be at any time questioned for anything said or done, in reference to the late publicke differences" ("An Agreement of the People", p.141). *The Agreement* was supposed to signify a fresh beginning for politics, for those who signed it.

who failed to subscribe to its contents, which given the conservative nature of seventeenth century England, would be a substantial amount of people.

This then begs the question as to precisely what the rights and responsibilities would be of someone who did not sign the *Agreement*. We will see when we discuss the content of the various *Agreements* that they would not be able to vote in elections, and would also be banned from voting for a period of time after accepting the *Agreement* as a punishment for failing to sign it when first given the opportunity to do so. Other than this, however, the Levellers do not seem to say whether non-signers would retain the legal rights of those who did sign, or indeed, what their obligations to the state would be. Ian Gentles suggests that anyone “who declined to subscribe to the *Agreement* would be denied the protection of the law”, however this is not stated in the *Agreements* other than in the clauses on voting.²⁵ This then seems to place the Levellers in a mid point between the tacit consent of Locke, and the requirement of unanimity in the social contract tradition as best exemplified by Rousseau.

For Rousseau, the compact to form the sovereign must be unanimous, as the citizens and sovereign, following the compact, are one and the same body. If it were not unanimous, and simply decided on a majority vote, Rousseau asks, “where... would be the obligation on the minority to submit to the choice of the majority?”²⁶ The compact then takes the form of everyone saying that “[e]ach of us puts his person and all his power in common under the supreme direction of the general will” which then form not only the sovereign power, but also the body

²⁵ Ian Gentles, “The *Agreements of the People* and their Political Contexts, 1647-1649”, p.159.

²⁶ Jean-Jacques Rousseau, “The Social Contract”, in Jean-Jacques Rousseau, *The Social Contract and Discourses*, (trans. G.D.H. Cole), (1993: Everyman, London), p.190.

politic.²⁷ The people of a republic, then are citizens when “sharing in the sovereign authority”, and subjects “as being under the laws of the State.”²⁸ It follows for Rousseau that as someone who did not take part in the compact is neither part of the sovereign nor a subject of the sovereign’s laws that the state has no obligations to them, and they have no obligations to the state. People who do not contract, under this account, must either join another republic or (perhaps) live in the republic without any legal obligations or protection. This appears to be the logical outcome of all accounts of social contract theory based on literal consent; if power is transferred from the individual to the state from the contract then it follows that an individual who does not transfer their powers does not have any obligations to the state. It is for this reason, perhaps, that theorists such as Locke rest their account on other forms of consent. The Levellers call for all to sign the *Agreement*, and place penalties on those who fail to sign it, however they do not appear to take Rousseau’s line of saying that those who do not transfer their powers of political action to the sovereign have no place in the body politic.

Differences between the three *Agreements*

The first *Agreement of the People*, despite being a set of concrete proposals for the foundation of a new polity, is theoretical in nature, containing few specifics as to how the proposals would be implemented. For example, the issue that would arouse most controversy at the Putney Debates - the issue of the franchise - is barely discussed. It is for this reason, as we shall see in the following chapter, that Cromwell and Ireton focus on the issue of the franchise and its consequences, as

²⁷ *Ibid.*, p.192, emphasis suppressed.

²⁸ *Ibid.*, p.193.

whereas the Levellers do not state that they wish to see a universal adult male franchise, it could be inferred from the first *Agreement* that this was the Levellers' policy. The two times in which aspects relating to the franchise are mentioned in the first *Agreement*, they are inconclusive as to who would receive the vote, and who would be excluded. In clause one the *Agreement* states:

That the People of England being at this day very unequally distributed by Counties, Cities, & Burroughs, for the election of their Deputies in Parliament, ought to be more indifferently proportioned, *according to the number of the Inhabitants*: the circumstances whereof, for number, place, and manner, are set to be down before the end of this present Parliament.²⁹

The phrase "according to the number of the Inhabitants" is the one which could lead people to assume that all inhabitants, no matter what level of income, are to be regarded as being offered the vote, as the Levellers have not described in any detail who is to be regarded as an inhabitant with regards to having the vote.³⁰ Elsewhere, in clause three, it is stated that "the people...chuse themselves a Parliament once in two years", and in clause four that the power of an elected representative is "inferiour only to theirs who chuse them", but nowhere is a definition of 'the people' proffered.³¹ Therefore the *Agreements* do not actually give us a 'Leveller line' of precisely who would be given a vote, although it does provide clauses which makes the claim that the Levellers supported a full adult male franchise understandable. Following the Debates around the *Agreement* at Putney, however, the Levellers decide, in the second *Agreement of the People*, to be very specific on who should have the vote.

²⁹ "An Agreement of the People", p.139. My Italics.

³⁰ *Ibid.*, p.139.

³¹ *Ibid.*, p.140.

The Putney Debates, as will be shown in the following chapter, illustrated to the Levellers one of two things, either (1) that it would be impossible to form consensus around the idea of a full adult male franchise, or (2) that they needed to be more specific about their constitutional proposals lest their opponents misconstrue them as being a Levelling movement. Consequently the Levellers in *Foundations of Freedom* (hereafter the second *Agreement*), which emerged over a year after the Putney Debates, outline precisely who would and would not receive the vote. This is not the only issue on which they are more specific on in the second *Agreement*, they also outline precisely how the 300 representatives would be distributed around the country (with, for example, Southampton having one representative, and the county of Southampton having six).³² With regards to the franchise, the Levellers exclude eight types of people from the vote:

1. Those who do not sign the *Agreement*. This, then, places a supreme importance on the *Agreement* as a document in that those who fail to sign it are not allowed to participate in public affairs.
2. Those receiving alms
3. Those who are servants or receiving wages from an employer.
4. Women, as it is asserted that, with the caveats in this list, that all electors will be “men of one and twenty yeers old, or upwards”.³³
5. Those under 21 (see above).
6. Non-housekeepers (thus excluding apprentices in a way that provision (3) does not. Practically, of course, many apprentices would have been excluded by provision (5)).
7. Anyone who voluntarily assisted the King is denied the vote for seven years.
8. Those who make forcible opposition to the *Agreement* are denied the vote for seven years, and no one is entitled to the vote until six months after they have signed the *Agreement*.³⁴

³² “Foundations of Freedom: Or an Agreement of the People”, in Don M. Wolfe (ed.), *Leveller Manifestoes of the Puritan Revolution*, (1944: Thomas Nelson and Sons, New York), p.296.

³³ *Ibid.*, p.297.

³⁴ List paraphrased, with my own comments, from *Ibid.*, p.297.

So we can see that the second *Agreement* focuses on the need for clarity on the details of their constitutional proposals. It also gives details on the need for a 153 members to be present in Parliament for a law to be enacted and that a council of state be assembled to govern the state (under the direction of the representative) amongst other details.³⁵ However, the 'core spirit' of the first *Agreement*, that the representative body is the sole legitimate body on all matters that are not reserved by the people themselves, is kept in the second *Agreement*. Indeed this 'core spirit' is stated in clause six:

That the power of the peoples Representative extend (without the consent or concurrence of any other person or persons) to the enacting, altering, repealing and declaring of Laws; to the erecting and abolishing Officers of courts of Justice, and to whatsoever is not in this Agreement excepted or reserved from them.³⁶

Thus the representative, as chosen by the people, is allowed to legislate, without the permission of the King or the House of Lords on anything other than those areas that are reserved by the people as being their own affairs. Therefore, power is limited in the second *Agreement* just as it is in the first. An interesting addition, however, to the limitation of power as outlined in the second *Agreement*, is that the representative must not "levell mens Estates, destroy Propriety, or make all things common."³⁷ Just as we saw a provision to this effect entering the Levellers petitioning campaign, this addition can be best explained by the political campaign against the Levellers. Just as the Levellers' opponents sought to style their constitutional proposals as leading to destroying property, so too did the Levellers seek to refute this charge. By putting this clause in the second

³⁵ *Ibid.*, p.299.

³⁶ *Ibid.*, p.299.

³⁷ *Idid.*, p.301.

Agreement, the Levellers sought to show that their constitutional proposals could not possibly lead the levelling of estates as it was removed from the competency of the representative. This way, the Levellers sought to remove a rhetorical device from their opponents, so that the policy proposals could be properly debated.

The third *Agreement* is dated from May 1649, almost six months after the second, by which time Lilburne, Walwyn and Overton were in jail. It is offered as “a Peace-Offering to the Free people of this Nation”, and therefore as a means to “put a finall period to all our feares and troubles.”³⁸ Therefore the document is styled as an attempt to put an end to the trials and tribulations that had emerged in England in the Civil War period, and as such is prefixed with the biblical quotation Matt. 5, v.9; “Blessed are the Peace-makers for they shall be called the children of God.”³⁹ This, whereas it is made more vigorously in the third *Agreement*, is a claim made about all three *Agreements*, that peace could be brought to the nation via the means of a political settlement. Whereas we saw that the second *Agreement* went into far more detail than the first about precisely who should have the vote, we see a return to simplicity in the third *Agreement* on this issue. It simply states that:

[A]ll men of age of one and twenty yeers and upwards (not being servants, or receiving alms, or having served the late King in Arms or voluntary Contributions) shall have their voices; and be capable of being elected to that Supreme Trust, those who served the King being disabled for ten years onely.⁴⁰

³⁸ “An Agreement of the Free People of England”, in A.L. Morton (ed.), *Freedom in Arms*, p.265.

³⁹ *Ibid.*, p.263.

⁴⁰ *Ibid.*, p.268.

Interestingly, this actually expands the list of people being able to vote than was outlined in the second *Agreement*. Wage earners who were not servants would be able to vote in elections under these provisions.⁴¹ Also, provided they were over 21, so would non-householders, which meant that apprentices would be able to vote. However perhaps the most important group not to be explicitly excluded the vote in the third *Agreement* are non-signers of the *Agreements* themselves, and opponents to the documents. As we saw in our discussion of the second *Agreement*, signing the document constituted being able to participate in politics, and this is a proviso that is removed in the third *Agreement*. Perhaps this concession was a result of the Levellers inability to get widespread support for their proposals.

However again, the 'core spirit' of the previous *Agreements* are kept in its third version, stating in clause nine that:

[N]one henceforth may be ignorant or doubtful concerning the power of the Supreme authority, and of the affairs, about which the same is to be conversant and exercised: we agree and declare, that the power of Representatives shall extend without the consent or concurrence of any other person or persons...⁴²

⁴¹ The definition of precisely what constitutes a servant is an issue here. C.B. Macpherson asserts that servants and wage earners are one and the same, as in seventeenth-century England the term servant meant "anyone who worked for an employer for wages". (C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (1964: Oxford University Press, Oxford), p.282). If this is the case, why does the second *Agreement* say that anyone who are "servants to, or receiving wages from" a person would be excluded from the vote? ("Foundations of Freedom: Or an Agreement of the People", p.297). If by excluding servants you would automatically be excluding wage earners why would they explicitly mention both groups? Perhaps as the Levellers mention both groups in the second *Agreement*, but only servants in the third, we can take it that (a) wage earners were allowed the vote under the provisions of the third *Agreement* but servants were not, and therefore (b) that there was a subtle difference between the definition of these groups in seventeenth-century England.

⁴² "An Agreement of the Free People of England", p.271.

Which is then followed by a list of areas that are entrusted to the power of the representative, and, of course, a list of areas that are preserved for the individual. Thus the third *Agreement* seeks to limit power in the same way that the first and second versions had sought to do. Thus, whereas there are differences between the three *Agreements* in terms of detail, who should receive the vote and the treatment of non-signers of the document, there is also a 'core-spirit' that is consistent throughout all versions.

Conclusion

Consequently, we can see how *The Agreement of the People* represented for the Levellers a new political device that was developed because of the perceived failure of both Leveller and Army petitions. We have seen how the *Agreements* sought to limit the power of the representative, and leave certain areas (such as religion) free from governmental control. We have also seen how *Agreements* are a distinct form of political device (as compared to petitions) as they sought to confer power on institutions rather than use the power of other institutions to implement a set of policies. We have also seen that the style of argument used in an *Agreement* is conducive to allowing people from a broad range of philosophical backgrounds to support a specific set of political proposals. This then allows us to talk of a 'Leveller line' in the proposals set out in the *Agreement* as they were ideas around which many could unify. We have also analysed the content of all three *Agreements*, and we have noted two main points. Firstly, we have noted that there is a 'core spirit' that is present in all three *Agreements*; that an elected

representative is the only legitimate body to govern, and that there are limitations even to the power of a legitimate representative. Secondly, we have noted that the issue of the franchise (which is not in the 'core spirit') was unclear in the first *Agreement*, but changed in the following two. It is now time, therefore, to go onto look at why this second point became so important with regards to the reception of Leveller ideas, and provoked a clarification with regards to the issue of the franchise; namely the Putney debates.

Chapter seven

The Putney debates

Introduction

The aim of this chapter is to analyse some of the issues that are raised by the Putney debates unique form as a manuscript of political ideas. It will be argued that analysing ideas from a debate requires a different approach than analysing a political text or pamphlet. In particular, it will be suggested that we should be wary of taking ideas from within the Putney debates and assuming that they accurately reflect the position of the whole Leveller movement, and we shall see that there are, or at least appears to be, different ideas on the Leveller side within the debates. The first two days of debates at Putney (when the issues of engagement and the franchise were being discussed) will be analysed and it will be argued that Rainsborough was arguing for a full adult male suffrage, despite the claims of C.B. Macpherson to the contrary. However, some important caveats will be added to this statement. It will be suggested that the fact that Rainsborough was arguing for a full adult male suffrage at Putney, does not imply either that the other Leveller spokesmen at Putney were arguing the same or that the entire Leveller movement would have endorsed this claim.

Interpreting the text

Debates contain a different dynamic in the production of ideas than would a written source, this happens for a number of interrelated reasons. Firstly, the

participant in a debate does not have the chance to reflect on what he or she has said prior to it entering the public domain in the way the author of a book or pamphlet does. Any author would read, and possibly re-read a manuscript that they had written before it was printed and distributed to make sure that the message that they hoped to convey was clearly presented in a manner that they were comfortable with.¹ Participants in a debate do not have this chance, so it is perfectly possible that a comment made in a debate may be unclear, or inconsistent with what that person has previously said or written since the comment was made off the cuff without planning or reflection.²

Secondly, whereas the author of a text has almost complete control of the direction of an argument that they are developing,³ the participant in a debate does not. A participant in a debate has to respond to the arguments that are made by other participants in a debate, participants who may well be opposing the claims that they are making. Indeed if an opposing participant counters the argument that another is making, new ideas may need to be introduced or new directions taken that perhaps were not intended at the outset of the debates to be introduced or taken. The dynamics then of participating in an attempt to win a debate may

¹ Of course, one possible exception to this may be in times of censorship or repression when the author may want to hide their intentions, with the 'real' meaning being hidden between the lines, so in this case clarity might not be the best description. This is a point made by Leo Strauss, in which he claims, with some justification that persecution "gives rise to a peculiar technique of writing... in which the truth about all crucial things is presented exclusively between the lines" (Leo Strauss, *Persecution and the art of writing*, (1988: University of Chicago Press, Chicago) p.25). However, for our purposes here, if an author *deliberately* hides his/her intentions, this could be construed as presenting their work with the clarity that they are comfortable with, as they intend to keep some messages hidden, and thus they would not be happy with any further clarity.

² There are also issues regarding the accuracy of written records of debates. For example the transcribers at Putney refers to Robert Everard as being 'Buff Coat' as he was wearing a buff coloured coat. Presumably they did not know the speakers identity. ("The Putney Debates", in A.S.P. Woodhouse (ed.), *Puritanism and Liberty: Being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents*, (1938, J.M. Dent and Sons, London), p.6.

³ This is, of course, done within the confines of the context in which they are writing.

involve the introduction of devices that would not have been used in a written pamphlet debate.

Thirdly, and finally, we must remember that the Putney Debates had a definite goal on both sides. The debate, in essence, was functional. The Levellers were hoping to get the Army to adopt *The Agreement* as its blueprint for the settlement of the nation. It was not an attempt by the Levellers to get new adherents (except, perhaps from those in the room), nor was it a political device such as *The Agreement* or petitions that sought to include many people in a political act. The Grandees, on the other hand, wanted to reject *The Agreement*, and restore unity to the army. Thus winning the debate would bring about a definite political advantage, and consequently each side had to gauge what the best way to win the debate would be. One technique here might be to try to hide the more radical aspects of one's proposal, another to make compromises. Therefore the ideas contained within the Putney Debates need to be placed within the broader political context that surrounded those debates in order for us to understand why certain ideas or arguments are introduced or refined.

Macpherson and consistency

Whereas the Putney Debates have triggered most of the interest with regards to study of the Levellers, we must also note that the participants in the debates who were defending the Leveller position as outlined in *The Agreement*, were not the main Leveller leaders who have been addressed already in this thesis. Thus, to stress the point still further, John Lilburne, Richard Overton and William Walwyn

were not present at Putney for the debates, and consequently could not defend their own views. It is here then, as well as in their activity of petitioning, that we get a sense of the Levellers as a political movement rather than as contributors to a distinctive political ideology. We should not imagine that just because the three Leveller leaders were not at Putney that the ideas expressed there are of no interest. We should also be careful not to overestimate utterances by protagonists in the Putney Debates as giving authoritative definitions of a 'Leveller line', however, as the participants in the Putney Debates had little or no activity in shaping the ideas that we have looked at so far. For example, the quotation that has perhaps led to most debate with regards to a Leveller position is one by Maximillian Petty on day two of the debates when the issue of the franchise was being discussed.⁴ It was supposed by early scholars of the Levellers that one of their goals was universal male suffrage, however Petty's utterance seems to call this into question, suggesting that only people who are economically independent (i.e. not those who rely on others for money or wages) should receive the vote:

I conceive the reason why we should exclude apprentices, or servants, or those that take alms, is that they depend upon the will of other men and should be afraid to displease [them]. For servants and apprentices, they are included in their masters, and so for those that receive alms from door to door.⁵

C.B. Macpherson argues that this quote on servants and alms takers illustrates "the fact that the Levellers *would* exclude them was taken for granted by both sides."⁶

⁴ C.B. Macpherson, *The Political Theory of possessive Individualism: Hobbes to Locke*, (1964: Oxford University Press, Oxford), p.108 and 123. Quentin Skinner also uses Petty's quote to show that the Levellers "never in fact held" a position supporting universal male suffrage (Quentin Skinner, "Meaning and Understanding in the History of Ideas", in J. Tully and Q. Skinner (eds.) *Meaning and Context: Quentin Skinner and His Critics*, (1988: Polity Press, Cambridge), p.47).

⁵ "The Putney Debates", p.83.

⁶ C.B. Macpherson, *The Political Theory of possessive Individualism*, p.108.

This is due, according to Macpherson, to “certain assumptions they made about the nature of freedom”⁷ in which they saw no inconsistency between their assertion of the natural right of all men to vote and excluding certain types of people from voting. Macpherson also suggests that the term ‘servants’ had a much broader connotation than it does in the modern world, such that anyone who earned a wage would be regarded as a servant. The Levellers, under Macpherson’s reading, saw that to vote was a natural birthright that could be forfeited by allowing oneself to fall into a certain economic situation:

The birthright, we may presume, was not only forfeitable for acts against society, but was also forfeited, or not even entered upon, by those whose age or status as servants or beggars was deemed inconsistent with the free exercise of rational will.⁸

However Macpherson’s claim is not just that Petty’s position at Putney reflects this position, nor that this was an assumption of those spokespeople at Putney, nor even that this was the position of the Levellers at the creation of *The Agreement of the People*, but that the Levellers *consistently* held this idea. It is this idea that an utterance at Putney, by one who did not contribute greatly to the Leveller canon of works, can reflect a *consistently* held idea by the Levellers that can obscure our understanding of the Levellers. The Levellers, as we know, were a “heterogeneous party”⁹ and consequently many people within the party may have held different positions at different times on different issues. A search for consistency on all issues within a political movement is a search for something that is unreasonable to expect.

⁷ *Ibid.*, p.111.

⁸ *Ibid.*, p.124.

⁹ Keith Thomas, “The Levellers and the Franchise”, in G.E. Aylmer (ed.) *The interregnum: The Quest For a Settlement 1646-1660*, (1972: Macmillan, London), p.66.

With direct reference to the Putney Debates and the evaluation of *The Agreement*, it is simply not true that the exclusion of beggars and servants was taken for granted by both side in the Putney Debates. Indeed Iain Hampsher-Monk suggests that for anyone to believe, at the beginning of the discussion regarding the exclusion of servants, that there was an agreed position, they would have had to have “slept through the proceeding hour’s discussion!”¹⁰ That is to say that there is enough in the debates themselves to suggest that Petty’s position does not reflect a consistently Leveller held position, let alone in the history of the movement as a whole. Thus, as Keith Thomas suggests, it is necessary to ignore almost everything said at Putney by any of the other Levellers if Petty’s statement is going to be given as an exemplar of a Leveller line:

All this is necessary if every Leveller statement at Putney is to be forced into line with the isolated utterance of Maximillian Petty, one of the more obscure Leveller spokesmen, but significantly one of those whom we know to have been prominent in hatching the compromise second ‘Agreement of the People’, and later to have become a member of Harrington’s Rota Club, whose aristocratic republican tone was very different from the Leveller movement. There seems no reason why he should be taken as a more representative Leveller than Rainsborough.¹¹

The point here is that Colonel Rainsborough’s statements at Putney, such as those that address the idea that if a property qualification for the vote is allowed to remain, the rich will dominate the poor and “make hewers of wood and drawers of water”¹² out of them, leads to different conclusions that Petty’s statement would. Thus if there is disagreement on what the Leveller position should be at Putney

¹⁰ Iain Hampsher-Monk, “The Political theory of the Levellers: Putney, Property and Professor Macpherson”, in *Political Studies*, Vol. XXIV (1976), p.400.

¹¹ Keith Thomas, “The Levellers and the Franchise”, p.67.

¹² “The Putney Debates”, p.67.

itself, it is unlikely that we can impose a coherence on the Leveller movement as a whole.

With reference to the dynamics of the debate, it is also plausible that Petty's statement was less an assertion of theory, and more to do with a concession at a time when the Leveller spokespeople (in Petty's mind) were losing the debate (remembering that the Levellers in the debate were trying to achieve a certain goal). Indeed, as Hampsher-Monk suggests, with reference to a speech by Cromwell that Macpherson regards as illustrating an agreed position:

Cromwell's speech here then does not start from 'an agreed position', but is a response to a particular situation within the debate in which the Grandees have gained a temporary superiority over their opponents. Petty's statement is hardly an 'assertion' so much as a concession, and one with which other Leveller spokesmen, notably Wildman and Rainsborough do not associate themselves.¹³

Thus again, the idea that we should take one statement, given by a marginal figure in the Leveller movement, within the context of a debate and assume that it reflects the feelings of the entire movement is highly questionable. Perhaps the main question to ask is this: does focussing on the issue of the franchise, which Macpherson argues makes the Levellers similar in philosophy with the Grandees, blind us to other arguments made at Putney?

We shall now see that it does, and that the key difference between the Leveller spokesmen and the grandees at Putney is their attitude to change. Throughout the debates the Grandees were supporters of the ancient constitution, whereas the

¹³ Iain Hampsher-Monk, "The Political theory of the Levellers", p.404.

Levellers were advocates of change in society based upon natural law principles, and this is a key difference between the two sides which can be overlooked if the analysis of the Debates focuses purely on the issue of who or how many should get the vote.

Day one: engagement

The debate that occurred on the first day of the Putney Debates centred upon the tension between (the army) doing what is just and doing that which had been agreed in previous statements/engagements. What starts off as a debate primarily about whether or not it was possible for the Army to carry out the requirements of *The Agreement of the People*, due to previous promises they had made, appears to turn into a debate about natural vs. civil rights. Thus, a concrete link is provided between theoretical and practical politics. Cromwell and Ireton try to show that whether the propositions contained within *The Agreement of the People* are plausible or not is largely irrelevant, as if they contradict army statements made elsewhere, they are obliged to follow the latter. John Wildman,¹⁴ on the other hand, tries to suggest that if the propositions contained in *The Agreement of the People* are deemed to be just, then they must abide by them, as it follows that should they contradict previous engagements then those engagements must be unjust.

¹⁴ John Wildman emerged as a Leveller leader in 1647, and whereas the source of his education is unclear, he was known in Leveller circles as being a legal expert and used the pseudonym 'John Lawmind' in many of his pamphlets (H.N. Brailsford, *The Levellers and the English Revolution*, Christopher Hill (ed.), (1976: Spokesman, Nottingham), p.270). He was chosen to defend the Levellers at Putney due to this legal background, and the fact that he had helped to draft the *Agreement*, despite being a civilian at the time. He would leave the Leveller movement in 1648, but would later become involved with James Harrington's republican movement.

Cromwell suggests that those agitators (such as John Wildman) who were not actually members of the army “have the advantage” of those within the army, as “you reckon yourselves at a loose and at a liberty, as men that have no obligation upon you.”¹⁵ Cromwell then attempts to limit discussion on day one to “consider how far we are obliged, and how far we are free”¹⁶, inferring therefore, that those in the Army have obligations upon them and that the previous engagements of the Army (such as the *Heads of the Proposals*) are binding. Wildman retorts that if a previous engagement “were not just it doth not oblige the persons”, and that it would be an act of honesty by any man to “recede from his former judgement, and to abhor it.”¹⁷ Thus Wildman’s position here is that all that is required for the acceptance of *The Agreement of the People* is the recognition of its justness: no other consideration is required. Cromwell would later (slightly) qualify his position following this statement by Wildman, saying that it is “an act of duty to break an unrighteous engagement”.¹⁸ The practical position is the same, however, as instead of Cromwell saying that all engagements should be kept irrespective of whether they are just or unjust, he is now saying that all just engagements should be kept, and that the engagements of the Army *are* just.

Ireton then introduces a fresh argument against Wildman’s position, suggesting that if *The Agreement* ends obligations held by previous engagements, what is to stop people ceasing to obey the requirements of *The Agreement* in the future, should they then regard them to be illegitimate? Thus, Ireton suggests that this

¹⁵ “The Putney Debates”, p.9.

¹⁶ *Ibid.*, p.9.

¹⁷ *Ibid.*, p.10.

¹⁸ *Ibid.*, p.16.

means firstly, that it would be hard to get anyone to obey any government, and secondly, that nobody would obey the *Agreement*. Consequently Ireton states that if he were free to engage to a new set of propositions such as *The Agreement* he would “rejoice to see it obtained”¹⁹, however he agrees with Cromwell that “we are under engagements” and that the Levellers “will not persuade us to lay aside all our former engagements and declarations”.²⁰ Thus Cromwell and Ireton were agreed that they were bound to keep the engagements they had already consented to, whereas Wildman asserted that (as the past engagements were unjust) the army need not stick to them. It was from this basis that the day’s debate would grow from that of a political division to a philosophical one.

Wildman is the first to broaden the argument about engagement, and in so doing he tries a rhetorical twist to use the grandees argument to support his own. He states that if it is true that one is forced to obey any law, no matter how just or unjust it may be (which is not necessarily Ireton and Cromwell’s line), that this is contrary to the Army’s previous declarations. Here Wildman is taking Ireton and Cromwell’s line of being bound by the previous declarations of the Parliament, which they intended to refute the claims of the Levellers, and using it to support their case. It had been a persistent Leveller claim that Parliament had committed itself to a conception of popular sovereignty during the Civil War, and when in a position to implement reform had failed to do so; consequently Parliament was as tyrannical as the King’s regime.²¹ Thus, here Wildman is claiming that if the

¹⁹ The course of the debates will show this not to be entirely true.

²⁰ “The Putney Debates”, p.12.

²¹ The debates are littered with claims along the lines Sexby’s on day one, when he asserts that the soldiers have “found little [fruit] of our endeavours” (*Ibid.*, p.1). This is to say that if no

army are obliged to follow their previous engagements, then they should implement *The Agreement*, as it embodies the Army's (supposed) early claims. The engagements here, then, are not the *Heads of the Proposals* or any other document, but rather the rhetoric that the Army used during the dispute. Wildman thus asserts on the idea that we are obliged to obey any laws that are made:

I confess, to me this principle is very dangerous, and I speak it rather because I see it spreading abroad in the Army again – *whereas it is contrary to what the Army first declared: that they stood upon such principles of right and freedom, and the Laws of Nature and Nations...*²²

Whereas Wildman slightly extends the range of the argument, it is Ireton, however, who extends the argument to include property, which has yet to be mentioned in the debates. Ireton asserts that keeping covenants with one another is what constitutes justice between man and man, and if this is removed, as he claim the Levellers want to do, then private property would be the next to go. Thus Ireton suggests:

Covenants freely made, freely entered into, must be kept one with another. Take away that, I do not know what ground there is of anything you can call a man's right. I would very fain know what you gentlemen, or any other, do account in England – anything of estate, land or goods, that you have.²³

By bringing up property, Ireton begins what is to be his general theme with which to attack the Levellers on day one (which he will return to the following day), and that is that if you base political arguments upon natural law, rather than civil law (i.e., according to the debate so far, if you decide if principles are just or not rather

fundamental change is going to be made to the government of the country, then why have ordinary soldiers risked their lives at the service of the parliament.

²² *Ibid.*, p.24. My italics.

²³ *Ibid.*, p.26.

than what you have agreed to) you take away civil rights, such as property, and anarchy will ensue. The extension that Ireton makes here in his argument is moving from the particular to the general. That is to say that initially the argument is about what obligations the Army has in the given circumstances, and after this statement it becomes clear that Ireton does not simply mean that the Army is not free to act, but that all are engaged to society as it is. By the law of nature, according to Ireton, “you have no more right to this land, or anything else, than I have.”²⁴ It is civil law that provides property rights, and by basing arguments (as the Levellers were) upon natural right, you threaten to deny civil right, which is based upon engagements. Thus if you threaten engagements, you also threaten property:

But here comes the foundation of all right that I understand to be betwixt men, as to the enjoying of one thing or not enjoying of it: we are under a contract, we are under an agreement, and that agreement is what a man has for matter of land that he hath received by a traduction (sic) from his ancestors, which according to the law does fall upon him to be his right.²⁵

Ireton follows this by saying that men are “in Covenant to me to live together in peace with one another, and not to meddle with that which another is possessed of”, and consequently that property relationships should not be meddled with.²⁶ It is very striking that on day one of the Putney Debates, when the issue under discussion is that of whether the army is free to take on another engagement, that Ireton talks about property and civil rights versus natural rights. Firstly, with regards to property, the Levellers have at no stage either in the debates, nor in *The Agreement*, addressed property in any way. So why did Ireton and Cromwell bring

²⁴ *Ibid.*, p.26

²⁵ *Ibid.*, p.26.

²⁶ *Ibid.*, p.27.

up the issue of property in a debate which was not about property (I shall suggest a reason for this later)? Secondly, Ireton draws a sharp distinction between civil and natural law that is not necessarily so neatly divided in other theoretical writings. Glenn Burgess points out in his work on the ancient constitution that the common law of England was assumed to be the same as the natural law, and it was also assumed to be derived from reason, suggesting that by “definition the laws of England were the laws of reason, and therefore they either were, or contained, the laws of nature.”²⁷ Indeed he goes onto suggest that this assumption was so rooted that even the Levellers would agree with it as reason “and equity were essential features of the common law tradition: common lawyers and Levellers were agreed that laws and customs were invalid if they were not in accord with reason.”²⁸

So when Ireton claims that “by the Law of Nature you have no more right to this land, or anything else, than I have”²⁹, he is not taking the traditional line about civil and common law at all. If it is assumed that the common law *is* natural law, then it cannot be the case that by natural law property rights cannot exist, as if they exist by common law (which Ireton is clearly saying they do), then they *must* exist in the natural law. Why then does Ireton raise the issue of property at this point in the debate? I suggest the reason for this is that he thinks that the best way to win the argument at the Putney Debates is to portray the Levellers constitutional proposals as inevitably leading to the redistribution of property. In order to do this, from the very beginning of the debates, Ireton and Cromwell needed to establish that any kind of change from the current legal framework would

²⁷ Glenn Burgess, *The politics of the Ancient Constitution: An Introduction to English Political Thought, 1603-1642*, (1992: The Pennsylvania State University Press, Pennsylvania), p.43.

²⁸ *Ibid.*, p.91.

²⁹ “The Putney Debates”, p.26.

inevitably lead to the collapse of property laws, and then anarchy. Thus, as Jeff D. Bass suggests, the Putney Debates were not an attempt by the army Grandees to debate the proposals for electoral reform but rather a tactical ploy by Cromwell and Ireton, claiming that the:

[R]hetorical interaction between radicals and moderates at Putney was a crucial part of the effort to discredit both the proposed reforms and the radicals themselves and thus maintain the political status quo in England.³⁰

The purpose of Ireton and Cromwell bringing property up in this discussion, according to Bass, is not necessarily to make a point about the nature of the civil constitution, but rather that it is a useful rhetorical tool with which to defeat the radicals and to undermine “the principle of political equality” which the Levellers were attempting to put forward.³¹ This of course, was nothing particularly original, as the “forecast of anarchy was a common rhetorical tactic for defenders of the status quo in the seventeenth century.”³² The debate took place at a time when the tag “The Levellers” was given by Charles I to the grouping, however, referring to peasants who tore down enclosures to recover common land, and was intended as a term of abuse.³³ Thus Charles giving the group the name of the Levellers was as much of a rhetorical tactic as accusing their constitutional packages of leading to the end to property and consequent anarchy. Up until the summer of 1647 the group that we now know as the Levellers were generally referred to as Lilburnists (which in itself may have had negative connotations), and in styling the movement the Levellers there was an attempt to connect their

³⁰ Jeff D. Bass, “‘Levellers’: The Economic Reduction of Political Equality in the Putney Debates, 1647”, in *Quarterly Journal of Speech*, Vol. 77 (1991), p.429.

³¹ *Ibid.*, p.438.

³² *Ibid.*, p.439.

³³ *Ibid.*, p.441.

ideas with ones which were regarded as negative at the time.³⁴ As Bass suggests, the purpose of this rhetorical device was to try to hinder the movement, as it would lead people to identify them with peasant radicals whatever constitutional proposals they came up with:

This epithet was almost enough in and of itself to doom the radical cause. Forgotten was their revolutionary extension of consent theory. From Putney on, the radicals were identified with the idea of a communistic redistribution of property despite their vehement denials.³⁵

Thus this is why, on day one of the Putney Debates, the issue of property would arise. It was not over, however, as the issue would return on the second day when the issue under discussion was the franchise.

Day two: the franchise

Although day two of the Putney debates would become known as the day when the famous discussion about the franchise took place, it actually began in a very similar vein to the previous day. It began with Cromwell wishing to limit the day's debate to discussing what the Army was bound to do by its previous engagements, believing that this would be the way to judge as to whether the Army could subscribe to *The Agreement*. Thus, Cromwell returns to the idea that the Army was bound by its previous declarations, and discussing *The Agreement* was pointless if the Army had other obligations. This was also a point raised to try

³⁴ Andy Wood, *Riot, Rebellion and Popular Politics in Early Modern England*, (2002: Palgrave, Basingstoke), p.164.

³⁵ Jeff D. Bass, "Levellers': The Economic Reduction of Political Equality", p.441.

and counter the Leveller spokespersons rhetoric from day one; that the Army had broken the promises that it had made when declaring war on the King. Cromwell thus asserted that:

I think it will be good for us to frame our discourse to what we were, where we are, what we are bound to, what we are free to; and then I make no question but that this may conclude what is between [us and] these gentlemen, in one afternoon.³⁶

To enforce the point even further Cromwell then produced a printed volume of the Army's declarations, suggesting, "when we look upon them we shall see whether we have been in a wrong way".³⁷ Thus Cromwell is trying to set the agenda for the day's debate, and that would preclude a discussion of the proposals contained within *The Agreement*. Thomas Rainsborough³⁸ counters this by suggesting that this was not the point of the committee, but rather its purpose was to look over *The Agreement*, to see what "justice and righteousness" was contained in it.³⁹ Again this is related to the Leveller's claim on the previous day that all that was required of accepting *The Agreement* was to see if it was just or not. This was the purpose of the meeting according to Rainsborough, and he suggests that Cromwell's bid to get the committee to examine previous engagements is just an attempt to stall:

³⁶ "The Putney Debates", p.45.

³⁷ *Ibid.*, p.45.

³⁸ Thomas Rainsborough had served in the military throughout his life. He captained the *Lion* in the Irish Sea in the early part of the Civil War, trying to prevent Irish volunteers from joining the King's forces (Hugo Ross Williamson, *Four Stuart Portraits*, (1949: Evans Brothers Ltd, London), p.112). He later joined the parliamentary army, and was taken prisoner by the Royalists, only to be 'exchanged' for a Royalist prisoner of war (*Ibid.*, pp. 112-3). He fell out with Cromwell in 1647, as it was suspected that he was a ringleader in the mutinies over pay and conditions, and accused Cromwell of "betraying the common cause" (*Ibid.*, pp. 120-1, 109). G.E. Aylmer suggests that a cynic "might argue that Rainsborough espoused the popular cause out of pique or thwarted ambition" (G.E. Aylmer (ed.) *The Levellers in the English Revolution*, (1975: Thames and Hudson, London), p.28). He died in October 1648, when he fell victim to what appeared to be a bungled kidnapping (Hugo Ross Williamson, *Four Stuart Portraits*, p.139).

³⁹ "The Putney Debates", p.45.

But truly I am of the opinion that if we should spend ten days' time in going over that book, and debate what engagements we have broke, or whether we have broken any or no, or whether we have kept our engagements, *it would not come to the business.*⁴⁰

Rainsborough backs this up, after some debate about engagements, by claiming that *The Agreement* contains "the rights and freedoms of the people", and asserts that it should be read; which eventually it was.⁴¹ Consequently the Levellers had succeeded in getting *The Agreement* read, however the following discussion may have contained a few surprises for the Leveller spokespersons, as the first objection regarding *The Agreement* is voiced by Ireton, is regarding to the franchise. Ireton says that he would object to *The Agreement* if "every man that is an inhabitant is to be equally considered, and to have an equal voice in the election of those representers".⁴²

Thus, Ireton's objection (or at least his first objection) to *The Agreement* was that a full manhood franchise was proposed for the representative body. This is likely to have been a surprise for the Leveller spokespeople at Putney, as *The Agreement* contained no such proposal, even though it did make Ireton's claim understandable, as we saw in the previous chapter. To this Maximillian Petty⁴³ states that all inhabitants "that have not lost their birthright" should be allowed to vote at elections.⁴⁴ What actually constitutes losing one's birthright is not elaborated upon. Macpherson claims, as we have seen, that one thing that Petty

⁴⁰ *Ibid.*, p.44. My italics.

⁴¹ *Ibid.*, p.52.

⁴² *Ibid.*, p.52.

⁴³ Petty was born to an Oxfordshire gentry family, and became a grocer. Whereas it is thought that he was a supporter of the Levellers throughout the history of the movement, he did not actually sign any of their pamphlets. He took part in the drafting of the first and second *Agreements*, and later became involved with Harrington's Rota Club, but little other than this is known about his life (M. Gimelfarb-Brack, entry for Petty, Maximillian, in Richard L. Greaves and Robert Zaller (eds.) *Biographical Dictionary of British Radicals in the Seventeenth Century Vol. III*, p.34).

⁴⁴ "The Putney Debates", p.53.

must have assumed by this (which, given Petty's later speech is highly possible) is that falling into a particular economic category is an example of losing one's birthright.⁴⁵

Other things could also consistently be referred to as leading an individual to lose one's birthright, however. Criminal offences, fighting for the royalists in the Civil War or failure to adhere to the provisions of *The Agreement* could all feasibly cause an individual to lose one's birthright to vote. We have to consider here that the economic situation argument that Macpherson puts forward, however, could possibly have been an explanation for Petty's statement here.

If it is true, however, then Rainsborough's following statement seems to contradict Petty's. If we do accept that Petty adopts the assumption of economic freedom as leading to the right to elect a representative, then it is equally clear that Rainsborough does not hold this view.⁴⁶ As Rainsborough asserts:

For really I think that the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, sir, I think it's clear, that every man that is to live under a government ought first by his own consent to put himself under that government; and I do not think that the poorest man in England is not at all bound in a strict sense to that government that he hath not had a voice to put himself under...⁴⁷

Here, if we assume that Rainsborough is being literal, and that when he says 'the poorest man' he does mean 'the poorest man' (i.e. the man with the least

⁴⁵ C.B. Macpherson, *The Political Theory of possessive Individualism*, p.124.

⁴⁶ We do, of course, have every reason to believe that Petty supported giving the vote only to the economically independent. Later in the debates he asserts, "the reason why we would exclude apprentices, or servants, or those that take alms, is because they depend upon the will of other men and should be afraid to displease". ("The Putney Debates", p.83).

⁴⁷ *Ibid.*, p.53.

money/resources in the country) rather than the poorest man above a certain type of economic criteria (which Rainsborough has given us no reason to believe), then it leads to some very different conclusions than Petty's statement. Rainsborough is suggesting here that living under a government (i.e. being under its jurisdiction) provides a reason why an individual should be allowed to 'put himself under'. As both the poor and the rich may be affected by that government, and both 'hath a life to live', then it follows that both categories should be equally allowed to have a say in government. If we also assume that voting for a representative in an election can constitute an act of putting 'himself under that government', then it follows that economic categories play no part in Rainsborough's theory of representation.⁴⁸ For Rainsborough, one should have a say in electing a government which would then make decisions which would affect you, and if you are not provided that opportunity, then you cannot be said to be obliged to obey that government. Here Rainsborough is cleverly not only addressing the issue of the franchise (he seems almost to be ignoring Petty's statement), but also the issue of engagement as discussed on the previous day. As Rainsborough is claiming that voting constitutes an act of agreeing to the power of government, and that not being allowed to vote means that you are not obliged to obey that government, it follows that all those who have not been allowed to vote in the past cannot be said to be obliged by laws that are in force. Consequently, in order for government to be legitimate, all must be allowed to vote.

⁴⁸ Later in the debates Rainsborough would say that he could hear no reason "why any man that is born in England ought not to have his voice in election of burgesses" (*Ibid.*, p.55). This suggests firstly that voting is assumed by Rainsborough to be an act of agreeing to government *and* that economic criteria play no part in his distribution of the vote.

Ireton's response to this argument is that merely living under a government does not provide a right to participate in the affairs of that government, and that in order to secure this right one must have property. Ireton outlines this view by saying that he thinks "it is no right at all. I think that no person hath a right to an interest or share in the disposing of the affairs of the kingdom...that hath not a permanent fixed interest in this kingdom".⁴⁹

By birth, according to Ireton, the Englishman is entitled to certain rights, we should not "seclude them out of England", and we allow them "the freedom of the highways" and "the protection of laws", but not the right to participate in the election government.⁵⁰ The right to participate in government is granted when you have property, presumably because it is that property is the resource that government has to tax and redistribute. Thus, 'a fixed permanent interest in this kingdom' is necessary for the vote, and according to Ireton if this changes "we shall plainly go to take away all property".⁵¹ Thus, again, Ireton is attempting to associate the Leveller's plans with redistribution of property and anarchy,⁵² however Rainsborough asserts that the laws of God assert that there will be private property, not just the civil law, and that consequently changing the laws will not result in the destruction of property as it would be maintained by the natural law, thus he suggests "there's a property, the Law of God says it; else why [hath] God made that law, *Thou shalt not steal?*"⁵³

⁴⁹ *Ibid.*, pp.53-54.

⁵⁰ *Ibid.*, pp.54-55.

⁵¹ *Ibid.*, p.55.

⁵² Rainsborough complains that "you do not only yourselves believe that [some] men are inclining to anarchy, but you would make all men believe that" (*Ibid.*, p.59).

⁵³ *Ibid.*, p.59.

John Wildman realised that these discussions regarding property could be damaging to the Levellers, and he sought to change the subject of the debate by claiming that we have “very much deviated from the first proposition”.⁵⁴ And consequently he re-asked the question previously put by Rainsborough, as to whether “any person can justly be bound by law, who doth not give his consent that such persons shall make laws for him?”⁵⁵ By doing so, Wildman hoped to get the discussion back onto the constitutional proposals that had been put forward in *The Agreement*, rather than falling into the grandee’s rhetorical trap. It also shows the importance of the issue of consent to government for Wildman. In response, however, Ireton again linked participation in government with having a fixed permanent interest by likening the position of an Englishman with no property with that of a foreigner visiting the country. Ireton explained:

If a foreigner come within this kingdom, if that stranger will have liberty [to dwell here] who hath no local interest here, he, as a man, it’s true, hath air, [the passage of highways, the protection of laws, and all] that by nature; we must not expel [him] our coasts, give him no being amongst us, nor kill him because he comes upon our land, comes up our stream, arrives at our shore. It is a piece of hospitality, of humanity, to receive that man amongst us. But if that man be received to a being amongst us, I think that man may very well be content to submit himself to the law of the land; that is, the law that is made by those people that have a property, a fixed property in the land.⁵⁶

Consequently, for Ireton, those without property in a kingdom should obey the government, which they have had no say in electing, in the same way that the foreign visitor should obey the government of a country that they are visiting. Only those with property should have a say in the running of government, lest property be removed all together.

⁵⁴ *Ibid.*, p.65.

⁵⁵ *Ibid.*, p.66.

⁵⁶ *Ibid.*, p.66.

Then comes the radical part of the argument. Prior to this discussion of property, Rainsborough's line seems to have been that all must have the vote if we expect them to obey the laws. However at this point in the debates Rainsborough suggests that restricting the franchise to people with a certain amount of money will affect the type of government and the types of law that we have. Rainsborough responds that if those with property are the only ones who are allowed the vote then "the one part shall make hewers of wood and drawers of water of the other five, and so the greatest part of the nation be enslaved."⁵⁷ Perhaps this quote from Rainsborough gives us a good idea of the radical nature of his political programme. Not only is Rainsborough claiming that all English born men should be given the vote regardless of the property that they own - and that those who are not given the vote cannot be said to be obliged to obey that government - he is also making a claim about the types of policies that would inevitably be carried out by a government that is elected by a franchise with property qualifications. Ireton's claim is that if you allow all to vote it would lead to the end of property, but Rainsborough argues that not allowing all men to vote will lead to those with property dominating those which do not. Consequently, the link between economic and political power that a property franchise allows would lead to the rich dominating the poor.

Thus, Rainsborough's statements at Putney do seem to pull in opposite directions to the supposed 'agreed position' of the Levellers as outlined by C.B. Macpherson. This, we should point out unless we want to fall into the same trap as Macpherson,

⁵⁷ *Ibid.*, p.66.

does not entail that all Levellers held Rainsborough's views, it just tells us that there was disagreement at Putney. As there was disagreement at Putney, it shows that there was disagreement on the issue of the franchise across the Leveller movement, and thus we should be wary of declaring a Leveller line on this issue. Indeed we have seen that it may have been a surprise for the Levellers that the franchise was raised and that by raising the issue of the franchise the Grandees were trying to make a rhetorical trap for the Levellers, so as to denounce their ideas. The Grandees aim was to link the Levellers to anarchism by showing the possible outcomes of political equality. Ironically, perhaps, Macpherson, some 300 years after the Putney debates, falls into Cromwell and Ireton's trap. The Grandees wanted to portray the Levellers in a negative way, and they used the issue of property in order to do this, exactly the same issue that Macpherson would use. By placing undue importance on an issue which arises as part of a debate, Macpherson portrays the Levellers in a particular way, albeit the opposite way to the way the Grandees wanted to portray them, but in a way which ignores the multifaceted nature of the Leveller movement.

Indeed, in many ways, the disagreements between Petty and Rainsborough at Putney illustrate the strength of the Leveller movement, and the success of the leaders in being able to constitute a movement based around an overlapping consensus of ideas. At Putney, none of the founding leaders of the Leveller movement was present, yet despite this the spokespeople for the Levellers at Putney, obviously representing different wings of opinion within the movement, defended a Leveller document. Petty and Rainsborough may have disagreed on who precisely would have been able to vote at elections, however they still

defended the same document, in which the issue of the franchise was marginal at best. This illustrates how the collectively authored forms of political media had managed to create a consensus around which people could unite.

Conclusion

Thus we can see that there are some issues raised by analysing the contents of the Putney debates that are unique to that particular form of political expression. It has been shown that there are different arguments expressed by Leveller spokesmen at Putney, and that consequently that there is no 'agreed position' on the issue of the franchise as Macpherson would have us believe. It has also been illustrated, however, that even if there had been an agreed position, the dynamics of the debate scenario means that we should not then impose that agreed position upon the rest of the Leveller political movement. Aside from this negative explanation of the uses of the Putney debates, however, there is also a positive one. In Rainsborough's views on the franchise, and Wildman's views on engagement, we can see how Leveller thinking (in the broadest understanding of the phrase) is applied to direct political circumstances. It shows the Levellers as defending a natural law position against the Grandees' civil law position.

Chapter Eight

The Levellers in perspective

Introduction

In his recent textbook entitled *European Political Thought: 1600-1700*, W.M. Spellman includes a chapter entitled “Republicanism Rekindled” in which he illustrates the variety of republican approaches to politics in the seventeenth century.¹ The Levellers are included in this chapter without any qualification, and consequently (although he does not directly assert this) it can be assumed that he regards them as an example of republican thought. Contrastingly, Blair Worden regards the ‘birth’ of republican thinking in England to be the regicide in 1649, as whereas before this event there was an interest in “Venice and in classical constitutions, it was only after the execution of the king that the aim of emulating them was extensively canvassed.”² As by 1649 the Levellers had already issued numerous pamphlets, petitions and agreements, and had participated in the Putney debates, it can be assumed here that Worden does not regard Leveller thought as being republican in nature. It is the purpose of this chapter, now that we are armed with a body of ideas that can be termed ‘Leveller thought’, to see how their ideas relate to those of the republicans, focussing especially on the ideas of liberty and the free state.

We shall begin this chapter by examining the Levellers’ defence of their position following the accusations of economic levelling that they faced during and

¹ W.M. Spellman, *European Political Thought, 1600-1700*, (1998: Macmillan, Basingstoke), pp.103-134.

² Blair Worden, “English Republicanism”, in J.H. Burns with Mark Goldie (ed.), *The Cambridge History of Political Thought, 1450-1700*, (Cambridge University Press, Cambridge, 1994), p.449.

following the Putney debates. We shall see that they put forward a robust case in favour of civic participation in politics, thus asserting their right to political action.

Following this, the republican ideas of liberty and the free state will be considered and compared to the Levellers political position. Of course the conclusion will never be as stark as saying that they are, or are not republican thinkers, but rather our goal is to see where the Levellers stand on the various strands of republican thought.

The conclusion will be to show that there are obvious differences in the political programmes of the Levellers and the republicans, but that this does not mean that the theoretical underpinnings of their ideas are not similar. It will be suggested that the Levellers, just as the republicans, share a notion of freedom as not being dependent upon the will of another: how the Levellers propose to achieve this politically, however, differs from that of most republican authors. Therefore we will see that the Levellers and the republicans, if not in the same camp, do share similar political goals.

A Defence of the Leveller position

In April 1649, with the Leveller leaders in the Tower of London and the Leveller movement petering out, the Levellers sought to address claims by their opponents that they were in favour of economic levelling and anarchism.³ Charles I had been

³ Some attacks on the Levellers were extremely vicious. The Author of a pamphlet entitled *The Character of an Agitator* states that they are a “universall Enemy to all Order, and Government, both in Church and State”. The pamphlet goes on to suggest that that an agitator “pleads for a toleration of all Religions, being himself of none”, and that he will die “no where but at Tyburne”.

beheaded three months earlier, however just as winning the Civil War had not led to freedom being granted to the people, neither had the change from monarchy to a Republic. The pamphlet entitled *A Manifestation*, written (probably) by William Walwyn⁴ was smuggled from the tower and circulated, and it attempts to justify Leveller activity to their enemies and clarify their political ideas.

It contains a clear view of why, for the Levellers, the individual must involve themselves in political action in times of crisis. No man, Walwyn begins, “is born for himself only”, but rather he is “obliged by the Laws of Nature...of Christianity...and of Publick society and Government, to employ our endeavours for the advancement of a communitive Happinesse, of equal concernment to others as our selves...”.⁵ Thus, to paraphrase Walwyn, not only does God compel us to act in favour of the common good, but that social living provides its own rationale for acting in the interests of all, rather than simply self-beneficial activity. Walwyn then asserts his sadness that they had “hitherto reaped only Reproach, and hatred for our good will”, when all they had done was the “performance of our duties, supported inwardly by the Innocency and evenness of our Consciences.”⁶ It was, explains Walwyn, this obligation to seek the common good that led the Levellers to act in the ways that they did, and he asserts “if we should consult only with our selves, and regard only our own ease, Wee should never enterpose as we have done, in behalfe of the Commonwealth.”⁷ Thus the

All of the Leveller leaders are named in the pamphlet. (*The Character of an Agitator*, British Library, Thomason Tracts, E. 414 (3), p.4, 6, 7).

⁴ See G.E. Aylmer, *The Levellers in the English Revolution*, (1975: Thames and Hudson, London), p. 150, on the issue of who wrote this pamphlet. Aylmer asserts that the claim that Walwyn was the author is “convincing on both grounds of style and content.”

⁵ William Walwyn, “A Manifestation”, in *Ibid.*, p.151.

⁶ *Ibid.*, p.152.

⁷ *Ibid.*, p.152.

Leveller's activity was self-justified not only because it was aimed at the common good, but also that they were obliged to act in the way they did. They had been alive at a time when unprecedented opportunities afforded them to affect the common good, and thus they were obliged to act:

But when so much has been done for recovery of our liberties, and seeing God hath so blest that which has been done, as thereby to clear the way, and to afford an opportunity which these 600 years has been desired, but could never be attained, of making this a truly happy and wholly Free Nation: We think our selves bound by the greatest obligations that may be, to prevent the neglect of this opportunity...⁸

Whereas the opportunity had arisen to make the nation 'truly happy and wholly free', however, that opportunity had not yet been grasped. The "Burdens, Grievances, and Bondages" were continued, "even when the Monarchy is changed into a Republike", and this only increased the need for individuals to act in political matters. Thus we see in the defence of civic participation a mixture of Aristotelian and millennial thinking. On the one hand there is the idea that society forms its own justification for acting politically, akin to Aristotle and the republican movement, and on the other there is the assertion that this is a special time given by God in which to act, as suggested by millennialism. It is not a wholly secular justification for civic participation, however it contains claims that would be used by republican thinkers.

Walwyn continues that whereas every man should be "cautious and circumspect" on matters of state, especially "while the Government thereof is settling", this does not mean that whilst the state is settling that the individual should forget political

⁸ *Ibid.*, p.152.

matters and concentrate on solely their own business.⁹ Participating in affairs of state does not necessarily lead to a good results, however what it does is prevent really bad results, and consequently vigilance is necessary even when the government of the state is settling:

[I]t rather requires of us an increase of care and circumspection which if it produces not so good a settlement as ought to be, yet certainly it will prevent its being so bad as otherwise it would be, if we should all only mind our particular callings and employments.¹⁰

Thus the Levellers claim that their political activism at what they regard to be a potentially historic moment is just part of all individuals' obligation to act and to further the public good by monitoring the activities of government. Thus individuals should concern themselves in public activities lest the government takes away its liberties, and that simply following one's own trade is insufficient. This is why the accusations of economic levelling and anarchism by the enemies of the Levellers had hurt them so much. It was not that these accusations hurt them in terms of living their everyday lives, but they prevented them from participating in politics. For the Levellers, the accusations made against them would not injure them "were the damage only personall", but given the nature of the attacks they were "purposely to make us uselesse and unserviceable to the Common-wealth", which is why they sought to make a statement of their views so as to remove those "scandalls that lye upon us".¹¹

With regards to levelling property, Walwyn notes that there is a belief that the Levellers support the "equalling of mens estates, and taking away the proper right

⁹ *Ibid.*, p.152.

¹⁰ *Ibid.*, p.152.

¹¹ *Ibid.*, p.153.

and Title that every man has to what is his own.”¹² Walwyn rejects this as the Leveller position claiming that this would be injurious “unlesse there did precede an universall assent thereunto from all and every one of the People.”¹³ Indeed Walwyn asserts that to level estates would be unjust even if the representative of the people carried it out, as it would fall outside of the remit of their authority. Walwyn takes the opportunity not only to clarify the Leveller position on property (or refute a claim about their view on property), but to link it with their view on popular sovereignty. Walwyn asserts that the purpose of the representative authority is to protect “the Peoples safety and freedom”, and although their authority is supreme, it is but “deputative and of trust; and consequently must be restrained expressly or tacitely”.¹⁴

Thus Walwyn seems to be asserting here that the Levellers have no objection as such to inequalities of wealth. Indeed he also suggests that some inequalities are useful to society as they help to get people to obey (properly constituted) laws. Thus social inequalities, with people being held in high esteem due to their position in the states, are not only acceptable, but also necessary for the maintenance of society. The caveat here is that these advanced positions should be for the benefit of all, rather than to the benefit of the holder of a particular office, and not lead to restrictions on the liberty of the people, but rather to inspire loyalty to the state and its laws:

For distinctions of Orders and Dignities, We think them so far needful, as they are animosities of vertue, or requisite for the maintenance of the Magistracy and Government, we thinke they were never intended

¹² *Ibid.*, p.153.

¹³ *Ibid.*, p.153.

¹⁴ *Ibid.*, p.153.

for nourishment of Ambition, or subjugation of the People but only to preserve the due respect and obedience in the People which is necessary for the better execution of the Laws.¹⁵

Next Walwyn turns his attack on those who regard them as anarchists, (i.e. of not wanting any type of government at all). To this he responds that government is a necessity, and that knowing the “pravity and corruption of mans heart...there could be no living without it”, and that whereas tyranny is bad, its opposite - confusion - would be worse.¹⁶ Instead he says that all along they have asserted the need for good government, thus making the claim of anarchy incomprehensible. Claiming that the nature of government should be changed, and therefore challenging the nature of the existing government, does not entail a claim that there should be no government.

Tis somewhat a strange consequence to infer that we have laboured so earnestly for a good Government, therefore we would have none at all; Because we would have the dead and exorbitant Branches pruned, and better sciens grafted, therefore we would pluck the Tree up by the roots.¹⁷

So here we see an interesting discussion of the Leveller position on the nature of government by Walwyn. Government is necessary, as human nature makes the possibility of living without one impossible, and thus government is formed upon a voluntary nature, with individuals giving it powers on trust. The purpose of this government, however, is based solely upon protecting the freedom and safety of the individuals, presumably, upon this account, because human nature would cause individuals to threaten other people's freedom and safety without a government. The formation of a government, on this account, brings with it the requirement of eternal vigilance as an obligation to all individuals in this society,

¹⁵ *Ibid.*, p.154.

¹⁶ *Ibid.*, p.154.

¹⁷ *Ibid.*, p.154.

an obligation to check government to make sure that it does not restrict freedom, or threaten the safety of individuals, lest it lose the trust of the people.

Therefore, just as individuals without a government may threaten the freedom and safety of other individuals in society, so too may the government if left unchecked. Consequently political power needs to be separated for the Levellers, and distributed in such a way as to minimise the possible detrimental affect that it can have on the freedom and safety of others. The *Agreement of the People* was, of course, an attempt by the Levellers to establish a government upon this basis, with power being distributed between a representative body that acted upon the trust of the people, and the people themselves who not only retained power over their representative, but also had spheres of activity which even a justly constituted representative could not interfere in. Also, by refusing to allow any other body such as the House of Lords or the King a role in government, their power (other than as individuals) could not inhibit their freedom or safety. It is for this reason that Jonathan Scott refers to the “most important Leveller intellectual achievement” as being “the development of a theory supporting the limitation of public power.”¹⁸ Indeed Walwyn asserts that it is so natural to want to abuse one’s power, that they couldn’t guarantee that if they were in power that they would not abuse it too. It is for this reason that the establishment of a government that takes this into consideration is so important:

And whereas ‘tis urged, That if we were in power, we would bear our selves as Tyrannically as others have done: We confess indeed, that the experimentall defections of so many men as have succeeded in

¹⁸ Jonathan Scott, *England’s Troubles, Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), p.276.

Authority, and the exceeding differences we have hitherto found in the same men in a low, and exalted condition, makes us mistrust our own hearts, and hardly beleieve our own Resolutions of the contrary. And therefore we have proposed such an Establishment, as supposing men to be too flexible and yielding to worldly Temptations, they should not yet have a means or opportunity either to injure particulars, or prejudice the Publick, without extreme hazard and apparent danger to themselves.¹⁹

Thus, government for the Levellers is an artificial construct, which although necessary, is designed to prevent individuals from dominating one another in the manner that left to their own devices they would probably do. One constructs government not to change human nature to an extent that individuals do not wish to dominate one another: they make it clear that the reason for the limitation of government power is because the officers of that government are not immune from the desire to dominate. The dispersal of power cuts down the opportunities that individuals have to dominate or be dominated.

This account is, of course, more Hobbesian than Aristotelian. Whereas there are many differences between the Levellers and Hobbes on the extent of the transferral of power between individuals and government, the legitimacy of state action and where sovereignty is said to lie, both Hobbes and the Levellers share a notion of government being an artificial construct which is necessary to temper human nature. For Hobbes, life without a sovereign power would be, due to human nature, a state of War “of every man, against every man”²⁰, the inconveniences of which would “encline men to Peace”²¹, that peace being the creation of a state and a sovereign power. Thus, the state and government is not natural to man, but rather created so that man can live harmoniously together. The

¹⁹ William Walwyn, “A Manifestation”, p.156.

²⁰ Thomas Hobbes, *Leviathan*, (ed.) C.B. Macpherson (1981: Penguin, London,), p.185.

²¹ *Ibid.*, p.188.

Aristotelian account of government, on the other hand, sees the citizen realising “their moral potential by participation in the public political community or polis.”²² Man is by nature, for Aristotle, “a political animal”²³, and as such cannot live outside of a state, as it is the state that constitutes individuals as being human. The state is the body that allows man to reach his perfection, rather than a contract based organisation for mutual benefit.

Thus whereas the Leveller idea of civic participation seems consistent with the Aristotelian account, their idea of government as an artificial construct differs greatly from it. Thus we could conclude from this, without looking any further, that the Levellers could not possibly be considered within the republican tradition due to the close relationship it had with the re-emergence of Aristotelian ideas. It was Thomas Aquinas in the thirteen century who achieved the “Great Synthesis” of merging the pagan philosopher Aristotle with Christian themes and thus integrating him into the western tradition.²⁴ This had some important implications for political thought at the time as monarchs and divine right theory dominated Europe and thus by introducing Aristotelian ideas such as the citizen, Aquinas was challenging dominant ideas. The citizen was “to Thomas, no longer the subject, the *sub/ditus*, who simply had to obey superior authority.”²⁵ He also reintroduced the Aristotelian idea of the state being a natural thing²⁶, however, and the republic as being the legitimate focus for both the citizen and the Christian. These ideas would be dominant in republican thinking, however, as we shall see, just because

²² Jonathan Scott, *England's Troubles*, p.249.

²³ Aristotle, *The Politics*, (1992: Penguin, London), p. 59, 1253a1.

²⁴ Walter Ullmann, *A History of Political Thought: The Middle Ages*, (1965: Penguin, Harmondsworth), p.174.

²⁵ *Ibid.*, p.174.

²⁶ *Ibid.*, p.179.

the Levellers differ from the Aristotelian approach in one way, i.e. regarding the state as an artificial construct, this does not necessarily mean that there are no similarities between Leveller and republican thought. Prior to comparing the political thought of the Levellers and the republicans, it is perhaps worth pausing to compare the two as types of movements.

The Levellers and Republicans as movements

Before we comment on whether or not republicans can be regarded as a movement in the same sense that the Levellers were, it is perhaps worthwhile to reflect upon different understandings of precisely what constitutes a political movement, as this thesis is an attempt to show how the Levellers were able to *constitute* themselves as a political movement. Thus far in the thesis we have noted two ways in which the Levellers were able to constitute themselves into a movement. Firstly we have seen that the Leveller leaders, despite their often disparate ideological and religious beliefs, shared similar political conclusions, which enabled them to collectively author pamphlets, petitions and agreements. Secondly they used their petitions to broaden their constituency; that is to say that they allowed other people to sign petitions that contained their political programme, and in so doing they broadened their movement. Collective Leveller ideas, therefore, are to be taken from their collective media, as it is their collectively written and signed work that is the work of the movement, as opposed to texts written individually by people who were part of the movement. This is a crucial issue, as whereas this thesis has suggested that we should not consider a 'Leveller line' in the sense that all Levellers felt exactly the same on all issues, as is illustrated by their differing philosophical and religious backgrounds, it does

suggest that the agreements and petitions *do* constitute a 'Leveller line' as it is via these media that the Levellers constituted themselves as a movement.

But does this mean that any group of people who collectively write a petition with a political purpose be regarded as being a political movement? If we regard the Levellers as a movement because of collective authorship and use of different types of political media, does it mean that any group of people who are able to collectively author work and put the principles at which they arrive in some form of political media that allows others to subscribe to those principles must, therefore, be regarded as a political movement?

In some senses, the phrase political movement could be used in an extremely broad manner to include any group of people who share, and seek to advocate or perhaps even implement, a set of political ideas. Under this definition, for example, two or three people who author and distribute a petition on any issue that could be defined as political, and then immediately after this petition cease all collective activity, could be classified as a movement, even (perhaps) if nobody other than the authors of the petitioned actually signed it. Indeed, maybe even the petition itself is unnecessary; should those two or three people organise and lead one demonstration through the streets, they could be considered a movement under this broad definition, should this demonstration, in some manner, convey a set of political ideas, even if they were the only demonstrators to turn up.

This broad understanding of a movement as being simply a collective authorship plus some method of disseminating a political message, therefore, casts its net too

wide, as it seems intuitive that a group of people need more than one petition, or one demonstration to be regarded as a movement in the sense that we regard the Levellers as a movement. Two or more people writing a petition or leading a demonstration may be simply a temporary alliance (regardless of the number of adherents to their cause), and whereas they satisfy the elements of the broad definition of movements, would certainly fail to be recognised as being a movement by other political actors involved in the debates in which they were engaging.²⁷

Therefore two other factors seem to be needed in order to clearly define what we regard as being a political movement. Not only do political movements demand collective authorships, collective media and a political message, they need to engage in these activities over a sustained period of time, and they need to attract a number of adherents to their cause other than those who are part of the collective authorship and/or leadership.²⁸ The Levellers used a collective authorship and political media to constitute themselves as a movement, to unite leaders with a varied intellectual background, however this does not mean that these are the *only* factors that define them as a movement.

What, however, constitutes a sustained period of time, and perhaps more importantly, did the Levellers activities take place over what could be reasonably

²⁷ Others recognising a group of people as a movement does not, in and of itself, make a group of people a movement. For example, it is highly possible that a movement could be underground, and therefore unrecognisable as individuals. This would not prevent this group of people, should other factors be present in their organisation, being classified as a movement.

²⁸ We cannot, however, reduce the issue of defining a political movement simply to mathematics. We cannot claim, that because x number of people signed a certain petition that its adherents are a movement, any more than we can say that because only x number of people signed a petition that its adherents were not a political movement.

considered a sustained period of time? Dating the precise period of the Leveller movement is awkward task, but for the purposes of this discussion, we could name the beginning of the movement as the *Large Petition* of March 1647 (six months prior to the first *Agreement of the People*) in that it was their first substantial collectively written work. The end of the movement is generally regarded as the defeat of the Leveller inspired mutiny of May 1649 at Burford in Oxfordshire, in the same month as the third *Agreement of the People*. Some Leveller leaders continued pamphleteering after May 1649, and other prominent Levellers became involved politically with other groups of people, however this was not part of the Leveller movement as we have been discussing it.

Thus the Leveller movement lasted for just over two years, its newspaper *The Moderate*, for example, ran for just 63 weeks.²⁹ Does this relatively short period of time mean that the Levellers were not, therefore a political movement? Does two years comprise a sustained effort? Asking questions like this, however, could blind us to the fact that whereas the Leveller movement was short lived, it certainly fully engaged in the politics of the time, and made a major impact on the politics of the day and age.

During the time that the Levellers were active no one can doubt that they played a major role in the politics of the day despite, of course, being unsuccessful in implementing their political programme. Their activity in this time was not limited to collectively authored media, they engaged in many other sorts of political activity which this thesis has (largely) not focused upon. They had

²⁹ H.N. Brailsford, *The Levellers and the English Revolution*, Christopher Hill (ed.), (1983: Spokesman, Nottingham), p.570.

bombarded the Parliament with petitions, invented the agreements, debated issues with the New Model Army grandees, as we have seen, but also they organised demonstrations and other political events that help to define them as a movement. Indeed the Levellers even had a sophisticated internal political structure with an “elected executive and [a] weekly membership fee” between 1647 and 1649.³⁰ The end of the movement was not due to the activist’s volition, but rather the assertion of political control by the Fairfax and Cromwell at the end of the Civil War; the same political control that had led to Pride’s Purge in December 1648, and would eventually lead to Cromwell being given the office of Lord Protector. Central to the Levellers goals as a movement was to force the implementation of a radical political agenda, and this attempt took place when several other interested parties were also putting forward suggestions on how to settle the affairs of the nation. The first agreement, we have seen, took place at a time in which the constitutional arrangements of the nation had been torn apart by the Civil War. The Levellers should be understood in this context. After the execution of the King, Pride’s Purge and the growing power of Oliver Cromwell began to settle the affairs of the nation, the Leveller’s claims would have not had the resonance that they once did as the politics of the nation had changed. This, therefore, rendered the Leveller’s activities as, if not irrelevant, but peripheral to the politics of the day and age. Thus it would be unfair to regard the Levellers as being a temporary alliance rather than a movement simply due to its relatively short existence, as the length of its movement was largely dictated by forced external to them.

³⁰ *Ibid.*, p.626.

Therefore the breadth of the activities that the Levellers engaged in, and the manner in which they engaged in them, clearly show us that the Levellers were a movement, rather than a temporary alliance. Given this rather elaborate definition of a movement, and the stress this thesis has placed on the need to be extremely careful in precisely what we can regard as being a 'Leveller line', it may seem strange then to go on to compare the ideas of the Leveller with republicanism. Were the republicans a movement in the same manner that the Levellers were, and, if not, how can we talk about republican ideas?

The republicans were not a movement in the same sense as the Levellers were. There are no collectively authored tracts such as the Leveller's agreements to extract a 'republican line' from. Republican authors, by and large, worked as individuals rather than as a movement. The Republicans did not engage in radical political activity in the same way that the Levellers did; they did not organise petitions, they did not distribute pamphlets, nor did they seek a mass following. Indeed by many people in the seventeenth century republican authors were regarded as being people following a "bookish, utopian ideal", which would have been beyond the reach of the non university educated people to whom the Levellers appealed.³¹ English Republicanism can be regarded, therefore, as a "language, not a programme"³², it had a number of concepts, distinctive ways of discussing politics and state matter, rather than a single blueprint for government. This language, a manner of looking at politics, had at its centre "a desire to learn from and to emulate the achievements of the commonwealths of classical

³¹ Blair Worden, "English Republicanism", p.445.

³² *Ibid.*, p.446.

antiquity – principally Sparta and, above all, Rome.”³³ Republican authors were far from united in the type of political arrangements that this republican approach would lead to, and therefore failed to have the uniting issues that made a movement such as the Levellers possible, even if they had the desire for this type of movement.

Therefore the republican approach to politics is clearly distinct from the Levellers as a type of movement as it appears more of an academic approach rather than a political movement of the type that the Levellers were. This, however, does not mean to say that it is impossible to compare Leveller ideas with those of the republicans, as whereas republicanism was an approach rather than a movement, “there are enough consistent elements in republicanism to enable us to study it as a body of ideas.”³⁴ Whilst we compare the ideas of these two groups, therefore, we should bear in mind that fact that they are not similar as political movements.

Personnel and monarchy

There are, of course, some immediate, perhaps superficial similarities between the Levellers political programme and that of the Republicans. The first is in personnel, in that the Levellers contain members who will go on to become members of the republican movement. John Wildman and Maximilian Petty, Leveller spokesmen at Putney, went on to take part in republican politics, and

³³ *Ibid.*, p.444.

³⁴ *Ibid.*, p.444.

would join Harrington's Rota club.³⁵ Also previous Leveller supporters such as the MP Henry Marten would become involved in the republican movement. This suggests that there was some continuity in the political programmes of the two, however our goal here is not simply to point to anecdotal similarities between the two groups, but rather similarities in their political programmes and ideologies.

The second of the superficial similarities between the Levellers and the Republicans is the (perceived) absence of a role for a monarch in government by both groups. The Levellers are very clear on this matter as in *The Agreement of the People*, they assert that the power of the properly elected and established representative of the people "is inferiour only to theirs who chuse them, and doth extend, *without the consent or concurrence of any other person or persons*, to the enacting, altering, and repealing of Lawes".³⁶ Thus a monarch, unless appointed as a magistrate by the representative (in which case he/she would cease to be a monarch in the traditional sense), has no role in government.

Power flows upwards from the people on the Levellers' account, rather than downwards from the monarch. Republicanism, likewise, is often described simply "by contrast with monarchy"³⁷ in that rather than government via the personal authority of an individual, the government of a state is conducted by the citizens of that state for the common good. Simply equating republicanism with government

³⁵ See Richard L. Greave & Robert Zaller (eds.), *Biographical Dictionary of British Radicals in the Seventeenth Century*, Vol. III, (1984: The Harvester Press, Brighton), p.34 & 324.

³⁶ "An Agreement of the People", in A.L. Morton, *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), p. 140. My italics.

³⁷ Margaret Canovan, "Republicanism", in David Miller et al (eds.), *The Blackwell Encyclopaedia of Political Thought*, (1993: Blackwell, Oxford), p.433.

without a monarch could be misleading, however, as “the form of government often mattered less to them than its spirit.”³⁸ The place of a monarchy was only a small part of republicanism as a tyrannical regime without a monarchy would still be tyrannical for the republicans (as it was for the Levellers).

Republicanism then, especially prior to the regicide, could include monarchy if the authority was properly employed³⁹, and it was justified in the correct way. Indeed not only could republican thought (in its widest possible sense) include monarchy, but on the eve of the English Civil War, Viscount Falkland and Sir John Colepeper, advisors to Charles I, used republican ideas to support the monarchy’s powers. In *His Majesty’s Answer to the Nineteen Propositions of Both Houses of Parliament*, Falkland and Colepeper declared England a “mixed government rather than a condescending monarchy”⁴⁰, and thus, using the republican theme of balance in a constitution, tried to prevent what they regarded as Parliament’s encroachment onto the monarch’s powers:

In essence, it asserts that the government of England is vested in three estates, the king, the lords, and the commons, and that the health and the very survival of the system depend upon maintenance of the balance between them.⁴¹

Whereas Pocock notes that this was a “disastrous tactical error in royal polemic” as it opened the door to “Machiavellian analysis” (which Charles was unlikely to win), it does illustrate the protean constitutional arrangements that can be justified

³⁸ Blair Worden, “English Republicanism”, p.443.

³⁹ See W.M. Spellman, *European Political Thought, 1600-1700*, pp.110-113 on this.

⁴⁰ J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, (1973: Princeton University Press, Princeton), p.361.

⁴¹ *Ibid.*, p.361.

by the Republican language.⁴² This account, however, does focus on constitutional balance, and as we shall see, balance becomes an important feature of republican thought. It also shows us that describing the Levellers as being similar to the republicans simply because they failed to provide a role for the King in their constitutional packages can lead to an oversimplification of the republican ideal. Consequently to compare the Levellers to the republicans we must look into the 'core ideas' held by republican thinkers in the mid seventeenth century.

Republicanism, liberty, the free state and the Levellers

Political participation was a common theme for both Leveller and Republican writers. As we have seen above, William Walwyn in *A Manifestation* suggested that participation in political affairs was an obligation on the part of the individual, and an obligation not only that comes about from God and the Natural Law, but also from "Publick society and Government".⁴³ Therefore being part of a society provides part of the obligation to participate in the affairs of that government. This is, of course, contrary to the 'descending' view of power held by the divine rights theorists who had held so much sway under monarchical systems of government. Under this thesis God delegates power to his representative on earth in any given state (the monarch), who then delegates it downwards to ministers and other appointees. Thus whereas under this system power may end up below the monarch, it has only ended up there due to the benevolence of that Monarch. Thus, as Walter Ullmann suggests:

⁴² *Ibid.*, p361.

⁴³ William Walwyn, "A Manifestation", p.152.

One can here also see a metaphorical pyramid but it was at its apex that the sum-total of power was found 'below', was derived from 'above', for, as St Paul said, 'There is no power but of God.' Here one can speak only of delegated power. It was God who had appointed a vicegerent on earth, and it was, in actual fact, this vicegerent who was held to have embodied original power. Within this thesis the people had no power other than that it had been given 'from above'. Every officer was appointed 'from above' – and not elected by popular assembly. The supreme officer was responsible to God alone.⁴⁴

This is, of course, the antithesis of the Leveller view of where government gain their power. God plays a central role in the dissemination of power for the Levellers as well, but his instructions are placed "first in our hearts, and afterwards in his blessed Word."⁴⁵ Consequently, his instructions are given to all, rather than one vicegerent. Power then flows upwards from the individuals, to the representatives and to the officers, and that power can be removed at any time in the same way that a monarch could remove their favour, and thus can be characterised as an ascending theory of power. Obviously if one subscribes to some sort of ascending theory of power then one is far more likely to find a role for individuals to participate in politics than if one adopts a descending theory of power, as under the latter the only roles which the individual is permitted to fulfil are those which are created for him/her from above.⁴⁶

Republican theorists also held a view contrasting with that of descending theories of governance. Republican theorists generally held a support for "a style of political conduct where civic equality, public participation, and public spiritedness were deemed essential to the health of the state."⁴⁷ Why the republicans supported an ascending theory of governance was less to do with their views on individual

⁴⁴ Walter Ullmann, *A History of Political Thought: The Middle Ages*, p.13.

⁴⁵ William Walwyn, "A Manifestation", p.155.

⁴⁶ An obvious exception to this is, of course, Thomas Hobbes.

⁴⁷ W.M. Spellman, *European Political Thought, 1600-1700*, p.103.

freedom, but rather due to their assumption of the type of government that a monarchical 'descending' form of government would lead to. They shared the Levellers view on the need for government to be based on consent due to a belief that government should be made in the benefits of all, rather than the one or the few:

Less important in the minds of republicans than the presence or absence of a king was the distinction, which they inherited from the Protestant resistance theorists of the later sixteenth century, between government imposed from above and that derived from consent. The former was rule in the interest of one or a few men, of a 'separate and distinct interest' from the people. The latter was government in the interest of the whole: a 'commonwealth' governing for the 'common weal'.⁴⁸

Consequently, republicans thought that in order for a society to be classified as a free state, then its constitutional arrangements "should ideally be such as to enable each individual citizen to exercise an equal right of participation in the making of the laws."⁴⁹ As if government is instituted that all can participate in government, then it follows that that government is more likely to be in the interests of all rather than the interests of one or the few. All this, so far seems very similar to the Leveller position, however one key difference separates the Republicans and the Levellers on the issue of political participation, and that is that few of the republican theorists "exhibit any enthusiasm for giving what Nedham calls 'the confused promiscuous body of the people' any direct share in government."⁵⁰

⁴⁸ Blair Worden, "English Republicanism", p.448.

⁴⁹ Quentin Skinner, *Liberty Before Liberalism*, (Cambridge University Press, Cambridge, 1998), p.30.

⁵⁰ Ibid., pp.31-32.

Thus whereas the Levellers see participation in government, and the ability to elect one's representative as a right, republican thinkers tend not to regard this as being important. As Philip Pettit suggests, whilst discussing Quentin Skinner's *Liberty Before Liberalism*:

While stressing that such neo-Romans thought it was essential for people to have sufficient civic virtue to be willing to participate in political life – only thus would their freedom be assured – he denies that they identified individual freedom with virtue or the right of political participation.⁵¹

Rather than political participation as an individual right and, therefore, the legitimate form of government being the representative of those individuals, (i.e. the Leveller position), balance in the constitution seems to be the keyword for republicans. James Harrington's criticism of the Leveller programme seems telling in this difference between the republican and Leveller traditions.

Harrington (and indeed most republicans) believed that the way in order to secure good government is to establish government on good foundations. Thus, like the Levellers, political change and re-establishing government on sound principles rather than custom was seen as being essential.

Harrington felt that having a single representative of four hundred people⁵² would not protect liberty, however. "The representation of the people in one man causeth monarchy" according to Harrington, "and in a few causeth oligarchy", consequently "the many can be no otherwise represented in a state of liberty than by so many, and so qualified, as may within the compass of that number and

⁵¹ Philip Pettit, "Keeping Republican Freedom simple: On a Difference with Quentin Skinner", p.340.

⁵² As the Levellers had promoted in the second *Agreement of the People*.

nature embraces the interest of the whole people.”⁵³ Harrington felt that the Levellers’ proposal to have a single representative body which would act in the interests of the people could lead to oligarchy as there was no balance, there was not enough people in the representative to actually represent the nature of society, and consequently it could start to govern contrary to the interests of all. The Levellers’ proposals were foolish for Harrington, as it was the “first example of a commonwealth wherein it was conceived that five hundred thousand men or more might be represented by four hundred.”⁵⁴ Thus in order for liberty to be protected, the people need to be represented in a manner which reflects their nature lest it slip into oligarchy, as government needs to be established “upon a rock, not set upon a precipice”, as if it is set upon a precipice such as the Levellers’ proposals, it might slip over from representing the people to an oligarchy.⁵⁵

Harrington’s proposals contained provisions for two elected chambers, “the first with the power of debate, the second with the power of resolution”, so the first assembly would create proposals that the second assembly could either accept or reject (but could not discuss).⁵⁶ Thus a division of power would be created between the legislative authorities that “would forestall that tendency to corruption which, he believed, the Levellers’ scheme for a single sovereign assembly would produce.”⁵⁷ Also this two-assembly scheme would, for Harrington, better reflect the nature of people in the kingdom than the Levellers’ proposals for a single representative assembly. There was for Harrington, a “God-given ‘natural

⁵³ James Harrington, “The Art of Lawgiving in Three Books”, Book III, in J.G.A. Pocock (ed.), *The Political Works of James Harrington*, (1977: Cambridge University Press, Cambridge), p.657.

⁵⁴ *Ibid.*, p.657.

⁵⁵ *Ibid.*, p.657.

⁵⁶ Blair Worden, “English Republicanism”, p.454.

⁵⁷ *Ibid.*, p.454.

aristocracy' of wisdom" in any given community.⁵⁸ It was right, therefore, to give this natural aristocracy the right of debate in the commonwealth, as their wisdom would lead to sensible proposals being developed. However this group's wisdom did not give them the right to rule over the rest of society arbitrarily, as "the wisdom of the few may be the light of mankind, but the interest of the few is not the profit of mankind, nor of the commonwealth".⁵⁹

Thus Harrington likens the constitutional arrangements of the commonwealth to two girls sharing a cake: "'divide', says one unto the other, 'and I will choose; or let me divide, and you shall choose'".⁶⁰ The moral of this story is that the division of power stops "them from keeping the whole cake for themselves", and wisdom and interest are suitably balanced in the commonwealth.⁶¹ These two assemblies would be elected, thus the first assembly would not be the same as the old House of Lords, however, property qualifications would still apply for having the franchise for the first chamber. If one had £100 per annum freehold, one could vote or stand for the first chamber, if one had less than £100 per annum, one could vote or stand for the second chamber.⁶² Excluded from the vote were servants and those without property, who still, of course, represented the largest section of the population.⁶³ However Harrington did include proposals to limit the amount of money that an individual could have, suggesting that no man could own land

⁵⁸ *Ibid.*, p.454.

⁵⁹ *Ibid.*, p.454.

⁶⁰ In *Ibid.*, p.454, see also Quentin Skinner, *Liberty Before Liberalism*, p. 34.

⁶¹ Quentin Skinner, *Liberty Before Liberalism*, p. 34.

⁶² W.M. Spellman, *European Political Thought, 1600-1700*, p.129.

⁶³ *Ibid.*, p.129.

worth more than £2000 per annum in England (or £500 in Scotland) so as to prevent wealthy landowners from dominating society.⁶⁴

So we can see both similarities and differences between Harrington's and the Levellers' proposals for the ideal state. They agree that government needs to be established upon reasoned political principles rather than custom or tradition, they both support election to Parliament and they both think that if a faction is allowed to control government (i.e. a King or 'old style' House of Lords), then it can lead to government against the common interest. They also, consequently, agree that institutional arrangements need to be put in place to avoid the power of any given representational body from becoming tyrannical.

The differences in the schemes whereby this power would be dissipated, however, highlight the differences between the Levellers and James Harrington. The Levellers held that the best way to prevent the representative body from becoming tyrannical was (aside from provisions about regular elections etc.) to limit number of issues that it could make decisions on. Thus individuals, and individuals alone, could take certain types of decisions, without the interference of their representative. For Harrington, on the other hand, the two chambers that are elected by two very different sorts of people would be the guard against tyranny. Thus the wisdom of one group of people would be checked by the power of resolution held by the rest. Indeed the very fact that Harrington takes on this Aristotelian idea that there is a natural class of people with wisdom to govern (admittedly, Harrington does put some checks on this) marks a distinction between

⁶⁴ *Ibid.*, p.129.

the Levellers and Harrington on this issue.⁶⁵ Whereas Harrington seems to have received this distinction from Aristotle, the Leveller's influence in believing that all people are alike (in the sense that they should be represented together as 'a people' by one body) comes from theological grounds. Thus, just as radical theologians held that all believers were equal in the eyes of God, so the Levellers felt that all were equal in political judgement and ability to participate in politics. Whereas Harrington's scheme does not entail that all outside the 'natural aristocracy of wisdom' should be ruled, he does make that distinction about the abilities of people in the state.

Liberty

The republican idea of liberty has become a topic of interest recently, and it has been suggested that there is a distinctly republican idea of freedom that is different to the now dominant liberal view of freedom.⁶⁶ For Quentin Skinner the distinction between the neo-roman⁶⁷ and the liberal view of freedom is of historical and normative interest, thus we should not believe that his uncovering of a view about freedom in the seventeenth century is of no value to us in the present

⁶⁵ Aristotle famously makes the distinction between those born to rule, and those born to be slaves stating, "That one should command and another obey is both necessary and expedient. Indeed some things are so divided right from birth, some to rule, some to be ruled." (Aristotle, *The Politics*, (1992: Penguin, London), p. 67, 1254a17). Harrington, of course, is modifying this idea somewhat as whereas he states that there is a natural 'aristocracy' of wisdom, and that they should have the right of deliberation and debate, that a second chamber would be able to decide if their proposals should be implemented. This is not really being ruled in the Aristotelian sense.

⁶⁶ The two principle works which have suggested that there is a distinctly republican idea of liberty are: Phillip Pettit, *Republicanism: A Theory of Freedom and Government*, (1997: Oxford University Press, Oxford), and: Quentin Skinner, *Liberty Before Liberalism*. We should not assume that Skinner and Pettit's accounts are identical (for an analysis of their differences see Philip Pettit, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner", as Pettit states that the difference between them is that "I hold that for republicans freedom means nondomination, period, whereas he says that it means nondomination *and* non-interference." (Ibid., p.342). However this difference need not concern us for our present purposes.

⁶⁷ I shall use the phrase republican to avoid confusion.

other than historical value. Skinner states that one of the purposes of the intellectual historian is “for them to uncover the often neglected riches of our intellectual heritage and display them once more to view.”⁶⁸ Once this is done it often “reveals to us a conflict within our inherited traditions of thought and the character of the liberal state.”⁶⁹ This, in turn, can “help to liberate us from the grip of any one hegemonic account” of values, and thus cause us to reevaluate our values.⁷⁰ Consequently Skinner’s historical work is doing more than merely suggesting that a body of ideas existed at a certain time, unearthing discussions which took place at the genesis of the ideas by which we live today which have been forgotten across time, helps to show us the nature of the ideas by which we live.

The liberal theory of freedom, on this view, is based upon the Hobbesian principle that “the extent of your individual liberty depends on the extent to which the performance of actions within your powers is or is not physically or legally constrained.”⁷¹ Consequently an individual is free to do those things which he/she is not constrained in some way from doing, and this liberal theory (which Skinner argues has become dominant in the modern world) is thus a negative theory of liberty in that one is assumed to be free “to the degree to which no man or body of men interferes with my activity.”⁷² Important to this discussion of liberty is firstly the fact that in order for liberty to be broached according to this view, an action is necessary. It takes person x to encroach upon a given set of liberties belonging to

⁶⁸ Quentin Skinner, *Liberty Before Liberalism*, pp.118-119.

⁶⁹ *Ibid.*, p.119.

⁷⁰ *Ibid.*, p.117.

⁷¹ Quentin Skinner, *Liberty Before Liberalism*, pp.79-80.

⁷² Isaiah Berlin, “Two Concepts of Liberty”, in *Four Essays on Liberty*, (1969: Oxford University Press, Oxford), p.122.

person y in order for y's freedom to be impinged. It is not enough, under this view that person x has certain political capabilities which *may*, at some point, cause x to infringe upon the liberties of y, for it to be called a breach of liberty. Thus a breach of liberty, under this view, requires an action on the part of the actor. Secondly, it is important to note that this form of liberty does not require a specific form of government to be implemented. Thus "there is no necessary connection between the preservation of individual liberty and the maintenance of any particular form of government."⁷³ This is because as discussions of freedom are about interference, and thus the "answer to the question 'Who governs me?' is logically distinct from the question 'How far does government interfere with me?'"⁷⁴ Thus if an individual lived under a benign dictator, who allowed individuals to trade freely and make choices about lifestyle etc. but did not allow them to vote or participate in government, under this liberal negative view of freedom they would be free as they would face little or no interference.

The republican view of freedom⁷⁵, on the other hand, is about more than just the lack of interference from other people, but instead freedom is equated with non-domination. Domination, on this account, "is subjection to an arbitrary power of interference on the part of another – a *dominus* or master – even another who chooses not actually to exercise that power."⁷⁶ Thus it is not merely action that violates the freedom of an individual, but the power to act even if that power is not used. An example of this is John Milton's case against censorship in *Areopagitica*

⁷³ Quentin Skinner, *Liberty Before Liberalism*, p.81.

⁷⁴ Isaiah Berlin, "Two Concepts of Liberty", p.130.

⁷⁵ As is generally the case in discussions regarding liberty, this chapter uses the phrases 'freedom' and 'liberty' to mean the same thing.

⁷⁶ Philip Petit, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner", p.340.

in which Milton claims that the very presence of a censor will remove freedom of speech and publication even if that censor chooses not to act. Milton suggests that if “we fear that some harm could or might befall us if we were to voice our less conventional thoughts, this in itself will be sufficient to take away our freedom to voice them.”⁷⁷ Thus action on the part of the censor need not be necessary in order for someone to change their course of action away from their preferred one.

However it is not the doubt and the threat of censure alone that causes one’s liberty to be infringed if someone merely has the power to act in given circumstances, but also the condition that that power leaves the individual. In this condition the individual is dependent upon good will of another, and therefore is in a position of servitude. If you are in this position, you may well be able to do x, however your freedom to do x depends upon the good will of your master, which may change. Thus coercion itself is only part of the republican idea of liberty:

The thesis on which the neo-roman writers chiefly insist, however, is that it is never necessary to suffer... of overt coercion in order to forfeit your civil liberty. You will also be rendered unfree if you merely fall into the condition of political subjection or dependence, thereby leaving yourself open to the danger of being forcibly or coercively deprived by your government of your life, liberty or estates. This is to say that, if you live under any form of government that allows for the exercise of prerogative or discretionary powers outside the law, you will already be living as a slave.⁷⁸

Thus to be unfree, on this republican reading of liberty, does not actually require an act to breach the set of civil or political rights that an individual is in possession of. The mere ability to do it, even if unused, is enough to leave a society in a

⁷⁷ Quentin Skinner, “John Milton and the Politics of Slavery”, in *Prose Studies*, Vol. 23, No.1, (April 2000), p.14.

⁷⁸ Quentin Skinner, *Liberty Before Liberalism*, pp. 69-70.

position of servitude, and the imposition of slavery “invariably breeds slavishness.”⁷⁹ People in servitude will not accomplish great deeds as they will be in constant fear of displeasing their master, and will constantly, according to Milton, “feel too discouraged, too demoralized, to cultivate the necessary civic values.”⁸⁰ Consequently people will not only be slaves due to the arbitrary powers owned by their masters, but given time will act like them, and thus the glory of the state, for which republicans constantly strive, will be impossible. Thus the idea of liberty here connects directly with the idea of civic participation, as without the republican idea of non-domination it would be nearly impossible to promote the type of civic activity as held by republicans. If the government is tyrannical, the people will not be able to participate in civic affairs and consequently will lose the necessary civic virtue needed to be a good citizen. The account here, of course, is similar to that provided earlier in this chapter by the Levellers.

This idea of freedom as non-domination is, Skinner and Pettit argue, neither a positive nor a negative conception of freedom. It is not negative freedom as it requires something more than non-interference from other individuals, and it is not positive freedom (which Berlin defines as deriving from “the wish on the part of the individual to be his own master”⁸¹) as, strictly speaking, it does not claim that an individual must be his own master in order for him/her to be free, but merely that no-one else has mastery over them.⁸² It is not claiming that one needs to be in tune with reason or one’s higher self to be free, nor is it claiming that one needs to participate within democratic politics in order to be free, it merely says that one

⁷⁹ Quentin Skinner, “John Milton and the Politics of Slavery”, p.15

⁸⁰ *Ibid.*, p.14.

⁸¹ Isaiah Berlin, “Two Concepts of Liberty”, p.131.

⁸² See Phillip Pettit, *Republicanism: A Theory of Freedom and Government*, pp.21-22.

must have no master (no dominating force) over oneself in order to be free. Thus, according to Skinner and Pettit, this republican view of freedom is distinct from the negative and positive dichotomy, which (remembering our earlier discussion on the role of the intellectual historian) makes it more important to highlight as it shows flaws in our modern understanding of political concepts.

Also, whereas, as we have discussed above, the liberal negative view of freedom (i.e. non-interference) does not necessarily exclude or promote any particular form of government, the republican view (freedom as non-domination) is inextricably linked to a type of government: the 'free state'. Thus, a difference between the liberal and republican traditions appears to be that the liberal tradition does not necessarily rely upon political rights whereas the republican tradition does. As M.M. Goldsmith suggests, whereas the liberal tradition has come to include political rights, it needs them less than the republican tradition:

Although the liberal tradition thus accepts the inclusion of the political rights to participation, it has nevertheless emphasized the importance of the civil and quasi-political rights, which come nearest to be seen as 'negative liberty'. The republican tradition in contrast has been seen political participation as essential to freedom – only by living in a 'free state' in which the citizens have political rights can their liberty be assumed. That involves something different from the main emphasis of the liberal tradition on freedom as non-interference. Philip Pettit, setting out a contemporary form of republicanism, characterizes the republican version of liberty as 'non-domination'.⁸³

Now the free state is not necessarily a democratic one in the sense that all adult males are given the vote, but rather it is a state "in which the actions of the body

⁸³ M.M. Goldsmith, "Republican Liberty Considered", in *History of Political Thought*, Vol. XXI, No. 3, (Autumn 2000), pp.549-550.

politic are determined by the will of the members as a whole.”⁸⁴ The crucial phrase here appears to be ‘the will of the members as a whole’ as, in modern terms, this would doubtless be taken to mean the will of all adults who have not committed certain types of crime. This is not what it means here, as (as we have seen in the discussion of Harrington above), some people would have been excluded from citizenship by republican authors. What this phrase means is that no-one’s will other than the will of the citizens’ as a whole should determine the politics of a society. If this doesn’t happen, “the body politic will be moved to act by a will other than its own, and will to that degree be deprived of its liberty.”⁸⁵

It is here that we can see the importance to Republican writers of Charles I’s refusal to give up the prerogative of the negative voice during the civil war years. For Charles, the negative voice, the chance to reject any piece of legislation put forward by Parliament was the very example to republicans of how the will of one man could dominate the will of the body politic as a whole. As Milton said in *Eikonoklastes*, the negative voice meant, “all Britain was to be ty’d and chain’d to the conscience, judgement, and reason of one Man.”⁸⁶ It meant that all were slaves as they did not live in a ‘free state’ in which no-one’s will could dominate over the will of the body politic, and as Britain was not a ‘free state’, and freedom as non-domination can only exist in such a ‘free-state’, it followed that the negative voice led to servitude. The presence, to stress the point still further, of an individual or group of individuals that could dominate the body politic by replacing its will with their own, led to tyranny according to this position.

⁸⁴ Quentin Skinner, *Liberty Before Liberalism*, p.26.

⁸⁵ *Ibid.*, p.27.

⁸⁶ In, Quentin Skinner, “John Milton and the Politics of Slavery”, p.12.

The Levellers and republican liberty

On one reading, the Levellers can be seen as clearly divergent from the republican view of freedom. All of the agreements of the people clearly call for spheres of activity that should be left to the individual alone. To put this in another way, the Levellers called for areas of non-interference, areas in which the individual alone, led by his conscience, could make decisions. Thus the Levellers can be said to be calling for negative liberty in that they are suggesting that each individual should be allowed to follow their own consciences, and consequently that no individual should infringe upon another individual's rights so to do. Each individual has by nature a set of rights that are inviolable by any other person for the Levellers, as Overton points out that he may be "but an individual, enjoy my self and my self-propriety and may right myself no more than my self, or presume any further; if I do, I am an encroacher and an invader upon another man's right - to which I have no right."⁸⁷ Thus non-interference, and thus negative liberty, seems to be a key theme in Leveller writings.

This only tells part of the story, however, as the distinction between the negative and republican conceptions of liberty, as outlined above, seems to rest upon the idea that negative freedom does not depend upon a particular form of government, whereas the republican conception does. For republicans, freedom can only be achieved in a free state, whereas negative liberty (or non-interference) according to Berlin's view does not necessarily rest upon any particular form of government.

⁸⁷ Richard Overton, "An Arrow Against all Tyrants", in Andrew Sharp (ed.), *The English Levellers*, (1998: Cambridge University Press, Cambridge), p.55.

If a government had a set of powers that could lead it to be termed tyrannical, but chose not to use them, thereby allowing areas of non-interference for individuals, then according to the negative freedom view the individual could still be free, but according to the republican one the individual was still not free. This is because, as we have already discussed, the republican view of liberty puts forward a case for non-domination in the sense that it is not enough to have negative freedom, one must not also depend upon any other individual for that negative freedom, and thus it is necessary to have a free state in order to achieve the republican conception of liberty.

This provides a link between the Levellers and the republican tradition as the Levellers would wholeheartedly concur with the republican line that only certain forms of government could protect liberty. For the Levellers liberty is intrinsically linked with a certain form of government, and that liberty should be prevented *against* the state in that the state has no right to do certain types of actions. Thus whereas non-interference plays an important role in the Levellers account of freedom, it is certainly not the case that they thought that a government could have certain power just so long as they did not exercise them. They were, as David Wootton points out, calling for rights against the government that did not exist at the time:

We cannot have any sense of how extraordinary their proposals are unless we remind ourselves that not a single one of their key demands had previously been recognized by any actually existing government in the Old World; even the right to freedom of conscience had

achieved only the most tenuous institutional entrenchment in the New.⁸⁸

The key factor here, however, is not so much that the Levellers support some conception of human rights or areas of non-interference, but that they proposed a form of government that would (they thought) ensure this. By balancing powers between individuals and their representatives they could ensure that liberty was protected. Indeed their proposals that the representative of the people had the supreme authority to deal in any matters which were not reserved for the individual, was in itself an attempt to ensure nobody was dominated. The representative body (the House of Commons) was to be elected by all males over 21 (excluding, as we have discussed, servants and alms takers) who confer onto that representative their powers of political action that can be (unlike in Hobbes' account) removed at any time. Thus no body other than the representative of the people can make laws, and should the same representative of the people (in the minds of its electors) abuse their power, then sovereignty can legitimately be removed from it. Thus if this proposal of government was followed, it is hard to see how domination would be possible to anyone who had the vote. Government could not infringe upon certain rights, individuals could elect a representative of their choice and when that representative was elected, the King or the House of Lords could not silence its voice. Consequently, whereas this system of government was not shared by all republicans, and differs greatly from the Aristotelian idea of the state as a natural body, it is a system intended to prevent domination being possible.

⁸⁸ David Wootton, "The Levellers", in John Dunn (ed.), *Democracy: The Unfinished Journey, 508 BC to AD 1993*, (1992: Oxford University Press, Oxford), p.71.

Also, the Levellers were as keen to avoid the situation when an individual or a group of individuals had the possibility to overrule the people, as were the republicans and therefore were against also tyranny and domination. In the *Large Petition*, the Levellers first demand was that Parliament preserved their “just authority from all prejudices of a negative voice in any person or persons”, and were therefore claiming that neither the King, nor the House of Lords should have a veto.⁸⁹ This claim is again made in the *Agreement of the People*, when it is asserted that the representative of the people’s power is inferior only to the people they are representing, and does not need “the consent or concurrence of any other person or persons” to make laws.⁹⁰ Again, the Levellers are adamant that it is only the representative of the people who can make laws, and no other body is allowed to have a negative voice. Therefore whereas the Levellers and the republicans share different notions of how to construct a free state which prevents a person (or group of people) from acting tyrannically, this does not mean to say that the Levellers do not also have a notion of liberty as being non-domination as well as non-interference.

Conclusion

Thus perhaps we can see that whereas non-interference plays an important role in Leveller political thought, that this, in and of itself, does not mean to say that there are not similarities between the Leveller and republican conceptions of liberty and politics in general. We have seen that the Levellers construct of how the state should operate allows no room for any individual or group other than the

⁸⁹ “The Petition of March 1647”, in A.L. Morton (ed.), *Freedom in Arms: A Selection of Leveller Writings*, (1975: Lawrence and Wishart, London), p.96.

⁹⁰ “An Agreement of the People”, in *Ibid.*, p.140.

representative of the people to make law, and consequently it can be said that it allows nobody to hold any powers that could be said to dominate society. Thus whereas non-interference in certain areas is a prerequisite for any just government according to the Levellers, it is these areas of non-interference, combined with an account of popular sovereignty, which makes the Levellers' system of government free from domination.

This does not necessarily mean to say that the Levellers can be classified as republican thinkers. As we have seen they, along with Hobbes, regard government as an artificial construction, and consequently break with the Aristotelian tradition. There are also, of course, differences in the exact system of government that they propose (see the above discussion of Harrington); however there would have also been disagreements of this nature within republican thought. One definite shared trait between the two intellectual traditions is that for the Levellers, as it was for the Republicans, successful politics and liberty depended upon the successful foundation of government. That their actual prescription of what constituted the nature of that government varied is of lesser importance than the fact that they all agreed that a strong foundation was necessary. Thus they both shared distaste for divine rights theory in which government depended upon the will of a monarch, and moved towards founding government upon a principled basis.

The purpose of this chapter has not been to suggest that the Levellers *are* or *are not* republican thinkers, but rather to show similarities between the two groups. Perhaps we can see that the Levellers shared the Republicans' concern for liberty

as non-domination and political balance, even if they disagreed on the actual proposals for how that liberty and balance could best be achieved.

Section Two

Conclusion

We have, in this section, examined the way that the Levellers used certain political devices to converge on a set of political, as opposed to philosophical principles, and, in so doing, constituted themselves as a political movement. We have also examined those ideas, and compared them with the republican ideas that were emerging at the time. We have also seen that, throughout this process, the Levellers were engaged in a battle for definition with critics of the movement. Whilst the Levellers were attempting to define themselves via a certain set of constitutional reforms and policy proposals, their critics were attempting to style the Levellers as a threat to private property. Part of constituting themselves as a movement, therefore, was an attempt to answer these critics, and thereby win the battle for self-definition.

We saw in chapter five the uses that the Levellers made of petitions. We examined two ways in which petitions were able to help the Levellers constitute themselves as a movement. Firstly, it enabled them to allow more people to participate in the political processes by subscribing to the political principles contained within a petition. Secondly, the form of a petition, with brief political points as opposed to broad philosophical arguments (as were often contained within pamphlets), allowed people from a wide variety of philosophical positions to subscribe to the principles contained within a petition and therefore allows the Levellers to converge as a movement. We also saw that a petition's principle

weakness was its reliance upon other bodies with political power, and that it was this that led the Levellers to start using *Agreements* as a political device.

In chapter six we examined the differences between the *Agreements* and the petitions as a form of political argument. We noted that an *Agreement*, as a foundational document, was an attempt to confer power on political institutions rather than make arguments to that power. The *Agreement* was, we concluded, an attempt at a literal transferral of power from the people to the representative (with certain caveats) that Lilburne and Overton had theoretically justified in their earlier pamphlets. We examined the ideas within the *Agreement*, and we noted that, whereas there were changes that arose because of the debates at Putney, a ‘core spirit’ was consistent throughout all three versions of the *Agreement*.

In chapter seven we went on to examine the contents of the debates held at Putney, when the principles contained within the *Agreement* were discussed. We saw how the attempts by Ireton and Cromwell to stylise the Levellers proposals as leading to the destruction of property led to Petty and Rainsborough taking different lines on the nature of the franchise. We also concluded, however, that the franchise was not a key aspect of the Levellers’ proposals, and that due to the dynamics of the debate, that there is no reason to suggest that Petty’s view on the franchise was more representative of a ‘Leveller line’ than Rainsborough’s. Indeed, it was noted that the fact that Petty, Rainsborough and Wildman, who represent different wings of the Leveller movement with differing opinions on matters such as the franchise, were able to defend the *Agreement* is an indication of the success of the movement to constitute itself around a political agenda.

Chapter eight began by examining William Walwyn's defence of the Leveller position in *A Manifestation*. This was an attempt to answer the critics of the movement, and therefore to prevent them being constituted by enemies of the movement. We then went on to discuss how similar the ideas of the Levellers were to those of some of their contemporaries. We studied the republican notion of liberty and the free state, and we noted that although there are differences between the Leveller and republican traditions, that the Levellers share a notion of freedom as not being dependent upon the will of another with the republicans, however how they propose to achieve this politically differs between the two bodies of thought.

Thus throughout this section we have seen that the Levellers, via innovative use of collective media, were able to constitute a movement around a political agenda that was capable of being defended from a variety of philosophical positions. This was made possible by the overlapping political consensus that emerged from their individually authored political works. This overlapping consensus made a collective authorship possible, which then in turn led to petitions and *Agreements* being written which allowed other people to subscribe to the emerging political agenda and therefore for the Levellers to become a movement. It is the political agenda of the petitions and *Agreements* that forms a 'Leveller line', and allows us to talk of a collective whole when addressing the Levellers.

Conclusion

The argument

The purpose of this thesis was to show how we can talk of the Levellers, comprised as they were of many individual thinkers, as a collective whole in the history of political thought. This study has, therefore, been an attempt to illustrate how the Levellers were capable of uniting thinkers with divergent philosophical backgrounds and beliefs around a political agenda due to an overlapping *political* consensus that emerged from their individual writings. This overlapping consensus made a collective authorship between the Leveller leaders possible, which in turn allowed them to build and constitute a political movement. We saw that central to the process of movement formation was the innovative use made of collectively authored media such as petitions and *Agreements*, which allowed people to subscribe to a set of political proposals from a variety of philosophical positions.

Indeed it is a measure of success of this process that at the Putney debates, where none of the Leveller leaders were present, that two Leveller spokespeople (Rainsborough and Petty), who shared different notions on the franchise, were still both capable of defending a collectively authored Leveller document, namely the *Agreement of the People*. We also saw how the Putney debates represented an attempt by the Army Grandees (Cromwell and Ireton) to style the Levellers as being a threat to existing private property arrangements, which led the Levellers to clarify their political programme so that they would not be constituted as a

movement by their opponents' criticisms. Thus there was, as there often is in politics, a battle of definition between the Levellers and their opponents with the latter attempting to style the Levellers in a manner which would be unlikely to gain them support. Also, this thesis argued that just as the individual Leveller authors disagreed philosophically but converged politically, the Levellers and the republicans shared a similar notion of liberty and the free state, but differed in how this should be achieved politically. We examined the political programme of the Levellers, and saw that they believed in both non-domination and non-interference; however they disagreed with republicans such as Harrington as to how this should be achieved politically. Thus not only was the Leveller movement capable of embracing people with different shades of opinion within its ranks, but it was also similar to other bodies of thought present at the time.

This thesis then suggests that one should be careful about the use of the phrase a 'Leveller line'. The Leveller movement held certain ideas collectively, but this does not mean to say that we should regard them as a cohesive whole. Just as one should not imagine that certain ideas were held by the movement as a whole, neither should we imagine that there was no 'core' set of beliefs around which the movement was centred. Without such a set of 'core' beliefs, the Levellers would not have become so politically prominent in the latter phase of the English civil War, nor would they have become the subject of curiosity and study by students of the history of political thought.

Therefore we have to be sophisticated in our notion of what, precisely, constitutes a Leveller line. C.B. Macpherson, in his interpretation of the Putney Debates

suggested that the “Levellers always intended not a manhood franchise... but a franchise excluding servants and alms-takers” because of “certain assumptions they made about the nature of freedom.”¹ Not only does he do this, but also he then refers to Leveller pamphlets written by individual authors such as Overton to show that the philosophical assumptions had existed throughout the history of the movement.² Thus consistency is applied to the Levellers both as a movement and as a group of individuals. Thus he ascribed not one, but in fact two ‘Leveller lines’, firstly that all Levellers intended to exclude servants and alms-takers from the franchise, and secondly that they shared a notion of freedom that led to this exclusion.

Now it is possible, given that we have argued that it is possible to talk of a Leveller line with regards to the *Agreements*, that there could be a ‘Leveller line’ about who should receive the vote as it is, without doubt, a political issue. It is entirely possible to exclude or include these groups of people from the franchise from a variety of philosophical positions. That said, Rainsborough’s comments at Putney suggests that not all the Levellers shared this view, and as the franchise is not mentioned in the first *Agreement*, and then changed in the second and third *Agreements*, it is also certain that it wasn’t held by the movement consistently. So whereas the franchise is the type of issue that could be included in a ‘Leveller line’, the evidence suggests that it was not.

The other supposed consistency, the holding of a particular view of freedom, is precisely the kind of philosophical issue that cannot be said to be held by all

¹ C.B. Macpherson, *The Political Theory of Possessive Individualism*, (1964: Oxford University Press, Oxford), p.111.

² See, for example, pp.139-141, and his discussion of *An Arrow Against All Tyrants*.

Levellers, not because it is impossible to imagine a group of people could hold the same view of freedom, but because this was simply not the kind of issue addressed in Leveller collective media. The point of this thesis is to say that the 'Leveller line' was a political not philosophical, and it was due to this that the movement was capable of campaigning together as a unit on political issues. Thus the Levellers were "a heterogenial body, consisting of parts very diverse from another", which were capable of converging of political issues which could be backed from their differing philosophy not one that shared a philosophy.³

Methodology

In the process of this study of the Leveller movement, certain methodological implications have emerged about how one should study the Levellers. It is apparent with the Levellers, perhaps more so than other political theorists of their day and age, that they were responding to the intellectual and political developments emerging around them in the English Civil War. This does not mean to say that more theoretical political tracts are above the intellectual and political context in which they were written; however the Levellers are explicit in linking their ideas with the events going on around them. We have seen in this thesis, for example, how the *Agreements* as political devices were invented and used by the Levellers due to the attitude adopted by the Parliament to their petitions. Therefore a concrete political development led to (a) a changed political message and (b) the invention of a political device.

³ Henry Denne, Quoted in Keith Thomas, "The Levellers and the Franchise", in G.E. Aylmer (ed.) *The Interregnum: The Quest For a Settlement 1646-1660*, (1972: Macmillan, London), p.66.

This, then, has made a contextual study of the Levellers necessary rather than a purely theoretical examination of their ideas. The Levellers' call for religious toleration and popular sovereignty emerged from a period of time in which their claims had been made comprehensible by a variety of intellectual and political factors. This thesis has also been careful, as it is a contextual study, not to see the Levellers as the start of something new, but rather as a product of the intellectual and political context in which they campaigned.

Whereas there is undoubtedly some truth to the claim that, say, that the Levellers were "the first modern democrats... [and] the first to seek to construct a liberal state", these types of conclusions have not been present in this thesis.⁴ The reason for this is not to doubt that the Levellers' ideas would become central demands in the liberal democratic tradition, but rather that what happened to Leveller ideas following the end of the movement is not a central aspect to this thesis. I have also avoided referring to the Levellers as a political party, despite the fact that the overlapping consensus that occurs in the Leveller movement being similar to the broad churches of opinion that are present in modern political parties. This has been avoided as it would be misleading because (a) the modern notion of a political party did not develop until democratic politics had developed, and (b) the Levellers did not seek to control the representative of the people, nor did they have a notion of party government and opposition.⁵ Thus to avoid confusion and possible anachronism, I have limited this study to show how the Levellers engaged

⁴ David Wootton, "The Levellers", in John Dunn (ed.), *Democracy: The Unfinished Journey, 508 BC to AD 1993*, (1992: Oxford University Press, Oxford), p.71.

⁵ On this last point see Terence Ball, "Party", in Ball et al (eds.), *Political Innovation and Conceptual Change*, (1989: Cambridge University Press, Cambridge), pp.163-164.

with ideas and concepts which they would have had some access to, rather than foisting our understanding of concepts upon them and their day and age.

A critic of our approach in this thesis might suggest that it is anachronistic to apply the idea of an overlapping consensus to a period in history that had no discourse about that notion. This would be unfair. The idea of an overlapping consensus is not a statement about the content of the Levellers thought, but rather a model for how individuals with different philosophical ideas can share a common set of political goals. It is not used to suggest that political agreement was possible for all, or perhaps even most philosophical, moral or religious ideas present in seventeenth century England, nor that there would necessarily be desirable for many political actors at the time. Indeed the fact that all of the Leveller leaders call for the idea of religious toleration marks them as being (a) different from many thinkers of the time and (b) more likely to accommodate differing viewpoints to their own. The only reason this idea has been used was to highlight the fact that the Leveller leaders, in their individual pamphlets, did share a set of political goals that they justified from their own philosophical background, and it was these shared goals that made a collective authorship and a movement possible.

This study, however, has been a contextual study rather than a historical one. Whereas the structure of the thesis, with individual authored pamphlets that were (generally) written prior to the foundation of the Leveller movement proper being discussed first, is broadly chronological, many of the factors that have been bypassed in this thesis would be regarded as extremely important to a historian of

the Leveller movement. The purpose of this thesis was not to outline historically how the Levellers constituted themselves as a movement, but rather how a group of individuals can have a collective political identity. Thus whereas the Levellers used pamphlets, petitions and *Agreements* at the same time, thus complicating the outline I have given, our discussion of each form of Leveller device separately was necessary to show how each type of media was used by the Levellers to constitute themselves as a movement.

Emerging research agenda

There are two possible research agendas that emerge from this thesis, one relating directly to the Levellers, and another to political movements in general. Firstly, whereas it has been asserted that there was a 'distinct purpose' to each type of activity in which the Levellers participated, further research needs to be done as to what the purposes of each of these activities were.⁶ We have not only seen in this thesis that the collective media of petitions and *Agreements* were a tool used by the Levellers to constitute and build themselves as a movement, but also that the two devices had different political purposes distinct from one another and from pamphlets. Pamphlets engaged in ideological and political disputes, and can therefore be regarded as participating in politics, but petitions and *Agreements* participated in politics in a different way. Petitions called upon another body with political power to implement a political agenda, whereas *Agreements* conferred political power on institutions and were a direct act of popular sovereignty.

⁶ Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context*, (2000: Cambridge University Press, Cambridge), p.271.

Therefore in order to understand the Leveller movement correctly we need to understand the purpose of each form of media necessary.

A second research agenda that emerges from this thesis is far broader than the first. The Levellers were not the first, nor were they the last, political movement that has argued in favour of radical change; however they are the only political movement that forms part of the canon of study in the history of political thought. This thesis has argued that the Leveller leaders differed from one another philosophically, but were able to constitute themselves as a collective authorship and then campaign as a movement as there was an overlapping political consensus. This process is doubtless replicated in other political movement throughout time. Whereas the message, and the types of political media that are used to convey these messages will change according to the context in which a political movement operates, in order for a group of people to converge and form a political movement some sort of overlapping consensus will be necessary. Therefore emerging from this thesis is a model of the formation and constitution of political movements. This does not entail that sweeping research should be attempted on all political movements from the Lollards to the W.O.M.B.L.E.S.,⁷ but rather that the model in operation in this thesis could be used, for example, to assess the ideas of the French Revolution or the Federalist Papers to see if it is useful in describing those movements.

⁷ The White Overalls Movement Building Libertarian Effective Struggles; an anti-capitalist movement present at most anti-globalisation demonstrations.

Conclusion

The goal of this thesis was to assess why we can talk of the Levellers collectively. In the canon of political thought, which is dominated by single authors, how we can talk coherently of the Levellers collectively first, before talking of the individual contributors to Leveller ideas. We have seen throughout the course of this thesis that one does not have to resort to applying coherence anachronistically in order to do this as the Levellers constituted themselves as a movement consciously via the use of collective media. We have seen that whereas the Leveller leaders' philosophical approaches varied from one another, that an overlapping political consensus made possible a collective authorship which in turn allowed them to constitute themselves as a political movement via the use of petitions and *Agreements* that focused on political rather than philosophical issues. Thus it is possible to talk of a 'Leveller line', despite the fact that the movement was heterogeneous. The emerging research agenda from this thesis suggests that this thesis has two uses. Firstly, it contributes to the debate on the nature of the Leveller movement and seventeenth century English political theory, and secondly, it suggests a model that can be used to analyse other political movements.

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