

### THE LEVELLERS AND THE EMERGENCE OF (SOME) MODERN POLITICAL IDEAS

In this month's Liberty Matters online discussion we discuss the Leveller pamphlets and the emergent political ideas found there. In the Lead Essay, Stephen Davies of the Institute of Economic Affairs argues that were both contributions to and commentaries upon specific political moments and disputes, and also speech acts that saw the creation of a political vocabulary and argument or theory. It is this dual quality that explains both the importance of the Levellers at the time and subsequently, and the persistent interest in them. The commentators are Iain Hampsher-Monk, professor of political theory at the University of Exeter; David Wootton, Anniversary Professor of History at the University of York; Dr. Rachel Foxley, associate professor of early modern history at the University of Reading.

# THE LEVELLERS AND THE EMERGENCE OF (SOME) MODERN POLITICAL IDEAS

by Steven Davies

The Levellers have been a topic of recurring interest for historians since at least the time of S. R. Gardiner. The pattern is for episodes of scholarly interest and debate to be succeeded by relative lulls (a common feature of historiography). There was a major upsurge of interest 40 to 50 years ago, with works by authors such as Brian Manning (Manning 1976) and (most notably) Christopher Hill (Hill1991) before a subsidence as the idea of an "English Revolution" lost ground and historians returned to speaking of the Civil War. Recently, however, there has been another revival with works by scholars such as Blair Worden and Rachel Foxley. (Foxley 2014, Worden 2001. See also Rees 2017 and Braddick 2018). The interest throughout has come from both political historians and those interested in the history of political thought (such as the late Richard Ashcraft, 1986). This reflects the dual quality of what we may call the Leveller episode in 17th-century English history, as it was both a political movement, in the New Model Army and

London, and an intellectual one, producing a spate of pamphlets and polemical literature. The pamphlets in turn were both contributions to and commentaries upon

THE LEVELLERS, SUCH AS JOHN LILBURNE, RICHARD OVERTON, AND WILLIAM WALWYN WERE A GROUP OF RADICAL LIBERTARIAN ACTIVISTS AND PAMPHLETEERS WHO WERE ACTIVE DURING THE ENGLISH REVOLUTION. THEY ADVOCATED INDIVIDUAL LIBERTY, PROPERTY RIGHTS, CONSTITUTIONALLY LIMITED GOVERNMENT, RELIGIOUS TOLERATION, AND FREE TRADE AT A TIME WHEN VIRTUALLY NONE OF THESE THINGS EXISTED IN ENGLAND. FOR THEIR TROUBLES, SEVERAL OF THEM WERE REPEATEDLY IMPRISONED AND THEIR PUBLICATIONS CENSORED.

specific political moments and disputes, and also speech acts that saw the creation of a political vocabulary and argument or theory. It is this dual quality that explains both the importance of the Levellers at the time and subsequently, and the persistent interest in them.

This interest is clearly not because the Levellers were successful in achieving their aims or in significantly influencing the course of events in their own times, because they were not. The phenomenon of the Leveller movement reveals, however, the degree to which political authority and orthodoxy of all kinds had broken down under the stress of the Civil War, posing challenges to both sides of the conflict (if indeed there were only two). It is one of the main points in favor of the argument that the events of 1637-1653 constituted an instance of a revolutionary civil war that dissolved political certainties and structures, if only temporarily. Moreover, the fully formulated ideas and program, as found in the classic works published between 1646 and 1649, had a truly novel quality. The core ideas had either not existed before or had not found expression. (We cannot know for sure if people had the ideas but did not express them.) Where did they come from and why did they suddenly appear in the way they did?

In addition, the Levellers have come to be seen by a succession of authors starting with Brailsford as standing at, and being, the source and origin of a subsequent intellectual and political tradition. (Brailsford 1961 — but written 1946) They have been retrospectively appropriated or claimed as ancestors by subsequent political generations. However, this is itself contested, with individualist liberals and socialists both laying claim to them. This does raise the interesting question of which intellectual genealogy has the better-founded claim - it could of course be either, neither, or both. It is this that attracts the interest of historians of ideas and political theory. Perhaps the most interesting aspect of their history, however, is the way they illuminate a central question for both political and intellectual historians.

This is the problem of how self-aware political and intellectual movements come into existence. Are ideas primary, with the ideas being developed and then leading

to action and application, or is it rather the other way round, with the pressures of actual political conflict and debate leading to the working out and formulation of more abstract justifications for particular positions (via a process of instrumental reasoning that uses existing ideas by altering and combining them to produce something new)? I believe that in this case it is very much the second that we are dealing with. Circumstances, conflicts, and campaigns drive people to employ arguments and, in so doing, transform those arguments into something new. The newly formulated argument then acts as a mobilizing force and insofar as it finds expression in programmatic demands and calls for action, then plays a key part in driving subsequent action and campaigns. An example of this from a later period is the way that the campaigns against slavery and the slave trade not only drew on a body of existing argument but also in the heat of debate led to the articulation and formulation of a novel and more defined notion of what liberty and autonomy were, and of the idea of social and economic liberty. Between 1638 and 1650 we see the same kind of process at work in the Leveller movement and the ideas and publications of its major figures.



In this context we should point out the importance and significance of the major collection of pamphlets put together by Liberty Fund in the Online Library of Liberty. This is the first really comprehensive compilation of Leveller works and those of their fellow travelers, and some of their critics and interlocutors. There are of course several printed collections, such as those by Haller and Davies, Wolf, Aylmer, and Morton, but none are as comprehensive. (Haller and Davies 1964, Aylmer 1975, Wolfe 1967, Morton 1975). The presentation and organization of the texts in chronological order are also important since it makes it much easier to follow the historical development of the movement and its ideas as

well as the relation of those processes to actual political developments and events. This is not as easy when there is also a thematic principle behind the organization and selection (useful as that is in other ways).



Richard Overton

At the start of the collection, in 1638, there was little or no sign of what was to come. There were pamphlets by John Lilburne concerning his views of theology and ecclesiology and his subsequent prosecution and punishment for religious heterodoxy, as well as a 1641 pamphlet by Richard Overton, which was again an exposition of fairly commonplace radical Protestantism. At this point there was no sign of the later systematic and novel radicalism. As the crisis intensified in 1641 and early 1642, we find the first intimations and expressions of more subversive arguments. One of the earliest is William Walwyn's 1641 pamphlet A New Petition of the Papists, which made the for-the-time-very-unusual argument for complete religious liberty for all believers, including Roman Catholics and Unitarians. (Walwyn 1641) He followed this up the next year with Some Considerations Tending to the Undeceiving, which called for those supporting Parliament to not let themselves be divided by sectarian projects and divisions. (Walwyn 1642) Significantly the case was made not simply on pragmatic grounds (of the "We must all hang together else we shall all be hanged separately"-type) but on the principled basis that establishing a single religious confession was not the main point of the emerging conflict.

Subsequently there were further publications by both Walwyn and Overton against the idea of a single religious settlement as provided for by the Solemn League and Covenant, and the first signs of claims for rights and traditional freedoms being pushed against Parliament as well as the king in works such as the anonymous Touching the Fundamentall Lawes of this Kingdom of 1643. (Anon. 1643) This latter reiterated the arguments made earlier by authors such as Henry Parker that the ultimate source of political power and legitimacy was the people as a whole but drew a more radical conclusion than Parker had been prepared to: that this power was not simply and clearly instantiated in any particular Parliament. It is in 1645 and 1646 that we see the clear coming together of several figures, notably Overton, Lilburne, and Walwyn, to form a coherent party. The initial common cause is resistance to the project of a single establishment and opposition to corrupt or arbitrary actions by Parliament and its agents. (Walwyn 1645, Lilburne 1645) Campaigns against the imprisonment of Overton and Lilburne in 1646 were the actual occasion of both the formation and organization of a mass movement and the articulation of a radical doctrine of politics and political legitimacy. (Lilburne & Overton 1646, Larner 1646) This then found expression in the demands of the agitators in the New Model Army during the crisis that followed the ending of the First Civil War, and the spelling out of a worked-out program of political reform in the Agreement of the People. At this point the ideas of the Levellers had fully emerged, and over the next three years they were refined and worked out under the pressure of both the Second Civil War and the hostility of Cromwell and the Army leadership. This culminated in the third Agreement in 1649 after which the movement was crushed and dispersed by action on Cromwell's part and the leading figures silenced.

Looking at the full run of texts, we can discern firstly several foundational ideas and secondly the way these were combined by Leveller authors in response to particular political conjunctures to create something novel. The first is a radical doctrine of religious liberty, arguing both for complete liberty of the individual conscience in matters of religious belief and observance, and for what we would now call a separation of church

and state, with the authority of the crown over such matters denied. This was defended on several grounds: there was a claim for the uncertainty of human knowledge of these matters and also (particularly in Walwyn) the argument that this alone would bring social peace in a time when peoples' opinions and beliefs were divided. The truly radical argument, however, was an assertion of the ultimate autonomy of the individual conscience, an argument made by several authors, notably Henry Robinson in Liberty of Conscience: Or the Sole Means to Obtaine Peace and Truth. (Robinson 1644) These kinds of arguments had been made previously, most notably by Roger Williams in 1638 and by Thomas Helwys in A Short Declaration of the Mistery of Iniquity in 1611. (Helwys 1611) However, what was new was the political context and the way this led certain people to address another foundational idea of the time and amend it.

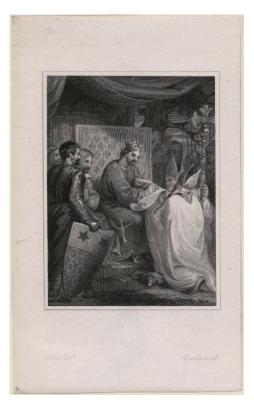
The context for the arguments made by those who would later come together as Levellers in the early 1640s was the agreement of the parliamentary majority to bring about a new establishment under the Solemn League and Covenant of August/September 1643. This had, however, been the goal of many in Parliament before then. This was strongly opposed by those who rejected the idea of a single national church and instead advocated a system of independent self-governing congregations (such as another fellow traveler, Catherine Chidley). More radically, Walwyn, Overton, and others opposed it on the grounds that it would violate the liberty of the personal conscience, which should logically lead to a policy of complete religious liberty and free association. (Overton 1645)



John Lilburne (mid-17th century)

The arguments against a national church establishment on the grounds of liberty of conscience then collided with, and for some transformed, the second foundational idea. This was popular sovereignty as embodied in Parliament (or a combination of king and Parliament). The idea of popular sovereignty was spelt out by Henry Parker, a subsequent critic of the Levellers, in Observations Upon Some of His Majestie's Late Answers and Expresses, in which it was argued that the sovereign power that ultimately came from God was located in the people. (Parker 1641) In this argument the sovereign people were those who collectively were bound by a common law or covenant. Representative institutions such as Parliament were the means by which that sovereign power acted and was expressed. The thesis could thus be used to criticize and oppose actions by the king that were held to be without authority, but it did not deny that there was an authority. It only argued for its having a different location. What this meant of course was that Parliament might decide to establish a particular religious confession; in doing so it was acting as the agent of the people and so the people bound itself to that confession.

What we see in the early period of writings by Leveller authors is an amendment of the argument for popular sovereignty in the light of the doctrine of the primacy of individual conscience, which transformed the understanding of that argument into something much more radical. The position, stated most clearly in Overton's Arrow Against All Tyrants from 1646, was that popular sovereignty is held and exercised by individuals on a personal basis so that each individual is personally sovereign – "the people" were thus simply the gathering of individuals. (Overton, October 1646). This then led to a radical theory of political authority in which legitimate power could only be a delegated one. That in turn meant that it must be limited and specific (and so would not include a power to compel conscience or establish and compel adherence to a particular confession). This also meant that it was not only the king who could be criticized and held accountable; the same also applied to Parliament or indeed any political authority. (Overton, July 1646) This of course is what the Leveller leaders did, as their opposition to the Presbyterian majority in Parliament, and subsequently Cromwell and the Rump, got them into all kinds of trouble.



King John signing the Magna Carta

These two ideas of religious liberty and popular sovereignty were also combined with a third foundational idea, particularly by Lilburne. This was the idea of a fundamental law, or constitution, that was above all political actors and hence bound them. This was typically identified with Magna Carta (or rather the mythical understanding of that document that Sir Edward Coke had created) along with the notion of an inherited English liberty going back to the Anglo-Saxons but subject since 1066 to the "Norman Yoke." (Lilburne 1645) What this came to mean for the Levellers, when melded with the first two ideas, was the principle that all power should be limited and exercised subject to rules and constraints. Again, the original use of this as a way to limit royal power was extended to political power in general and particularly the delegated power exercised by the legislature proposed in the three versions of the Agreement. In the third of these the delegated power was couched in unlimited terms initially but was then declared to not apply to a whole range of areas, so that the sphere of political power was radically circumscribed.

Interestingly, one of those areas where the delegated power did not apply was trade. This reflected yet another key Leveller idea that emerged out of particular controversies and complaints going back to the early 1640s, in this case opposition to corruption and the granting of special privileges and monopolies to private interests, whether by crown or Parliament. This developed into a general support for free trade and opposition to things such as trading monopolies, but also came to extend to hostility to all kinds of social and legal privileges that were seen as derived from power (and therefore unnatural). (Johnson 1646) The other major argument was for reform of the law, to remove practices such as imprisonment for debt and more generally to make it more accessible and more egalitarian in its treatment of people. What is also noticeable is what was not present: there was none of the millenarianism that was found in many other thinkers of that time, such as Gerrard Winstanley, for example.

All of this makes an interesting contrast to both the orthodox parliamentarianism of people like Parker and William Prynne (which subsequently found expression in mainstream Whiggery) and the classical republican thought of people like Harrington. Both of those

doctrines had an ultimately collective and prescriptive conception of the polity and of political legitimacy. By contrast the Leveller ideas that emerged out of arguments over things such as religious liberty and the policies of Parliament in the middle of the 1640s drew on many of the same elements as those other two traditions but produced a system of thought that had distinctive and novel elements because of the way the three foundational (and long existent) arguments were combined. Their arguments spelt out a politics that was profoundly and primarily pluralistic, radically individualist, concerned centrally with limiting political power, and socially (though not economically) egalitarian. It is a politics that was novel and revolutionary for the time and which remains radical today. The ideas as found in their most finished form, in texts such as the Agreement of the Free People of England, did not spring onto the page full grown from the heads of Overton, Lilburne, Walwyn, and others, although the rapidity of their development can leave that impression. Rather they were produced under the pressure of fast-moving events and profound and shifting political conflicts, which led the Levellers to collaborate and to engage in political action and in that action to take their initial ideas and blend then into a new kind of political theory.

We can see why both individualist liberals and socialists have found this congenial and sought to appropriate these 17th-century figures as their ancestors. For liberals the aspects to emphasize are limited government, economic liberty, and, above all, the central radical individualism. For contemporary socialists the egalitarianism and hostility to structural economic privilege are very attractive. Both traditions like the emphasis on the rule of law and pluralism. In any event, what we have here is a remarkable conjuncture of people, ideas, and events, with the three combining to generate and express ideas and a program that continues to inspire centuries later, while many of their contemporaries have crumbled into dust.

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# THE VITAL ROLE OF PURITANISM

#### by David Wootton

I'd like to thank Steve Davies for his thoughtful essay on the Levellers. The points I wish to make in response are primarily directed at extending rather than criticizing his account.

The modern literature on the Levellers really has two quite distinct origins. On the one hand, there is a group of scholars, beginning with William Haller, *Tracts on Liberty in the Puritan Revolution* (1934) (which represents the "discovery" of William Walwyn), and A. S. P. Woodhouse, *Puritanism and Liberty* (1938), who wanted to show that modern democracy (and the American Constitution) emerged out of Puritanism. And on the other hand a group of socialist intellectuals, beginning with Henry Holorenshaw, *The Levellers and the English Revolution* (1939), obliged by Stalinist orthodoxy to claim that the English Civil War was a bourgeois revolution, sought to find in the Levellers the origins of English radicalism. (Theodore Pease's *The Leveller Movement* [1916] is very much an outlier.) Out of these two traditions there

emerged a technical academic debate about the Leveller views on the franchise; its origins are to be found in C. B. Macpherson's *The Political Theory of Possessive Individualism* (1962). Macpherson, an idiosyncratic Marxist, sought to emphasize the limits of bourgeois radicalism, where others had sought to stress its continuity with later socialist movements.



William Walwyn

By 1979, what came to be called "revisionism" (the rejection of the socialist interpretation of the Civil War propounded by Christopher Hill and Brian Manning) began to dominate the academic community: Mark Kishlansky, a leading revisionist, argued in the *Historical Journal* (the house journal of the revisionists) that the Levellers were scarcely a movement and had little influence in the New Model Army.

These three intellectual traditions — Puritan, socialist, and revisionist — formed the background to my chapter on the Levellers in *The Cambridge History of Political Thought* (1991). That volume was long in gestation, and when it was first commissioned I remember attending a meeting of contributors at which it was argued that — in the light of Kishlansky's work — there was no need for a chapter on the Levellers at all. The revisionist phase in English Civil War history has ended (Conrad Russell, its

most impressive proponent, died in 2004), but in our postmodern age no grand narrative has been propounded to replace the religious story of a Haller or the socialist story of a H. N. Brailsford.

#### "BUT CONSIDER ALSO JOHN LILBURNE, WHOSE PLACE IN HISTORY WOULD SEEM SECURE."

Leaving our suspicion of grand narratives aside, the problem for anyone who wants to give the Levellers a central place in the history of liberty is the sheer difficulty for anyone after 1660 in obtaining a copy of anything they had written. Take William Walwyn. His Compassionate Samaritane appeared in three editions in 1644; of these three editions, the English Short Title Catalogue records only 11 surviving copies; the text was first reprinted by William Haller in 1934. (Compare the 32 surviving copies in major libraries of the two editions of Roger Williams's Bloudy Tenent of the same year, or the 45 copies of the crucial radical pamphlet Plaine English of the previous year.) No text of Walwyn's dealing with politics or religion appeared between 1654 and 1934. Walwyn sank into obscurity. But consider also John Lilburne, whose place in history would seem secure. Texts by Lilburne flooded from the presses up until his death in 1657. There were six reprints between then and 1800, but most are and were utterly obscure: of four, only seven copies survive in major libraries, and for one (the 1752 edition of *Unhappy Game*), no copy (as far as I can tell) survives. Only one edition survives in quantity: the 1710 edition of The Tryal.

The reasons for the disappearance of the Leveller tracts are simple: in the first place, they were cheap pamphlets, shoddily printed, quickly turned into fire lighters or toilet paper, or (as rag paper frequently was) recycled to make new paper; in the second, their ideas soon became unfashionable. But, a third reason is equally, perhaps more, important: many of their original purchasers came from the lower classes. If more copies of *Plaine English* and the *Bloody Tenent* survive than of *The Compassionate Samaritane*, it is not that more were printed;

rather they were written by Cambridge-educated clergymen and were purchased by clergymen and gentlemen who could afford to have their tracts bound and placed on library shelves. Only a few determined individuals were thus able to obtain access to a significant number of Leveller tracts: Catherine Macaulay (1731-1791), who owned 30 Leveller tracts, is a striking but completely exceptional case. (See Frederick K. Donnelly, "Levellerism in Eighteenth and Early Nineteenth-Century Britain," Albion, 1988). The key resource for all later scholarship, the Thomason collection of tracts now in the British Library, was in private hands until 1762; the other major resource, the McAlpin collection at the Union Theological Seminary in New York (which contains, for example, a dozen tracts by Walwyn) only began to be assembled after 1872 — David H. McAlpin, who funded the collection, was a vastly wealthy tobacco manufacturer.

William Haller and Godfrey Davies's *Leveller Tracts* and Don M. Wolfe's *Leveller Manifestoes* (both 1944) made the Leveller texts widely available for the first time; it is easy to forget just how inaccessible they were before then, and indeed many of them remained inaccessible thereafter. It was only in 1977 that the Thomason Tracts were published in microfilm. Now the digital revolution represented by Liberty Fund's OnLine Library of Liberty and other collections, which makes access to rare works almost effortless, ushers in a new era of scholarship; but we should not forget that Haller had to travel from New York to London to place the tracts he had found in the McAlpin collection in context.

The notion that the Levellers had some long-term influence on radical or democratic thinking requires one to argue that Leveller ideas were somehow transmitted to later generations not directly but by some intermediary: Ashcraft tried to argue that Locke was that intermediary, but Locke had no Leveller texts in his library and his arguments clearly derive from a much different tradition. (See my essay "John Locke and Richard Ashcraft's Revolutionary Politics," in *Political Studies*, 1992.) Thus when Steve identifies three foundational Leveller arguments — liberty of conscience, popular sovereignty,

and fundamental law — he also correctly acknowledges that not one of these arguments was new with the Levellers. It is, consequently, important to place the Leveller arguments within longer traditions constitutionalist, natural law, and tolerationist debate. Much of parliamentary polemic in the Civil Wars consisted simply of repurposing arguments that had been developed by the conciliarists to limit the powers of the papacy and arguments that had been used to justify tyrannicide in the 16th-century religious wars. (Brian Tierney, Religion, Law and the Growth of Constitutional Thought [1982]; J. H. M. Salmon, The French Wars of Religion in English Political Thought [1959].) The weakness of both these intellectual traditions was that they sought to restore an "original," idealized constitutional order in response to tyranny and corruption.



John Lilburne (mid-17th century)

But within scholasticism, there was a long tradition arguing that society originated in an agreement between individuals (or heads of households) meeting as equals. The crucial intellectual move, therefore, was the claim that an existing constitution could, in the face of tyranny, be dissolved, requiring the construction of a new constitutional order, re-founded on new principles. This

move predates the appearance of the Levellers, for it dates to the winter of 1642-43, when it seemed likely that the king would reestablish control and successfully isolate his more militant opponents, who faced the prospect of trials and executions, and it first appears in tracts such as Plaine English. The Leveller notion of an Agreement of the People depended on this earlier claim that the old constitutional order could no longer be relied on and that a new order must be established, as if from a state of nature. (See my "From Rebellion to Revolution," The English Historical Review [1990] and the recent book by David Como, Radical Parliamentarians and the English Civil War [2018].) So too arguments for liberty of conscience had appeared earlier, for example, in Roger Williams's Bloudy Tenent.

This brings us to the important question of the relative contribution of circumstances and ideas, or as Steve formulates the question: "Are ideas primary, with the ideas being developed and then leading to action and application, or is it rather the other way round, with the pressures of actual political conflict and debate leading to the working out and formulation of more abstract justifications for particular positions?" The answer to this question, I think, is to be found in the story of the Sea Venture, wrecked in the Bermudas in 1609 on its way to Jamestown Virginia. (The key source for download is at https://tinyurl.com/v48oa2pc; for the story see Alden T. Vaughan, "William Strachey's 'True Reportory' and Shakespeare: A Closer Look at the Evidence." Shakespeare Quarterly [2008].) Sir Thomas Gates, on his way to take up the position of governor of Virginia, insisted that new ships be built and the voyage continued. But a number of crewmen very sensibly preferred to stay where they were, in a land of plenty.

They alleged substantial arguments, both civil and divine (the Scripture falsely quoted), that it was no breach of honesty, conscience, nor religion to decline from the obedience of the governor, or refuse to go any further led by his authority (except it so pleased themselves), since the authority ceased when the wreck was committed, and with it they were all then freed from the government of any man. And for a matter of conscience it was not

unknown to the meanest how much we were therein bound each one to provide for himself and his own family.

These Englishmen (and religious sectarians) were thus quick to develop what would later become Leveller arguments; the Levellers, as soon as it became apparent that the ship of state had been wrecked on the rocks of civil war, had no difficulty inventing similar arguments, both civil and divine. (See my essay in John Dunn, ed., *Democracy: The Unfinished Journey* [1992].) The notion that one could be freed from the government of any man, and thus freed to construct a new government on a basis of equality, was, as far as we can tell, a new one; but its preconditions must be sought before 1609, not merely before 1645. Haller, we may suspect, was right: without Puritanism there would have been no modern democratic theory.

# THE LEVELLERS AND FOUNDATIONAL IDEAS

#### by Iain Hampsher-Monk

As a scholar whose first published work — some 45 years ago now — was on the Levellers, it is a pleasure and a privilege to be asked to write about them for Liberty Fund. [1] Steve's presentation captures important aspects of the Levellers' significance and an overview of their historiography, and he offers an interpretation of their thought. I can only focus on the last of these in the space available.

Thinking about past writers invariably involves a degree of what, in the trade, is called "interpretive charity." No writer (then or now) establishes their starting premises *ex mihilo*. Writing is "always already" situated in a cognitive space where certain things are taken for granted, unexamined, but nevertheless essential for the coherence or defensibility of what is expressly stated. The task of historical exegesis involves suspending critical judgment until such cognitive underpinnings or presuppositions have been recovered and supplied.

But the virtue of such cognitive charity has a corresponding vice of excess: the pursuit of coherence at all evidential costs. Achieving a virtuous mean is more problematic in the case of publicists and pamphleteers whose relationship to their audience is more rhetorical than philosophical and concerned more with persuasion than logical demonstration. And in the case of the thought of groups or movements, the extension of interpretive charity has also to negotiate the fact that identifying coherence amongst several minds is more difficult than in one. With minds as different as the raffish Richard Overton and mortalist the pious, "whispering" William Walwyn, the Levellers are a difficult case — perhaps more vulnerable than most to having modern writers - Marxists, Whiggish liberals, Radical Democrats - recruit them as ancestors or spoilers.[2]



Steve identifies three "foundational ideas":a radical doctrine of religious liberty, "popular sovereignty as embodied in parliament," and "fundamental law." It is the synthesis or melding of these three that he sees as yielding "a politics that was novel and radical for the time and which remains radical today." I don't disagree, but there are historical problems in understanding what these ideas meant in the 17th century, and there were problems then – some of which remain today – in how, and if, they can be "melded" together.

Religious liberty: That Levellers championed religious liberty is not, I think, contentious, although I see them

doing so on a more principled (radically Protestant — and recognizably Lockean) grounds than Steve allows. How about this:

"All true religion is founded on the inward consent of [men's] understanding.... [S]hould he resist that seeming light (though it should in truth be darkness) his sin would be much greater." To constrain belief is to "banish all dependence on the spirit of God for light, ... that is the light of their own understandings, and ... for their worldly respects and safety to profess a faith, and practice a worship which they neither do, nor dare, understand." [4]

"THIS MIGHT SUGGEST THAT THE
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OTHER TWO."

Moreover, to separate out the doctrine of religious liberty from their political radicalism may be misleading. J. C. D Clark wants to deny to any thinkers before the 1790s the epithet *radical*, claiming that all such thought or movements before that time were "dissenting" in the religious sense. "[5] This might suggest that the three foundational ideas are hierarchically related — with the religious structuring the other two. I think there is something in this, although less in Clark's ecclesiological sense than in a theologically normative one.

Fundamental law: Some Levellers sometimes (especially Lilburne early on, as Steve points out) construe fundamental law historically, identifying it with pre-Norman rights or Magna Carta, but they increasingly realized this was slippery ground. As Overton complained, Magna Carta was "but a beggarly thing.... [O]ur very laws were made by conquerors.""[6] And at the end of his radical career Lilburne also couched his appeal not in constitutional history but, in a radical appropriation of Coke, in reason ("for where reason ceases, there law ceaseth.""[7]), "which is the proper measure of our liberty.""[8]

Lilburne and Overton can be found making virtually identical claims about the origins of our radical individual right in the coincidence of God's Command and Natural Reason."[9]

The recognition of a theologically grounded (or indeed any deontological) fundamental law renders the use of the term *popular sovereignty* problematic in important ways. Firstly, as in the case of Locke (who may owe more than we have recognized to Leveller ideas), there is a complicated relationship between what we may loosely call popular sovereignty and the criteria deriving from fundamental law that bear on the legitimacy of the exercise of political power or the designation of those entitled to exercise it.

Popular sovereignty as embodied in parliament: The notion of popular sovereignty stricto sensu entails that the opinion of the (majority of the)people is itself the source of legitimacy and should prevail. But noone in early modernity held this view. And if they seemed to articulate it, they did so against a background presumption of the moral or theological (and possibly behavioral) limitations of what a popular majority might wish and what the moral implications of that wishing might be. For the Levellers, as for Locke, there were background limits as to what could legitimately be consented to. Consent only operates within limits broadly limned out by a natural and theological duty of self-preservation.



John Locke

Whilst the old tag of *Salus Populi Suprema Lex* could easily be (and was) recruited to defend a parliament resisting the king, the Levellers extended this to defend a people resisting parliament or its officers. It was "Unnaturall, irrational, sinfull, wicked and unjust ... for any man ... to part with soe much of their power as shall enable any of their Parliament Men, Commissioners Trustees, deputues, Viceroys, Ministers, officers or servants to destroy and undoe them therewith." [10]

The Leveller conception of fundamental law thus not only blew apart the easy (for parliamentarians) assimilation of "The People" to parliament; it also rendered problematic any claim that the people's (empirical) will was sovereign.

Propositions that contravene Natural Law/Law of Reason (Levellers used both vocabularies) may not be consented to, and if they are, such acts carry no legitimating force. A prominent corollary of this is that persons who have shown themselves willing to support regimes which contravene such principles (Delinquents — Royalists, e.g.), were, at least temporarily, not to be regarded as part of the "people," nor are they to be enfranchised. A feature of the Agreements of the People was the exclusion from the franchise of "delinquents" — those who had supported the monarchy; such people had

displayed a failure to keep their "consent" within the moral limits presupposed by an axiomatic principle of autonomous moral agency.

My reading of the Levellers renders their thinking radical indeed not only for their own time, but also for ours. But it is surely their sense of the limitations that would constrain will, rather than their championship of its unconstrained competence, that render them radical today. Popular arguments or presumptions (and even many academic ones) in favor of popular sovereignty rarely take care to articulate limits on its scope – perhaps because there is (or has been until recently) a presumption that "a people" as a whole cannot will things that we might regard as unconscionable. But of course they can. The political problem is surely how to obtain good governance, not how to translate the will of any majority as expeditiously as possible into political reality.

#### Endnotes

[1.] "The Political Theory of the Levellers, Putney, Property and Professor Macpherson," *Political Studies*, XXIV, no 4 (1976).

[2.] The brilliant epithet was Ivan Roots's, alluding to Walwyn's anti-Presbyterian tract "A Whisper in the Ear of Mr Thomas Edwards" (1646).

[3.] Eduard Bernstein, Cromwell and Communism: Socialism and Democracy in the Great English Revolution (trans. 1930), saw the Levellers as proto-social democrats; C. B. Macpherson – a fellow Marxist – saw them as apologists for a proto-capitalist "possessive individualism" (The Political Theory of Possessive Individualism[1962].) A range of liberal interpreters, such as H. N.Brailsford (The Levellers and the English R\_evolution[1961]) and C. M. Firth (who edited the Putney Debates) have seen them as proto-social democrats.

[4.] The Leveller (1659), and "A Remonstrance": "truly ... neither you nor none else, can have any Power at all to conclude the people in matters that concerne the Worship of God... for ye have no Power from Us so to doe, nor could you have; for we could not conferre a power that was not in our selves.' "A Remonstrance of many thousand citizens and other free-born people..."

(1646), in D. M. Wolfe, *Leveller Manifestoes* (London and New York, 1967), p. 122.

[5.] J. C. D Clark, "Religion and the Origins of Radicalism in Nineteenth-century Britain," in *English Radicalism:* 1550-1850, Matthew Festenstien and Glenn Burgess, eds., (Cambridge, 2007).

[6.] "A Remonstrance,"in Wolfe, Leveller Manifestoes, p. 124

[7.] Lilburne, "Legall Fundamental Liberties of the People of England" (1649); The Afflicted Man's Outcry (1653): "for where reason ceases, there law ceaseth." – citing Coke Institutes, 4, fol. 330.

[8.] Lilburne, "The Afflicted Man's Outcry."

[9.]Lilburne, "The Afflicted Man's Outcry," p. 1: 'the Law of God, or Law of Reason [which is] written in the heart of every man teaching him what is to be done."And Overton refers to 'a firme Law and radicall principle in Nature engraven in the tables of the heart by the fingers of God," establishing both individual rights and reciprocal respect for them. ("An Arrow against All Tyrants," 1646, p. 3).

[10.] Lilburne, Free Man's Freedom Vindicated (1646), p. 11.

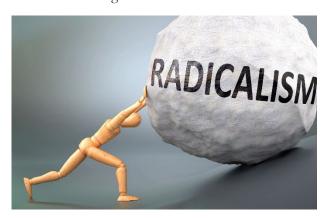
#### RESILIENT RADICALISM: THE LEVELLERS AND POPULAR SOVEREIGNTY

#### by Rachel Foxley

Ancestry, of course, is a game to which the ancestors themselves are oblivious, played by hopeful heirs searching for their inheritances – financial, cultural, or intellectual as the case may be. To see the Levellers feted 350 years on by both libertarians and socialists is thus no surprise: far stranger things have happened to texts and ideas than that, and Steve Davies's article neatly picks out the elements which both have gleaned from their readings of the Levellers' thought. But it is worth noting that the Levellers have failed to satisfy both camps, as well. Christopher Hill attempted to redeem some

Levellers by distinguishing more constitutional Levellers from those with a more economic focus (Hill 1972). As Hill himself noted, the Levellers have inspired the loyalty of those who sought a more middle-of-the-road politics too – as well as socialists and libertarians;, they have been "social democrats" or "C'christian democrats" for those who perhaps found in 17seventeenth-century radicalism a programme which, when imported into the later centuries where it belonged, was merely good, moderate, common sense.

Davies is right to find a more resilient radicalism in the Levellers than that. The questions raised by Leveller texts are still disturbing, because popular sovereignty – the key political idea to which the Levellers tried, in a succession of proposals, to fit institutional scaffolding – will always, if taken seriously, pose a threat to the legitimacy of the institutions which try to channel it. The Levellers themselves wrestled with this, alternately urging their followers to exercise the kind of genuine popular sovereignty which would break through the bounds of existing political institutions, and proposing new constitutional and institutional solutions which needed to be ratified by and constantly responsive to the people, but which were also to be locked down to prevent future constitutional change.



Part of the urgency and radicalism of the Levellers' vision emerged out of the lived experience of politics during the civil wars. I'm sure it's right to argue that a coherent set of Leveller ideas was developed not in the abstract but under the pressure of events, which were a catalyst for the creative development and fusion of existing ideas. Indeed, some of the less coherent or consistent elements in Leveller thought can be seen as the result of varying rhetorical contexts and pressures (e.g., on the Norman Yoke, discussed by Dzelzainis 2005). These pressures were certainly responsible for one key development which was central to Leveller thought: their revolutionizsed account of representation, which argued that parliament's representation of the people entailed being accountable to the people (Foxley 2013, 64-72). Because this developed under pressure of circumstance, it developed among various radical voices, not only the (future) Levellers. This picture of a richer and more complex set of radical networks at the most committed end of the parliamentarian spectrum as a matrix within which radical religious and (connectedly) political views emerged, and of which the (future) Levellers formed part, has been developed in recent scholarship, particularly the groundbreaking recent book by David Como (2018).



John Lilburne

It was not just the *events* of the 1640s – the threat of the desired parliamentarian victory bringing a renewed form of religious "persecution" (as the Levellers saw it: Overton 1645) and the parliament itself becoming a new oppressor – which contributed to the development of the Levellers' thought. The developing political culture of the 1640s — in which popular action played decisive roles in events such as the execution of the Earl of Strafford (with

the ebullient participation of the future Leveller leader John Lilburne: Rees 2016, 35);, Londoners threw themselves into the parliamentarian war effort, and radicals particularly so (De Krey 2018, 29-31);, the culture of news was transformed by the proliferation of printed pamphlets and the invention of newsbooks (Raymond 1996);, mass petitioning became a core political tactic (Zaret 2000):, and the Long Parliament itself mobilizsed the public in ways which it could not always control – this developing political culture enabled Leveller politics, but also fed into Leveller thought. Richard Overton, a future Leveller leader, was involved in secret printing operations (Como 2018) and the Levellers used print in a highly purposeful way to engage and educate a sympathetic public. In this context of public involvement in politics and the education of a reading public through parliamentarian and radical print, it is not surprising that advocates emerged for the view that this informed public involvement in politics was not a mere emergency measure, but essential to the normal functioning of a reformed constitution. Popular sovereignty surely became more tangible, and less theoretical, when popular activism was an everyday reality.

Popular sovereignty became more meaningfully present in Leveller thought than in the thought of parliamentarians such as Henry Parker partly because the Levellers read the story of an original state of nature and contract of government differently. Parker too had used the device of consent to argue that power was limited by what rational people with an eye to their own selfpreservation would have instituted. But that choice was long in the past, and they had chosen parliament as the safeguard to protect themselves against the excesses of kings - although even Parker suggested that "some things they have reserved to themselves out of Parliament, and some thing in Parliament" (Parker 1642), suggesting that even outside parliament, the people retained some rights that they could not or did not give away. But Lilburne's state of nature was not just in the past – he said that "every particular and individual man and woman, that ever breathed in the world since [Adam and Eve]... are, and were by nature all equall and alike in power, dignity, authority, and majesty" (Lilburne 1646). If

people still have their original equality, and cannot sacrifice it except through "'mutuall agreement or consent,", the exercise of individual consent comes into the present day of routine politics, rather than being confined to the distant past when the constitution was established, or fused into the collective, representative, but unaccountable acts of parliament. That picture is reinforced by Overton's account of the flowing of power between the sovereign people and their betrusted MPs – and, as he pointedly says, "'no further'" (Overton 1646a). Given the Leveller insistence on annual parliaments (a step further than the army radicals' demand for biennial parliaments, as seen in the first Agreement of the People), this exercise of people's original freedom was to happen often.

The rights of individuals play a large part in Leveller thought, and both Lilburne and Overton present very positive pictures of the "power, dignity, authority, and majesty" which these individuals enjoy in an original state of freedom - as Davies says, a kind of original individual "sovereignty" is suggested by Overton's famous notion of "self-propriety" (Overton 1646b). But we should not leap to conclusions about the implications of this kind of individualism, which, while undoubtedly a part of the ancestry of liberalism, did not necessarily lead to individualistic conclusions in political terms, but existed within the broader web of a national community bounded by law. The Levellers wrote often about the individual rights that needed to be defended, but when they described what these rights were they either called them "national" and "legal" rights, or "natural" rights - indeed they combined the two descriptions as if they unproblematically aligned, as they interpreted national law in the light of an "equity" which almost equated to simple reason (Overton 1647). Depicting rights as national or even natural was a polemical move which was designed to show that these were not particular privileges or grants available only to a few. Every individual enjoyed them - but this emphasis on individual rights was intended to universalizse, as much as to individualizse, the enjoyment of these rights, as telling comments about "common rights" or "common right and freedom" demonstrate. Leveller language created a vivid sense of a

community where people were to defend not merely their own but each other's rights, and where the struggle of an individual (most often John Lilburne) against his own oppression was mobilizsed to bring into being a national community of "'free-born Englishmen" who knew their own rights, not least through reading Lilburne's pamphlets, and were prepared to defend them by supporting him in collective action. In religion the autonomy of the seeking conscience would lead to diverse insights in different people (The Compassionate Samaritane declared that no "agreement of judgement" was to be expected "as longe as this World lasts"), and they were indeed obliged to rely on themselves in this individual search for truth. However, in politics the Levellers were considerably more willing to teach their followers how to understand the law and their own rights, so that the exercise of honest political conscience could be expected to reach rather more uniform conclusions.

One of these conclusions was that there were spheres of life protected from the exercise of political power. Unexpectedly, however, this not because these were spheres where the individual exercised an inviolable selfcontrol, but, as Overton put it very clearly, because these were spheres where even the individual had no right to govern him or herself – and hence no power to give away to a magistrate. Individuals had the duty to search their own consciences, but they did not have the right to bind them; and, as Overton made clear, "as no man by nature may abuse, beat, torment or afflict himself, so by nature no man may give that power to another, seeing he may not doe it himselfe" (Overton, 1647). Government was limited because individuals were limited too - by God and nature. The Levellers feared the corruption of representatives and governors - fears born partly out of bitter experiences of imprisonment by the very parliament they had supported in the civil war. But their positive picture of the "majesty" of equal individuals before they had consented to government translated into a positive picture of the natural and benign phenomenon of government by mutual consent and agreement, a phenomenon which they hoped to recreate through an Agreement of the People.

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# SOURCES, APPEARANCES, AND LEGACY

#### by Stephen Davies

I am very grateful and honored to have three responses from scholars who among them have made such a contribution to our understanding of the Levellers and their place in history. Reading their responses, I see three clear issues or classes of question. These are (not surprisingly) the ones that dominate the historiography, particularly the more recent accounts: 1) the sources or origins of the ideal later developed by the Leveller movement (and indeed by parliamentarian radicals more generally); 2) the way these ideas mutated and developed under the pressure of events and the transformation of political culture in the 1640s, along with the nature of the ideas that emerged from that process and the implications of them for political theory; and 3) the nature of the legacy and transmission of those ideas (if there was any) together with the place they have in subsequent historiography.

"...WE SHOULD SEE LEVELLER IDEAS
(AND ALSO THE ACTIVISM THEY BOTH
GREW FROM AND LED TO) AS HAVING
EXPLICITLY RELIGIOUS ROOTS."

Regarding the first of these, David Wootton and Iain Hampsher-Monk both make a similar point: that we should see Leveller ideas (and also the activism they both grew from and led to) as having explicitly religious roots. Specifically, they both argue that foundational Leveller ideas grew out of radical Protestant (or more narrowly, Puritan) thought. Hampsher-Monk argues that this is true not only for obvious candidates such as the idea of religious liberty, but also for political ideas such as popular sovereignty because of the way the religious beliefs were prior to others and determinative of them in important ways. I think this is undoubtedly true, and in particular I agree with the argument that the idea of a fundamental law was increasingly seen in religious rather

than historical terms, with important consequences for their understanding of things like law and autonomy.

I disagree, though, that ecclesiology was not so important — here I find myself agreeing with J. C. D. Clark in fact. This also relates to the argument Wootton makes: that the idea of a re-founding of a wrecked ship of state or political order derives from Puritan thought. In radical Protestant thinking, the whole Reformation could be seen in those terms, as a relaunching and reconstitution of the Church (as opposed to the more limited model of refurbishment found in divines such as Hooker).

Moreover, what the Levellers and many other radicals clearly and explicitly advocated was a radically voluntarist ecclesiology in which congregations were gatherings of individual seekers who came together and formed a self-governing collective that regulated its own affairs and governed their pastor on a continuing basis, with the option of dissolving or dividing. This bottom-up voluntarist vision was clearly in conflict with the idea of an established order with top-down authority, whether Episcopalian or Presbyterian. In this the Levellers were indeed part of a wider movement that included people such as Milton, Goodwin, and many figures in both the Rump and the New Model Army.



John Goodwin

This obviously bears on the points made by both Hampsher-Monk and Rachel Foxley about the way the ideas came together and transformed the nature and implications of the ideas and proposals that resulted. I agree completely with Foxley that the 1640s saw a whole range of developments that produced a new kind of political culture and with it novel kinds of both activism and debate — and consequently ideas — that fed into and influenced both of those. This reflected simply the collapse of elite authority produced by the crisis, particularly in London but also in parts of the provinces. This is a definitive feature of revolutionary episodes (as opposed to simple uprisings or rebellions, no matter how large) and is, I think, best captured by Perez Zagorin's category of "revolutionary civil wars." Foxley and Wootton both refer to the idea of the re-founding of political order in the context of a political crisis that was seen to have dissolved the existing order. As Foxley notes, this is not classical state-of-nature theory because the new idea of representation that emerged in the mid-1640s meant that the state of nature was a continuing state of affairs that existed either all the time or at regular intervals (although we can see in their proposals that the Levellers were grappling with the implications of this position).

It is this idea of popular sovereignty and the nature of political representation that is the truly radical, even subversive part of Leveller thinking, and it remains so today. Hampsher-Monk and Foxley both emphasize this and stress what I would also see as the critical feature of the Levellers' thinking. Hampsher-Monk comments that if the natural law, because of its theological basis, has a deontological quality, then the whole idea of popular sovereignty becomes problematic and difficult for any political order. As Foxley puts it, "[P]opular sovereignty ... will always, if taken seriously, pose a threat to the legitimacy of the institutions which try to channel it." The reason for both of them is that for the Levellers, popular sovereignty was not the sovereignty of an organic entity or collective: it was individuals, guided by the inner light of conscience, who were sovereign and then came together to reform a political settlement and delegate authority to a "representative" (interestingly not termed a legislature or parliament) that remained, however,

continuously subject and responsible to the sovereign individuals whom it represented.

This radical individualism might seem to logically entail anarchism or the kind of idea, later espoused by Thomas Jefferson, of a contingent and temporary constitution that had to be renewed every generation. However, as Foxley notes, it actually did not generate such radical individualist conclusions for thethe Levellers. Instead, there was an idea of a nation or people (the people of England) that was in a very real sense pre-political and natural. Was this a case of simply assuming something and not subjecting it to interrogation, or was it a case of seeing much of social life as pre- or non political? What it did produce was an effort in various programmatic publications to devise a political settlement that could be subscribed to in such a way as to replace the shipwrecked old order, but which would then be locked down against future amendment. The logic of their own position, though, was that ultimate permanence was impossible, so this can be seen as an argument for a settlement that could be completely replaced but not amended, making future change a matter of all or nothing.

Hampsher-Monk and Foxley both comment also on the other striking feature of Leveller constitutional thinking: the emphasis on the limited scope of the powers delegated by sovereign individuals. They both agree that the powers are limited by rules or principles. For Hampsher-Monk these are theological or natural-law ones. (It is not clear if these are two distinct things for him.) For Foxley the matters excluded are ones where individuals were not sovereign in the first place and so had no power to delegate. This seems for her to be based on a "reasonable person" principle inasmuch as reasonable persons, who would not torture themselves and bind their ow consciences, could not possibly delegate that power to someone else. This reveals the extent of their individualism because it begs the question of whether people who were not prepared to do something to themselves would still willingly allow someone else to have that power on the grounds that they did not trust themselves in some way. Moreover, it implies that there is no general good distinct from the

good of all individuals (assuming a basic commonality of human nature), so this rejects political collectivism. I would accept this argument but add that the limits also reflected the position that if some kind of restriction or act was wrong for one individual to exercise against another, they could not then delegate a power to do this to a third party, again a strongly individualist position.



Catherine Macaulay

The third question concerns how Leveller ideas were transmitted, if at all, and how historians have treated them. Wootton makes the point forcefully that it was very difficult for anyone to access their writings after 1660 because of their plebeian nature and origins. Speculation of their being transmitted orally or through a hidden tradition is just that — speculation. However, he does mention the admittedly exceptional case of Catherine Macaulay, which shows that the ideas were not completely inaccessible: her case actually suggests that they were partly recovered with the "birth of radicalism" at the end of the 18th century.

All three of my interlocutors mention the way the Levellers have been claimed as ancestors and appropriated by people from a range of political traditions — from liberal in the case of Haller and Woodhouse to radical socialist. Foxley makes the

important point that none of these claims works fully and everyone who has undertaken this exercise has had to ignore some parts of what the Levellers thought. This, however, is not unusual. Political philosophers and ideologues are constantly looking to appropriate past figures, and in doing so typically gloss over the aspects of their thought that do not fit a writer's own agenda or understanding. John Locke is an example of this, I would argue, and 19th-century feminism is another classic case. The Levellers are not unusual in this.

This leads us to ask: do they still have something to say and challenges to pose? I think they do precisely because they raised such profound and subversive questions about the nature of political authority and representation. They were definitely not anarchists and saw government as necessary and beneficent if properly founded, but they derived it from a body of analysis that made political power contingent and part of a continuing and permanent conversation. In that context it is worth remembering that one of their key demands — for annual parliaments — is the one point of the Charter that has still not been realized.

#### NO WAY TO AVOID ANACHRONISTIC LANGUAGE

#### by David Wootton

Steve, Iain, and Rachel seem to be moving towards a consensus view of what the Levellers represent and why they are important — one with which I have no disagreement. So I want to address an issue raised by Iain when he picks up J. C. D. Clark's claim that we should avoid using the word *radical* about political movements which did not use that term themselves.

There is a great deal to be said in favor of this proposal; but its proponents never seem to grasp just how impossible it would be to implement. It's easy, for example, to draw up a list of words that Iain himself uses when writing about the Levellers which they never used

would themselves and never have encountered: deontological, axiomatic, ecclesiological. Much more important is the fact that they never used the words religion/religious, society/social, economy/economic, constit ution/constitutional, or legislature in the senses we use them. (On religion, economy, and society, there are fairly extensive literatures, cited in my Power, Pleasure and Profit.) It is because, for example, they didn't have the normative concept of a constitution (as opposed to the descriptive concepts of aristocracy, democracy, and so on as different types of constitutions) that they talk of agreements and settlements, not constitutions. Steve tries to pick apart the idea of a settlement and asks whether and how it could be revised or updated; but that is to read back into their writing the sort of debates that arise once one has a written constitution that can only be altered by special procedures: it is not at all clear that they had this concept, or saw the Agreement in these terms.

All historical writing involves a fundamental problem of translation. This is obvious if we study texts in a foreign language; but it is equally important if we are studying English-language texts written even a few decades ago. (Think how words like liberal" shift and change in meaning.) The issue of interpretive charity is certainly real; but more immediately problematic is the task of conveying in our language ideas that originally were expressed in a quite different language. Easy solutions cannot be found. Take Clark's suggestion that we write about a "dissenting" tradition rather than a "radical" tradition. It won't help with the Levellers, who didn't use the term Dissenter and used the verb dissent to mean simply disagree, with no particular religious implication. Dissent (meaning religious nonconformity) is itself a much later category — if the OED is to be trusted (which Ι doubt), it originated with Burke, though dissenting goes back through the 18th century.

Less problematic might be *Nonconformity*, but even this I can find used only once in the Leveller texts. The Levellers are "radicals" in our understanding of the term, but it is certainly true that such language risks imposing a secular mode of thought onto people whose categories were often fundamentally religious (though I must say I

have my doubts about Walwyn, who seems to me to have escaped from religious categories much of the time and who read Montaigne with pleasure). Lilburne wrote about the sovereignty of the people; but it is God's sovereignty which he invoked most frequently. It is important to point this out, yet substituting dissenting for radical may help for the 18th century, but not the 17th. The simple truth is that there is no way of avoiding an anachronistic use of language unless we opt to write in a pastiche of the language of the people we are studying; we must be constantly aware of the problem, but we cannot eliminate it.

#### HETERODOX REFORMERS

#### by Stephen Davies

David Wootton raises a point that is pertinent not only to discussion of the Levellers, but also of past political thought and activism in general — what kind of vocabulary and labels should we employ in describing and analyzing these phenomena, and what kinds of analytical categories? As he says, there is a great danger of anachronism and the cardinal fault of presentism, but at the same time, this is unavoidable.

One question this raises with regard to the Levellers is how to understand them, their thought, and their politics in religious terms. I agree with the point David made both in his shorter conversation piece and his original response: that we should understand their ideas and radicalism as fundamentally religious in nature. That is, they came out of answers to questions such as the nature of the relation between the individual and God; the order, nature, and governance of the Church; and the nature of both salvation and the Christian life. Clearly most of the Levellers came from the radical end of Protestantism, or Puritanism as it is usually called. Like David I think Walwyn was a possible exception to this, his latitudinarianism being so pronounced that he effectively moved out of that kind of discourse; he seems more like later figures such as Anthony Collins. For Overton and, even more, Lilburne it makes sense to see them as

Reformed Christians of a particular cast. In that connection it is worth bearing in mind a point made by Rachel Foxley: that the people we can definitely identify as Levellers were members of a wider group of radical Protestants such as John Goodwin, Milton, Henry Marten, Hugh Peter, and Katherine Chidley (who probably should be counted as a Leveller). The Levellers can be seen as the members of that wider group who drew specific kinds of political conclusions from their shared outlook.

What specifically reformed beliefs can we discern among the Levellers and the wider group they were part of that produced radical political action and generated arguments that are still thought relevant today? One thing to note is that all of them were heterodox and skeptical not just of the arguments of the Caroline Divines, but also of standard Calvinism. Thus Goodwin was an Arminian, Overton a Baptist and a mortalist. The contrast can be seen in comparing the arguments of Levellers and fellow travellers to those of orthodox Puritans such as Prynne. One way of identifying people who belonged to this "set" is to see who were among the targets of Thomas Edwards's polemics. There are three particular ideas I would emphasize.



John Lilburne

The first is the common Puritan idea of conversion as a process of self-discovery and self-realization. The idea and practice led to introspection and self-awareness, which in turn produced psychological individualism. The central aspect of that was the idea of a personal and ultimately subjective search for truth and salvation. For Levellers and others this meant a wide-ranging toleration of competing beliefs and practices because of the impossibility of establishing consensus or of evaluating the outcome of one person's conclusions over another's. It meant there could not be a visible and identifiable elect and reprobate since that status was ultimately known only to God. One conclusion was the view that Lilburne argued in several of his writings (e.g., The Just Defence of John Lilburne): that the search for truth produced a duty for all individuals to resist improper or unlawful acts by the authorities.

The second is the ecclesiology shared by all of the Levellers and many others on the radical wing of the parliamentary side: that of Independentism, or Congregationalism. This voluntary principle, as it came to be called later on, had obvious implications for the organization of the political order of a Christian commonwealth as well as its ecclesiastical structure.

The third was a view that David alludes to when speaking of Lilburne's references to God's law: the idea that ultimate sovereignty and law pertain to and come from God, but that crucially there is no institutional intermediary between God and the individual believer. (There was, for most at that time, an implicit intermediary between women and God, but even that is not clear for the radicals). Given that the personalism of the Levellers and others meant there was no clear knowledge of what God had decreed for human order and no authority to define it, human institutions must derive from and be created by individuals by a process of delegation and self-binding. It is this that under the political pressures of armed conflict and collapse of authority produces the new ideas about representation that Rachel emphasizes.

# THE INFLUENCE OF THE LEVELLERS

#### by David Wootton

I have been rethinking the fundamental question of whether we owe any key terms or categories in our political language to the Levellers. I am (as you would suspect from my first contribution to this debate, which stressed how limited their influence has been) tempted to argue that we don't. Take popular sovereignty: to be pedantic, they used the term people's sovereignty; the difference is significant because the populace is a mob of individuals, while the people has a collective identity. We shouldn't be surprised to discover that it is their opponents who used the term popular sovereignty, or to find in a translation of Martial from 1656 the phrase that many-headed Beast Popular Sovereignty. The Levellers seem to have originated the phrase the people's sovereignty, but not the (related) concept popular sovereignty: the phrase the sovereignty of the people is to be found in a translation of Bodin, while Hobbes wrote of the sovereign people of Athens.



Thomas Hobbes (circa 1669-1670)

But perhaps we do owe something, and something important, to the Levellers. For is it not they who originated the idea that it might be possible to marry the sovereignty of the people (previously to be found in urban republics) with representative government

(previously associated with hierarchical estates and corporate privilege)? This, I think, is a radical, indeed revolutionary novelty; indeed it might be thought to be the key moment in the emergence of modern politics. It required an insistence on a "new and equal Representative," "a new Representative equally chosen by the people." They used the phrase free and equal Representative over and over again. Equal would seem to mean two things here: that each territorial area should be fairly represented and that each person (or each male taxpayer) should have a voice. When we write about democracy or popular sovereignty, what we usually have in mind is indeed a free and equal representative, equally chosen. Our language is not theirs, but our concept is. I might add that many radical ideas derive from medieval conciliarism, but I don't think anyone claimed that a Church council should be a fully representative assembly, equally chosen.

But we must then note that this concept entered modern political philosophy not directly from the Levellers (even if they originated it) but through Harrington (who surely owed it to them). Locke owned no texts by the Levellers, but he did own Toland's edition of Harrington, in which the phrase equal representative occurs three times and the phrase equal Commonwealth five; and so we find Locke writing that it is "the interest as well as intention of the People to have a fair and equal Representative."And Harrington, of course, lies behind Hume's fine essay on the idea of a perfect Commonwealth. Harrington only referred to "Levellers" in negative terms, but he discussed the Agreement of the People at length, and he complained that a 1659 pamphlet entitled The Leveller propounded the ideas of Oceana while mistakenly attributing them to the Agreement of the People -- which was implicitly to acknowledge that there was a commonality of ideas. If we owe our modern idea of representative government to the Levellers (and arguably we do), then I suggest it is by way of Harrington that it comes to us.

And of course, as Rousseau insisted, it is not always clear that we are "free" when we are ruled by our representatives, no matter how freely and equally they may have been elected. Nor need I point out that the United States' method of having an electoral college appoint the president means that the election of the president may be free, but it is not equal. Perhaps, in that context, the idea of free and equal representation has not entirely lost its radical implications.

# ANACHRONISM: THE HISTORY OF WORDS, THE HISTORY OF CONCEPTS AND THE ROLE OF PRACTICE

#### by Iain Hampsher-Monk

I've been too slow to respond to David's initial response, and some of what I wanted to raise are issues he addresses in the second. I cannot speak for J.C.D. Clarke (whose commitment to his subject's vocabulary even led him, memorably, to refer to the Young Pretender as James III!), but my worry about anachronism did not (I hope) entail a commitment to explicating the history of political thought only in terms thinkers or writers would or could have assented to. But it all depends what we are doing, or trying to do.

An historical approach to political theory may involve (at least) two different activities — the first is the understanding of a particular theoretical performance the writing of a particular text in a specific historical circumstance, necessarily deploying an identifiable and limited, locally available vocabulary. The second (which might comprise a connected series of the first) is to give an account of the development or evolution of a particular meaning over time. [1] This in turn can involve a focus on changes in one of two quite different historical subjects. Firstly, the changing meaning of a particular lexical marker, the word citizen, e.g.; and secondly, the emergence of a concept we would recognize today that of the citizen, say. The history of the word is not the same as the history of the concept (even one which is today denoted by that word).

The importance of the first activity is surely that if we want to understand why historical actors acted as they did, it seems vital to see the world through the concepts available to them, and this, usually, involves an insight into the vocabulary in which those concepts were held by them. The reason for this is that I take agents to frame their actions through and in terms of their understandings of the world facing them, and it is through a grasp of the (local) historical meaning of the vocabulary they deploy that we can gain insight into that frame and thereby their actions. This is not to deny that agents can deploy vocabularies instrumentally — ideologically [2] — but there must surely be (for them) some Grund vocabulary that situates them in relation to that instrumentality (albeit this may be difficult to recover). This second kind of historical activity is devoted to a synchronic, "snapshot" historical understanding.

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But if we are interested in the history of how a concept came to be fused to a particular lexical marker, we have to focus — as David says — not (only) on the history of that lexical marker, but the history of the concept itself. This is to engage in a diachronic understanding. The emergence of a concept/marker may involve other lexical markers that interacted over time with the concept whose history we seek to elucidate.[3] For example the Levellers clearly had a concept of what we might want to call citizenship (active political membership in a national community, involving oppositions and exclusions that we are aware of today — non-citizen inhabitants [(denizens]), foreigners, disqualified persons [delinquents]). But as far as I am aware, they reserved the term citizen for those who

were members of civic corporations. It could be argued that they rhetorically insinuated that rights attaching to such membership could be extended beyond the boundaries of those corporations. (They certainly repudiated the persistence of "base tenures" which precluded "freeman" status.) And indeed rhetoric clearly plays a huge (and relatively unexplored) role in the transmogrification of concepts and their relationship to words that comprises the history of political thought.

So — and this I take to be the thrust of David's second contribution — historical understanding in this second sense presupposes consideration of the concept, not just the word. But these relationships must be recognized as complex if we want to avoid the often crass kind of whiggish history that gives historical actors marks for how close they got to a concept that fits our modern one. (Not that I'm suggesting anybody in this conversation is doing *that* — but as Steve and David remark, it has been a prominent feature of Leveller historiography!)

So the action turns out to be how (and where) the lexical history and the conceptual history interact with each other. (A double helix?).

Before I run out of words: institutions and actions are very important historical sites for this interaction. An important recent historical literature has been the exploration of the "Unacknowledged Republic" of 17th-century England. [4] Practical political agency in the community was extraordinarily widespread, even if the vocabulary of modern citizenship was not yet in place. From city corporation to parish, vast numbers of 17th-century Englishmen, some of them very lowly indeed and with no knowledge of Cicero, spoke in meetings, held office, and administered local affairs. We should remember that concepts can be conveyed in practices as well as in words.

[1.] These may be identified as J.G.A. Pocock did, in Saussurian terminology, as *Langue* and *Parole*.

[2.] Quentin Skinner explores Bolingbroke doing this in his essay,"The Principles and Practices of Opposition, the case of Bolingbroke versus Walpole" in *Historical Perspectives: Studies in English Thought and Society in Honour of* 

J. H. Plumb, ed. Neil McKendrick, (Cambridge University Press, 1974). I would distinguish a speech-act which involves the instrumental deployment of a vocabulary and one which is constitutive of the belief-world of an agent.

[3.] I attempt this in "Liberty and Citizenship in Early Mmodern English Ppolitical Discourse" in *Concepts and Reason in Political Theory*, (Rowman and Littlefield, 2015).

[4.] Mark Goldie, "The Unacknowledged Republic: Office-holding in Early Modern England" in *The Politics of the Excluded, c. 1500-1850*, ed. Tim Harris, (Basingstoke, 2001).

#### WHOSE TYRANNY? THE QUESTION OF LIMITS ON POPULAR SOVEREIGNTY

#### by Rachel Foxley

I was struck and slightly disquieted by Iain's closing point that the most pertinent legacy of the Levellers is the *limits* they placed on popular sovereignty and on the efficacy of the "will of the people." As Steve noted, I had also emphasized those limits in my response to his essay, but I think with a slightly different emphasis from Iain's. My instinct is that it is the Levellers' difficult and continuing *dialogue* between popular sovereignty and parliamentary government that we need to hang on to in our own difficult times, rather than elevating one side of the equation over the other.

Of course I understand where Iain is coming from: in the UK at the moment we see the "will of the people" being reified and weaponized in stultifying and one-dimensional ways, and anyone who cares about the rights and welfare of minorities has to be alarmed by the danger of the current global crop of populist (I've given in to the term, although I hate it) politicians using the majoritarian levers of democratic systems to attack or marginalize minority groups in the name of popular opinion. The Levellers did not call themselves democrats, in spite of proposing a system of government which is clearly a

representative democracy in our terms; but the term *democracy* became surprisingly current in the subsequent political debates among republicans in the 1650s, and with it, an all-too-familiar set of debates about how far the people were to be trusted with decision-making even in a republican or democratic state.

Did the Levellers themselves acknowledge that the people can be mistaken? Were their limits on the popular will inspired by this fear? In general, I would say no – but that is partly a function of the timing of the Leveller movement and of their self-presentation as defenders of a universalized set of English liberties, which it would be hard to suggest their owners would repudiate. But the Levellers did also present themselves as the "wellaffected" and "honest," in contradistinction to others, and they had a perpetual concern with the political education of the people which reflected the constant fear that the people were being misled. But of course the statement of the first Agreement of the People that "it cannot be imagined that so many of our Country-men would have opposed us in this quarrel, if they had understood their owne good" was accompanied by a confident hope ("we may safely promise to ourselves") that "when our Common Rights and liberties shall be cleared, their endeavours will be disappointed, that seek to make themselves our Masters." It was apparently possible to ensure that the people had a right understanding of their own interests.



John Milton (circa 1629)

But of course this was a difficult position to maintain as the 1640s gave way to the 1650s and all were aware that any free election would return MPs who would restore the monarchy. This fact is responsible for republicans' bouts of furious despair about the stubborn failure of the "image-doting rabble" to throw off monarchical culture. John Milton's prose works engage in a notoriously torturous set of negotiations with the idea of the people, given that in the abstract they legitimized the republic, but in practice clearly tolerated it at best and could not be trusted to vote for its continued existence. Milton thus tended to shrink from the notion of a "democracy" and was ultimately prepared to defend the republic by instituting a perpetual senate without a lower house. James Harrington, by contrast, did call his ideal republic a democracy or popular government, but outlined an elaborate electoral system in which multiple layers of representation from local level upwards yielded two houses: a debating senate and a larger and less aristocratic house which was only to decide on the proposals from the more select house in silence. (Contrast these multiple layers of representation with Richard Overton's vision of true representation as a single-step process and no more.) The much-mediated popular will was reduced to making yes/no decisions on proposals elaborated by a wiser few.

But it was rare for the Levellers to express this level of distrust of the people. Overton most closely prefigured Milton's condemnations of the servile deficiencies of the people, arguing in his Defiance against all Arbitrary Usurpations (1646) that "the poore deceived people are even (in a manner) bestiallized in their understandings, become so stupid, and grosly ignorant of themselves" that they were reduced to the level of animals who could not claim their human freedoms. Nonetheless, the Levellers' limits on popular sovereignty were largely intended to limit the power of the institutions which were legitimized by that popular sovereignty, and their main target was the potential tyranny of the parliament, not that of the people. Both popular and parliamentary sovereignty were limited by the higher power of God and the purposes of reason and nature - but the struggle to define the relationship between the two, and to create a political system supple enough to respond effectively to

the people but resilient enough not to unmake itself, is what animated Leveller thought.

# POPULAR SOVEREIGNTY AND THE LIMITS OF POWER

#### by Stephen Davies

When thinking about the constitutional thought and proposals of the Levellers, I find that I agree with both Rachel and Iain, strange as that may seem to both of them perhaps. This is because the Levellers' thought has an unusual combination of radical democratic thinking and individualism. Consequently we find two things in their more-theoretical writings and their more-concrete proposals: a radical doctrine of popular sovereignty and representation, and a strict limitation of the scope of that sovereignty. The question is how these two are combined. The way they are combined makes for interesting comparisons with later political settlements, in particular the Constitution of the United States.

As Rachel says, the Levellers do not appear to have shared the doubts about direct representation of the popular will that authors such as Harrington and Milton had. The reason, in my view, was their belief that all or the overwhelming majority of people were guided by a reason, which should lead them, with proper consideration, to a political position that would eschew giving one person power or allowing a single religious establishment. In their view all people were self-owners and had a direct interest in their own personal independence and as such would not consent to surrendering their independence or delegating their sovereign power in ways that would harm themselves, because of the natural instinct for self-preservation combined with the belief that most people's interests were naturally aligned. Hence the repeated allusions to the "honest" and "well affected." This explains the direct and unmediated representation of the sovereignty of the individuals who composed the "people." It is their understanding of the nature of individual human beings and their consciousness that explains their confidence.



John Emerich Edward Dalberg, Lord Acton

How then to explain the many institutional limits put upon that power in documents such as the Agreement of the Peopleand in particular the Agreement of the Free People of England? I think there are two reasons. One, which Rachel refers to, is what we might call (in high anachronism) a proto-public-choice argument. The concern was not so much that the people individually and in the aggregate would abuse their sovereign power. Rather it was that the actual human beings to whom the power was delegated (the representative) would do so. The feeling was (on the evidence of the conduct of both the king and the Long Parliament) that power would tempt and corrupt the people charged with exercising it (in a premonition of Acton). In contemporary terms they identified the existence of a principal-agent problem. This explains not only the restrictions on the matters the "representative" could concern itself with and on its scope of action, but also stipulations such as that no member could be reelected until a term had elapsed. As soon as the representatives reverted to being members of the public, they would then once again face the same kind of incentives as the rest of the people (hence also the stipulation of annual elections, designed to prevent the emergence of a cohesive political class). This also explains why they were at pains to exclude what would later be

called "class legislation," which benefitted an organized minority.

That however is not the only element in their thinking, I would argue. The other was that there were some areas (such as religious observance or being compelled to serve in wars, particularly outside the country) where no rational actor, knowing himself to be only one of many, would delegate such power to others simply because he would know that it could easily redound against him and also because he knew it was likely to lead to civil dispute because of the individual and personal nature of matters of conscience. So in such areas the sovereign individuals who composed the people and delegated their power or a portion of it to their representatives would not delegate the power to deal with such matters. In other words, they were excluded from the sphere of politics or collective decision-making -- or at least collective decision-making that encompassed and bound the entire political community.

This explains the contrast between the Levellers' proposed settlement and the U.S Constitution. In the latter there is a delegation of a list of specified and enumerated powers. In Leveller proposals the grant of power is framed as absolute and unlimited. It is the exceptions where that absolute and unlimited power does not apply that are specified and enumerated. The history of the last 200-plus years has shown that the specified and enumerated powers have tended to expand at the expense of the unspecified and unenumerated popular power. It could be that when the exceptions rather than the powers are specified, the opposite process would apply.

#### ABOUT THE AUTHORS

Stephen Davies is Head of Education at the Institute of Economic Affairs in London. He has held this position since 2010, although he has had connections with the IEA since he was an undergraduate at St. Andrews University in Scotland in 1972. From 1979 until 2009 he was a senior lecturer in the department of history and economic history at Manchester Metropolitan University. While there, he taught courses on a range of topics, including world history, the history of crime and the criminal justice system in the UK, and the history of the Devil. He has also been a visiting scholar at the Social Philosophy and Policy Center at Bowling Green State University in Bowling Green, Ohio, and a program officer at the Institute for Humane Studies in Arlington, Virginia. A historian, he graduated from St Andrews University in 1976 and gained his Ph.D. from the same institution in 1984. He was co-editor with Nigel Ashford Dictionary of Conservative and Libertarian Thought (Routledge, 1991) and wrote several entries for The Encyclopedia of Libertarianism, edited by Ronald Hamowy (Sage, 2008), including the general introduction. He is also the author of Empiricism and History (Palgrave Macmillan, 2003), The Wealth Explosion: The Nature and Origins of Modernity (Edward Everett Root, 2019), and of several articles and essays on topics including the private provision of public goods and the history of crime and criminal justice. Among his other interests are science fiction and the fortunes of Manchester City.

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