

THE SOCIAL CONTRACT AS EMBODIED
IN THE LEVILLER MOVEMENT

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John R. Clingerman
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By

John R. Clingerman

An Abstract

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ABSTRACT

The broad term "Puritan Revolution" tends to cloud the fact that the opposition to Charles I was divided into a number of loosely organized parties which reflected a variety of religious and political beliefs. One of these political groups, known in history as the Levellers, sought to bring the revolution against the King to its logical conclusion by creating a democratic republic with biennial parliaments elected by universal manhood suffrage. This, in itself, was new indeed. However, the Leveller platform demanded many more surprising reforms. Laws were to be codified and rendered into understandable English. All men were to be equal in the eyes of the law. Imprisonment for debt was to be abolished, and punishment was to be assessed in relation to the seriousness of the crime. The Levellers also demanded the abolition of monopolies. To protect the citizens' political and religious rights, the Levellers foresaw a bill of rights included in a constitution which was to be the supreme law of the land.

The Levellers were a product of the Puritan opposition to the Anglican Church. Under Elizabeth and the first two Stuarts, the religious dissenters broadly labeled "Puritans" were unable to purify the Anglican Church, and were forced into the role of a discontented opposition. During the long absence from power, the Puritans gradually lost their

singleness of purpose. The Brownists, in the latter years of Elizabeth's reign, accepted the Calvinist theology advocated by the early Puritans, but insisted that each congregation should govern itself. These exponents of congregational autonomy were forerunners of the Congregationalists and Independents who so staunchly opposed the Presbyterians during the 1640's. Congregational freedom of choice was but one symptom of disintegration. To win adherents to their cause the Puritans had to make palatable Calvin's forbidding theology which predestined the election of the few and the damnation of the many. Their solution was to emphasize the personal relationship of the individual with God and the accompanying reassuring mystical experience. To their dismay, the Puritans discovered that this personal relationship not only convinced each man of his election, but also presented the opportunity for God to instruct him in beliefs far different from those accepted by the orthodox Puritans. Similarly, the Puritan insistence upon each man reading his own Bible resulted in a multiplicity of interpretations -- many opposed to the Puritan. From this glorification of the individual sprang the Diggers, the Fifth Monarchist, and the Levellers, each charged by God to alter the governmental structure of England.

Those who held these conflicting beliefs which seethed beneath the broad surface of Puritanism during the early 1640's wrote and spoke of "God's law," "the law of nature,"

and "the social contract," in defending their right to unfettered existence. Their impassioned speeches and pamphlets provided the Levellers with arguments which could be applied, with equal justification, in the realm of political reform. If all men were equal under God's law, why not under civil law? If men's rights to free worship were guaranteed by a contract between the ruled and the ruler, must not this contract also guarantee his political rights? Thus reasoned the Levellers.

Having reached these conclusions, they sought to change the political structure of England in accordance with the law of nature and its protecting contract between the governed and the governor. Through pamphlet, petition and personal example they spread their political philosophy throughout England. Not content with propaganda alone, they infiltrated the New Model Army and attempted to use its strength to force into being a democratic government. On two occasions, in 1647 and again in 1648, it seemed that their efforts might be successful. However, their hopes for a government based on the social contract were crushed in 1649 by the military dictatorship of Cromwell. The importance of the Levellers lies not only in their visualizing democratic reforms far in advance of England's willingness and ability to accept them, but also in their hard-headed fight to realize these reforms.

Failure to achieve their objective in no way minimizes the historical significance of the Levellers. As the most

vigorous exponents of government by social contract which the Puritan Revolution produced, they must be credited with focusing the attention of political philosophers who followed them upon this concept of government. Because the Levellers lent such vitality to the social contract and the law of nature that these theories commanded the attention and respect of Thomas Hobbes and John Locke, their ideas live on. Through the years these essential elements of democratic political philosophy have proved the foundation upon which the Levellers' dream of a democratic England has been gradually realized.

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INTRODUCTION

On two occasions in the strife-ridden 1640's it seemed possible that England might achieve democratic constitutional and social reforms that actually lay two hundred and fifty years in the future. Those who formulated these reforms and pressed them to the verge of accomplishment are known today as the Levellers. The name was given these advocates of political equality by their political foes in an effort to discredit them as potential destroyers of property rights.¹ This damnation by label proved highly effective, so effective that the name "Leveller" with its communistic connotation helped bar the Levellers from serious study by historians for two and one-half centuries. When referred to at all during these years, they were considered one of the many crackpot sects that flourished during the Great English Civil War.²

It has only been within our century that historians have begun to re-evaluate the import of the Leveller movement.

¹John Lilburne, The Legall Fundamental Liberties of the People of England (1649), p. 36. This pamphlet is reprinted in The Leveller Tracts, 1647-1653, ed. William Haller and Godfrey Davies (New York), pp. 399-449.

²S. R. Gardiner dismissed the Levellers as impractical dreamers when they failed to support Cromwell in 1649. His account of the Leveller movement up to this point was atypical, however of the nineteenth century historians in the thoroughness of its coverage. See History of the Great Civil War, 1642-1649 (London, 1901), IV, 295.

G. P. Gooch in his English Democratic Ideas in the Seventeenth Century (1898) gave the Levellers credit for forcing the New Model Army to accept the idea of a republic. The Leveller Movement (1916) by T. C. Pease was the first detailed study of the Levellers based on critical work with the pamphlet literature of the day. He clearly demonstrated the historical importance of the Levellers, who were, according to Pease, primarily responsible for making the democratic concept of government a real issue which had to be met and defeated by the successful New Model Army. The sympathetic appraisal of the Levellers has been continued in the studies by William Haller. In his Tracts on Liberty in the Puritan Revolution, 1638-1647 (1933-34), and in The Rise of Puritanism (1938) he portrayed the Levellers, with their democratic aspirations, as the natural product of the Puritan struggle for liberty in the first forty years of the seventeenth century. Moreover, he emphasized that the historian would do well to look to the Levellers as the real source of the democratic reforms which have transformed England during the last three hundred years.

The main point of emphasis in this study of the Levellers is the isolation of their use and development of two ideas embodied in their writings -- the law of nature and the social contract. Although these aspects of the movement have not been overlooked, a study of this nature seems justified. Historians like T. C. Pease and Joseph Frank,

when analyzing the whole Leveller movement, discuss the Leveller use of the social contract. Others such as G. P. Gooch and J. W. Allen note the same theme in tracing the development of political thought in England. Despite the illuminating efforts of these and others, an evaluation of the Levellers which focuses upon their development and use of these concepts has not been undertaken. In the author's estimation this feature of the movement is of the utmost importance to an understanding of the historical significance of the Levellers. The social contract concept of government did not die with the Leveller party in 1649. Rather, it received new life in the writings of Thomas Hobbes, and was brought to perfection by John Locke. The Levellers are of historical significance because they were transitional figures who gave the social contract, and the law of nature theses an urgency which could not be denied by those who followed them. This paper will seek to explore the effectiveness of the Levellers in developing these concepts into a vital feature of the Civil War which could not be overlooked by those political theorists who sought either to justify or repudiate the Puritan Revolution.

CHAPTER I

PURITAN ORIGINS OF THE SEVENTEENTH CENTURY LEVELLERS

In presenting the Leveller development of the social contract thesis it is necessary not only to outline broadly the history of the movement, but also at least to suggest its Puritan origins. In conjunction with this aim, the political and religious rivals of the Levellers during the 1640's are discussed. Their common Puritan origin is indicated, and their basic differences are explained in order to provide a frame of reference and to emphasize the consistency of the Levellers in contrast with their contemporaries.

The roots of the Levellers reach back to developments within the Puritan movement that occurred during the Elizabethan era. Under Elizabeth the Puritans were not harried from the land -- far from it. Elizabeth believed in ignoring, dividing, and disarming opposition.³ But, the more the irrepressible Puritans were ignored the stronger they became.⁴ To further their program for purifying the Anglican Church they insisted upon a preaching ministry in contrast to the sacramental emphasis of the established church.⁵ The Puritan excelled as a preacher. He spoke the

³M. M. Knappen, Tudor Puritanism, A Chapter in the History of Idealism (Chicago, 1939), p. 245.

⁴Knappen, Tudor Puritanism, pp. 258-259.

⁵Knappen, Tudor Puritanism, p. 221.

language of the common people. His sermons were richly larded with earthy analogies and appropriate biblical quotations. Contributing to the effectiveness of his preaching was the absence of classical allusion, in sharp contrast to the learned style of the Anglican divine when he condescended to preach.⁶ The Puritan preachers used the dramatic story of the fall and redemption of man to further beguile his audience. Most damaging to the Anglican Church, however, was the Puritan attack on the impurity which prevailed within Anglicanism. "Impurity" meant the retention of the sacraments, images, ornate church buildings, parts of the Book of Common Prayer, etc. These the Puritans labeled Catholic.⁷ Bolstered by a dedicated preaching ministry, they waxed strong at the expense of the established church. In half a century they undermined the Anglican Church by winning to their cause the very essence of any church -- its members.

While busily undermining the Anglican Church under the lenient Elizabeth, the Puritans began to lose solidarity. The key to Calvinistic reasoning was the Bible's provision, as in all other affairs of life, of a rule for government, to be followed by church and state.⁸ The early Puritans believed

⁶William Haller, The Rise of Puritanism (New York, 1938), p. 133.

⁷Knappen clearly designates the area of disagreement between the two groups. Tudor Puritanism, pp. 187-195.

⁸Haller, Puritanism, p. 14.

that once these revealed rules were recognized, men would agree to the creation of a Presbyterian form of church government.⁹ This did not, however, prove to be the case. Elizabeth and the Anglican bishops were content with the church as it was and could see no biblical justification for a change. Therefore, the Puritans were forced to undertake long years of opposition during which their emphasis on scripture as the final authority, and upon the individual's direct inspiration from God began to bear strange fruit. The conservative Presbyterian was disconcerted to discover that not only were men capable of interpreting the Bible in many ways, but also of voicing diametrically opposed opinions relative to religious and secular matters.¹⁰

By the turn of the seventeenth century the Presbyterian ideal of one Calvinistic Church for all England was shattered. The Brownists, forerunners of the Congregationalists, held that God instructed them to seek congregational autonomy.¹¹ Baptists, though numerically few, found in the Bible justification for a democratic church government and preached, in opposition to the Calvinists, that God's grace was available to all. Ministers began to teach that the law of God was superior to that of man.¹² Confronted by widely differing

⁹Haller, Puritanism, p. 14.

¹⁰Haller, Puritanism, p. 16.

¹¹Knappen, Tudor Puritanism, p. 305.

¹²Knappen, Tudor Puritanism, p. 315.

interpretations, men began travelling from church to church in an attempt to discover which of the multitude of religious teachings was true. The grandsons of these men became known as the Seekers in the 1640's.¹³ Under Archbishops Bancroft and Laud these heresies went underground only to reappear in 1641 stronger than ever, reinforced by a number of more radical sects.¹⁴ Among these were the earliest advocates of Leveller principles.

The same elements within the Calvinistic-Puritan teachings (especially God's direct inspiration of the individual) which led to the splintering of Puritanism, contributed to the fund of democratic ideas expressed in the Leveller program. The Leveller belief in man's basic rationality -- consider the plea for universal manhood suffrage -- is seemingly in direct conflict with Calvinistic tenets which emphasized the bondage of the will, predestination, and a rigid theocracy in which the few, not the many, were to rule.¹⁵ Although there was much in the Leveller platform which would have startled Calvin, the seeds of the movement were dormant in his teachings as interpreted by the Puritan ministry. These seeds needed only a proper environment to bring about their violent growth; a growth which was to destroy Calvin's logic-tight theology.

¹³Haller, Puritanism, p. 32.

¹⁴W. K. Jordan, The Development of Religious Toleration in England From the Accession of James I to the Convention of the Long Parliament, 1603-1640 (Cambridge Mass., 1936), pp. 157-159.

¹⁵Knappen, Tudor Puritanism, p. 376.

In his preaching, the conservative Puritan minister stressed the doctrine of predestination and the chosen few, but to make such a doctrine palatable to a wide audience, each individual had to be given the hope that he might be among the elect. The rigid classification of all men, either into the "chosen few" or the "damned multitude," led, quite understandably, to a question of the utmost concern to the individual interested in the salvation of his soul. Who were the damned and who the elect? How did one discover to which group he belonged? On this vital point Calvin was vague.¹⁶ A godly life was one sign; willingness to fight and proselytize in the name of Calvinism was another. However, these were only signs, and because the question involved their destiny, heaven or hell, men desired certainties.¹⁷ Unable to find a satisfactory answer in the writings of Calvin or St. Paul, the ministers fell back on their individual mystical experiences in order to illustrate how one came to know that he was among the chosen.¹⁸ This expedient proved satisfactory to the uncertain individual, but fatal to the cohesiveness of Puritanism.

The individual minister's experience with God followed a set formula, patterned after the conversion of St. Paul, but incorporating minor variations. Generally the chosen one had

¹⁶Knappen, Tudor Puritanism, p. 393.

¹⁷Knappen, Tudor Puritanism, p. 394.

¹⁸Knappen, Tudor Puritanism, p. 396.

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a childhood background in which heaven and hell were vividly real. The blazing furnaces of hell were pictured yawning at the feet of wicked little boys. Heaven was reserved for good boys who worked diligently at lessons and displayed proper deference to God and their elders.¹⁹ Despite this early stress on reward and punishment, however, most ministers seemingly had their youthful flings which consisted of consorting with women, doubting the Bible, drinking, gambling, failing to pray and lack of reverence -- depending upon the proclivities of the individual. But the sins committed were never thoroughly enjoyed, because the baser impulses were continually struggling with the desire to do good, and always in the back of the mind lurked the picture of the fiery pits.²⁰ This inward conflict was won by the forces of good only after tremendous battles. The victory of godliness resulted from hearing a particularly persuasive sermon. Following such a sermon, the convert found himself confronted by God, who assured him that he was among the elect.²¹ This dramatic theme was presented to Puritan congregations with all possible embellishments, and with not unexpected results.

The individual, thrilling to the story of his minister's election, soon began searching his soul for a

¹⁹Haller summarizes the elements common to the Puritan minister's conversion as illustrated by the detailed account of their mystical experience presented in diaries kept by them. Puritanism, pp. 100-107.

²⁰Haller, Puritanism, p. 103.

²¹Haller, Puritanism, p. 105.

sign that might indicate that he too was among the elect. If God spoke to the preacher, might he not speak to anyone?²² The minister might argue that the multitude was destined for hell and that his personal communication with God was unique, but he argued in vain. The desire for eternal salvation was too basic in human nature to brook denial. Every man who accepted Puritan teachings either believed in his personal membership in the Elect or was susceptible to conversion. If he scanned his soul intensely enough, the potential member of the elect reasoned, he might find evidence of God's favor.²³ In the light of modern psychology, we would say he was certain to find evidence if he looked long enough.

The importance of the individual was further heightened by two other Puritan doctrines. Calvinism contained within its theology one very significant and levelling aspect. All men, taught Calvin, were depraved, contaminated by the original sin of Adam. God's choice as to whom among the depraved should ascend into heaven was purely arbitrary. Earthly riches or social position in no way influenced God's selection. By thus eliminating earthly disparities between men, this concept increased the individual's sense of self-importance.²⁴ The preacher might argue that temporal wealth

²²Knappen, Tudor Puritanism, p. 393.

²³Knappen, Tudor Puritanism, p. 394.

²⁴Haller, Puritanism, pp. 193-194.

was a sign of God's favor, but the poor and disenfranchised would have none of this. If men were equal in the eyes of God, they reasoned, why not in the law courts, or at the polls?²⁵ A second Puritan teaching that enhanced the individual's sense of his worth was: "They which are furnished with gifts for their calling, namely aptness and willingness, and are thereunto called or set apart by men may rest assured that they are called by God. Moreover, when they walk in a calling lawful in itself and suited to their capacities, they are walking in his presence and under his protection."²⁶ This God-given command to men to develop their talents depended upon the ability of the individual to recognize, through introspection, the talents he possessed. Inevitably, as men began to search their souls, a multiplicity of God-given talents, demanding expression in matters religious, social, political, and economic, were found.²⁷

The Puritan interpretation of Calvinistic theology, by enhancing the value of the individual, unwittingly fostered democratic, religious, and secular ideas in a wide variety of sects and among political radicals.²⁸ This process may be seen in the evolution of two Leveller proposals.

²⁵Haller, Puritanism, p. 194.

²⁶The Ancient Bounds (1644), p. 3. This pamphlet is reprinted in Puritanism and Liberty: Being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents, ed. A. S. P. Woodhouse (Chicago, 1950), pp. 247-265.

²⁷Haller, Puritanism, p. 125.

²⁸Jordan, Religious Toleration, pp. 216-217.

The first of these is universal manhood suffrage. If God informed men of his will by directly contacting them, men reasoned, did not this mean that the individual's opinion was God-given, and as such, did not the lowliest mechanic have equal right with the wealthiest lord to express his views on all subjects?²⁹ After the breakdown of authority in 1642, men of the lower social orders found that God inspired them to proclaim that all men, regardless of their station in life, were guaranteed by the law of God the rights of life, liberty and property. If these rights were God-given, it was argued, then any government that infringed upon them could lawfully be destroyed, and a system of government set up consistent with the will of God.³⁰ By advocating a government based on universal manhood suffrage, the Levellers sought to bring the law of God into harmony with the laws of men. Such a government would be directly answerable to the electorate if it should tamper with the individual's God-given rights.

Complete religious toleration, another of their major objectives, had a similar history. The religious enthusiasts, persecuted by the Anglican Church for heresy, argued that God

²⁹Ancient Bounds, p. 6.

³⁰John Lilburne, The Free-Mans Freedome Vindicated, Or A True Relation Of The Cause And Manner Of Lieut. Col. John Lilburns Present Imprisonment In Newgate (1646) (reprinted in part in Woodhouse, Puritanism and Liberty, pp. 317-318).

instructed men to believe different religious truths. Thus, to suppress a religious group as heretical was to risk offending God.³¹ The practical Levellers considered this a valid point, and in their proposed constitution protected religious dissenters from persecution.³² The Levellers, when they justified these reforms by citing the law of nature, used the term interchangeably with the law of God hypothesis, made popular by the religious sects. The evolution of Leveller principles out of Puritan teachings as outlined above, of course, over simplifies a process which took place over a period of years. A more detailed account will be given in a subsequent chapter.³³

To understand the Levellers' position in the 1640's, as they sought to implement their program for a democratic England, it is necessary to view them in relation to their rivals for power. These rivals, with the exception of the Royalists, had the same religious heritage as the Levellers. They were splinters from the Puritan movement, and some of them dated back to the turn of the seventeenth century. As has been pointed out, the Puritans' victory over the Anglican Church in 1641, after long years of struggle, cost them their

³¹Roger Williams, The Bloody Tenent of Persecution (1644), p. 2. This tract is reprinted in part in Woodhouse, Puritanism and Liberty, pp. 266-292.

³²John Lilburne, William Walwyn, Thomas Prince, and Richard Overton, An Agreement of the Free People of England (1649), p. 9. An Agreement is reprinted in Leveller Manifestoes of the Puritan Revolution, ed. Don M. Wolfe (New York, 1944), pp. 397-410.

³³See below, pp. 33-35

cohesiveness. The emphasis on the individual's direct knowledge of God's will had, during years of persecution, given birth to varying interpretations of the divine will. This had caused some Puritan congregations to split so often over questions of doctrine, that the final result was a one-man church.³⁴ For the most part, however, by 1641 the broad term "Puritan" included a number of fairly well-defined groups, so designated because of their rejection or acceptance of specified religious, social, and political beliefs. With the breakdown of religious and political authority in 1641, these factions gave full voice to their aspirations.

During the opening phase of the conflict between King and Parliament in 1641, a strong Presbyterian majority in the House of Commons gathered into its hands the reins of authority. This faction adhered to the old Puritan ideal of one purified church for England.³⁵ For seven years, with varying degrees of success, this bloc controlled the destiny of Parliament in its struggle against the King.³⁶ When it served their interest to rally support to oppose the King, they labeled themselves "protectors of England's God-given rights of liberty,"³⁷ but they proved antagonistic towards

³⁴Haller, Puritanism, p. 316.

³⁵D. Brunton and D. H. Pennington, Members of the Long Parliament (London, 1954), p. 35.

³⁶Godfrey Davies, The Early Stuarts, 1603-1660, (Oxford, 1952), pp. 190-193.

³⁷See, e.g. The Grand Remonstrance (1641). The Remonstrance is reprinted in William Cobbet, Parliamentary History of England, From the Norman Conquest, in 1066 to the Year 1803 (London, 1803), II, 945.--- hereafter cited as Parl. Hist.

Leveller proposals for protecting these rights. In the final analysis their proposal for reuniting the kingdom was conservative and dominated by religious interests. They advocated reconciliation with the King, with no practical restraint on his pre-revolutionary authority, on condition that he would grant the Presbyterian Church pre-eminence in England.³⁸ The Presbyterian Church government which they advocated was strikingly English. Instead of the Presbyters electing the supreme governing body of the church, Parliament was to be the highest church authority.³⁹ This Erastian plan alienated other Puritans in Parliament who favored a reconciliation with the King only if the church were permitted to organize along congregational lines. In advocating a religious settlement of this nature, which essentially demanded that the government should give up its right to control the church, this group was in fundamental opposition to the Erastian Presbyterian bloc.

The Independents, during the years 1642 through 1647, were handicapped by numerical inferiority and dissension among themselves. Their lack of numbers in the House of Commons forced them to assume the role of the opposition.⁴⁰ On two occasions the Independents in Parliament proved willing to compromise their differences with the Levellers because by so doing they could counter-balance Presbyterian power.

³⁸"The Propositions of Peace from the Parliament, presented to the King at Newcastle" (1646), in Parl. Hist., III, 500-502.

³⁹"Propositions of Peace," p. 502.

⁴⁰Brunton, Long Parliament, p. 36.

Whereas the Presbyterians desired an all-powerful, nation-wide church, governed either by Parliament or the ministers, and in no case permitting dissent, the Independents advocated congregational autonomy.⁴¹ Their demand for congregational freedom of choice forced the Independents to give lip service to the Leveller demand for religious toleration. However, toleration, as viewed by the Independents, was not to extend to Catholics, Anglicans, or the radical sects.⁴² As a solution of the constitutional problems of England, the Independents favored the restoration of the King; but with concessions from him protecting Parliamentary privileges won during the Civil War.⁴³ The Independents could not agree among themselves on the degree of religious toleration to be permitted, and on the details involved in the constitutional settlement of the kingdom.⁴⁴ However, numerical inferiority and internal bickering did not prevent them from posing strong opposition to Presbyterians and eventually the Levellers. Following 1646, they had a powerful ally in the New Model Army.

⁴¹Thomas Goodwin, Phillip Nye, Sidrach Simpson, Jeremiah Burroughs, and William Bridge, An Apologetical Narration, Humbly Submitted to the Honourable House of Parliament (1644), pp. 14-15. This tract is reprinted in Tracts on Liberty in the Puritan Revolution, 1638-1647, ed. William Haller (New York, 1933), II, 306-339.

⁴²Goodwin, Apologetical Narration, p. 31.

⁴³See, e. g., The Heads of the Proposals Offered by the Army (1647). This tract is reprinted in The Constitutional Documents of the Puritan Revolution, 1628-1660, S. R. Gardiner (Oxford, 1889), pp. 232-233.

⁴⁴Wolfe, Leveller Manifestoes, p. 88.

The New Model, under the leadership and organizing genius of Oliver Cromwell, became, between 1643 and 1646, an all-conquering fighting force and, as events proved, the decisive political power in England. The New Model, in direct contrast to Parliament, was primarily Independent and sectarian. This condition, true not only of the rank and file but also of the officers, resulted from the dominating influence of Cromwell. Interested in creating a force capable of winning battles, Cromwell placed the qualities of a good soldier above religious conviction.⁴⁵ Baptists, Seekers, Fifth Monarchists, and Levellers were welcomed to the rank and file of the New Model, if they could contribute to its military strength. The higher officers tended to be more conservatively Independent in their religious views.⁴⁶ By the end of 1646, after the defeat of the Royalists, the Army emerged as the one cohesive power in England capable of bringing about a constitutional settlement by sheer force. The Levellers, recognizing this fact, conducted a markedly successful proselytizing campaign among the rank and file.⁴⁷ However the high-ranking officers, not so dominated by radical sects, were to prove immune to the democratic arguments of the Levellers.

⁴⁵ C. H. Firth, Oliver Cromwell and the Rule of the Puritans in England (London, 1924), p. 89.

⁴⁶ See, e. g., Henry Ireton's statements in The Whitehall Debates. These debates are reprinted in Woodhouse, Puritanism and Liberty, p. 389.

⁴⁷ See Richard Baxter's report on the state of the New Model in 1647, from Reliquiae Baxterianae (1696), Part I, 71-73. This part of Baxterianae is reprinted in Woodhouse, Puritanism and Liberty, pp. 387-389.

The Levellers were not alone in recognizing the New Model's potential power in deciding England's constitutional fate. While the Levellers wooed the rank and file, the Independents in the House of Commons sought support from the influential Independents among the higher officers.⁴⁸ An alliance between these two groups, however, was postponed until the last months of 1647. Their failure to combine and demand constitutional and religious reforms at an earlier date can be attributed to two factors: first, in the midst of the desperate conflict with the Royalists the New Model had to subordinate all interests to winning the war.⁴⁹ Secondly, among the Independents there existed a strong respect for Parliament as the only legally constituted governing body in England.⁵⁰ This respect prevented them from seeking to accomplish their own ends through unconstitutional means. Then, too, the army leaders were slow to develop political ambitions.⁵¹ Without a political or religious program of its own, the army became a powerful ally to be wooed by the Levellers, Independents, Presbyterians, and eventually the Royalists.

One of the less favored religious sects, that entertained definite plans for governing the kingdom, was the Fifth

⁴⁸Firth, Cromwell, p. 171.

⁴⁹Firth, Cromwell, p. 126.

⁵⁰Wolfe, Leveller Manifestoes, p. 34.

⁵¹Wolfe, Leveller Manifestoes, pp. 42-43.

Monarchists. This sect demanded that England be ruled by the saints. Cromwell used this idea in the mid-1650's, but in a manner that would have been unrecognizable to the early Fifth Monarchists.⁵² These men had no doubt that ultimate success was theirs. They believed that God had revealed to them their important role in governing England.⁵³ The conservative Puritan minister was dismayed to see the turn that his emphasis on the Bible as final authority, and upon man's direct contact with God, had taken at the hands of the Monarchists. They taught that Daniel saw the vision of the Four Monarchies: Babylon, Persia, Greece, and Rome. The first three had been overthrown. The fourth, in the person and power of the pope, was soon to meet the same fate. Had Daniel not prophesied a time of great confusion before the collapse of the fourth monarchy? What could be more obvious than that now, or at any rate, the approaching year of the mystical date, 1666, was the time meant? With the destruction of Rome the Fifth Monarchy would rise -- the kingdom of God on earth. Christ would descend to earth and reign with his saints beside him for a thousand years, and there would be a new heaven on earth.⁵⁴ Who were these saints who would rule

⁵²Louis Fargo Brown, The Political Activities of the Baptists and the Fifth Monarchy Men in England During the Interregnum (Baltimore, 1913), pp. 68-69.

⁵³Hanserd Knolly, A Glimpse of Sions Glory (1641). This pamphlet is reprinted in part in Woodhouse, Puritanism and Liberty, pp. 233-235.

⁵⁴Haller, Puritanism, pp. 269-270.

with Christ? They would be the poor and the humble; and under their government there would be "liberty of churches and men would be free to search for truth."⁵⁵ This promised rule by the poor was well received among the destitute of England. The Levellers often found ready supporters for their program among those who had come under the influence of the Fifth Monarchists. This was particularly true in the New Model Army.⁵⁶

Another group that appealed effectively to the poor and also revealed the extremes to which the Puritan teaching of individual inspiration had been carried, was the Diggers. The Diggers advocated a solution to the political, religious, and economic problems of the 1640's, not through a kingdom of God on earth, an agreement between king and Parliament, or a written constitution, but through the redistribution of property.⁵⁷ They were the true Communists of the revolution. Opponents of the Levellers deliberately confused them with this group in an effort to discredit them. The Diggers adhered to many of the social reforms listed below as part of the Leveller program, but their attempts to level property clearly distinguished them from the Levellers.⁵⁸ They

⁵⁵Sions Glory, p. 234.

⁵⁶See Richard Baxter's account in Reliquiae Baxterianae, Part I, 72.

⁵⁷Gerrard Winstanley, The New Law of Righteousness (1649). This tract is reprinted in Gerrard Winstanley, Selections From His Works, ed. Leonard Hamilton (London, 1944), p. 16.

⁵⁸For the Leveller repudiation of communist intent see An Agreement of the Free People of England, p. 7.

actually began ploughing up the commons and wasteland throughout England, disregarding the rights of ownership. This conduct was greeted with cheers by the peasant, and with cries of anguish and alarm from the propertied classes.⁵⁹ The Digger program was, in its own way, as unrealistic as that of the Fifth Monarchy men. After digging up a few commons they dispersed and lost all influence.⁶⁰ They left behind them, however, a legacy of fear among the well-to-do which later hindered the Levellers in their campaign for converts.

The group least effected by the democratic impulse unleashed by Puritan teaching, was the Royalists. The goal of those who remained faithful to the king was essentially unchanged. King Charles I was to regain his position as the supreme executive, with his powers unrestricted; the negative voice and the control of the Army were to be his. His right to govern through a council responsible only to him was not to be infringed. The House of Commons and the House of Lords were to revert to their secondary role in governing England; and the Anglican Church was to become again the Church of England.⁶¹ These demands reflect the often-reiterated statement by Charles, that he did not intend to reign as a figurehead. From this position he was prepared

⁵⁹Hamilton, Gerrard Winstanley, p. 2.

⁶⁰Hamilton, Gerrard Winstanley, pp. 3-4.

⁶¹"The Kings Propositions" (1648), in Parl. Hist., III, 1032-1034.

to bend -- as when he tried to obtain the support of the Presbyterians, Levellers, and Independents when it suited his needs -- but not to break; even in the face of beheading.⁶²

The strength of the Royalists lay, more than they realized, in the common people's respect for the King as a symbol of stability. Leveller rationality, Fifth Monarchist godliness, and Cromwellian brute force were to bow before this fundamental element which grew stronger with each uncertain year.⁶³ This force alone might have foredoomed the Levellers as it did Cromwell. It was not, however, the factor which defeated them.

By 1641 the Levellers had assimilated the vague democratic thinking prevalent in contemporary groups and had synthesized it into a dynamic program for economic, religious, and social reform. A receptive audience for their democratic proposals was assured, because of the spade work of the reformers discussed above. The result of the doctrine that all men are equal in the eyes of God can be seen in the Levellers' proposals for advancing economic equality. In pamphlet and petition the Levellers consistently advocated the suppression of monopolies which they blamed for the economic suffering of the poor.⁶⁴ Along with this they urged that the excise be

⁶²S. R. Gardiner, History of the Great Civil War, 1642-1649 (London, 1901), IV, 286-287.

⁶³Davies, Early Stuarts, p. 152.

⁶⁴To The Right Honorable, The Commons of England In Parliament Assembled. The Humble Petition...of Persons Inhabiting the City of London (1648), p. 5. This petition is reprinted in Haller, Leveller Tracts, pp. 147-156.

replaced by a proportional system of taxation.⁶⁵ Further, the Levellers asked that imprisonment for debt be abolished.⁶⁶ These reforms sought to benefit the poor who, the Levellers claimed, were being reduced to shameful beggary by unjust laws.⁶⁷ However, in advocating relief for the poor, they threatened the pocketbooks of the wealthy. The proposals were not historically new, but they were denounced vigorously as communistic -- designed to undermine the social structure of England.⁶⁸

The Leveller approach to a religious settlement reflected the trend towards toleration engendered by the breakdown of Episcopal authority, and the subsequent proliferation of sects. All statutes, oaths, and covenants which in any way interfered with the free exercise of religious practices, or which penalized any one for religious convictions, were to be abolished.⁶⁹ The Levellers differed from other advocates of toleration such as the Independents, by carrying toleration to its logical conclusion. They asked that: "No man for preaching or publishing his opinion in Religion, in a peaceable way, may be punished or persecuted as heretical by

⁶⁵An Agreement of the People, p. 6.

⁶⁶Humble Petition, p. 6.

⁶⁷Humble Petition, p. 6.

⁶⁸The Putney Debates. At the General Council of Officers at Putney, 28th October 1647., p. 69. These debates are reprinted in Woodhouse, Puritanism and Liberty, pp. 1-124.

⁶⁹Humble Petition, p. 5.

judges that are not infallible, but may be mistaken as well as other men in their judgements, lest upon pretense of suppressing errors, Sects, or Schismes, the most necessary truths and sincere professions thereof may be suppressed, as upon like pretense it hath been in all ages."⁷⁰ This personifies the Levellers' rational approach to correcting the evils of their day. The last Leveller plank struck at the heart of a state-supported church. It called for the ending of tithes and all other compulsory means of maintaining the clergy. They desired that ministers be paid "only by those who voluntarily chose them, and contracted with them for their labours."⁷¹

The rationality of the Levellers' program is demonstrated further by their proposals for correcting what they considered the evils in the English legal system. All people ought to be equal before the law as they are before God, and "as the law ought to be equal so they must be good, and not evidently destructive to the safety and well being of the people."⁷² All of the Levellers' legal demands revolved around this principle of equality. A just and speedy, plain and unburdensome means for deciding controversies and suits in law was requested. Laws were to be translated into simple English; graft and bribery in the law courts were to be eliminated,

⁷⁰Humble Petition, p. 7.

⁷¹An Agreement of the People, p. 6.

⁷²An Agreement of the People, p. 5.

punishment commensurate with the crime was to be assessed, and the prisons were to be reformed by insuring that prison keepers were honest men and by eliminating prison graft and cruelty.⁷³ Important to the Levellers three hundred years ago, and still important today, was the plea for a bill of rights which would include guarantees against self-incrimination.⁷⁴ The Leveller program in the legal, religious and economic fields could not be realized without a democratic government. This they provided for.

The fundamental Leveller principle was this: the power of all lawful government had as its basis the freely-given consent of the governed. They justified this principle by stating that the rights of men in the state of nature were protected by the law of nature, and that it was the inalienable right of men to band together to form a government to protect these rights.⁷⁵ The governing authority which they sought to establish embodied all of the above principles. To insure that the power ruling over the people was responsible to their will, they asked that the negative voice of the King be eliminated, and that the House of Lords be abolished.⁷⁶ The basis for the new government was to be a

⁷³Humble Petition, p. 6.

⁷⁴An Agreement of the People, p. 5.

⁷⁵Richard Overton, A remonstrance of Many Thousand Citizens and Other Free-Born People of England to their owne House of Commons (1646), p. 1. This tract is reprinted in Wolfe, Leveller Manifestoes, pp. 109-131.

⁷⁶An Agreement of the People, p. 3.

written constitution, which would provide for biennial, self-perpetuating Parliaments, and a bill of rights to protect the inalienable rights of the people. These rights included liberty of conscience, of speech, and freedom from impressment into military service.⁷⁷ Further to insure Parliament's responsiveness to the will of the people, a more equitable distribution of seats in the House was called for, and suffrage was to be extended to include all male citizens of England over twenty-one.⁷⁸ These proposals were held to be native rights of Englishmen and fully justified by the law of nature.

The Leveller program was a logical, rational program designed to meet the problems as they existed in the seventeenth century. If the realization of these reforms was postponed for two and one-half centuries, the fault was not theirs. The Levellers waged an aggressive, intelligent fight for the implementation of their program. Perhaps they were, in the final analysis, victorious, for their endeavors may well have stimulated the later movement towards government based upon the consent of the governed. It is to this aspect of the Leveller movement that our attention is now directed.

⁷⁷An Agreement of the People, p. 5.

⁷⁸An Agreement of the People, p. 3.

Chapter II

DEVELOPMENT OF THE NATURAL LAW
AND SOCIAL CONTRACT CONCEPTS

To defy established authority reformers must justify their actions. The Levellers realized fully that a campaign to overthrow the existing political order could not be based on the laws of the land, whose purpose was to perpetuate the existing structure of society. To have authority, a demand for change must rest upon something superior to present law. One may argue that all man-made law must bow before the law of God, the social contract, or the law of nature. However, these nebulous terms can readily be interpreted to favor the cause of the discontented. Further, the proof of their validity rests upon the willingness to accept them as an act of faith. They answer perfectly the reformer's need for a philosophical basis for upsetting the status quo.

Proper seeds and a favorable environment are necessary to the maturation of plants; just so are they necessary to the growth of ideas. The mature usage of the law of nature by the Levellers, in formulating their democratic program, must be considered in relation to conditions giving rise to it. The seeds of democratic thought had been sown unwittingly by overzealous Puritan ministers prior to 1641. A multiplication of religious sects resulted. These sects interacting with one another, and the chaotic environment engendered by revolution, evolved vague demands that England be governed

in a manner compatible with the interests of the people. Out of this gestation period arose the concrete Leveller proposals for a government based upon the social contract.

The cold war between King and Parliament, begun in 1604, warmed gradually between 1640 and 1642 and finally burst into flames of armed conflict at Edgehill. The trial and execution of Strafford was rapidly followed by the Triennial Act¹; and by the abolition of the Star Chamber, the Councils of the Marches, of Wales, and of the North.² Legislation was passed proclaiming illegal the writs of Ship Money and the knighting of reluctant gentry by force. To these infringements on his kingly prerogative, Charles I was forced to agree. However, the Irish Rebellion gave rise to demands for Parliamentary control of the Army, followed by the publication of the Grand Remonstrance. These last actions were more than the proud King could stomach. Bowing to his belief in his divine authority and to the threats and entreaties of his wife, he embarked on an ill-fated attempt to arrest the five members of the House of Commons who directed the opposition. His ignominious failure irrevocably widened the gap between King and Parliament. The King's departure from London following the attempted coup d'etat made inevitable the outbreak of civil war.³

¹16 C. I. c. I.

²16 C. I. c. 10.

³For a clear, concise outline of these events see Davies, The Early Stuarts, pp. 114-121.

Each widening of the split between King and Parliament was accompanied by an increase in the number of radical sects. This proliferation symptomized the breakdown of the old social and political order. Parliament touched off the process by taking into its hands executive privileges belonging historically to the King.⁴ Disintegration received further impetus by the publication of the Grand Remonstrance which pictured Parliament as the friend of religious liberty, a bulwark between the people and the tyranny of Archbishop Laud and the Episcopal Church.⁵ Parliament's Presbyterian majority between 1641 and 1643 by no means favored complete religious freedom.⁶ However, in denying the authority of the Anglican Church to enforce uniformity, and the subsequent destruction of that Church in the name of religious liberty, they set precedents soon followed by opposing sects. Tub preachers, Familists, Baptists, Seekers, Independents, and finally the Levellers cited Parliament's own arguments to justify their demands for liberty.⁷

The Presbyterian majority in Parliament, when awakened to the anarchical danger presented by the sects, found itself

⁴Haller, Puritanism, p. 338.

⁵The Grand Remonstrance, reprinted in Parl. Hist. II, 945-946.

⁶Debate in the Lords on the Bill for restraining Bishops etc., from intermeddling in Secular affairs" (1641), in Parl. Hist., II, 945-946., and "Ordinance for restraining the Liberty of the Press" (1643), in Parl. Hist., III, 131.

⁷See, e. g., Goodwin, Apologetical Narration, p. 21., and Henry Robinson, Liberty of Conscience or the Sole means to obtaine Peace and Truth (1644) p. 3. This tract is reprinted in Haller, Tracts on Liberty, III, 105-178.

not only confronted by its own arguments, but also by an absence of effective machinery to suppress the religious radicals. Taking their cue from Parliament, the sects elected to use pamphlets through which to plead for public support.⁸ Even before the outbreak of civil war, Laud had been unable to control the publication of heretical pamphlets by Bastwick, Prynne, and Lilburne.⁹ In the midst of chaos the means of censorship inherited from the old regime proved totally inadequate. The licensing of books before publication was entrusted to a few ministers. Prevention of unlicensed publications was the responsibility of the Stationers Company.¹⁰ Parliament faced a hopeless task. Without the support of adequate law enforcement, the Stationers could not hope to suppress the myriad unlicensed pamphlets.¹¹ Under these conditions, which lasted until 1649, radical ideas readily found their way into print.

Another factor conducive to the growth of radical ideas was the absence of control over dissenting leaders after their commitment to prison. It seemed beyond the imagination of those in authority to deprive the political or religious prisoner of books, writing materials, and means of communication

⁸Haller, Puritanism, p. 326.

⁹M. A. Gibb, John Lilburne, The Leveller: A Christian Democrat (London, 1947), pp. 40-41.

¹⁰"Ordinance for restraining the Liberty of the Press," p. 131.

¹¹Haller, Puritanism, pp. 326-327.

with friends. Authors imprisoned for publishing inflammatory tracts, sent pamphlets to their publishers justifying their acts.¹² In the Grand Remonstrance Parliament cited the separation of a man from his wife, friends, and books as evidence of Laudian tyranny.¹³ This condition Parliament rectified, an act it later regretted. Lilburne, the leader of the Levellers, took advantage of this leniency and conducted the Leveller conspiracy from the Tower of London.¹⁴ Given this laxity in censorship, it is not surprising that democratic ideas matured during the early 1640's.

In retrospect, the Grand Remonstrance assumes particular significance as a precedent for the political theorizing that flourished in the 1640's. This document appealed directly to the people as the source of all rightful authority. True, this was not recognized by Pym, Hampden, and Strode. They had urged the publication of the Grand Remonstrance in the interest of gaining support from the common people for the Parliamentary cause.¹⁵ However, in the Remonstrance, the House of Commons contrasted its role as the protector of the people's liberties with the tyrannical usurpations of the King.¹⁶ In publishing its case for all to read, Parliament

¹²Gibb, Lilburne, p. 134.

¹³The Grand Remonstrance, pp. 950-951.

¹⁴See below, p. 74.

¹⁵"Debates in the Commons, concerning a Remonstrance on the State of the Kingdom" (1641), in Parl. Hist., II, 937-938.

¹⁶The Grand Remonstrance, p. 943.

tacitly asserted that, in the final analysis, it was the people's right to decide who or what power should lawfully govern them.¹⁷ The House of Commons was slow to realize the inherent danger in this appeal for popular approval, but it was not blind to the importance of gaining adherents to its cause. Both King and Parliament waged propaganda campaigns designed to win popular support for their position.¹⁸ In so doing they pointed up the fundamental importance of the masses as a firm foundation for political authority.¹⁹ To the horror of Royalist and Presbyterian alike, the recognition of the people, implicit in their appeal, evolved into concrete demands for recognition of the right of the common man to play a role in the governing process.²⁰

Unhampered by effective censorship, and flattered by the efforts of the two major opponents in the Civil War to gain their allegiance, dissenting minorities began to demand toleration as their natural right. In justification, they spoke and wrote of God's will and of God's law,²¹ and in so doing supplied ideas, terms, and images which proved vitally significant to the Levellers. Arguments for religious freedom, they pointed

¹⁷ Wilson H. Coates, 'Some Observations on "The Grand Remonstrance,"' Journal of Modern History, IV (1932), 7-8.

¹⁸ Haller, Tracts on Liberty, I, 24-25.

¹⁹ Coates, "Some Observation," p. 10.

²⁰ See below, pp. 33-35.

²¹ See e. g., Williams, The Bloody Tenet of Persecution, p. 8., and William Walwyn, The Power of Love (1643), p. II. This tract is reprinted in Haller, Tracts on Liberty, II, 271-304.

out, might also be used by men contending for freedom of thought, expression, government, and trade. In formulating their reasons to justify toleration, they brought into play supernatural law and divine right. These, in their turn, evoked the rational doctrine of natural law and of the natural rights vested in the individual. Thus, the arguments for religious liberty and political revolution. In the hands of the Levellers, the terms of the debate, at first largely scriptural and theological, became increasingly rationalistic, naturalistic, and secular.²²

As early as 1638, John Lilburne prophetically wrote of man's natural rights. In 1637 and 1638 the Court of Star Chamber found William Frynne, John Bastwick, Henry Burton,²³ and John Lilburne guilty of publishing unlicensed pamphlets

²²See below, pp. 56-58.

²³Prynne and Bastwick were the most vocal and violent Puritan opponents of the Anglican Church in the years immediately preceding the Long Parliament. Prynne had been a successful lawyer; but in 1634 he had been deprived of his academic degrees, expelled from Lincoln's Inn, fined, put in the pillory, his ears cut off, and sentenced to life imprisonment by Star Chamber for his attacks on the Church. While in prison he continued his pamphlet assault on the Church, and for this reason was again brought to trial in 1637. Bastwick was a doctor turned pamphleteer. He too had been fined and imprisoned in 1635 when he refused to retract his denunciation of the Church. His reaction to imprisonment was the publication of a more violent attack on the sinfulness of the prelacy. Burton was a London Preacher, who having angered Laud by his fiery sermons denouncing episcopacy was brought before Star Chamber. The three men were tried together. They were sentenced to life imprisonment, fined, and had their ears cut off. Prynne, who had been left the stumps of his ears from his previous mutilation, lost these. See Gibb, John Lilburne, pp. 39-43.

which attacked episcopacy.²⁴ Following the example of his older associates, Lilburne published, while imprisoned, an account of his sufferings at the hands of the Anglican Church. In The Worke of the Beaste, Lilburne, the future Leveller chieftan, appropriately employed the concept of natural rights to justify his defiance of the Court. In so doing, he unwittingly outlined the theoretical assumptions upon which arguments for religious toleration and political liberty were later based.

The Worke of the Beaste not only illustrated the germination of the natural law concept based on scripture, but also demonstrated how Parliament's own arguments for liberty might be turned against it. Lilburne, in describing his refusal to take the High Commission Oath, which he considered an infringement on his liberty, stated: "Now this oath I refused as a sinfull and unlawfull Oath...an Oath against the Law of the Land; it is expressly against the Petition of Rights an Act of Parliament Enacted in the second Yeare of our King."²⁵ Many times in the years to come when it, and not the Anglican Church, tried to silence Lilburne, Parliament was to be reminded that it violated principles it advocated in the Petition of Rights and the Grand Remonstrance. In his shotgun fashion,

²⁴Lilburne, at the direction of Bastwick and Prynne, had arranged for the publication and distribution of their pamphlets. For this offense he was fined, set in the pillory for a day, whipped through the streets of London and finally thrown into solitary confinement. See John Lilburne, The Worke of the Beaste (1638), p. 10. This pamphlet is reprinted in Haller, Tracts on Liberty, II, 1-34.

²⁵Lilburne, The Beaste, pp. 12-13.

Lilburne invoked, in a single paragraph, the law of the land, God, Jesus Christ, and the law of nature, as protectors of his liberty.

It is absolutely against the Law of God, for that law requires noe man to accuse himselfe, but if anything be laide his charge: there must come two or three witnesses at the least to prove it. It is also against the practice of Christ himselfe, who in all his examinations before the High Priest would not accuse himselfe: but upon their demands, returned this answer: Why aske yea mee, to them that heard mee... With all this Oath is against the very law of nature, for nature is alwaies a preserver of itselfe and not a destroyer: But if a man takes this wicked Oathe he distroyes and undoes himself.²⁶

The mention of the law of nature captured the fundamental hypothesis underlying all arguments for a representative government based on social contract. Man, as a rational being could not, and would not, willingly give his life into the hands of a person or institution outside his control which was capable of destroying him at will. This thesis was not forgotten in the years immediately ahead.

One of the first acts of the Long Parliament, when it met in 1640, was the release of Bastwick, Prynne, and Lilburne.²⁷ On the outbreak of the Civil War, the fiery Lilburne devoted his energies to fighting in the Parliamentary Army and rose to the rank of Lieutenant Colonel.²⁸

²⁶Lilburne, The Beaste, p. 13.

²⁷Parl. Hist., II, 762.

²⁸Gibb, Lilburne, pp. 96-97.

During his absence from the political scene, other exponents of natural law, more clear-spoken and less belligerent, wrote pamphlets which profoundly influenced Leveller thinking. Henry Parker, for example, proved one of the most able defenders of Parliament in the pamphlet warfare waged shortly before the outbreak of armed conflict. Born in 1604, educated at Oxford, called to the bar at Lincoln's Inn in the crucial year 1637,²⁹ Parker combined a lawyer's logic with a minister's theological training in presenting the case for Parliament against the King. His plausible application of the well-known social contract theory to the crisis of 1642 provoked momentous discussion.³⁰ In his careful, reasoned, unemotional manner he justified Parliament's break with the King; but, in so doing, he provided the Levellers with arguments which could be turned against Parliament.

Parker, harking back to the teachings of Calvin, maintained that men's depravity, resulting from the fall of Adam, necessitated a form of government which could keep them from one another's throats. He reasoned that the law of God, written on the breast of every man, was insufficient to restrain him from mischief and to make him sociable.³¹ An

²⁹W. A. S. Hewin, "Henry Parker," in The Dictionary of National Biography (New York, 1895), XLII, 240-241.

³⁰Haller, Tracts on Liberty, I, 26.

³¹Henry Parker, Observations upon some of his Majesties Late Answers and Expresses (1642), p. 13. This pamphlet is reprinted in Haller, Tracts on Liberty, II, 165-214.

all-powerful authority had to be established, else, there would be no standard by which law could be executed justly, nor any means for judging disputes between men.³² To save itself from anarchy, mankind set about providing laws binding on all. These laws were agreeable to the dictates of reason, and ratified by common consent. Their execution and interpretation were entrusted to a government capable of preventing injustices.³³ Up to this point there was nothing revolutionary in Parker's reasoning, for a king might well provide the necessary authority for the interpretation of law.

However, Parker's insistence on the inviolable rights of man forced him to repudiate absolute monarchy and to insist on a government responsive to the will of the people.³⁴ According to him, one fundamental law of nature written by God on the hearts of men, was that of self-preservation,³⁵ Governed by reason, men would never consent to commit their destinies into the hands of a capricious power which might take away life, liberty, and property.³⁶ Where kings were the judges of law, they represented the people's will on a contractual basis, which specified that the king should rule in the interest of his subjects.³⁷ Should the king attempt

³²Parker, Observations, p. 13.

³³Parker, Observations, pp. 13-14.

³⁴Parker, Observations, p. 5.

³⁵Parker, Observations, p. 8.

³⁶Parker, Observations, p. 4.

³⁷Parker, Observations, pp. 4-5.

an arbitrary rule, infringing on his subjects' inviolable right of self-preservation, the people had the right to revolt.³⁸ To lend credence to this latter argument Parker cited the commander in wartime who:

should he turn his cannons upon his owne souldiers, they were ipso facto absolved of all obedience, and all oathes of allegiance whatsoever for that time, and bound by higher defence: if there be such tacite trusts and reservations in all publike commands, though of the most absolute nature, that can be supposed, we cannot but admit that in all well formed monarchies, where kingly prerogative has any limits set, this must needs be one necessary condition, that the subject shall live both safe and free. The charter of nature intitles all Subjects of all Countries whatsoever to safetie by its law.³⁹

Any governing authority must rule in the interest of the people and be bound by the laws which it enforces. Kings were prone to forget their responsibility for the welfare of their people and to proclaim themselves the law.⁴⁰ Because it more directly represented the people and was, hence, more responsive to their will, Parliament was a more desirable governing authority than the King.⁴¹

This adroit and plausible application of the social contract theory to the crisis of 1642 had immediate and far-reaching repercussions. Its immediate result was to stimulate

³⁸ Parker, Observations, p. 20.

³⁹ Parker, Observations, p. 4.

⁴⁰ Parker, Observations, p. 21.

⁴¹ Parker, Observations, p. 22.

the Royalists to their most ferocious attack on the supporters of Parliament as exponents of anarchy. In the closely reasoned arguments advanced in the Observations, Parliament responded by justifying its defiance of the King, and immediately popularized that defiance in its pamphlet warfare with the Royalists.⁴² Sir John Spelman testified that no book had done so much to entangle and intoxicate the vulgar. As a result of such licentious publications, he said, Londoners had become like the citizens of Abedra who "hearing a strange tragedy full of seditious designs,...they were all stricken into such a fit of phrensie, that for many dayes after, they did nothing but act the same Tragedy, with furious gestures in their streets."⁴³ In the five years following the publication of the Observations, the public grew accustomed to arguments predicated on the social contract theory. Leveller leaders were quick to adapt Parker's arguments in order to justify their defiance of Parliament. Again and again in the writings of Lilburne and Walwyn the imprint of Parker's influence is discernible.⁴⁴

John Goodwin, a fiery, Independent London preacher⁴⁵ used the social contract theory as expressed by Parker as a

⁴² See Haller's description of the effect of the Observations in Tracts on Liberty, I, p. 26.

⁴³ Sir John Spelman, View of a Printed Book (1643), cited in Haller, Tracts on Liberty, I, p. 27.

⁴⁴ See below, pp. 57-58.

⁴⁵ Gibb, Lilburne, pp. 103-104.

means of arousing public support for Parliament in its struggle with the Royalists. Goodwin forebore the calm, reasoned approach of Parker. His Anti-Cavalierisme was designed to arouse the passions of his readers, to incite them to action against the King's followers.⁴⁶ Parliament was pictured as the champion of the people, trying desperately to protect the rights of men as guaranteed in the law of nature.⁴⁷ The Cavaliers had willfully persuaded the King to negate his obligations imposed under the social contract. They urged upon him the destruction of his subjects' life, liberty and property; and the King submitted to their will.⁴⁸ Under these conditions, resistance to the Royalists was not only justified by scripture and by the law of nature; it was expressly commanded by the law of self-preservation.⁴⁹

Parliament, in 1642, welcomed the support of Parker and Goodwin, but in permitting them to popularize the ideas of the law of nature and the social contract, exposed itself to criticisms which had been directed earlier against the Royalists. Attempting to calm the religious and political

⁴⁶ The tone of Goodwin's pamphlet is amply illustrated by its title, Anti-Cavalierisme, or Truth Pleading As Well the Necessity, as the Lawfulness of this War, for the Suppressing of that Butcherly Brood of Cavaliering Incendiaries Who ar Now Hammering England to make an Ireland Of It. This tract is reprinted in Haller, Tracts on Liberty, II, 215-270.

⁴⁷ Goodwin, Anti-Cavalierisme, pp. 40-41.

⁴⁸ Goodwin, Anti-Cavalierisme, p. 2.

⁴⁹ Goodwin, Anti-Cavalierisme, p. 10.

passions which were rife in the kingdom, Parliament confronted an alert populace, jealous of its rights which were embodied in the social contract.⁵⁰ To its dismay, Parliament was to find that the citizens of London considered suppression of dissenting religious and political opinion to be a violation of their inherent rights, whether that suppression was carried on under a king or an elected Parliament.⁵¹ The members of the House of Commons might argue that they represented the people and that they acted in the best interest of the country in suppressing heresy, but to no effect. Men like Roger Williams replied, "Parliament hath no power to make any such laws about indifferent things wherein nothing good or evil is shown to the people, but only or principally the mere authority or will of the imposer for the observance of them."⁵² It was to men who had been infected with ideas of this nature that the Levellers made their most effective appeal.

Another group of writers who prepared ground for the Levellers were those who demanded toleration. As would be expected, the advocates of toleration were mostly members

⁵⁰Gooch, Democratic Ideas, p. 92.

⁵¹Gooch, Democratic Ideas, pp. 104-105.

⁵²Williams, Bloody Tenents, p. 20.

of the smaller sects and Independent Puritans.⁵³ The danger these writers presented to the privileged position of the Presbyterians was quickly recognized by the Presbyterian majority in Parliament;⁵⁴ but preoccupation with the conduct of the war, as well as an inadequate policing power prevented them from suppressing these defenders of religious toleration.⁵⁵ With the passage of the years, John Goodwin, Walwyn and Overton gradually won to their views a following who were to lie susceptible to the more extreme plea of the Levellers.⁵⁶

In the early 1640's, William Walwyn, a future Leveller thinker, proved the most eloquent spokesman for religious toleration. The second son in a middle-class family, Walwyn served an apprenticeship to a cloth merchant in London. By 1643, he was himself a successful cloth merchant and a member

⁵³ Minorities tend to recognize the validity of toleration when they are the object of repressive measures undertaken by the majority. However, those who seek tolerance out of fear for their own existence often prove intolerant when they achieve power. This proved to be the case with the long suffering Prynne once the Presbyterians controlled Parliament. Independents, like Goodwin, advocated toleration but only for Independents. True believers in toleration were men like Williams and William Walwyn who plead for an equal right to existence for all faiths.

⁵⁴ "The Ordinance for the restraining of the Liberty of the Press" was directed equally at suppressing dissenting religious and political opposition. See Parl. Hist., III, 131.

⁵⁵ Gardiner, Great Civil War, I, 267.

⁵⁶ Gooch, Democratic Ideas, p. 115.

of the Merchant Adventurers. From this respectable background emerged the most consistently advanced thinker of the Leveller movement.⁵⁷ His liberalism, reflected in his pleas for toleration, and his lasting sympathy with the poorer classes he traced to his acquaintance with the "humane authors" over a period of twenty years. Seneca, Plutarch's Lives, Lucian, and Montaigne stood second only to the Bible in his well-stocked library.⁵⁸ A profound knowledge of the Bible was typical of the articulate dissenters of the 1640's, but Walwyn's wide range of reading, which included a life of Mahomet, was atypical of the period;⁵⁹ and it is the latter which lends to his writings a rationality and sensitivity not found in the works of Prynne or Lilburne.

Throughout his long life Walwyn remained a true seeker in religion. Confronting the Bible's contradictions between world and spirit, he diligently studied the text for enlightenment; and finding no certainties other than the assurance of universal grace in the New Testament, he resolved to investigate the teachings of religious factions in his own England. He wandered from congregation to congregation and found a

⁵⁷C. H. Firth, "William Walwyn," in The Dictionary of National Biography (New York, 1895), LIX, 284.

⁵⁸William Walwyn, Walwyns Just Defence (1649), p. 9. This tract is reprinted in Haller, Leveller Tracts, pp. 350-398.

⁵⁹The typical plea for toleration reads like a lawyers brief, but the one authority cited is the Bible. See, e. g., Williams, The Bloody Tenent of Persecution.

multiplicity of conflicting beliefs.⁶⁰ He concluded that no sect monopolized Christian truth;⁶¹ and having arrived at this view, was ready to establish himself as an intelligent advocate of religious toleration.

Toleration was, for Walwyn, the only rational solution of the problem posed by multifarious religious beliefs. The intolerant were so because they feared for their own special privileges and lacked understanding of other sects.⁶² This lack Walwyn sought to alleviate by publishing the pamphlet, The Power of Love. Here he described the plight of the misunderstood Familists, who, although harmless, were condemned by the Presbyterians. The Familists held that all men were members of God's family of love, and that love should be the force which bound men together.⁶³ Their greatest heresy, said the conservative Presbyterian, was their repudiation of Calvinistic doctrine and their insistence that every man be permitted to hold the religious view implanted in his heart by God.⁶⁴ Rather than condemn these men for their beliefs,

⁶⁰ William Walwyn, A Whisper in the Eare of Mr. Thomas Edwards Minister (1649), pp. 5-6. A Whisper is reprinted in Haller, Tracts on Liberty, III, 319-336.

⁶¹ Walwyn, A Whisper, p. 6.

⁶² Walwyn, Power of Love, pp. 6-7.

⁶³ Walwyn, Power of Love, p. 49.

⁶⁴ Walwyn, Power of Love, p. 55.

Walwyn urged that their emphasis upon love be recognized as a valid principle of true Christianity. If, by chance, the doctrines of the Familists and other sects proved false, their defeat would come through competition with those who persuaded them of their error.⁶⁵ This persuasion must be accomplished, however, through love, not the pressure of persecuting laws.⁶⁶ "For," Walwyn argued, "Men never reforme their vices till first their judgements be well informed, and then they kindly reforme themselves."⁶⁷ This rational approach was typical of Walwyn, and distinguished him as one of the foremost Leveller thinkers.

The Power of Love, written in defense of the sects, contained in embryo the doctrine of the state of nature from which revolutionary impulses sprang. Walwyn, in this pamphlet, transformed Christian images known to all men into revolutionary doctrines. God's will became the law of nature, discovered by reason. The state of innocence was the state of nature. Man's fall was due only to ignorance⁶⁸ and, therefore, through proper training his fate could be altered. "Life according to nature was to be content with little, with what was ever ready, and easy to be had."⁶⁹ In the state of

⁶⁵Walwyn, Power of Love, p. 11.

⁶⁶Walwyn, Power of Love, p. 11.

⁶⁷Walwyn, Power of Love, p. 45.

⁶⁸Walwyn, Power of Love, p. 15.

⁶⁹Walwyn, Power of Love, pp. 17-18.

nature reason was the dominating factor which enabled men to live together in peace and love.⁷⁰ As for government: "That great mountaine...tis but a molehill if you would handle it familiarly, and bee bold with it; it is common agreements to bee governed: and by common agreement men chuse for governours, such as their vertue and wisdome make fit to govern."⁷¹ If this government, established by man, failed to justify the trust placed in it, then men must:

be bold as Lions, not fearing the faces of men: you will when need requires, that is, they tyrants and oppressors endeavor by might and force to pervert the truth of God into a lie, interpreting his sacred worke as patron of their unjust power, as if any unjust power were of God, and were not to be resissted: I say, such insolencies as these will inflame your Zeale, and set you all on fire manfully to fight the Lords Battel, and to bring into subjection those abominable imaginations and ungodly courses of men.⁷²

Walwyn, like Parker, was here supporting the right of man to rebel if government trod on his rights as guaranteed in the law of nature.

The revolutionary arguments for toleration outlined by Parker and Walwyn gained unexpected support from the Independents. Of the utmost respectability, orthodox in doctrine, moderate in temper,⁷³ this group, nevertheless, opposed the rigorous centralization of control desired by

⁷⁰Walwyn, Power of Love, p. 20.

⁷¹Walwyn, Power of Love, p. 6.

⁷²Walwyn, Power of Love, p. 50.

⁷³Goodwin, Apologeticall Narration, p. 8.

the Presbyterians.⁷⁴ In no way did the Independents identify their plea for toleration with the similar demand from the sects. Nothing was further from their thoughts than the aid and abetment of the sects and, for that matter, free thinkers in general.⁷⁵ However, in lending their support to the cause of toleration, they encouraged all groups to demand this privilege for themselves.⁷⁶ Roger Williams and the Anabaptists stood ready to proselytize for separation of church and state,⁷⁷ at that period a revolutionary proposal. Walwyn was prepared by 1644 to advocate toleration as the basis for a democratic state.⁷⁸ The impulse which the Independents helped set into motion in 1644 had far greater repercussions than they expected.

Five leading Independents,⁷⁹ in An Appologeticall Narration (1644), outlined their case for toleration. They had no quarrel with the basic tenets of the calvinistic Presbyterians, not did they advocate the toleration of all

⁷⁴ Goodwin, Apologeticall Narration, p. 14.

⁷⁵ Goodwin, Apologeticall Narration, pp. 23-24.

⁷⁶ Gooch, Democratic Ideas, pp. 111-112.

⁷⁷ See Williams, Bloody Tenents, pp. 7-9.

⁷⁸ See below, p. 48.

⁷⁹ Thomas Goodwin, Phillip Nye, Sidrach Simpson, Jeremiah Burroughs, and William Bridge were members of the Westminster Assembly convened July 1, 1643. They were educated clergymen who had fled the persecution of Laud. In Holland they had served English congregations which were of necessity self governing. See Apologeticall Narration, pp. 1-2.

sects. It was their position that they were "not clayming ourselves an independent power in every congretation, to give account or be subject to none others, but only a ful and entire power compleat within ourselves, until we should be challenged to erre grossly."⁸⁰ Their plea was for peaceful coexistence in which, in exchange for the congregation's loyalty to the central authority, the congregation would retain the privilege of deciding how it should worship.⁸¹ This was not a radical demand. No mention was made of the state of nature or of the right to revolt if toleration were denied; yet it, too, contained the democratizing factor -- freedom of choice.

Once the natural law hypothesis came into the open, it became a ready bludgeon in the hands of those opposing authority.⁸² Used first by advocates of toleration, it became, in time, the assumption upon which arguments for political reform were based. The Independents, in their own way, encouraged this evolution by sanctioning tolerance for their own cause. Exponents of the theory found ready acceptance on the part of the populace of London, who were awakening to their important role as the real source of power in England. Was it not the common people who were being continually wooed by Parliament, Independents, and Royalists?

⁸⁰ Goodwin, Apologeticall Narration, p. 14.

⁸¹ Goodwin, Apologeticall Narration, p. 15.

⁸² See below. p. 50.

Roger Williams came to London in 1643, and was immediately embroiled in the propaganda war. He had returned to England to seek recognition of the independence of Rhode Island. This he accomplished with the assistance of his friends Pym and Cromwell,⁸³ and having done so, focused his attention on the conflict between the Independents and the sects, and the Presbyterians. His sympathy lay with the advocates of toleration.⁸⁴ Their cause was, after all, the cause of liberty which he had defended in New England. Before returning to the New World he published the pamphlet, The Bloudy Tenent of Persecution⁸⁵ (1644) which immediately established him as one of the most extreme exponents of the natural right theory. Again the appeal was to the people; and again, with the natural law hypothesis, Williams fed the flames which were to burst forth in the Leveller movement.

Williams carried to its logical conclusion the Puritan argument for permitting men to follow the dictates of God as written on their breasts: "Idolaters, false worshippers, Anti-Christians must be left alone and permitted in the world to grow and fill up the measure of their sins, after the image of him that hath sown them until the great harvest shall make the difference."⁸⁶ Christ had permitted false religious

⁸³Thomas Secombe, "Roger Williams," in The Dictionary of National Biography (New York, 1895), LXI, 446.

⁸⁴Williams, Bloody Tenents, p. 3.

⁸⁵Secombe, "Williams," pp. 446-447.

⁸⁶Williams, Bloody Tenents, p. 5.

notions to occur, but was certainly strong enough to assure final punishment to those who chose the wrong path to his grace. Man lived in a:

twofold state, a civil state and a spiritual, civil officers and spiritual, civil weapons and spiritual weapons, civil vengeance and punishment and a spiritual vengeance and punishment -- although the spirit speaks not here expressly of civil magistrates and their civil weapons -- yea, these states being of different natures and consideration, as far differing as spirit from flesh, I observe that civil weapons are most improper and unfitting in matters of the spiritual state and kingdom, though in the civil state most proper and suitable.⁸⁷

Furthermore, the use of the civil weapons available to magistrates in order to force a man to profess or practice that which he did not believe, was to offer God a sacrifice of violence on the part of the compeller, and was, therefore, necessarily unacceptable.⁸⁸ Men banded together and appointed magistrates to rule over them, but these magistrates could not infringe upon the lives and liberties of the citizens without their consent.⁸⁹ Williams made the social contract even more binding by maintaining that "in a free state no magistrate hath power over the bodies, goods, lands, liberties of a free people but by their consent. And because free men are not free lords of their own estates, but are only stewarts under God therefore they may not give their free consent to

⁸⁷Williams, Bloody Tenents, p. 9.

⁸⁸Williams, Bloody Tenents, p. 23.

⁸⁹Williams, Bloody Tenents, p. 18.

any magistrate to dispose of their bodies, goods, lands, liberties at large, as themselves please, but as God, the sovereign Lord of all alone."⁹⁰ Man, in his natural or political aspects, was the servant of man as long as those in power did not by tyranny infringe upon his God-given rights. But, man as a spiritual being was only the servant of God, and was completely free to worship as his conscience dictated.⁹¹

Williams' division of church and state was adopted in Leveller political thinking. The Levellers accepted his emphasis on man's right to religious freedom limited solely by conscience.⁹² Moreover, they chose to stress his contention that this right extended into the realm of political liberty as well. Accepting this thesis, they recognized the need for a democratically oriented government -- a government based on man's consent and incapable of infringing on his God-given rights.

William Walwyn's pamphlet, the Compassionate Samaritane (1644), bridged the gaps between the movements for religious toleration, liberty of conscience, and political liberty. Walwyn maintained that liberty of conscience should be granted to every man for the following reasons:

Because of what judgement soever a man is, he cannot chuse but be of that judgement, that is

⁹⁰Williams, Bloody Tenents, p. 21.

⁹¹Williams, Bloody Tenents, p. 23.

⁹²See The Humble Petition, p. 5.

so evident in it selfe, that I suppose it will be granted by all, whatsoever a mans reason doth conclude to be true or false, to be agreeable or disagreeable to Gods Word, that same to that man is his opinion or judgement, and so man is by his own reason necesitated to be of that mind he is, now where is a necessity there ought to be no punishment, for punishment is the recompence of voluntary action, therefore no man ought to be punished for his judgement. Secondly, the conscience being subject only to reason (either that which is indeed, or seems to him which hears it to be so) can only be convinced or perswaded thereby, force makes it runne backe, and struggle; it is the nature of every man to be of any judgement rather then his that forces. Tis to be presumed, that tis upon good grounds of reason that a man is of that judgement whereof he is. Wouldest thou have him be of thine? Shew him thy grounds, and let them both worke, and see which will get the victory in his understanding.⁹³

Here he states clearly and concisely the fundamental basis for toleration, which had been discussed only in part by Parker, Goodwin and Williams. He maintained that man was rational, that he held his opinions because he considered them reasonable. If someone disagreed with his views, let him present his reasons for doing so, and should they be good, perhaps the rational man would change his views.⁹⁴ Force should play no part in suppressing dissenting opinion.⁹⁵ To insure that all men were guaranteed liberty of conscience, the political order of the day must be radically changed.⁹⁶ Other

⁹³William Walwyn, The Compassionate Samaritane (1644), pp. 13-14. This tract is reprinted in Haller, Tracts on Liberty, III, 59-104.

⁹⁴Walwyn, Samaritane, p. 14.

⁹⁵Walwyn, Samaritane, pp. 10-11.

⁹⁶Walwyn, Samaritane, p. 18.

advocates of toleration steered clear of this fact. Walwyn did not.⁹⁷

In a statement prophetic of the demands to be made by the Levellers three years later, Walwyn asserted that all legitimate governments rest upon the consent of the people. He stated:

that the world being growne so vicious and corrupt as it is, there can possibly be no living for honest men without Government: That the end of making Government, is the peoples quiet and safety, and that whatsoever doth not conduce thereto is tyranny or oppression, not government. That the Government of England is of all others that they know the most excellent the people by their chosen men, being the makers & reformers thereof: That therein the Parliament is the supreme power, and that the King is accountable to them for the non performance of his office.⁹⁸

Here we have the essentials of a social contract theory of government. Men bound themselves together by contract to live under a supreme authority. They placed their trust in that authority to protect themselves from one another and from foreign dangers. If this government proved tyrannical and harmful to their interests, the citizens might recall into their hands the rights guaranteed them by the law of nature written on their breasts. Further, an assembly chosen by

⁹⁷ Walwyn was not alone in stressing the rationality of toleration. Henry Robinson argued for individual freedom in commerce, industry, and religion as the means for attaining imperial greatness in Liberty of Conscience (1644). It was also during this period that Milton presented his classic arguments for liberty of expression in Areopagitica (1644).

⁹⁸ Walwyn, Samaritane, p. 69.

the people was, above all others, the proper means of governing.

Between the years 1641 and 1645, the philosophical basis for the Leveller democratic program evolved. From the battle waged over toleration emerged the principles of natural rights, the state of nature, and the law of nature. These were by no means new principles; their origin reached back into antiquity. For the first time, however, these principles, now clothed in religious terms which rendered them fully acceptable, were made known to a receptive, popular audience which with the passage of years grew to believe that its rights of liberty of conscience rested upon laws, not subject to man but answerable only to God. The revolutionary implications of this view were not fully realized by many pamphleteers advocating toleration. Among the people reading their arguments, however, were those who began to ask themselves whether this law of nature might not also guarantee political freedom.

The future Leveller leader, Walwyn, carried the argument for toleration based on natural right into the realm of political liberty. His example was soon followed by Levellers like Overton and Lilburne who, upon initiating propaganda campaigns through the press, found a public fully acquainted with the terminology with which they justified their defiance of Parliament, and their advocacy of a democratic republic. The struggle over religious toleration had unwittingly provided a receptive audience.

Chapter III

THE MATURING OF THE LEVELLER PROGRAM
FOR A DEMOCRATIC ENGLAND

The years 1645-1647 witnessed the transformation of the hypothetical doctrines of the law of nature, state of nature, and the social contract into realistic demands for the re-shaping of society in accordance with these democratic principles. William Walwyn fulfilled his early promise by becoming the recognized theoretician of the Leveller movement. Unhampered by religious cant, he demanded the implementation of his democratic convictions. The leadership of the Leveller movement, however, fell to one who lacked the clarity of mind, and fundamentally humanistic approach of Walwyn. The transformation of hypotheses into concrete political realities required not a theoretician, but a man of action, a standard bearer around whom all those impregnated with democratic ideas could rally. John Lilburne was such a man.

A discussion of the social contract and law of nature concepts as used by the Levellers can scarcely be undertaken without repeated reference to the remarkable Lilburne. Between 1645 and 1649 his belligerent personality propelled him continuously into the limelight, a position he seemed to find not unpleasant; and during this period Lilburne did everything within his power to make himself the symbol of all

the rights being denied Englishmen, who were meant to be free. He blatantly defied the House of Lords and the House of Commons when they attempted to try him for crimes against the State.¹ His justification for doing so was based on the inherent rights of all men to liberty as guaranteed by the law of nature, common law, and the social contract.² The publicity given his defiance popularized democratic doctrines, and lent Lilburne the aura of martyr to the cause of liberty.³ Had Lilburne been an impractical visionary he would have been content with the martyr role. He chose instead to become the driving force which welded democratic hypothesis into a concrete political platform.

Following his release from prison in 1640, Lilburne embarked on a tumultuous tour of duty with the Parliamentary Army. His career as a soldier included capture by the enemy, courageous conduct in the face of the enemy and promotion to the rank of Lt. Colonel. After his release, he was charged with insubordination.⁴ This occurred when the impulsive Lilburne defied specific orders of his commander and success-

¹"Proceedings against Col. John Lilburne before the House of Lords, for aspersing the Earl of Manchester," (1646), in Parl. Hist., III, 498.

²Lilburne, Fundamental Liberties, p. 23.

³Richard Overton, A Remonstrance of Many Thousand Citizens, pp. 1-2. This pamphlet is reprinted in Wolfe, Leveller Manifestoes, pp. 112-113.

⁴Lilburne, Fundamentall Liberties, pp. 22-24.

fully captured a Royalist stronghold.⁵ The timely intervention of his old friend Cromwell saved Lilburne from the hanging threatened by General Manchester.⁶ This episode, coupled with Lilburne's refusal to subscribe to the Solemn League and Covenant, a precondition to service in the New Model, forced him to resign from the army in April 1645.⁷

In January 1645 Lilburne made it known publicly that he had cast his lot with the supporters of toleration. He challenged his old comrade in suffering, William Prynne, to a public debate on the merits of toleration.⁸ Prynne who had suffered terribly at the hands of Laud for the cause of religious liberty, had become Parliament's most effective spokesman for intolerance.⁹ With total disregard for the similarities between a Prynne demanding toleration from the Anglican Church for the Presbyterians, and a Walwyn seeking toleration from the Presbyterians, Prynne advocated, in the most violent language, suppression of all religious thought not conforming to Presbyterianism.¹⁰ Lilburne recognized the strength of his foe. "I am," he wrote to Prynne, "desirous

⁵Lilburne, Fundamentall Liberties, p. 23.

⁶Lilburne, Fundamentall Liberties, pp. 22-23.

⁷Lilburne, Fundamentall Liberties, p. 24.

⁸John Lilburne, A Copie of a Letter to Mr. William Prinne Esq. (1645), p. 3. This letter is reprinted in Haller, Tracts on Liberty, III, 179-188.

⁹Haller, Leveller Tracts, p. 79.

¹⁰William Prynne, Truth Triumphant over Falsehood (1645), pp. 4-5.

to try a fall with you, though one of your friends not long since told me there was as great disproportion betwixt you and me...as there is betwixt a tall Cedar and a little shrub... I replied, goe you and tell this tall cedar the little shrub will have a bout with him."¹¹ This dramatic challenge was the opening gun in Lilburne's running battle with Parliament.

Lilburne's letter to Prynne does not reflect an awareness of the state of nature, or the social contract theories as expressed by Walwyn and Parker. Lilburne complained of the curtailment of the freedom of the press to those who had most actively combatted tyranny.¹² Further, he protested against the persecution of the sects by the Presbyterians.¹³ To justify his stand, however, he did not refer to natural rights. His central argument was that "to persecute for the conscience is not from God, but from the Divell and Anti-christ."¹⁴ The "little shrub" had not as yet developed the rationalistic approach to toleration achieved by Walwyn.

June 1645 saw the beginning of a fruitful association between the philosopher Walwyn and the political leader Lilburne. In the middle of this month, both men attended a political

¹¹Lilburne, Letter to Prinne, p. 2.

¹²Lilburne, Letter to Prinne, pp. 2-3.

¹³Lilburne, Letter to Prinne, p. 5.

¹⁴Walwyn, A Whisper, p. 6.

gathering at Windmill tavern.¹⁵ What passed between them is a matter for speculation. It is known, however, that here the men who were to become the nucleus of the Leveller party met, conversed, and found much common ground.¹⁶ This meeting was to possess great importance for the future development of the natural rights theory. Lilburne soon put to a practical test Walwyn's arguments concerning the natural rights of man; and it was from this time that the Levellers began to organize as a political party.¹⁷

Absent from this meeting at Windmill Tavern was Richard Overton, the third member of the Leveller triumvirate. Less is known about Overton than any of the other leading Levellers. He appears deliberately to have surrounded himself with a cloak of mystery, and to his contemporaries he was the most elusive of the prominent radicals.¹⁸ Sometime before 1641, Overton became an unlicensed printer in London. His printing press was readily available to Lilburne and others who expounded the cause of religious liberty.¹⁹ In his own right Overton established himself in the years 1641-1645 as the

¹⁵Walwyn, A Whisper, p. 5.

¹⁶Walwyn, A Whisper, p. 6.

¹⁷John Lilburne, The Just Defence of John Lilburn (1653), p. 7. This pamphlet is reprinted in Haller, Leveller Tracts, pp. 450-464.

¹⁸C. H. Firth, "Richard Overton," in The Dictionary of National Biography (New York, 1895), LXI, 385.

¹⁹Firth, "Overton," p. 386.

most radical exponent of religious skepticism.²⁰ This skepticism eventually led him to support the sects in their struggle against Presbyterian intolerance.

Overton, like Walwyn, condemned all persecution as the work of irrational bigots, fearful of their own special privileges.²¹ His condemnation of the suppression of religious liberty is more akin to eighteenth century rationalism than to his own non-persecuting contemporaries.²² The latter tended to advocate freedom of conscience, either through desire to survive as a minority or because religion hallowed the concept of a personalized and inviolable inner light. Persecution to them was sinful. To Overton, it was foolish when viewed in the light of history, for: "is it not frequent amongst us that the thing we judged heresie we now believe is orthodox?"²³ This rational approach signified the reasoning that would be employed by Overton when he shifted his interests from the religious to the secular.

While still engaged in defending the sects Walwyn signified his belief in the people as the foundation of all lawful authority. Men are rational, educable beings who

²⁰Firth, "Overton," p. 386.

²¹Richard Overton, The Araignment of Mr. Persecution (1645), p. 10. This pamphlet is reprinted in Haller, Tracts on Liberty, III, 205-256.

²²Overton, Araignment, pp. 12-13.

²³Overton, Araignment, p. 24.

receive what they know "by degrees, now a little and then a little; he that knowes the most was once as ignorant as he that knows the least."²⁴ This rational being that is man could, by no stretch of the imagination, be said willingly to make himself dependent on the arbitrary will of a tyrant.²⁵ The truly radical degree of Overton's thinking is evidenced by his rejection of Parliament as tyrannical when it did not respond to the will of the people. "The people did not in chusing your Lordships [Parliament] to this place...intend the makeing of themselves slaves in any the **least** kind...or to put themselves at so vast a distance, as to make their addresses to you as to some Dietie, but...authorized and entrusted you to vindicate and preserve their native and just Liberties...Therefore you cannot, without betraying this Trust, by any coercive power subject any of their consciences, persons, or estates to any Ecclesiasticall Jurisdiction whatsoever."²⁶ From denying the right of Parliament to wield ecclesiastical jurisdiction without the people's consent it was but a short step to denying Parliament the right to secular jurisdiction without the consent of the governed.

The arrest of John Lilburne in July of 1645 hastened the transformation of arguments for religious liberty into arguments for political reform. Lilburne was arrested at the

²⁴Overton, Araignment, p. 24.

²⁵Overton, Araignment, p. 43.

²⁶Overton, Araignment, p. 44.

order of the House of Commons for slandering Lenthall, the speaker of the house. His accuser was John Bastweck, who, like Prynne, had become a staunch defender of the Presbyterian cause.²⁷ The real reason for Lilburne's arrest, however, was his impudent defiance of the House of Commons' spokesman, William Prynne.²⁸ Lilburne immediately publicized his martyrdom for the cause of religious and political liberty.²⁹ In so doing, he provided a central issue upon which latent and expressed democratic attention could focus. Further, out of his irritation at being unjustly handled by Parliament, Lilburne began to think and to write in revolutionary terms.³⁰

In England's Birth-Right (October, 1645), Lilburne used his own predicament as an example of tyrannical suppression of liberty.³¹ However, he now enjoined all Englishmen to act in concert to bring about democratic reform. He clearly stated that, regardless of birth, all Englishmen had the right to make their wishes known to the governing authority.³² In the final analysis, he maintained, power was vested in the hands

²⁷John Lilburne, Englands Birth-Right Justified (1645), pp. 26-27. This tract is reprinted in Haller, Tracts on Liberty, III, 258-307.

²⁸Lilburne believed this to be the case, and considering the violent disagreements between the two it seems reasonable. See Lilburne, Fundamental Liberties, p. 24.

²⁹Lilburne, Fundamental Liberties, p. 49.

³⁰Lilburne, Englands Birth-Right, pp. 2-4.

³¹Lilburne, Englands Birth-Right, p. 3.

³²Lilburne, Englands Birth-Right, p. 2.

of the people any governing body, be it king or parliament, which sought to negate the authority of the people was no legitimate government.³³ These views were justified, Lilburne went on to say, by the rights guaranteed in the Magna Carta.³⁴ To insure that its provisions were carried out and that all men achieved political and religious equality, law must be subject to equity, and rulers to law.³⁵ Furthermore, the fundamental laws of the state should be written so that men may know their rights.³⁶ These demands had to be implemented if the common people were to secure the liberties and privileges bought with the blood of so many in the struggle against the Royalists.³⁷ Lilburne made no mention of the social contract, nor did he recommend violence as a means of achieving reform; but once again he used a highly respected, vague document to justify a change in the status quo; in this case, the Magna Carta.

One feature of special interest in this pamphlet is Lilburne's reference to the desirability of universal suffrage.³⁸ Lilburne did not elaborate on this aspect of his proposals, but Overton and Walwyn must have been impressed

³³Lilburne, Englands Birth-Right, p. 5.

³⁴Lilburne, Englands Birth-Right, p. 2.

³⁵Lilburne, Englands Birth-Right, p. 8.

³⁶Lilburne, Englands Birth-Right, p. 8.

³⁷Lilburne, Englands Birth-Right, pp. 11-12.

³⁸Lilburne, Englands Birth-Right, p. 3.

by the idea. They immediately incorporated it into their thinking, and developed the concept until it became a central Leveller demand.

A few days after the appearance of Englands Birth-Right, Walwyn published a pamphlet in defense of Lilburne.³⁹ He chided Lilburne for relying too strongly on the charter as the basis for England's liberties. Magna Carta, in Walwyn's estimation, had never proven an adequate protection of rights. Too often it had been interpreted to the advantage of the ruling classes, and it had been amended over the years until the little protection for the common people which it once contained was lost.⁴⁰ Lilburne, in his protest against self-incrimination, could have appealed with more justification to the laws of nature and of reason, for to urge a man "to accuse himselfe is as unnaturall and unreasonable as to urge a man to kill himselfe for though it be not so high a degree of wickednesse, yet it is as really wicked."⁴¹ The laws of reason and nature were the supreme protectors of man's inviolable rights. Magna Carta was but a part of the people's liberties.

Parliament should be responsible to the people for its conduct, for "Parliament was preserved and established by the

³⁹William Walwyn, Englands Lamentable Slaverie (1645). It is reprinted in Haller, Tracts on Liberty, III, 309-318.

⁴⁰Walwyn, Englands Slaverie, p. 4.

⁴¹Walwyn, Englands Slaverie, p. 5.

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love and affections of the people."⁴² If Parliament is remiss in protecting the inalienable rights of the people, the people should be "free therin even to alter and change the publique forme, as may best stand with the safety and freedome of the people."⁴³ Walwyn clearly asserted the right of men to destroy as tyrannical any government which infringed on the rights of man as embodied in the law of nature and incorporated in the social contract.⁴⁴ If a new government was necessary to protect men's liberties, then it should be based on a written document, clearly stating the limits of the supreme authority's power. This document should not be a rehash of the Magna Carta, but rather a new, enlightened instrument reflecting the will of the people.⁴⁵

Lilburne was released from prison soon after Walwyn made his appeal for democratic reform,⁴⁶ but the struggle between the tolerationists and the exponents of intolerance continued unabated. Overton, Walwyn, and Lilburne carried on a running battle with Prynne. The language of the Levellers became vitriolic and more openly revolutionary as they became convinced of the unwillingness of the Presbyterian-controlled

⁴²Walwyn, Englands Slaverie, p. 3.

⁴³Walwyn, Englands Slaverie, p. 6.

⁴⁴Walwyn, Englands Slaverie, pp. 6-7.

⁴⁵Walwyn, Englands Slaverie, p. 7.

⁴⁶Gibb, Lilburne, pp. 140-141.

Parliament to reform its attitude toward the liberty of Englishmen. The attempted suppression of Leveller pamphlets which resulted, brought Overton, Walwyn and Lilburne into closer contact,⁴⁷ and from this close association arose a more unified program for the achievement of political and religious reform.

By April 1646, Lilburne was once again in serious trouble with the authorities. Colonel King, his old commanding officer, brought charges of slander against him in the court of Common Pleas.⁴⁸ In a pamphlet, Lilburne protested that he should not be answerable to an inferior court when he was witness to a charge of high treason (Lilburne was chief witness against King) pending before the House of Commons.⁴⁹ Lilburne's point was a valid one, but in another pamphlet he managed to insult the House of Lords -- in the concluding section he demanded that Colonel King be brought to trial for treason on twenty-two counts;⁵⁰ in a marginal note to this section, he pointed out that the Earl of Manchester would have lost his head for treason had Cromwell pressed the charges of

⁴⁷ Joseph Frank, The Levellers, A History of the Writings of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn (Cambridge, Mass., 1955), pp. 66-67.

⁴⁸ Lilburne, Fundamental Liberties, p. 25.

⁴⁹ John Lilburne, The Free-Mans Freedom Vindicated: or a true Relation of the Cause and Manner of Lieut. Col. John Lilburns Present Imprisonment in Newgate (1646), pp. 2-3.

⁵⁰ "Proceedings against Col. Lilburne," in Parl. Hist., III, 494.

treason that he had lodged against him.⁵¹ Unfortunately, Manchester was at this time the Speaker of the House of Lords. And this body, as it grew smaller and revolutionary ideas loomed larger, was becoming more sensitive about its own prestige, rights, and privileges. It held Lilburne in contempt of the Lords.⁵²

Lilburne's arrest on June 10, stimulated the movement towards democratic revolution. Lilburne's first action on being arrested was to deny that the Lords had any jurisdiction over a commoner.⁵³ His argument was that the Lords were not representatives of the people; therefore, they possessed no valid authority to judge them.⁵⁴ The only legally supreme power in England, he argued, was the House of Commons, which was elected by the people.⁵⁵ In denying the right of the Lords to govern because of their lack of responsiveness to the will of the people, Lilburne prepared the ground for a similar attack which he later launched against the House of Commons, declaring that this institution was equally unresponsive.

In justifying his opposition to the authority of the Lords in terms of the social contract theory, Lilburne clearly reflected

⁵¹"Proceedings Against Lilburne," p. 494.

⁵²"Proceedings against Lilburne," p. 499.

⁵³Lilburne, Freedom Vindicated, p. 6.

⁵⁴Lilburne, Freedom Vindicated, pp. 6-7.

⁵⁵Lilburne, Freedom Vindicated, p. 8.

the influence of Walwyn and Overton. He no longer depended on Magna Carta, but now boldly declared:

by nature all men are 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 institution 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....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,... or servants, to destroy and undo them therewith... And unnatural, irrational, sinful, wicked, unjust, devilish, and tyrrannical for any man whatsoever... to appropriate and assume unto himself a power, authority and jurisdiction, to rule, govern or reign over any sort of men in the world without their free consent.⁵⁶

Under the stimulus of what he considered tyrannical suppression of his liberty, Lilburne had come to accept the natural right and social contract theories as valid grounds for repudiating a governing authority unresponsive to the will of the people.

Lilburne's conduct before the House of Lords made severe punishment inevitable. He was dragged before the Lords, loudly protesting that they had no authority over commoners. He flatly refused to kneel. For his contempt, Lilburne was placed in close confinement in New Gate prison.⁵⁷ While there he

⁵⁶Lilburne, Freedom Vindicated, p. 32.

⁵⁷Lilburne, Fundamental Liberties, p. 26., and "Proceedings against Lilburne," p. 483.

published Freemans Freedom Vindicated, which contained passages violently insulting to the Lords.⁵⁸ Once again he was called before the House of Lords to answer for his latest insults. Lilburne again refused to kneel to his superiors. To make matters worse, he dramatized his refusal by stopping his ears while the charges were read against him.⁵⁹ Despite his protest that the Lords had no jurisdiction over his case, Lilburne was fined 2,000 pounds, sentenced to seven years' imprisonment in the Tower of London, and barred forever from holding office or place in military or civil government, in Church or Commonwealth. Further, his two pamphlets were ordered burned by the common hangman.⁶⁰

An immediate reaction to Lilburne's arrest and subsequent sentencing was the publication of a pamphlet by Overton demanding changes in the governmental structure of England. Overton abruptly dismissed the House of Lords as a burdensome accessory which had "no roots in the choice of the people, from whom the Power that is just must be derived."⁶¹ He repeated the argument that the House of Commons was the only valid governing authority because it had roots in the consent of the people.⁶² As for the King, this symbol of tyranny should be

⁵⁸Lilburne, Freedom Vindicated, p. 2.

⁵⁹Lilburne, Fundamental Liberties, pp. 26-27, and "Proceedings against Lilburne," p. 499.

⁶⁰"Proceedings against Lilburne," p. 499.

⁶¹Overton, Remonstrance, p. 6.

⁶²Overton, Remonstrance, p. 6.

dispensed with forever.⁶³ However, the Presbyterian-controlled Parliament had begun to forget the source of its power and was taking on the airs of arbitrary authority displayed by the King and Lords.⁶⁴ Parliament's suppression of freedom of the press, and the House of Commons' acquiescence in Lilburne's sentence signified a neglect of their duty to protect the liberties of all Englishmen.⁶⁵ Such neglect might well call for the creation of a new governing body unless the House of Commons reformed.⁶⁶

Overton's assertion of the rights of man was even more extreme than Lilburne's. He now spoke in terms of "we the people." The people had the native right, upon which rested the social contract, to name and instruct rulers to do their will.⁶⁷ This right could not and had not been destroyed by centuries of tyrannical rule by kings, nobles and the church.⁶⁸ In ringing tones Overton spoke for all Englishmen when he proclaimed:

I'll not sell my birth-right for a messe of
pottage, for Justice is my naturall right, my
heirdome, my inheritance by lineall descent from

⁶³Overton, Remonstrance, pp. 6-7.

⁶⁴Overton, Remonstrance, pp. 10-11.

⁶⁵Overton, Remonstrance, p. 11.

⁶⁶Overton, Remonstrance, p. 17.

⁶⁷Overton, Remonstrance, p. 3.

⁶⁸Overton, Remonstrance, pp. 3-4.

the loins of Adam, and so to all the sons of men as their proper right without respect of persons. For by naturall birth, all men are equally and alike borne to like propriety, liberty and freedome, and as we are delivered of God by the hand of nature into this world, everyone with a naturall, innate freedome and propriety (as it were writ in the table of every mans heart, never to be obliterated) even so we are to live, every one equally and alike to enjoy his Birthright and priviledge; even by nature hath made him free...Every man by nature being a King, Priest and Prophet in his owne naturall circuit and compasse, whereof no second may partake, but by deputation, commission, and free consent from him, whose right and freedome it is.⁶⁹

If the House of Commons were to prove itself the bonafide leader of the people, it should recognize the latent power of the common people and act accordingly.

Overton outlined his proposals to reform Parliament in the People's interest. First, all men must be made equal before the law. No worldly rank or ecclesiastical privilege was to protect a man from his just deserts at the hand of the law courts.⁷⁰ Second, imprisonment for debt must be abolished. This was but a means whereby the privileged controlled the poor.⁷¹ Third, censorship of the press must cease. Fourth, the House of Commons must make provision for its own dissolution, for "they have sate full five yeeres, which is foure yeeres longer than were intended, for wee could choose

⁶⁹ Richard Overton, An Arrow Against all Tyrants and Tyranny, shot from the Prison of Newgate into the Preogative Bowels of the Arbitrary House of Lords (1646), pp. 2-3.

⁷⁰ Overton, Remonstrance, p. 7.

⁷¹ Overton, Remonstrance, p. 8.

you but for (at most) one yeere."⁷² By fixing the term of Parliament at a year, Overton felt the House of Commons would remain responsive to the People's will and would hesitate before taking on "lordly airs."⁷³ Fifth, matters of Government must be carried on openly where all men could view them. In a remarkable affirmation of man's rationality, and of man as the basis of all legitimate authority, Overton urged the House of Commons to forsake "and utterly renounce all crafty and subtill intentions; hide not your thoughts from us, and give us encouragement to be open-breasted to you: proclaim aforehand what ye determine to do, in establishing anything for continuance; and hear all things that can be spoken with or against the same, and to that intent set the imprisoned Presses at liberty, that all men's understandings may be more conveniently informed, and convinced by the equity of your proceedings."⁷⁴ These phrases illuminate for all time the good to be striven for in a state governed by a truly representative institution.

The laws of nature and the social contract were now more than a justification of tolerance; they had become the principles which dictated the erection of a truly democratic government. Overton and Lilburne had reached this position by June 1646, and were not to retreat from it in the years to

⁷²Overton, Remonstrance, p. 17.

⁷³Overton, Remonstrance, pp. 17-18.

⁷⁴Overton, Remonstrance, p. 18.

come. Theirs was the logical and ultimate expression of the movement started by the Puritans some sixty years before, which had sought recognition of the worth of the individual.

Overton's violent attack on the Lords coupled with his criticisms of the House of Commons resulted in his arrest, and he conducted himself before the Lords in the best Lilburnian tradition. He had to be dragged into the chamber. He refused to kneel or to listen to the charges read against him.⁷⁵ As a result, the Lords wasted no time in committing him to Newgate Prison.⁷⁶ It was from their respective prisons that Lilburne and Overton led the Leveller movement for the next seven months. Despite their close confinement, they managed to write and publish bitter, inflammatory accounts of their unjustified sufferings.⁷⁷

As weeks stretched into months the tone of the pamphlets grew more violent. The House of Commons which both men had recognized as the legitimate governing force refused to hear their case.⁷⁸ This neglect caused both Leveller leaders to

⁷⁵Richard Overton, The Commoners Complaint, Or a Dreadful Warning From Newgate to the Commons of England (1647), p. 5.

⁷⁶Overton, Commoners Complaint, p. 4.

⁷⁷See, e. g., Overton, Commoners Complaint, pp. 8-9., and Lilburne, Freedom Vindicated, pp. 10-13.

⁷⁸The growing disillusionment of the two imprisoned Levellers is well illustrated by the title of one of Overton's tracts, An Appeale From the Degenerate Representative Body of the Commons of England Assembled at Westminster. To...The Free People in General (1647). This tract is reprinted in Wolfe, Leveller Manifestoes, pp. 154-195.

appeal directly to the people directly bypassing the House of Commons.⁷⁹ These appeals became more revolutionary. Instead of a reformation of the existing Parliament, the Levellers demanded a new type of government, one based on a written constitution; and they urged that it be created by an agreement of the people.⁸⁰ Society had fallen into a state of nature, Parliament had given up all title to legitimate rule; therefore, the time had arrived for a new social contract.⁸¹

During the declining months of 1646 and the spring of 1647 the Levellers, guided by Lilburne and Overton from the inside, and Walwyn from the outside, set up a rudimentary party organization dedicated to the reform of Parliament.⁸² The petitions, which were presented to Parliament in behalf of the two imprisoned Levellers, gave evidence of a central hand controlling their construction and signing. This hand was probably Walwyn's.⁸³ Pamphlets were printed and distributed with a speed which could only indicate a well-run political organization.⁸⁴ Planned meetings were held, fund-raising drives were conducted, and by the Spring of 1647 a

⁷⁹Overton, An Appeale, pp. 25-26.

⁸⁰Overton, An Appeale, p. 25.

⁸¹Overton, An Appeale, p. 26.

⁸²The Presbyterians described in alarmist language the growth of the Levellers as a party in A Declaration of some Proceedings of Lt. Col. John Lilburn (1647), pp. 6-7. A Declaration is reprinted in Haller, Leveller Tracts, pp. 88-134.

⁸³Frank, The Levellers, p. 11.

⁸⁴A Declaration, p. 7.

system of Wards was taking shape in London. The Levellers did not neglect other areas in England. Branches of their organization were established in the North and West.⁸⁵ This political activity points clearly to the fact that the Levellers were no longer content with endless debate about the inherent rights of man. They now determined to take action to secure these rights.

Before the Levellers could transform their social contract hypothesis into a workable political reform, they needed three things: a closely knit, politically enthusiastic audience; an effective scapegoat; and a guiding hand. The New Model Army provided the first, Parliament the second, and William Walwyn the third.

Discontent was rife in the New Model in the Spring of 1647. Under the leadership of Fairfax and Cromwell, this Army of sectarians and Independents willingly suffered all the hardships of war in successful campaigns against the Royalists.⁸⁶ Now that victory was theirs they had time to consider grievances, of which the chief was back pay. Gardiner described the prevalent sentiment within the New Model thus: "Large numbers of the soldiers cared little for politics or religion. On a question of the pocket they were ready to stand up as one man, and the question of the pocket was, in a

⁸⁵ A Declaration, p. 6.

⁸⁶ Gardiner, Great Civil War, III, 224.

very real sense, a pressing one. The pay of the foot-soldiers was now eighteen weeks in arrears, and that of the horse and dragoons no less than forty-three."⁸⁷ Further augmenting discontent was Parliament's failure to provide pensions for the wounded, and the dependents of the slain.⁸⁸ Anyone or any party offering to alleviate these very real grievances could be assured of a sympathetic audience.

The Levellers showed true political acumen in trying to convert the New Model to their cause, for with the Spring of 1647, the New Model became the one force without which no successful government could be formed.⁸⁹ Parliament realized this also, and worked for its dissolution.⁹⁰ Its efforts met unexpected resistance, for as early as the Autumn of 1646, the Levellers had begun an intensive propaganda campaign among the rank and file.⁹¹

Richard Baxter, a chaplain, reported the effects of this propaganda on the men within the New Model, stating that many had been "seduced into a disputing vein." State democracy and church democracy were common topics for debate, as were the rights of men to liberty of conscience. Baxter listened

⁸⁷ Gardiner, Great Civil War, III, 225.

⁸⁸ Gardiner, Great Civil War, III, 225.

⁸⁹ Gooch, Democratic Ideas, p. 124.

⁹⁰ John Rushworth, Historical Collections, Containing the Principal Matters Which Happened From the Beginning of the Year 1645, to the Death of King Charles the First 1648 (London, 1701), I, 451-452.

⁹¹ Baxter, Reliquiae Baxterianae, Part I, 71-73.

with horror to advocates of the subversion of church and state. The most radical adherents to the principles of liberty were those influenced by men later known as Levellers.⁹² Baxter asserted that "a great part of the mischief was done among the soldiers by pamphlets, which were abundantly dispersed, such as Overton's, Martin Mar-Priest, and more of his, and some of J. Lilburne's...and divers against the King, and against the ministry, and for liberty of conscience, & etc. The soldiers being usually dispersed in quarters, they had such books to read when they had none to contradict them."⁹³ The Levellers' attempt to convince a heterogeneous populace of the need for radical change in England's governing institutions had met with small success. However, if Baxter can be accepted as a reliable witness, and subsequent events support his analysis, the Levellers must be credited with arousing democratic agitation where it was most valuable -- in the politically powerful New Model.

Parliament unwittingly assisted the Leveller campaign for the New Model's support. In February, 1647, both houses were dominated by Presbyterians, who made no effort to appropriate money for the complete payment of arrears owed to the independent New Model.⁹⁴ This in itself was enough to incite

⁹²Baxter, Reliquiae Baxterianae, Part I, 73.

⁹³Baxter, Reliquiae Baxterianae, Part I, 72.

⁹⁴Rushworth, Collections, I, 489., and "Votes relating to the Disbanding of the foot," in Parl. Hist., III, 582.

revolutionary action. In addition, however, Parliament, to protect itself, sought to cut taxes by disbanding the New Model,⁹⁵ and further alienated the Independents by beginning negotiations with the Scottish Army. The motive was to support English Presbyterianism through Scottish intervention.⁹⁶ As a crowning touch, Parliament subjected the revered Cromwell and Fairfax to sharp criticism.⁹⁷ It is not surprising, then, that the Leveller propaganda efforts met with marked success in the New Model.

William Walwyn, the only Leveller leader with freedom of movement, guided the organization of the campaign in the Spring of 1647.⁹⁸ In the Summer and Fall of 1646, he had gained experience in shaping public opinion by circulating petitions in behalf of Lilburne and Overton.⁹⁹ The experience thus gained was put to good use in 1647. Walwyn's rational sagacity and experience were evident in the pronouncements and tactics employed by the Levellers.

It was Walwyn who penned the first Leveller manifesto which took the form of a petition to Parliament. The petition was circulated in March, 1647, when feeling was beginning to run high between the New Model and Parliament.¹⁰⁰

⁹⁵Rushworth, Collections, I, 489.

⁹⁶Rushworth, Collections, I, 517.

⁹⁷Gardiner, Great Civil War, III, 260.

⁹⁸Wolfe, Leveller Manifestoes, pp. 131-132.

⁹⁹Pease, Leveller Movement, p. 158.

¹⁰⁰Pease, Leveller Movement, pp. 158-159.

Upon securing a copy of the petition, the House of Commons lebeled it a seditious paper and took action to suppress it. Leveller followers were arrested and jailed for circulating it and even for publicly hearing it read.¹⁰¹ Despite this hostility, the "Large Petition" was circulated, signed, and presented formally to Parliament early in May. Parliament's reply, on May 20, was to order the petition burned by the common hangman.¹⁰²

Though moderate in tone, the petition contained threats to the Parliamentary position which justified its violent reception by that body. The social contract theory was no longer argued. It was advanced as irrefutable fact. The preamble stated: "That no Government is more just in the Constitution, than that of Parliament, having its foundation in the free choice of the People, and as the end of all government is the Safety and freedome of the governed even so the people of this Nation in all times have manifested most hearty affections unto Parliament as the most proper remedies of their grievances."¹⁰³ This pledge of loyalty to the House of Commons completely ignores the Lords as having

¹⁰¹ Richard Overton gives an impassioned account of those who suffered at the hands of Parliament for circulating the "Large Petition" in An Appeale, 15-16.

¹⁰² Parl. Hist., III, 581., and Overton, An Appeale, p. 16.

¹⁰³ The Humble Petition of Many Thousands, earnestly desiring the glory of God, the Freedome of the Common-wealth, and the peace of all men (1647), p. 1. This petition is reprinted in Wolfe, Leveller Manifestoes, pp. 135-141.

any lawful role in governing England, and through the omission, the Levellers silently pledged themselves to a radical change in the existing organs of government. After crediting the House of Commons with eliminating some aspects of royal tyranny (Star Chamber, the Episcopacy, etc.),¹⁰⁴ the petition takes it to task for not protecting the citizens' liberties as they were bound to do by the social contract.¹⁰⁵ To insure the safety and well-being of the common people, the petition demanded that Parliament undertake a series of reform measures.

These measures, as advocated in the Leveller platform consisted of thirteen planks all beginning with the instruction "you will." The first proposal informed the House of Commons that it must dispense with any negative voice not originating in the people, the negative voice referring to the House of Lords and the king. All who had unjustly suffered arbitrary trial by the Lords or Commons were to be released immediately and subsequent tampering with the due process of law was to be made a capital crime. All men were to have absolute freedom of conscience and all statutes, oaths, and covenants contrary to this must be immediately abolished.¹⁰⁶ Monopolies were to be dissolved. The process for obtaining justice in the law courts was to be simplified in the interests of the poor

¹⁰⁴Petition of Thousands, pp. 1-2.

¹⁰⁵Petition of Thousands, pp. 3-4.

¹⁰⁶Petition of Thousands, p. 5.

people. Imprisonment for debt would be eliminated and the prisons reformed, with honest, Christian men assigned to run them.¹⁰⁷ For a Presbyterian parliament to comply with these demands was unthinkable; to have done so would have been to admit that their policy of years standing was wrong. Further, to abolish the House of Lords and the kingship was a far more radical step than the conservative Presbyterians cared to contemplate.

Leveller hope for democratic reform under the auspices of the existing Parliament was greatly shaken on May 20, and from this day onward they concentrated on finding an ally strong enough to counterbalance the power of Parliament.¹⁰⁸ The instrument selected for this task was the New Model. The attempted suppression of the "Large Petition" in the latter part of May was accompanied by the formation of political action committees in the New Model.¹⁰⁹ Each of eight cavalry regiments elected two representatives from their own rank and file, who were to exert pressure on the military high command, on Parliament and, by means of judicious publicity, on public opinion at large.¹¹⁰ Their objectives were the democratic

¹⁰⁷Petition of Thousands, p. 6.

¹⁰⁸See, e. g., Overton's reaction as expressed in An Appeale, pp. 16-17.

¹⁰⁹Gardiner, Great Civil War, III, 243-244.

¹¹⁰Gardiner, Great Civil War, III, 243.

reform of Parliament and the winning of back pay.¹¹¹ By the end of May, all regiments had their agitators.¹¹² Continually stimulated by advice from the civilian Levellers, Lilburne among them, the agitators not only set up an elaborate organization of their own but outlined a rational program for the Army to present to Parliament.¹¹³ By the end of May some of the more radical members of the New Model, smarting under the fate of the "Large Petition," were ready to engage in armed conspiracy to overthrow Parliament and set up a new government to protect the people's liberty.¹¹⁴

The ground work had been well done for the attempt to remold the government. The intangible doctrines of the social contract, law of nature and state of nature had justified the formulation by Overton, Walwyn and Lilburne of a concrete platform. However, the realistic Levellers had done more than frame proposals; they had begun constructing a political organization dedicated to achieving their goals. Further, they had recognized the importance of the New Model Army and had begun systematically to proselytize among its discontented members. The agitators, when they formed their own well-run

¹¹¹ See "Advertisements for the Managing of the Counsels of the Army, Walden, 4th May 1647," reprinted in Woodhouse, Puritanism and Liberty, pp. 398-399.

¹¹² Gardiner, Great Civil War, III, 244.

¹¹³ "Grievances of Regiments Presented at Saffron Walden, 13th May, 1647," reprinted in Woodhouse, Puritanism and Liberty, p. 399.

¹¹⁴ "Letters to the Agitators," reprinted in Woodhouse, Puritanism and Liberty, pp. 400-401.

organization were thoroughly steeped in Leveller principles. It was this last force which made the supreme effort to reconstruct the government of England in a democratic mold -- a government cognizant of the rights of men as guaranteed by the law of nature.

Chapter IV

THE THRUST FOR POWER

The period between June, 1647, and November, 1648, offered the Levellers two opportunities for realizing their program of democratic reform. At Putney and at Whitehall they met with high-ranking officers of the New Model Army to discuss England's constitutional fate. Records of these meetings reveal why the Levellers failed to transform into political realities the democratic ideals inherent in the law of nature concept. Guided by civilian Levellers, the well-organized agitators, as the debates show, won the rank and file of the New Model to the espousal of democracy. Efforts to win the support of the influential, officer Grandees, however, were unsuccessful. The debates at Putney and Whitehall were devoted, for the most part, to the concepts and ramifications of the law of nature and the social contract. The Levellers, during the course of the discussion, expounded these theories lucidly. Conversely, the officer Grandees displayed the resentment and fear which this nebulous doctrine generally aroused in conservative property owners. Because of their importance to the Leveller movement and their clear statement of the law of nature hypothesis, these two debates will be the main point of emphasis in succeeding pages. However, the events leading to the debates cannot be totally neglected.

The revolutionary temper of the Leveller-inspired agitators was revealed by the New Model's acceptance of the Solemn Engagement at a general rendezvous held at Kentforth Heath on June 5, 1647.¹ The Engagement provided for a General Council of the Army composed of officers and agitators from the various regiments. The vote of the common soldier in the council was to equal that of the officer, and when the soldier laid down arms, military discipline was to be forgotten and all were to be equal as civilian legislators.² The general Council was to be responsible for framing and transmitting demands of the Army to Parliament.³ Underlying the formation of the Council was the principle of the social contract. The Council was created by the will of the soldiers to protect the liberties promised them by the law of nature.⁴ Neither the Council nor the New Model was to be disbanded until Parliament granted them these rights.⁵ In the light of future developments it is interesting to note that the addition of a few high officers, soon after its inception, diminished the radical nature of the Council.⁶

¹Rushworth, Collections, I, 504.

²A Solemn Engagement of the Army, under the Command of his Excellency sir Tho. Fairfax, with a Declaration of their resolution as to disbanding (1647). The Engagement is reprinted in Parl. Hist., III, 604-608.

³Engagement, p. 607.

⁴Engagement, p. 608.

⁵Engagement, p. 607.

⁶Woodhouse, Puritanism and Liberty, p. 24.

The first effort of the General Council was A Representation from theArmy, a pamphlet which set forth the soldiers' immediate grievances and justified the New Model's interference in effecting a national settlement. The pamphlet was composed by Henry Ireton, the Commissary General of the New Model. Ireton was later to tangle bitterly with the Levellers over the social contract doctrine. The immediate grievances of the New Model were, of course, back pay, lack of pensions for families of slain veterans, and the threat of military service in Ireland.⁷ Ireton also called for the reformation of Parliament. Parliaments were to be biennial and responsive to the will of the people, for this was the only way corruption could be prevented in a governing body.⁸ This statement is surprising coming, as it does, from the pen of one who later viciously damned a like proposal made by the agitators.⁹ Even more startling were Ireton's reasons for asserting the authority of the New Model which, he said, was not "a mere mercenary army, hired to serve any arbitrary power of a state but called forth and conjured by the several declarations of Parliament to the defence of our own and the

⁷A Declaration, or Representation from His Excellency Sir Thomas Fairfax, and of the Army under his Command. Humbly tendered to Parliament (1647), p. 2. This document is reprinted in Rushworth, Collections, I, 564-570.

⁸A Declaration, p. 5.

⁹See below, p. 93.

people's just rights and liberties."¹⁰ These liberties, stated Ireton, were guaranteed by the law of nature and could not with impunity be violated by a man-made institution.¹¹ The New Model was acting as an agent to protect man's liberty guaranteed by the social contract and the law of nature.¹² Ireton ended the pamphlet in a tone more consistent with his later conservatism. He asserted that when Parliament had reformed itself, the army would entrust itself fully to Parliament and even be willing to restore the king.¹³

The publication of the Representation by Ireton, marked the beginning of an uneasy alliance between the radical agitators and the more conservative property-owning officers. Toward the middle of June, the army moved closer to London.¹⁴ Parliament reacted to this threat by making partial concession to the demands in A Representation: back pay was assured, and committees were to be appointed to study the other New Model demands.¹⁵ The officers were inclined to accept these guarantees.¹⁶ The agitators, however, were not satisfied,

¹⁰A Declaration, p. 5.

¹¹A Declaration, p. 6.

¹²A Declaration, p. 6.

¹³A Declaration, pp. 14-15.

¹⁴Rushworth, Collections, I, 557, 558.

¹⁵Rushworth, Collections, I, 558-559.

¹⁶Gardiner, Great Civil War, III, 292.

and urged an immediate march on London.¹⁷ The high command delayed a decision by holding a debate at Reading in mid-July on some of the agitator proposals.¹⁸ While the meeting was in progress, under threat of a civilian Presbyterian mob, the Independent members of Parliament fled to the Army.¹⁹ Early in August, the army entered London bringing with them the expelled Independents.²⁰ For the moment it seemed as if the agitators and officers would work together to reconstruct the government of the kingdom.

The Army brought with it to London a compromise plan for settling the Kingdom, a plan which was largely the work of Ireton, and was titled The Heads of the Proposals.²¹ It provided for many of the Leveller demands. It proposed to guarantee biennial parliaments; to effect a more equitable distribution of Commons seats, to assure liberty of conscience, reform the courts of law, and curb monopolies.²² But the Levellers were hostile to the proposal, claiming that it made no adequate provision for eliminating the King's **negative power**, that the people's liberties were not protected

¹⁷Rushworth, Collections, I, 621-622.

¹⁸Gardiner, Great Civil War, III, 307.

¹⁹Parl. Hist., III, 627.

²⁰Parl. Hist., III, 754.

²¹I follow Gardiner in giving Ireton credit for authoring The Proposals. See Gardiner, Constitutional Documents, p. 231.

²²Heads of Proposals, pp. 233-234.

by a bill of rights, and that the implementation of the proposals was to be left to Parliament to accomplish through a series of bills.²³ Further, while the proposals suggested a redistribution of Parliamentary seats, no mention was made of extending suffrage, and the House of Lords, unresponsive to the people's will, was to retain considerable power.²⁴ Failure of the Proposals to provide adequate guarantees of liberty, and a government responsive to the people rendered this document unsatisfactory to firm adherents of the law of nature and the social contract.²⁵

Despite the objections of the Levellers, The Heads of the Proposals was brought before the General Council of the Army in September.²⁶ The violent debates that ensued between officers and agitators indicated the widening gulf between them. Cromwell spoke most effectively for the Proposals, and, largely because of his influence, the Council finally accepted them.²⁷ This, however, did not indicate Leveller approval. The agitators who participated in the debates and the civilian Levellers supporting them left the debates feeling betrayed by

²³John Wildman, Putney Projects. Or the Old Serpent in a New Forme (1647). This tract is reprinted in part in Woodhouse, Puritanism and Liberty, pp. 426-429.

²⁴Wildman, Putney Projects, p. 428.

²⁵Wildman, Putney Projects, p. 428.

²⁶Rushworth, Collections, I, 815.

²⁷The Levellers held Cromwell responsible for the acceptance of the Proposals by the Council. See Wildman, Putney Projects, pp. 428-429.

the New Model officers.²⁸ In their minds, permitting Parliament to reform itself repudiated the earlier Solemn Engagement. This agreement, which they considered binding, had assured the Army a primary role in reforming Parliament. The Army was to remain together until Parliament had been reformed. Now not only was Parliament to reform itself, but the Army was to be dispersed at Parliament's discretion.²⁹ This might well mean that once the Army was dispersed Parliament would cease to reform.³⁰

The civilian Levellers during this time prodded the agitators to assert their demands for a constitutional settlement compatible with the social contract doctrine. In mid-July Richard Overton had published a pamphlet in which he appealed directly to the Army as the only instrument capable of executing the will of the people.³¹ Parliament, wrote Overton, forfeited all claim to govern England by "failing to discharge their trust in moving and acting only for the weale and safty of the people."³² Therefore, it was the New Model's right and duty to replace Parliament with a body reflecting the will of the people.³³ The New Model was, after all, the most

²⁸ John Wildman, The Case of the Armie Truly Stated (1647). This pamphlet is reprinted in Wolfe, Leveller Manifestoes, pp. 196-222.

²⁹ Wildman, Case of the Armie, pp. 2-3.

³⁰ Wildman, Case of the Armie, p. 12.

³¹ Overton, An Appeale, p. 12.

³² Overton, An Appeale, pp. 5-6.

³³ Overton, An Appeale, p. 13.

representative body in England; hence, perfectly within its rights in setting up a government which would protect people's natural rights.³⁴ Lilburne, from his quarters in the Tower, urged the New Model to take action by publishing a series of letters, some of which were directed to Cromwell and Fairfax; others to the common soldiers.³⁵

By mid-August the continued confinement of Lilburne and Overton had become one of the most heated issues separating the Independent officers from the more radical agitators. Overton's and Lilburne's constantly reiterated identification of their suppressed rights with those of the people had been accepted by few of the officers and by many of the New Model rank and file.³⁶ As long as these leaders remained imprisoned they symbolized to the common soldier Parliament's power to trample on the rights of Englishmen.³⁷ Cromwell and Ireton, on the other hand, feared the results if the two were forcibly freed. Their release would have denied what was, to the officers, the legitimate judicial powers of the Lords, and

³⁴ Overton asserted that the "Body Natural for its own safety may prune, amputate and cut off the corrupt putrified Members from the Body Representative, yea utterly renounce, oppose, resist and dissolve all the members therein...it is most evident and clear....that this Natural Body by virtue of its instinced, inherent natural sovereignty may create or depute any person for their deputy. See An Appeale, pp. 23.

³⁵ Gibb, Lilburne, p. 191.

³⁶ Wildman speaking for the agitators in Case of the Armie, pp. 2-3, makes this point.

³⁷ Wildman, Case of the Armie, p. 3.

might precipitate a movement for a complete reshaping of Parliament along the lines advocated by the Levellers.³⁸ The conservative officers could not risk such an outcome, for it would jeopardize their own privileged position. There seemed to be no room for compromise between these two stands, and the gap between them widened.

The fundamental difference between the army Grandees and the Levellers was soon transmitted into words and actions. Following the acceptance, by the General Council of the Army, of The Heads of Proposals, a hue and cry arose among the rank and file for election of new agitators.³⁹ The common soldiers felt that their agitators had betrayed them by not preventing the Council's acceptance of the Proposals. The continued confinement of Lilburne and Overton signified that the agitators were not pressing for their release.⁴⁰ This view was intensified by the constant propaganda efforts of Lilburne and Overton.⁴¹ New agitators were soon elected in five regiments, and they promptly denounced the General Council's action on the Proposals in The Case of the Army Truly Stated.⁴²

³⁸"Cromwell's Speech in the Commons, October 20, 1647," in The Writings and Speeches of Oliver Cromwell with an Introduction Notes and a Sketch of his Life, ed. W. C. Abbott (Cambridge, Mass., 1937), I, 512.

³⁹Abbott, Writings and Speeches of Cromwell, I, 511.

⁴⁰Wildman, Putney Projects, p. 428.

⁴¹Pease, Leveller Movement, pp. 196-197.

⁴²Wildman, Case of the Armie, pp. 2-7.

The Case of the Army makes clear the rank and file's dissatisfaction with the progress of constitutional reform. Parliament had promised to institute legislation in compliance with the Representation and the Heads of Proposals, yet no action was forthcoming. No provisions had been made to dissolve Parliament or to call a more representative one. Nor had Parliament attacked the problem of law reform.⁴³ Adequate steps had not been taken to protect the people's just liberties. The agitators reiterated their despair at the King's retention of the negative voice, especially since Parliament seemed prone to await his restoration before considering demands for reform. If this were the case, then they surrendered all hope of securing justice in the matter of back pay, or of reforming the government along more democratic lines.⁴⁴

The agitators blamed the high officers of the New Model for frustrating their program of Parliamentary reform. Cromwell and Ireton's action of the past month seemed geared to preserving the old political order, rather than inaugurating reforms. Pointed reference was made to Ireton's change of heart towards the social contract. Whereas in June he had boldly hailed the law of nature as the one true basis for government, in The Heads of the Proposals, two months later, no mention was made of the law of nature or of the social

⁴³ Wildman, Case of the Armie, pp. 2-4.

⁴⁴ Wildman, Case of the Armie, p. 12.

contract.⁴⁵ Instead, he provided for the retention of the King and the House of Lords with much of their old power, in violation of the principle that all legitimate governing bodies must receive their power from the people.⁴⁶ The Grandees had been guilty of "supine negligence" in attempting to compromise the demands of the agitators with the counter suggestions of the Presbyterians in Parliament.⁴⁷ While they were trying to compromise, the regiments of the New Model were dispersed to areas at a distance from London. The officers, by permitting this to happen, had lessened the effective pressure that the New Model could bring on Parliament.⁴⁸ Cromwell not only minimized the New Model's strength but, in attempting to effect a constitutional settlement acceptable to everybody, forced the General Council to accept the Proposals which militated against a true democratic government for England.

In The Case of the Army the Leveller-inspired agitators asserted their undeviating support of the social contract theory.⁴⁹ "All power is originally and essentially of the people of this Nation," wrote the agitators, and "all just

⁴⁵Wildman, Case of the Armie, p. 5.

⁴⁶Wildman, Case of the Armie, p. 12.

⁴⁷Wildman, Case of the Armie, p. 21.

⁴⁸Wildman, Case of the Armie, p. 4.

⁴⁹The Case of the Armie was signed by the agitators on October 9. It appeared in London on October 15 and was presented to Fairfax October 28. See Wolfe, Leveller Manifestoes, p. 197.

government rests upon the free choice or consent of the governed." This principle was to "be insisted on possitively."⁵⁰ The "law of nature and of nations" is sufficient justification for changing the constitutional order in England, which had failed to protect the liberties of Englishmen "for all formes are but as shadowes and subject to the end, & the safety of the people."⁵¹ To insure that Parliament would reflect the will of the people, the agitators insisted "that all free-born at the age of 21 Years and upwards, be the electors excepting those that have or shall deprive themselves of their freedome."⁵² Parliament must take immediate steps to disband, proclaimed the agitators, and allow the desires of the people to be reflected in a truly representative assembly.⁵³ The agitators, as events proved at Putney, were not prepared to retreat from this advanced democratic position.

Confronted by growing discontent among the rank and file, the Grandees of the New Model called a meeting of the General Council of the Army. It took place at Putney Church during the last days of October and the first days of November 1647.⁵⁴ The spokesman for the Levellers at Putney was not, as might be supposed, Lilburne, Walwyn, or Overton, but a

⁵⁰ Wildman, Case of the Armie, p. 15.

⁵¹ Wildman, Case of the Armie, p. 17.

⁵² Wildman, Case of the Armie, p. 15.

⁵³ Wildman, Case of the Armie, p. 4.

⁵⁴ The Putney Debates, pp. 8-10.

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young lawyer named John Wildman.⁵⁵ Upholding the conservative view for the high army officers was the Commissary General and son-in-law of Cromwell, Henry Ireton.⁵⁶ These two men, in the course of the ensuing debates, voiced the basic percepts of those who visualized a new political order, free from the mistakes of the past, and those who sought to represent the conservative property owner with his vital interest in preserving the traditions.

On the opening day of the Council (November 28), it soon became apparent that the officers would not acquiesce to any plan for radical changes in England's governmental structure. Ireton's opening statement to the assembly made clear his rejection of an absolutely representative government. He stated: "I shall declare it again that I do not seek, or would not seek, nor will join with them that do seek, the destruction either of Parliament or King. Neither will I consent with those, or concur with them who will not attempt all the ways that are possible to preserve both."⁵⁷ Cromwell

⁵⁵ John Wildman was a twenty-four year old lawyer and politician at the time of the Putney debates. During the summer and early fall of 1647 he had acted as an intermediary between the imprisoned Lilburne and the agitators. He is given credit for having written The Case of the Armie which as we have seen expressed the views of the rank and file. See Maurice Ashley, John Wildman, Plotter and Postmaster: A Study of the English Republican Movement in the Seventeenth Century (New Haven, 1647), pp. 29-31.

⁵⁶ Ashley, Wildman, pp. 34-35.

⁵⁷ Putney Debates, p. 5.

joined Ireton in condemning constitutional proposals that eliminated features of the old political order. "How do we know if, whilst we are disputing these things," said Cromwell, "another company of men shall not gather together, and put out a paper as plausible perhaps as this? I do not know why it might not be done by that time you have agreed upon this, or got hands to it if that be the way. And not only another, and another, but many of this kind. And if so what do you think the consequence of that would be? Would it not be confusion?"⁵⁸ Anarchy must inevitably result, he insisted, when men take it into their own hands to change the institutions of King and Parliament. If a group were successful, a precedent would be established which would be followed by others who argued as convincingly for a different social and political order. Utter chaos would reign in England with a resulting loss of liberty and property to all.⁵⁹

The reason Cromwell and Ireton rejected the law of nature or any other justification for radical political reform rested upon the threat that such a change would pose to the privileged position of the propertied classes. Ireton argued: "What right hath any man to anything if you...will resort only to the Law of Nature, by the Law of Nature you have no more right to this land, or anything else, than I have. I have as much right to take hold of anything that is for my sustenance,

⁵⁸Putney Debates, p. 7.

⁵⁹Putney Debates, pp. 7-8.

to take hold of anything that I have a desire to for my satisfaction, as you...For matter of goods, that which does fence me from that right which another man may claim by the Law of Nature, of taking my goods, that which makes it mine really and civilly, is the law."⁶⁰ Ireton's reasoning appeared irrefutable to all who had a vested interest in the status quo. Wildman could only argue vainly that two months before, this same Ireton had upheld the law of nature in a public pamphlet.⁶¹ If the opposition, led by Ireton, now chose not to accept the law as a basic premise, there remained no rational means by which to resolve the differences between them and the Levellers. The first day's discussion made clear the gulf between the proponents of vested interest and the advocates of reform.⁶² Nothing in succeeding days closed the gap; it could only widen.

The issue of universal suffrage served to heighten the conflict on the second day of the debate. Universal manhood suffrage was axiomatic to all who believed in the law of nature. Only through a government responsive to the will of all the people could individual liberties guaranteed by the law of nature be preserved. Rainborough made this clear when he stated: "I think that the poorest he that is in England hath a life to live, as the greatest he; and therefore truly,

⁶⁰ Putney Debates, p. 26.

⁶¹ Putney Debates, p. 24.

⁶² Putney Debates, pp. 24-30.

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 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."⁶³ Ireton took immediate exception to this democratic doctrine. "No person hath a right to an interest or share in the disposing of the affairs of the kingdom....no person hath a right to this that hath not a permanent fixed interest in this kingdom, and consequently are also to make up the representers of this kingdom."⁶⁴ "All the main things I speak for, is because I would have an eye to property,"⁶⁵ Ireton went on. If the vote were given to those without property their immediate action would be to enact laws depriving their betters of property, for "those that hold up this Law of Nature, I would fain have any man show me their bounds, where they will end, and why should they not take away all property."⁶⁶ Those who held with universal suffrage must realize that such a policy "tends to anarchy, must end in anarchy,"⁶⁷ argued Cromwell, supporting his son-in-law. In the face of these

⁶³Putney Debates, p. 53.

⁶⁴Putney Debates, p. 54.

⁶⁵Putney Debates, p. 57.

⁶⁶Putney Debates, p. 58.

⁶⁷Putney Debates, p. 69.

arguments, Wildman and his followers held to their position "that it is the undeniable maxim of government: that all government is in the free consent of the people."⁶⁸

When, after three full days of debate, the General Council had made no progress in resolving the differences, a committee of agitators and officers was appointed.⁶⁹ This small group was to meet during the next week and attempt to bring the two groups closer. The endeavor proved fruitless. The questions of franchise, reform of Parliament, and the disposition of King Charles proved unreconcilable.⁷⁰ Cromwell, attempting to break the deadlock, took the military approach. On November 8 he purged the committee of its more radical exponents of the law of nature.⁷¹ This action, coupled with the General Council's failure to meet the demands of the rank and file, stimulated the rising tide of unrest in the New Model.⁷²

A series of rapid moves enabled Cromwell to assert his full military authority over the restive army. At a rendezvous of a large part of the army on November 15, Cromwell dramatically rode among the assembled rebellious troops and personally

⁶⁸ Putney Debates, p. 70.

⁶⁹ "A Letter from Several Agitators to their Regiments," reprinted in Woodhouse, Puritanism and Liberty, pp. 452-454.

⁷⁰ "A Letter from Several Agitators," p. 453.

⁷¹ "A Letter from the Clarke MSS," reprinted in Woodhouse, Puritanism and Liberty

⁷² Abbott, Writings and Speeches of Cromwell, I, 556.

chastised those wearing the Leveller emblem. The public execution of one of the more outspoken agitators followed.⁷³ Four days later after two other summary executions, the New Model formally agreed to obey its proper leaders.⁷⁴ Cromwell, on that same day, received from a grateful House of Commons its personal thanks for services rendered.⁷⁵ Thus, the Putney debates ended in a flurry of mutiny, followed by a restoration of discipline and the eclipse of the agitators.

When they failed to win the Grandees' acceptance of the law of nature as a valid basis for constitutional reform, the Levellers lost their chance to reshape England. In 1647, as has been pointed out, the one real military and political power in England was the New Model. The political sagacity and practicality of the Levellers is revealed by their recognition of this fact. Events were to prove them correct in assessing the importance of the army in deciding the constitutional fate of England. Their program for gaining control of the Army through agitators had met with marked success among the rank and file, but this in itself had not been enough. Cromwell, Ireton, and Fairfax had successfully led the New Model through campaign after campaign against the Royalists, and had won the respect and love of the rank and file. The men of the New Model would have followed Cromwell wherever he

⁷³Rushworth, Collections, I, 875-876.

⁷⁴Rushworth, Collections, I, 878.

⁷⁵Rushworth, Collections, I, 880.

led; he chose the road that led to military dictatorship instead of democratic government. This loyalty of the common soldier to his leaders, in the final analysis, defeated the Levellers' plans to embody the law of nature and social contract concepts in a practical political system. To this irrational emotion, all of the Levellers' carefully-reasoned proposals were forced to bow. It is ironic that the edifice of government erected by Cromwell was later to succumb to a similar irrational love and respect for a king.

Failure to win the Army as an instrument for constitutional reform stimulated the Levellers to appeal directly to the people to curb the unjust authority of Parliament and the Grandees. In November, a petition to Parliament was circulated, entitled An Agreement of the People.⁷⁶ This was a distillation of the Leveller program, presented at Putney, and embodied the now standard demands for elimination of the negative voice, biennial Parliaments, universal suffrage, and legal reforms.⁷⁷ Parliament's reaction to this summons voluntarily to limit its own power was the prompt imprisonment

⁷⁶The number of people actually signing a given Leveller petition is impossible to ascertain. The Levellers spoke of "many thousands," or of "multitudes" of signers. For the petition which contained An Agreement they claimed two hundred thousand signatures. This is probably an unrealistic estimate. Parliament set the figure at a more likely ten thousand. Even this low figure is impressive when one considers that London had an estimated population of 250,000. See Lilburne, Fundamental Liberties, p. 22., and Rushworth, Collections, I, 887.

⁷⁷An Agreement of the People for A firme and present Peace, upon grounds of common-right and freedom (1647) pp. 2-3. This petition is reprinted in Wolfe, Leveller Manifestoes, pp. 226-236.

of the three men who presented the petition.⁷⁸ Undaunted, the Levellers, two days later, (November 25) requested that Parliament accept the original petition. In true Leveller style, this second petition reviled Parliament for refusing the first one.⁷⁹ The net result of these two petitions was a great deal of publicity for the cause -- and that was all.⁸⁰

During December, the Levellers waged a vigorous campaign against the Grandees' restoration of discipline in the New Model. Lilburne, still in prison, published Englands Freedome, Souldiers Rights, in which he took Cromwell and Ireton to task for invoking martial law among the troops in peacetime in violation of the rights of man as guaranteed by the law of nature.⁸¹ Lilburne argued further that the New Model was no ordinary Army. Since the Engagement of the previous June, the New Model was irrevocably committed to reforming England's governmental structure. Cromwell had committed treason in repudiating the Engagement with its reform implications.⁸² John Wildman, at the end of December,

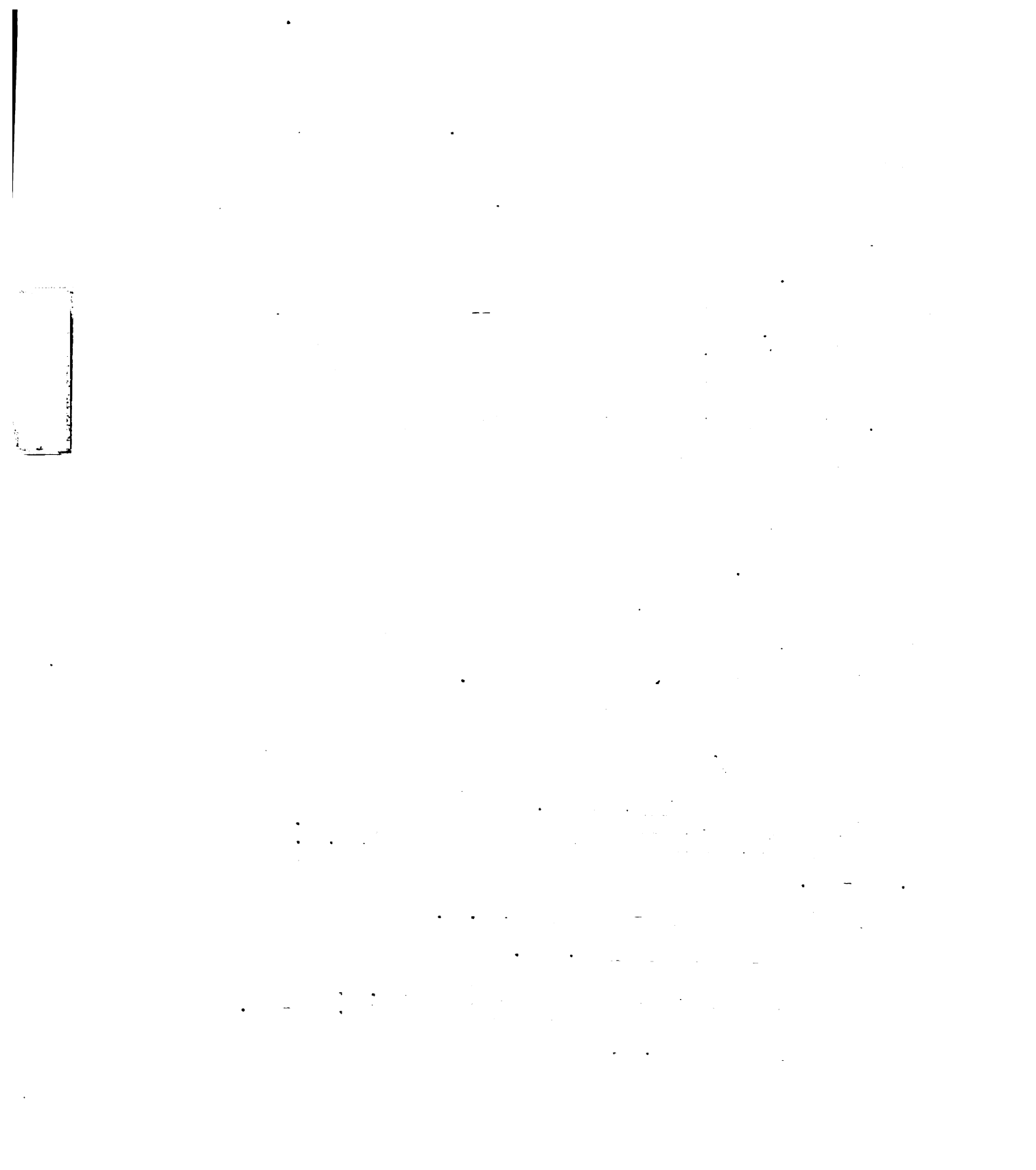
⁷⁸Rushworth, Collections, I, 887., and To the Supreme Authority of England, The Commons in Parliament assembled, The Humble Petition of many free-born people (1647), p. 3. This petition is reprinted in Wolfe, Leveller Manifestoes, pp. 237-241.

⁷⁹Petition of many free-born people, p. 4.

⁸⁰Pease, Leveller Movement, p. 264.

⁸¹Englands Freedome, Souldiers Rights (1647), p. 3. This tract is reprinted in Wolfe, Leveller Manifestoes, pp. 243-258.

⁸²Englands Freedome, p. 4.



joined Lilburne in castigating Cromwell and Ireton. He published Putney Projects. Or the Old Serpent In a new Forme. Particularly, he was incensed by the two Generals' adherence to the King when he was negotiating with the Scots to invade England.⁸³ But the conduct that evoked the most bitter invective was the repudiation by Cromwell and Ireton of the law of nature concept. Having so recently given credence to the doctrine, this action was, to Wildman, sheer treachery.⁸⁴ Despite these attacks, discipline remained firm in the New Model. Once again, as in the case of their petitions, the Levellers' total gain was publicity.

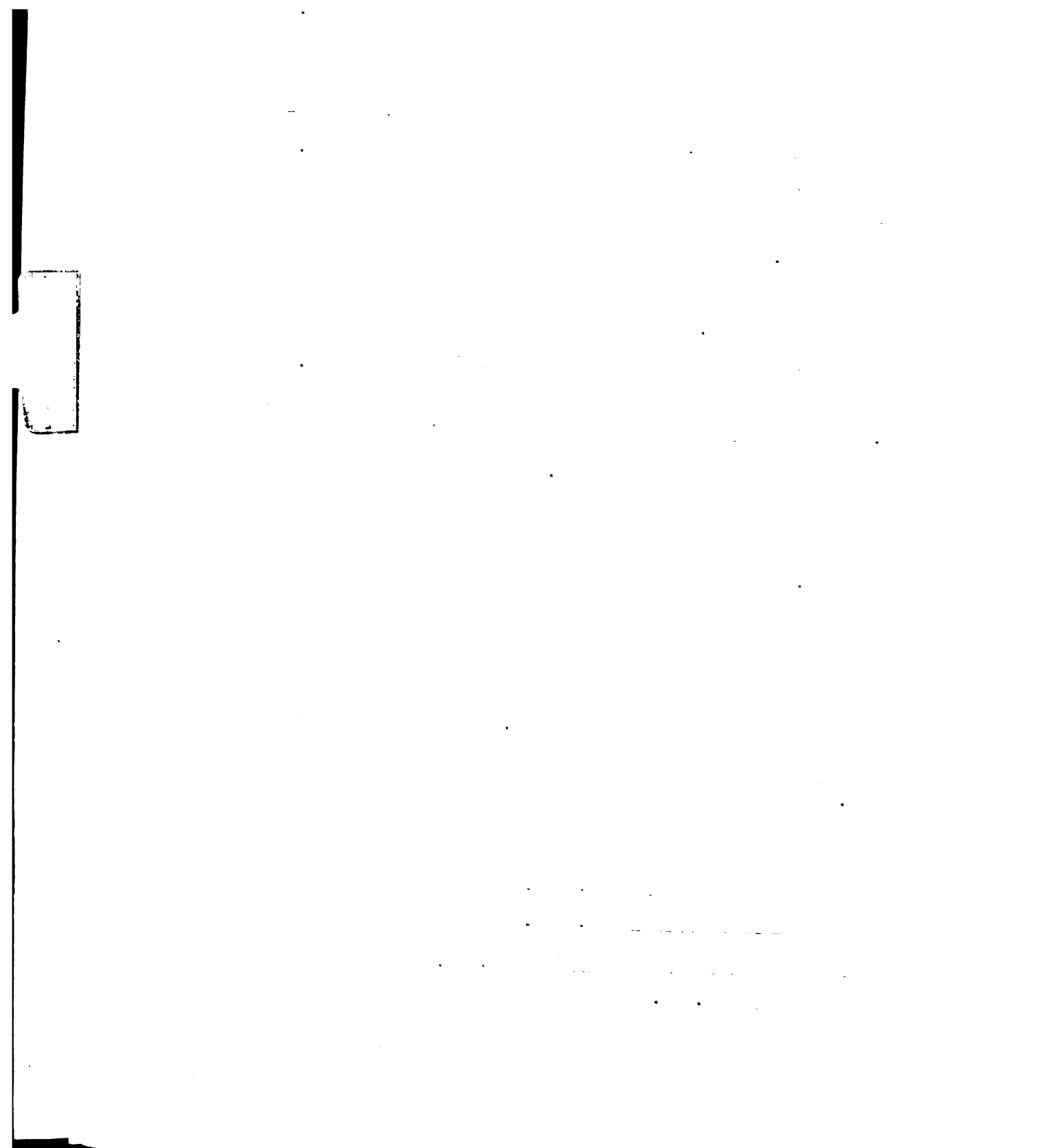
The practical Levellers were not content with publicity; the early months of 1648 were devoted to perfecting a political organization. Several active men, appointed to every ward and division in London, were charged with "reading the Petitions at set meetings for that purpose, and to take Subscriptions, and to move as many as can possibly to goe in person when the day of delivering it shall be appointed."⁸⁵ Other faithful Levellers were sent to the counties on similar organizational missions.⁸⁶ To finance their organization they set up a system of collection among members and appointed treasurers to handle

⁸³ Wildman, Putney Projects, p. 428.

⁸⁴ Wildman, Putney Projects, p. 427.

⁸⁵ A Declaration of some Proceedings, p. 21.

⁸⁶ A Declaration, p. 22.



the money coming in.⁸⁷ The man behind this new activity was John Lilburne, Lilburne had been permitted partial freedom during the last months of 1647. Finding himself free, he had supported the agitators at Putney.⁸⁸ Failing there, he turned his hand to constructing an instrument which could replace the New Model in bringing about democratic reforms.⁸⁹

The first effort of the revitalized Levellers, as might be expected, was another petition which was delivered to Parliament in mid-January.⁹⁰ Its emphasis was less strongly constitutional than An Agreement of the People. The economic plight of the poor, suffering from harsh excise taxes, and the continuance of monopolies were stressed.⁹¹ The House of Commons was requested to declare itself the supreme power in England, but there was no mention of the people's right under the law of nature to create a new political order through agreement among themselves.⁹² The Levellers repeated their demands for universal suffrage and for more equal distribution of

⁸⁷ A Declaration, p. 23.

⁸⁸ A Declaration, pp. 24-25.

⁸⁹ A Declaration, pp. 26-27.

⁹⁰ To The Supreme Authority of England, The Commons Assembled in Parliament. The Earnest Petition of many Free-born People of this nation (1648). This petition is reprinted in Wolfe Leveller Manifestoes, pp. 263-272.

⁹¹ Earnest Petition, p. 3.

⁹² Earnest Petition, p. 7.

electoral districts,⁹³ but they did not threaten revolution should these be denied. There was no demand for imposing restrictions on a tolerant, established church, and freedom of conscience was scarcely mentioned.⁹⁴ The Levellers had, in effect, altered their demands so that they could be supported by any liberal Presbyterian, dissatisfied Royalist, or Independent, disgruntled with Cromwell. The Levellers had learned well the lesson of Putney. They had now begun to compromise in order to gain, through the support of many elements, at least a part of their constitutional aims.

Lilburne's activities in organizing the Levellers and stimulating the January petition brought him once more into conflict with Parliament. On January 19, 1647 Lilburne was called before the House of Commons to answer to charges of treason. The accusation involved his utterances at a gathering of Levellers at Smithfield. He was accused of advocating the assassination of the King and the forcible overthrow of Parliament.⁹⁵ Despite his plea that the witnesses were unreliable, he was again confined to the Tower; this time a close prisoner.⁹⁶

With Lilburne's confinement, the newly revitalized Levellers lost cohesiveness and underwent a period of

⁹³Earnest Petition, p. 8.

⁹⁴Earnest Petition, pp. 1-5.

⁹⁵A Declaration, pp. 17-18.

⁹⁶Rushworth, Collections, I, 969-970.

disintegration. As in the past, Lilburne gave full publicity to his loss of liberty. Demonstrations were arranged by his friends to influence the House of Commons in his favor, and petitions requesting his release were presented.⁹⁷ By May of 1648, however, the Nation's attention was gripped by renewed civil war. Leveller arguments for a democratic England had little appeal for the Independents, Presbyterians, or agitators when prospects seemed to indicate the return of unrestrained monarchy backed by the Scots.

The undercurrent of competition between the Presbyterians in Parliament and the Independents in the New Model did bring about Lilburne's release from prison. On August 1, 1648, a moderately-worded, pro-Lilburne petition was presented to Parliament. To the surprise of the petitioners, both houses voted almost unanimously for Lilburne's immediate release with provisions for reparations for his term of imprisonment.⁹⁸ Underlying this reversal was the fear among the Presbyterian majority in Parliament of Cromwell's increasing power. They believed an unshackled Lilburne would provide Cromwell with so much trouble that he would have no time to attempt to secure supreme power in England.⁹⁹ The Presbyterians underestimated

⁹⁷Gibb, Lilburne, pp. 222-224.

⁹⁸Rushworth, Collections, I, 1212.

⁹⁹I follow Gibb's interpretation here. Considering Lilburne's pugnacity and violent dislike for Cromwell, it is reasonable. See Gibb, Lilburne, 231.

Lilburne's character. In a public letter he vowed to support his former friend and enemy as long as a Scottish-imposed settlement of the kingdom threatened.¹⁰⁰

The end of the second civil war in October again forced the nation to face the question of a constitutional settlement for the kingdom. A shift to the left in the attitude of the New Model Independents gave the Levellers another opportunity to realize the democratic principles implied in the law of nature. The Independents, led by Ireton and Cromwell, were becoming increasingly disillusioned by Charles' inept, evasive plots to bring back an uncontrolled monarchy. His tactics had precipitated the second civil war, and, not content with this, he had continued to intrigue with the Scots and Presbyterians in Parliament. The Presbyterians, in their turn, clung to the hope for a constitutional settlement which would retain the kingship and declare Presbyterianism the state religion.¹⁰¹ These developments, which threatened to militate against the Independents, caused them to look more favorably on the republican-type of settlement urged by the Levellers. They needed the Levellers' support in order to strengthen their bargaining position in their struggle with the Royalists, the right wing Independents of the New Model, and the

¹⁰⁰ Lilburne, Fundamental Liberties, p. 28.

¹⁰¹ Gardiner, Great Civil War, IV, 216-217.

Presbyterians in Parliament.¹⁰²

In mid-November, the Levellers once again engaged in conferences with the officer Grandees to decide the immediate constitutional fate of England. At the first meeting between the two groups, the Levellers, represented by Wildman and Lilburne, again let it be known that they had learned a political lesson from the results of Putney.¹⁰³ The Independents urged the immediate beheading of the King and the dissolution of the Parliament.¹⁰⁴ A year previously the Levellers might have concurred with this proposition. Now they replied:

I look upon the King as an evill man...but the Army has couzened us the last year, and fallen from all their Promises and Declarations, and therefor could not rationally any more be trusted by us without good cautions and security: In which regard, although we should judge the king as arrant a Tyrant as they suppose him...and the Parliament as bad they make them; yet there being no other balancing power in the Kingdome against the Army but the King and Parliament, it was our interest to keep up one Tyrant to balance another, till we certainly knew what the Tyrant that pretended fairest would give us as our freedoms.¹⁰⁵

Lilburne ended his shrewd analysis by stressing that the only rational means of settling the constitutional fate of the Kingdom was through an agreement of the people, and prophet-

¹⁰² Gardiner, Great Civil War, IV, 218-220.

¹⁰³ Lilburne, Fundamental Liberties, p. 29.

¹⁰⁴ Lilburne, Fundamental Liberties, p. 29.

¹⁰⁵ Lilburne, Fundamental Liberties, pp. 29-30.

ically warned that rule by the sword might well be the country's greatest danger.¹⁰⁶

The results of the meeting immediately following this first conference between the Levellers and Independents seemed, for a time, to belie Lilburne's warning. At this meeting, a committee of three Levellers and three Independents was appointed to outline a program for accomplishing an Agreement of the People. These men, including Lilburne and Wildman, met at Nag's Head Tavern in London on November 15, 1648.¹⁰⁷ They resolved that a convention made up of representatives from the Army and counties should draw up an Agreement of the People which would act as the nation's constitution, to be followed by a popular ratification of the Agreement.¹⁰⁸ The Council of Army Officers promptly adopted and incorporated these proposals in the "Remonstrance of the Army," which was formulated in separate committee. The "Remonstrance" was in its turn presented to Parliament for action.¹⁰⁹ At this point the Levellers finally seemed about to achieve a democratic government capable of protecting their rights as guaranteed by the law of nature. Leveller modifications of the "Remonstrance" provided for the establishment of biennial

¹⁰⁶Lilburne, Fundamental Liberties, p. 30.

¹⁰⁷Lilburne, Fundamental Liberties, p. 30.

¹⁰⁸Lilburne, Fundamental Liberties, p. 31.

¹⁰⁹Gardiner, Great Civil War, IV, 239-241.

Parliaments fully responsive to the wishes of the people,
and unhindered by the negative voice of King or Lords.¹¹⁰

This settlement would be "established by a general contract
or agreement of the people, with their subscriptions there-
unto, and...none may be capable of any benefit by the
agreement who shall not consent and subscribe thereunto."¹¹¹

Leveller expectations were further stimulated by con-
ferences held on November 28 and 29. One week after
Parliament received the army demands, however, consideration
of the "Remonstrance" was postponed.¹¹² This would not have
upset the Levellers unduly but for the fact that a group of
Independents, alarmed by the thorough-going reforms demanded
by the Levellers, opened negotiations with the King. The
Levellers pressed for another conference with the officers
and negotiations were renewed between the two groups on
November 28.¹¹³ It soon became apparent that the Levellers
and officers were still in fundamental disagreement regarding
universal suffrage and the extent of religious liberty to be
permitted.¹¹⁴ However, the Grandees were anxious to retain
Leveller support to help balance the Presbyterian power. To

¹¹⁰ "Remonstrance presented to the House of Commons, from
Lord Fairfax and the General Council of the Army demanding
Justice upon the King, &c., in Parl. Hist., III, 1124-1125.

¹¹¹ "Remonstrance," p. 1125.

¹¹² Parl. Hist., III, 1137.

¹¹³ Lilburne, Fundamentall Liberties, p. 30.

¹¹⁴ Lilburne, Fundamentall Liberties, p. 31.

assure themselves of this support, they agreed to form a committee to draw up an Agreement of the People.¹¹⁵ The constitution agreed on by this committee, composed of sixteen men representing the Levellers, the Army, the Independents, and the Presbyterians, was to be final. There was to be no appeal to Parliament or Council of Officers for modifications. The Levellers left the conference confident that they were on the threshold of establishing a constitutional democracy for England.¹¹⁶

The series of events, which followed in rapid succession, shattered their high expectations. On December 2, the Army arrived in London. Pride's Purge took place on December 6.¹¹⁷ The same day, Lilburne held the first meeting of the Committee of Sixteen. The Committee rapidly drew up An Agreement of the People.¹¹⁸ Contrary to the promises of the Grandees, it was then sent to the now all-powerful Council of Officers for further debate.¹¹⁹ On December 14, the Council of Officers began its discussion of the Agreement. In the course of these debates, which lasted until January 14, 1649, the Leveller-inspired Agreement was emasculated. The officers, while accepting the principles of government by

¹¹⁵Lilburne, Fundamentall Liberties, p. 33.

¹¹⁶Lilburne, Fundamentall Liberties, p. 33.

¹¹⁷Parl. Hist., III, 1147, 1240.

¹¹⁸Lilburne, Fundamentall Liberties, p. 35.

¹¹⁹Lilburne, Fundamentall Liberties, pp. 35-36.

contract, eliminated the provisions for a bill of rights to protect religious and political liberty.¹²⁰ In so doing, they again displayed their fundamental disagreement with the democratic principles of the Levellers as they had done at Putney over the matter of universal suffrage. On January 20, the revived Agreement was presented to Parliament for consideration.¹²¹ The same day saw the completion of charges against King Charles. In the excitement of the trial the Agreement was tabled.¹²² Charles was sentenced on January 27, and on January 30 he went to the block. The Agreement remained tabled until February when it was supplanted by the act appointing a Council of State to govern England.¹²³ The Levellers were through as a political power in England. The rule of the sword had begun. Military dictatorship had won out over a democratic government, responsive to the will of the people, over the government cognizant of its responsibility to uphold liberty as guaranteed by the law of nature.

¹²⁰The Whitehall Debates, pp. 171-172.

¹²¹Parl. Hist, III, 1261.

¹²²Pease, Leveller Movement, p. 269.

¹²³Pease, Leveller Movement, pp. 275-277.

Chapter V

EPILOGUE AND CONCLUSION

Confronted by an established, thinly-veiled, military dictatorship, the Levellers resumed their revolutionary character. While their constitutional aims remained unaltered, the arch enemy was now their one-time friend, Cromwell.¹ During the early months of 1649, the Levellers, in pamphlet and petition, denounced the officer Grandees as tyrants who had usurped the people's right to self-government.² Their vituperation proved little more than an irritating burr to the all-powerful Cromwell, and the Levellers were brushed contemptuously aside.³ However, in retrospect the concepts and ideals embodied in the Leveller constitutional program have proven to be of greater historical significance than the hastily-ended dictatorship of their antagonist.

Even before the execution of Charles, the Rump Parliament, backed by the Grandees, opposed the Levellers more rigidly than had the Presbyterians. The coalition of Independents had no intention of permitting religious or political dissent. On January 11, 1649, Parliament authorized Fairfax to call upon the Army to enforce restraints on the

¹ John Lilburne, An Impeachment of High Treason (1649), pp. 2-4.

² John Lilburne, Richard Overton, and Thomas Prince, The Picture of the Council of State (1649), pp. 4-5.

³ Lilburne, Council of State, p. 8., and John Lilburne, The Just Defence of John Lilburn (1653), pp. 8-9. This pamphlet is reprinted in Haller Leveller Tracts, pp. 450-464.

press.⁴ These censorship measures had previously been enacted into law, but lax enforcement had allowed the Levellers to operate with impunity. With the Army's backing, the laws now threatened the Leveller's very existence. Aware that the censorship measures were directed partially at them, the Levellers petitioned the Rump for freedom of the press.⁵ They reminded the Independents that they, themselves, would not be in power had censorship been rigidly enforced under the old Parliament; and that truth triumphs only when ideas compete freely with one another. If the Rump was confident that its cause was just, it need not fear liberty of the press.⁶ Parliament responded by assigning the petition to a subcommittee for consideration, where it was promptly forgotten.⁷ Once the King had been executed and their power had been consolidated, the Independents prepared to deal more harshly with democratic agitators.

The creation of the Council of State, unresponsive to the will of the people, in direct opposition to the precepts of the law of nature as interpreted by the Levellers,

⁴Rushworth, Collections, I, 1387., and John Lilburne, Englands New Chains Discovered (1649), p. 8. This tract is reprinted in Haller, Leveller Tracts, pp. 157-170.

⁵The humble Petition of firm and constant Friends to the Parliament and Common-wealth, Presenters and Promoters of the Large Petition of September 11, mdcxlvii. (1649) This petition is reprinted in Wolfe, Leveller Manifestoes, pp. 326-332.

⁶Petition of firm and constant Friends, pp. 3-4.

⁷Petition of firm and constant Friends, p. 5.

stimulated a revival of Leveller activities. It began in the ranks of the New Model. A few men demanded an election of new agitators, to be followed by the revival of the democratic General Council of the Army. The Council was then to represent the army in effecting a democratic settlement for the kingdom.⁸ In response to this demand, the Officer's Council ruled that all petitions originating in the Army must go through proper military channels.⁹ This emphasis on proper channels pointedly eliminated the possibility of extraordinary devices like the General Council. The officers further requested that Parliament draw up an act making any attempt by civilians to arouse discontent in the Army subject to severe penalties.¹⁰ Five soldiers challenged this stand by petitioning Fairfax and the Council of Officers. The petition decried the curbing of the soldier's rights freely to petition and conduct themselves as free men. This restriction, the five men claimed, was in direct contradiction to the officer's stand in 1647. However, wrote the men, many strange things had come about which had worked out to the detriment of freedom. The Council of State, never known in

⁸ S. R. Gardiner, History of the Commonwealth and Protectorate, 1649-1656 (London, 1903), I, 30-32.

⁹ Lilburne, Fundamentall Liberties, p. 74.

¹⁰ Richard Overton, The Hunting of the Foxes from New-Market and Triploe Heaths to White-Hall. By five small Beagles (late of the Armie.) Or the Grandie-Deceivers Unmasked (1649), p. 15. This tract is reprinted in Wolfe, Leveller Manifestoes, pp. 358-383.

England before, had taken over all the tyrannical powers of the monarch.¹¹ The Council, as might be expected, promptly court martialed the five men.¹² Having obtained power in Parliament and the Army, the Independents would not brook any activity which threatened their position.

The repressive actions of the Council of Officers incited the Levellers to a last attack on the forces of tyranny. In England's New Chains Discovered, Lilburne appealed to Parliament to take action against the arbitrary authority of the army officers.¹³ However, while portraying the Rump as the protector of freedom in England, he chastized this body for establishing courts in conflict with the common law and for not attempting to alleviate the economic evils plaguing the common people.¹⁴ Lilburne also demanded that the Council of State be dissolved. He promised that Leveller demands would be backed by a mass petition.¹⁵ On March 21, Overton published a pamphlet defending the five court-martialed soldiers.¹⁶ Three days later, Lilburne presented to the House of Commons The Second Part of Englands New-Chaines Discovered, reiterating the Leveller complaint

¹¹ Overton, Hunting of the Foxes, pp. 16-17.

¹² Overton, Hunting of the Foxes, pp. 21-22.

¹³ Lilburne, New Chains, p. 9.

¹⁴ Lilburne, New Chains, pp. 3-4.

¹⁵ Lilburne, New Chains, pp. 13-14.

¹⁶ Overton, Hunting of the Foxes, p. 12.

against arbitrary authority.¹⁷ This was the mass petition promised at the end of Englands New Chaines,¹⁸ and proved to be the last concerted effort of the Leveller organization. Parliament took prompt action on the petition. Lilburne, Overton, Walwyn and Prince were arrested as traitors for having authored Englands New Chaines.¹⁹ The rout of the Levellers was almost complete.

Throughout the remainder of 1649, the Levellers tried desperately to arouse the populace to fight for their liberties and incidentally, for the imprisoned Levellers. In May An Agreement of the Free People of England was published. This was the Levellers' most thoroughly worked-out program for reshaping England on democratic lines.²⁰ It was to be the rallying point for all who were interested in a democratic government.²¹ Unfortunately, the time had passed when the Levellers might hope to organize an effective force to further their demands. Their constitution, with its bill of rights foreshadowing that of the American Constitution, was rudely suppressed. Its authors (Lilburne, Walwyn, and Prince) were subjected to close confinement.²² In September, the

¹⁷John Lilburne, The Second Part of Englands New-Chaines Discovered (1649), pp. 7-8. This tract is reprinted in Haller, Leveller Tracts, pp. 172-189.

¹⁸Lilburne, Second New-Chaines, pp. 2-3.

¹⁹Gardiner, Commonwealth & Protectorate, I, 49-51.

²⁰An Agreement of the People, pp. 3-5.

²¹An Agreement of the People, p. 2.

²²Gardiner, Commonwealth & Protectorate, I, 50-52.

disillusioned Levellers declared that disobedience, passive or active, to the arbitrary government was not only justified, but obligatory. They announced that they would resist until the Rump was replaced by a supreme authority based on the principles of the law of nature and the social contract.²³ This appeal, like that of the Agreement, fell upon heedless ears. The people, discouraged after eight years of political turmoil, were content to support the Rump as long as it promised stability. They could no longer be aroused to fight for their liberties.

The Leveller leaders, with the exception of Walwyn, continued an unavailing opposition to Cromwell's arbitrary regime. In October, the four prisoners were tried for treason and found not guilty.²⁴ Lilburne's talents as a lawyer, developed through years of controversy with the government, were largely responsible for the verdict.²⁵ Following his release, Lilburne left politics for two years.²⁶ However, he soon tangled again with the authorities. In

²³The Remonstrance of many Thousand of the Free People of England (1649), pp. 6-7.

²⁴The account of Lilburne's trial is presented in the contemporary pamphlet: The Triall of Lieut. Col. John Lilburne at the Guildhall of London, 24th October, 1649, being Thursday. This is reprinted in A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanours From the Earliest Period to the Year 1783, ed. T. B. Howell (London, 1816), IV, 1270-1470.

²⁵Lilburne directed his own defence, and though his arguments were tedious and repetitious they proved effective. See State Trials, IV, 1324-1330.

²⁶Lilburne, Just Defence, p. 9.

January 1652, he was found guilty of slandering a member of Parliament, was fined, and exiled from England with a penalty of death should he return.²⁷ While exiled in Holland, he actively plotted with the Royalists to overthrow Cromwell.²⁸ In June 1653, he returned to England and was immediately arrested. In August he was brought to trial for his life for having broken his exile. To the chagrin of Cromwell, Lilburnes' histrionics were once again successful. The jury, in spite of overwhelming evidence to the contrary, found him not guilty.²⁹ The Council of State, however, was not prepared to take any chances with Lilburne. It ordered him imprisoned on its own authority, and he remained in various degrees of confinement until his death in 1657. In his last months, the once-militant Lilburne became a pacifist Quaker.³⁰ Walwyn, following his release from prison, returned to his profitable linen trade and to obscurity.³¹ Overton embarked upon a career as a professional revolutionary, and his name was involved in Royalist and Republican plots until 1663, when he finally dropped out of sight.³² Wildman, the

²⁷ Lilburne, Just Defence, p. 10.

²⁸ Gibb, Lilburne, pp. 304-305.

²⁹ The story of his trial and remarkable acquittal was told by Lilburne in The Triall of Mr. John Lilburne, Prisoner in Newgate...at Justice Hall in the Old-Bailly upon....the 13. 14. and 15 of July. 1653. This account is reprinted in The State Trial, V, 407-450.

³⁰ Gibb, Lilburne, pp. 334-337.

³¹ Firth, "Walwyn," in D N B (1895), LIX, 285.

³² Firth, "Overton," in D N B (1895), XLII, 387.

youngest of the Levellers, continued to plot for a republican government for England until he died in 1693. At the time of his death he was engaged, in true Leveller fashion, in an intrigue against King William III.³³

The Levellers stand as transitional figures in the development of the social contract theory of government. In varying forms, the social contract can be traced through medieval thinkers back at least as far as the Dialogues of Plato.³⁴ As we have seen, it is highly probable that Walwyn was aware of this. His addiction to the "profane" authors and to free-thinking moderns like Montaigne gave him ample opportunity to acquaint himself with the philosophical tradition that embodied these themes. Lilburne is the more typical Leveller exponent of the social contract. Although indebted to the same philosophical heritage as Walwyn, he was more directly influenced by concepts which had arisen during the Puritan struggle for recognition. For Lilburne, the law of nature approximated the law of God, or the common law as it existed before the Norman conquest. The social contract between king and people was explicitly commanded by the Bible and had been further sanctified by English tradition before the corrupting influence of the Normans had

³³ Ashley, Wildman, pp. 296-297.

³⁴ For a concise, lucid analysis of the historical background of the social contract theory see J. W. Gough, The Social Contract, A Critical Study of its Development (Oxford, 1936).

taken effect. Whereas Walwyn drew his ideas directly from their original sources in the philosophers, Lilburne revitalized these same ideas after the inevitable process of half-comprehending usage had rendered them almost unrecognizable when compared with the original.

Whatever the source, be it original or corrupted, of the Leveller belief in the social contract, the important fact remains that they fought to give practical expression to this theory. The Levellers were not ivory-tower thinkers. Had they contented themselves with this role, their contribution to the seventeenth century development of the social contract theory would have been slight. When compared with contemporaries who also held that government should rest on the consent of the governed, the uniqueness of Walwyn and Lilburne lay in their hard-headed pragmatism. If the law of nature guaranteed man's rights to life, liberty, and property; if it were true that the social contract was the only just means of evolving a governing authority to protect these rights; then, argued the Levellers, man should enter into an agreement of the people to erect such a government. To insure that this government would rule in the interests of the people, the Levellers proposed to limit the power of the created authority through a written constitution. As further insurance against arbitrary rule, the members of the governing body were to be elected annually by vote of all men over twenty-one. The Levellers, having clearly formulated their

objectives, embarked on a four-year campaign to bring them to fruition. In pamphlet, petition, and personal appearance they publicized their program, and within a short time a considerable minority of Englishmen came to know them and their objectives. Their plan for a democratic England was crushed by Cromwell, but in their struggle for real political power they made the question of government by contract one that could not be ignored.

Thomas Hobbes was the first of two great seventeenth century philosophers to analyze the concept of government so boldly affirmed by the Levellers. In 1651 he published the Leviathan. While seeming to affirm the idea of government by social contract, Hobbes advanced a theory of government acceptable to the Council of State and opposed to the Council's enemies -- the Levellers. Hobbes challenged the Levellers on two fundamental issues: the conditions as they existed in the state of nature, and the nature of the social contract. Man in the state of nature, according to Hobbes, was a ravaging beast. He lived in a state of war "of every man against every man." The only law of nature that had real meaning was the law of force. Men were not guaranteed life, liberty, and property in the state of nature; they were guaranteed nothing beyond that which could be held by force. Driven to the point of despair by their animal passions, men did enter into a social contract. However, it was a contract among themselves by which they agreed to set up

a supreme authority who could, through the power of the sword, keep them from one another's throats. The contractual obligations lay with those who agreed to create a supreme authority to rule over them. There was no contract between the governed and the governor.³⁵ This line of argument directly attacked the Leveller's assumption that man in the state of nature was basically a rational animal, and that the social contract was an agreement between the people and the governing body.

In attempting to reduce to absurdity the point of view advanced by the Levellers concerning the social contract, Hobbes actually insured that the ideas would survive the death of their party, for by clearly marking the basic premises of those who would affirm representative government and those who would affirm dictatorship or monarchy, Hobbes set the stage for constitutional arguments which culminated in the writings of John Locke.

It is in the writings of John Locke, who undertook the task of refuting Hobbes, that one finds the fullest development of the social contract theory of government as it had been advanced by the Levellers and refuted by Hobbes. Locke, in the Two Treatises of Government, wrote and argued in

³⁵ Thomas Hobbes, Leviathan: or the Matter, Form, and Power of a Commonwealth Ecclesiastical and Civil. (This reference is to selections from the first and second parts of Leviathan reprinted in The English Philosophers from Bacon to Mill, ed. Edwin A. Burt (New York, 1939), pp. 129-237), pp. 162, 168-169.

images which had been employed by the Levellers some forty years before. In the state of nature man was a reasonable being protected by the law of nature which guarded his life, liberty, and property. Governments were formed when men made mutually-binding agreements with those who were to govern. Contrary to the arguments of Hobbes, men would not and could not agree to put their lives into the hands of a lion over whom they would have no control. Therefore, the contractual relation must be reciprocal. If a government failed to rule in the best interest of the subjects, then that government might be lawfully dissolved.³⁶ Although the calm, reasoned arguments put forward by Locke in support of representative government were the same as those advanced by the more passionate Levellers, the representative body visualized by Locke bore little resemblance to the democratic body elected by universal manhood suffrage for which the Levellers strove. Nevertheless, the core of Leveller thought -- the social contract and the law of nature -- was preserved and has proven far more historically significant than the ephemeral dictatorship of Cromwell.

Because the Levellers lent such vitality to the social contract and the law of nature that these theories commanded

³⁶ John Locke, An Essay Concerning The True Original, Extent and End of Civil Government (This reference is to a reprint of the Essay to be found in Burt, The English Philosophers, pp. 403-503). pp. 404-406.

the attention of the political philosophers who followed them, their ideas live. Through the years these essential elements of democratic political philosophy have been the foundation upon which the Levellers' dream of a democratic England has been gradually realized.

BIBLIOGRAPHICAL NOTE

Discussed below are those sources which proved of most value in the construction of this paper. A complete bibliography follows the note.

Primary Sources:

The Leveller development of the social contract theory of government followed logically Parliament's taking up arms against the King in the name of religious and political liberty. This evolution is readily discernable in key tracts written by the Levellers between 1643 and 1649. The solid core of Leveller political thought is at times concealed by excessive verbiage. William Walwyn was the one Leveller who consistently resisted the impulse to rant at the opposition. The Power of Love (1643), written in defence of the persecuted sects, displays Walwyn's rationality at its best. He argued that the Presbyterians in Parliament, who had taken the drastic step of revolution to protect their right to dissent in matters religious and politic, were now persecuting those who disagreed with them. This inconsistency was due to ignorance. Persecution would cease when the Presbyterians acquainted themselves with the true nature of the sects. In defending the dissident religious groups, Walwyn enunciated a principle which was to become the basis

for the Leveller demand for democratic government. He argued that the "great mountain" government was constituted by the people to protect all men. To create a government unresponsive to its creators and which could at its own caprice destroy or persecute them was irrational--and men were incapable of violating the dictates of reason. Richard Overton was a far more violent and acid-tongued advocate of government by social contract. In The Araignment of Mr. Persecution (1645) he pictured persecution as a monster born of stupidity. Men, he averred, had innate rights guaranteed by the law of God which protected them from the tyranny of government, whether in the religious or secular sphere. The satirical humor of The Araignment fails to conceal its essentially revolutionary message. Overton, by 1646, had cast aside satire and arguments depending on God's law. He now boldly and logically asserted, in A Remonstrance of Many Thousand Citizens and other Freeborn People of England to their House of Commons (1646) that all legitimate governments were founded upon an agreement between the governed and those chosen to govern. This agreement specified that the government thus established would protect the rights of the people as guaranteed by the law of nature. An Appeale from the Degenerate Representative Body...the Commons of England (1647) carried Overton's argument to its logical conclusion.

In a bitter, disillusioned tirade he proclaimed that when a government failed to protect the rights guaranteed to the people by the law of nature, the contract was broken. The people had then the right and the duty to overthrow such a government. A Solemn Engagement of the Army (1647), composed by Henry Ireton, illustrates the Leveller influence on the General Council of the Army. Ireton, who later became the outstanding defender of vested interests, heralded the New Model Army not as a mercenary force, but as a representative instrument of the people, empowered to protect their fundamental liberties from the encroachment of an arbitrary, tyrannical parliament. John Wildman, The Case of the Armie Truly Stated (1647), concisely stated the Leveller program for a democratic government based upon universal manhood suffrage. He argued that the enfranchisement of all male citizens over twenty-one was the only logical way to elect a governing body, which had, as justification for existence, the social contract. There is a note of despair in The Case of the Armie arising from Wildman's realization that the Levellers had been deserted by the Grandees in the New Model. John Lilburne's writings were fired with the conviction of a fanatic. In The Legall Fundamentall Liberties of the People of England (1649) however, his tone was chastened. Although Lilburne reaffirmed

the Leveller's belief in a democratic government, he did so after all hope for its realization had been shattered by the erection of the Council of State. In this tract Lilburne defiantly related the history of the Leveller aspirations and disillusionment. This tract is the sole authority for much that has been written about the Levellers. However, where it has been possible to check its veracity through comparison with other sources, it has proven reliable.

The Levellers were prolific propagandists. It is not surprising, therefore, that their pamphlets and petitions should be found in collections of documents under a variety of headings. William Cobbet, Parliamentary History of England. From the Norman Conquest, in 1066. To the Year, 1803 (4 vols. London, 1806), is a fertile source of material pertinent to the development of the Leveller movement. Some thirty Leveller pamphlets and petitions are reproduced, and equally important, the conservative, contemporary reaction to their advanced program comes to life in the debates recorded. Historical Collections, Containing the Principal Matters Which Happened From the Beginning of the Year 1645 to the Death of King Charles the First 1648, ed. John Rushworth (2 vols. London, 1701) is a day-by-day record of events in England. Here again, the irrepressible Levellers make frequent appearance. A number of their manifestoes along with Parliament's reactions to them, are contained

in this collection. Cobbet's Parliamentary History and Rushworth's Collections complement one another in that petitions pertinent to the Leveller movement which fail to appear in one are almost certainly reprinted in the other. In view of John Lilburne's pugnacious character, it is not surprising to find that he had the dubious distinction of appearing on three separate occasions in A Complete Collection of State Trials and Proceedings For High Treason and other Crimes and Misdemeanors From the Earliest Period to the Year 1783, ed. T. B. Howell (21 vols. London, 1816). Lilburne's own account of his defence as recorded in the State Trials is convincing proof of the consistency and tenacity of the Levellers' democratic convictions. The main proposals of the Leveller-inspired New Model Army for the settlement of England's constitutional problems are reprinted in S. R. Gardiner, The Constitutional Documents of the Puritan Revolution, 1628-1660, ed. S. R. Gardiner (Oxford, 1889). A study of these documents in their chronological order leaves one with the conviction that the Levellers alone fully realized the logical consequence of taking up arms against the King.

There are four volumes primarily devoted to reprinting Leveller writings. Tracts on Liberty in the Puritan Revolution 1638-1647, ed. William Haller, 3 vols. (Columbia, 1934) is of vital significance because it contains Leveller

pamphlets written during the transitional stage of their democratic evolution. The emphasis on religious liberty that dominates the tracts printed in 1642 has, by 1647, taken a back seat to demands for political reform. The mature Leveller political philosophy is to be found in the Leveller Tracts, 1647-1653, ed. Godfrey Davies, and William Haller (New York, 1944). This collection has further value in that it contains pamphlets in which the Levellers tell of their frustrated attempts to secure a democratic form of government for England. No less important are the pamphlets which display the Presbyterian reaction to continued pressure from Overton, Wildman and Lilburne. Leveller Manifestoes of the Puritan Revolution, ed. Don M. Wolfe (New York, 1944) reprints important Leveller tracts not contained in Haller's two works. Puritanism and Liberty, Being the Army Debates (1647-1649) from the Clarke Manuscripts with Supplementary Documents, ed. A. S. P. Woodhouse (Chicago, 1951) makes available to the student of the Leveller movement, in well-edited form, the contents of the Putney Debates. Knowledge of these debates is indispensable to an understanding of the Leveller democratic program, as it was based on the social contract theory of government. At Putney, this thesis was challenged by the conservative, Ireton, and in the arguments which followed, the position of both parties was clearly and boldly presented. The sup-

plementary documents reproduced by Woodhouse give an excellent account of the Leveller's hopes prior to the debates and of their disillusionment following them.

Secondary Sources:

I draw upon the scholarship of two men for this paper's interpretation of the influence wielded by Puritanism in shaping seventeenth century democratic ideas. M. M. Knappen, Tudor Puritanism, A Chapter in the History of Idealism (Chicago, 1939), traces, with admirable clarity, the disintegrating forces present in the Puritan faith prior to the turn of the seventeenth century. He also demonstrates an awareness of the democratic potentialities of the Calvinistic doctrines upheld by the Puritans. Knappen approaches his subject without a noticeable trace of the dislike for the Puritans, which is so often displayed by historians. For the seventeenth century developments of Puritanism, I have followed William Haller, The Rise of Puritanism or, the Road To The New Jerusalem As set Forth In Pulpit and Press From Thomas Cartwright to John Lilburne And John Milton, 1570-1643 (New York, 1938). His thesis, that the democratic aspirations of men of the 1640's were rooted in earlier developments in the Puritan faith, is carried out logically and consistently. His monograph is the result of intensive study, and is unclouded by preconceived distaste

for the Puritans. It remains the most satisfying explanation of how a wide range of Englishmen of the lower order were impregnated with democratic ideas at the outset of the Civil War.

For an understanding of the Civil War period in English history, S. R. Gardiner, History of the Great Civil War, 1642-1649, 4 vols. (London, 1901) is indispensable. This account, based on unimpeachable scholarship, gives almost a day-by-day account of these tumultuous years. It remains the starting point from which all other works on this period must proceed. A less detailed, but still reliable, record of the revolutionary period may be found in Godfrey Davies, The Early Stuarts, 1603-1660 (Oxford, 1952).

Histories of the Leveller movement, as such, are few. The most outstanding of those available is T. C. Pease, The Leveller Movement: A Study in the History and Political Theory of the English Great Civil War. (Washington, 1916). This is the first history of the Levellers based on careful examination of the pamphlet literature of the day. It remains the authoritative account of the movement. Pease is especially helpful in establishing the authorship of many pamphlets which had been previously classified as anonymous. The most recent monograph on the Levellers is Joseph Frank, The Levellers: A History of the Writings of Three Seventeenth Century Social Democrats: John Lilburne, Richard Overton, William Walwyn. (Cambridge, Massachusetts, 1952).

Concentrating on the Levellers as writing stylists, Frank minimizes the significant contributions of the movement to the development of seventeenth century democratic ideas. He classifies it as interesting but anachronistic. His account is useful, however, as a bibliographical reference. G. P. Gooch, English Democratic Ideas in the Seventeenth Century. (Cambridge, Massachusetts, 1927), gives an impartial account of Leveller thinking as it related to the political philosophy of the seventeenth century. Unfortunately, he fails to recognize the significance of the Levellers as transitional figures between the half-formed social contract theory of government in pre-revolutionary England, and the mature expression of the theory in the political philosophy of Hobbes and Locke. C. H. Firth has contributed to The Dictionary of National Biography, some excellent articles on the Leveller leaders. M. A. Gibb's, John Lilburne, The Leveller, A Christian Democrat (London, 1947) is the only available biography of this Leveller leader. Gibb's account is scholarly but it fails to capture the spirit of the man or of the movement.

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