

Anthony Nicoll, one of the eleven M.P.s, told Hugh Peter that the city ministers had set them on foot against the army and without them it would not have happened.⁴⁶ Nicoll was exaggerating. The conservative political wing of the alliance was also very powerful. It was just because it was an alliance of dissimilar groups that it broke asunder. Although, as I have shown, Presbyterianism had some popular roots in the City, it appealed essentially to the middle strata of merchants. When they called out the *menu peuple* in July 1647 the City trembled on the brink of anarchy. The seamen and watermen may have acted at the behest of highly placed merchants (the Watermen's Company, for instance, was closely controlled by the Court of Aldermen who selected its officials). But popular agitation can easily overreach its organisers, burst the bonds of control and develop dimensions undreamed of by its instigators. The Royalist Sir Lewis Dyve wrote to Charles I on 1 August that the City was reduced to anarchy with the apprentices, watermen and seamen 'governing all' by their 'agitators'. The radical Leveller movement and popular fury against the excise conjured up visions of social revolution. One pamphleteer thought that the City drew back in 1647 because if the king were restored without guarantees, the people would simply refuse to pay any taxes or excise. In that event, how would the public faith debts be discharged? As he said, 'Money was the bottom of the businessse.' Hobbes was perhaps saying the same thing more elegantly when he likened London to a creature that 'hath a great belly; but no palate, nor taste of Right and Wrong'. In their last surrender to the army, the city money-bags were swayed not by ideologies or political passion but simply by the desire to survive.⁴⁷

In times of revolution, men do not simply argue about principles and then act on their ideas. They are also pushed by events. The political Independents of the Long Parliament were driven to support the army as the lesser evil. For the citizens of London, the alternatives were very similar. It is not therefore surprising that they finally made the same choice.

The Interregnum, C.E. Aylmer, London, 1944

2. The Levellers and the Franchise

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A DISCUSSION of the Levellers which concentrates solely on their proposals for a new parliamentary franchise calls for some justification. These proposals formed only one part of the Leveller programme, and not necessarily the most important part at that. In the history of political theory the Levellers are important for many other reasons. They proclaimed that men were born equal and that government could be founded only on consent. They stood for religious toleration and equality before the law. Their concern for civil liberties led them into making the first-known attempt at writing down a law paramount which not even the legislature could alter. Their successive manifestoes, the 'Agreements of the People', were the earliest English approximations to a written constitution. They also gave early expression to the doctrine of the separation of powers. If to these achievements we add their advocacy of numerous specific reforms, from the abolition of tithes to the reform of the law, we can recognise that the Levellers have an importance in the history of social and political thought which far transcends any plans they had for remodeling the franchise.

We can also see that their influence as an active political party did not depend upon their views on the suffrage. The Levellers are immediately recognisable as a crucial pressure group who, by their influence in London and the army, did much to determine the course of events during the critical years, 1647 and 1648. Through their links with the 'agitators' (elected representatives of the regiments) the Levellers forced Cromwell and the army 'grantees' into increasingly radical postures. They engineered the seizure of the king in June 1647, the march on London, and the staging of the remarkable debates at Putney in October–November when officers, agitators and civilian Levellers thrashed out the principles on which the new political order was to rest. In 1648 the Levellers continued to press for the removal of the king and the implementation of their social and political reforms. In the

autumn of that year they held the balance between the manoeuvring parties of king, Parliament and army grandees. For a time they collaborated with representatives of Parliament and the army in an attempt to draw up a new 'Agreement of the People' on which all might agree. But with Pride's Purge and the execution of Charles I the Levellers ceased to hold the balance. Their support in the army melted away when the new government paid off the soldiers' arrears and raised their pay. In 1649 the Leveller leaders were imprisoned and their adherents crushed by military force. But by then the Levellers had exerted an influence out of all proportion to their numbers; and they had pioneered techniques of agitation by petition, pamphlet, party organisation and public demonstration that were to have a long subsequent history.

In these events the Leveller proposals for the franchise had played a part, but only a small one. It is true that regular parliaments, of short duration and of limited powers, were basic to the Leveller programme. So was the redistribution of constituencies. But less prominence was given to the question of who was actually to have the vote. It was known that the Levellers stood for a wide popular franchise, but the subject was not mentioned in the first 'Agreement of the People' (October 1647), and when the details were spelled out in the later 'Agreements', they were not entirely consistent.

Nevertheless, there are two good reasons for concentrating on this one aspect of the Leveller programme. The first is that the Putney debates reveal the franchise issue to have been the one that most obviously divided Levellers from army grandees. However inconspicuous in the Leveller documents, it was quickly seized upon by politicians of the time. The second is that the Levellers' franchise proposals have recently been subjected to a penetrating if controversial analysis. In fifty compellingly lucid pages in his *The Political Theory of Possessive Individualism* (Oxford, 1962) Professor C. B. Macpherson has put forward a striking interpretation.* The Levellers, he tells us, were not the champions of universal manhood suffrage that many earlier historians took them to be. On the contrary, they 'consistently excluded from their franchise proposals two substantial categories of men, namely, servants or wage-earners, and those in receipt of alms or beggars' (p. 107). Even when the Levellers appeared to talk in terms of universal manhood suffrage they were in fact assuming such exclusions. They 'always intended . . . a franchise excluding servants and alms-takers; and . . . they saw no inconsistency between this exclusion

* Page references henceforward are given in brackets in the text.

and their assertion of the natural right of every man to a vote.' This, says Professor Macpherson, was 'because of certain assumptions they made about the nature of freedom' (p. 111). The Levellers deemed wage-earners and alms-takers to have forfeited that birthright or equal natural right upon which each man's claim to vote was based. They held that everyone was entitled to civil liberties, but they confined political rights to those who had not 'lost the property in their own labour' (p. 145).

On this interpretation the Levellers can no longer be regarded as the forerunners of modern democrats. On the contrary, it seems that they unwittingly paved the way for Locke and the Whig tradition by making freedom a function of proprietorship, though in the Levellers' case it was proprietorship in a man's own capacities rather than in land. It also appears that the gap between their proposals and those of the army leaders at Putney was much less than is usually assumed. For on Professor Macpherson's calculations (p. 292) universal suffrage in 1648 would have involved enfranchising 1,170,400 people, whereas the Levellers would have given the vote to 416,700 at most; that is to say they would have doubled the then existing electorate (estimated by Professor Macpherson at 212,100), but would have still left voteless nearly two-thirds of the adult male population. The army leaders on the other hand had been prepared to make some concessions. At Putney, Cromwell was ready to give votes to copyholders by inheritance.¹ And in the second 'Agreement of the People' (December 1648-January 1649) the grandees even accepted a ratepayer franchise (estimated by Professor Macpherson at 373,000, and thus only 41,000 votes short of the full Leveller proposals; or even fewer if, as seems likely, the grandees were also prepared to admit to the franchise those serving soldiers who did not otherwise qualify).

Professor Macpherson was not the first to portray the Levellers as anything other than unqualified adherents of universal manhood suffrage. Most previous historians had noticed that the later versions of the 'Agreement' excluded servants and alms-takers. But most of them had also tended to regard these exclusions as compromises or shifts of policy.² Professor Macpherson's originality is to detect an 'underlying consistency in the Levellers' franchise ideas' (p. 110), by denying that they ever wanted manhood suffrage, and by suggesting that their views were based upon a consistent theory in which the right to political participation depended upon retaining property in one's own labour.

The distinction with which Professor Macpherson argued his case has won him many converts. But his interpretation has also been subjected to a good deal of criticism. In particular, it has been urged that the Levellers were not the homogeneous political group his argument requires, but that they differed among themselves, some being in favour of manhood suffrage, others not; that the later exclusions of servants and alms-takers represented tactical compromises in the face of changing political circumstances rather than adherence to a fixed political principle; and that the 'servants' thus excluded were not the whole wage-earning class but only a section of it, so that Professor Macpherson's numerical calculations greatly exaggerate the actual number of individuals the Levellers wished to shut out from the franchise.

The aim of this chapter is to reassess the merits of Professor Macpherson's interpretation in the light of these and other possible objections. But an attempt will also be made to place the Leveller proposals in a wider context. In particular it is hoped that by relating them to previous seventeenth-century discussions of the franchise it will be possible to throw more light upon their distinctive significance.

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The Leveller demand for wider popular participation in the election of members of Parliament is normally seen as the result of two main influences. The first was the Protestant doctrine of the spiritual equality of all believers. This generated the model of the sectarian congregation, whose members, having joined together by compact, participated equally in the choice of ministers and the making of collective decisions. The second was the collapse of the old political order under the pressure of civil war. This left the way open for the construction of a new society and justified the members of the victorious New Model Army in laying claim to a greater share of political power.

But the Leveller proposals were not simply the outcome of sectarianism and civil war. Their roots lay deep in the traditional political structure. For one of the distinguishing features of Tudor and Stuart England, by comparison with most continental countries, was the wide degree of participation in local government enjoyed by men of humble status. The Elizabethan commentator Sir Thomas Smith is often quoted for remarking of 'day labourers, poor husbandmen, yea merchants or retailers which have no free land, copyholders and all artificers, as tailors, shoemakers, carpenters, brickmakers, masons, etc.', that 'these

have no authority in our commonwealth, and no account is made of them but only to be ruled'. But he went on to say of these classes that 'they be not altogether neglected. For in cities and corporate towns, for default of yeomen, inquests and juries are impanelled of such manner of people. And in villages they be commonly made churchwardens, ale-conners, and many times constables, which office toucheth more the commonwealth' (*De Republica Anglorum*).

Since the Middle Ages there had existed a bewildering mass of local institutions - parish vestries, courts baron, courts leet, town meetings - which were accustomed to making their own rules, appointing their own officers, and levying rates and fines upon their own members. Professor W. O. Ault has drawn attention to village meetings in which most if not all inhabitants came together to make bye-laws about such matters as gleaning or the use of the commons. 'Anyone who reads the manorial records,' remarks Carl Bridenbaugh, 'cannot fail to be astonished at the extensive participation of nearly every adult male in local affairs.' It is true that such participation was justified on grounds of status rather than of natural right, but its practical implications were considerable. It was in contexts like this that Englishmen became used to such democratic concepts as that of decision by majority (found in the fifteenth-century village meeting at Harlestone, Northamptonshire) or of voting by ballot (used in the election of municipal officers in some sixteenth-century towns). It was possible for labourers to be churchwardens; and in Devonshire the Stannary Parliament was elected by all the tinners, labourers included.³

But it would be an exaggeration to say with one historian of the Levellers that 'their ideas were formed in the communities in which they lived and worked, and the democracy which they advocated for the nation was still a working reality in their own local communities'.⁴ For in fact many local communities were oligarchic in the extreme. Village meetings of the kind chronicled by Professor Ault were rare and it would be wrong to romanticise the democracy of the localities. Nevertheless it can be confidently presumed that at the village level the participation of every social group in the making of semi-political decisions was a familiar enough experience to make its extension to the parliamentary sphere seem by no means unreasonable.

The parliamentary franchise also offered some encouraging precedents. It is true that at the county level the electorate had been limited since 1430 to freeholders worth 40s a year. But steady inflation must have done something to widen this franchise, though little seems to be

known about this process. There were also counties where the minimum qualification was not strictly observed.⁵

In the boroughs the franchise varied. Most boroughs came into one of five categories: those where the franchise was confined to members of the ruling corporation; those where it depended on freemanship of the town; those where it required possession of a burgage property; those where the vote was exercised by all the ratepayers ('scot and lot'); and, widest of all, those where it was enjoyed by the whole 'commonalty', i.e. all the householders or even all the 'potwallers' (men with their own hearths). At its most extensive, therefore, the borough franchise could include wage-earners and labourers of all kinds.

The borough situation, moreover, was very fluid. 'The popular movement for a wider franchise was never at rest in the constituencies from the time of James I to the coming of William III,' declare the historians of the unreformed parliament.⁶ In many towns there was genuine uncertainty as to exactly who possessed the right to vote, and every general election gave rise to numerous electoral disputes.

After 1604 these disputes were adjudicated upon by the House of Commons and in the 1620s the Commons showed a pronounced (though not invariable) tendency whenever the franchise was in doubt to declare in favour of a wider electorate. This bias may have reflected a desire to reduce electoral corruption and to counteract the influence of the court rather than any prejudice in favour of popular participation as such. Whatever the reason, parliamentary committees of 1621, 1624, 1625 and 1628 opened the franchise to 'the commonalty' in a series of disputed constituencies. Sometimes the vote was said to lie in 'all the inhabitants', as at Bletchingley (1624) or Lewes (1628); sometimes in all the 'resiants', as at Cirencester (1624). In the case of Pontefract (1624) the Commons committed themselves to the general principle that 'where no constant and certain custom appeareth who should be the electors in a parliamentary borough, there recourse must be had to the common law, or common right', and that 'of common right, all the inhabitants, householders, and residents within the borough, ought to have voice in the election, and not the freeholders there only'. In the case of Boston (1628) the committee asserted that the election of burgesses, in *all* boroughs, did, of common right, belong to the commoners; and that nothing could take it from them but a prescription, and 'a constant usage beyond all memory'.⁷

In addition to these decisions in individual cases there were attempts to standardise the franchise by legislation. Bills to regulate elections were

brought forward in the parliaments of 1621, 1623, 1625, 1628 and 1640, though none was successful. The 1621 bill proposed a county electorate of £4 freeholders and £10 copyholders of inheritance, and a borough electorate of resident freemen or, if the freemen were fewer than twenty-four in number, of all the inhabitants not in receipt of alms.⁸

At the opening of the Long Parliament the franchise was still a central problem. Its precise extent was a major issue in at least ten of the disputed election cases and in another ten it was *the* issue. 'One cannot study the Long Parliament elections,' writes Mrs Keeler, 'without becoming aware of an under-current, genuinely democratic and apparently quite independent of the question of the royal prerogative, which was moving townsmen to demand extensions of the voting privilege.'⁹ Moreover, an influential section of M.P.s was in favour of franchise reform. In a debate on an election petition from Great Marlow on 11 November 1640 the question was raised 'whether the poor should have a voice or no'. Sir Simonds D'Ewes 'moved that the poorest man ought to have a voice; that it was the birthright of the subjects of England'. At least five other members spoke in defence of this position. A bill to regulate elections was brought in. It had got as far as a second reading by 30 March 1641, when D'Ewes 'moved that I liked the bill well and would not retard the committing of it. Only I desired that whereas it was provided in the bill that none who took alms should have voices in elections, which I well allowed, we would likewise provide that no more monopolizing elections might be in cities and boroughs, but that all men resiants there might have voices.' The first bill seems to have been scrapped and replaced by a new one that received a second reading on 28 April, and then got lost under the pressure of other business.¹⁰

The Levellers, therefore, had been preceded by several decades of intermittent agitation for a wider parliamentary franchise. Successive parliaments had shown a preference for a wide borough franchise, for all scot and lot payers, if not for all inhabitants; and there had been an attempt to widen the county franchise to include some copyholders. In practice the electorate had grown substantially, running into thousands of voters in most counties and some of the boroughs. As Professor Plumb remarks, 'the fact of the emerging electorate, both in the boroughs and in the counties, helped to create the issue of representation and the debates about it. . . . When the Levellers demanded a vote for all inhabitants, this arose from their experience of county elections, from what they had seen and heard, not from abstract theory'.¹¹

But the pre-Civil War parliaments had also provided the Levellers

with a theory. For it was widely (and correctly) held that the statute of 1430 had taken away the vote from persons who had previously had it. 'Anciently all the communalty had voice,' declared William Noy in 1621, 'but because such a multitude made the election tumultuous it was after reduced to freeholders.' 'Anciently all the freeholders had voices,' agreed D'Ewes in 1641: oligarchic elections were 'against the hereditary right of the subjects of England'. The same theory of the lost voting rights was reiterated by William Prynne: 'Before this Petition and Act [8 Hen. VI c. 7] every inhabitant and commoner in each county had a voice in the election of knights, whether he were a freeholder or not, or had a freehold only of one penny, six pence or twelve pence by the year, as they now claim of late in most cities and boroughs where popular elections are admitted.' In the later eighteenth century it was to be revived by Major John Cartwright as part of his case for manhood suffrage.¹²

For the Levellers this argument was central. In *Londons Liberty in Chains* (1646) John Lilburne complained of the disfranchising of 'thousands of people' by the 'restrictive and unjust statute of the 8 H. 6' and urged that steps be taken to 'restore every free-man of England, to his native, and legal rights and freedoms'. At Putney Commissary Cowling commented on the restrictive intentions of the 1430 statute, while the authors of the 'Earnest Petition' (January 1648) claimed that the Act had abridged their birthright: 'It hath been the ancient liberty of this nation that all the free-born people have freely elected their representatives in Parliament.'¹³ The Levellers, we know, had already begun to shift their claim from historic right to natural right; but for the original historical argument they were indebted to the parliamentarians of the early seventeenth century.

To trace Leveller ideas to this ancestry is not necessarily to confirm Professor Macpherson's argument that the Levellers assumed the exclusion of servants and alms-takers from the franchise. It is true that alms-takers were explicitly excluded in the Long Parliament's bill, and D'Ewes seems to have approved this step, despite his plea for the rights of 'the poorest man'. When parliamentary committees ruled that the vote in any particular borough lay 'in the inhabitants' it seems clear that apprentices, alms-takers and criminals were tacitly excluded. But in practice the situation was very confused. In the boroughs it was easy for a qualified voter to fall on hard times; and in some election disputes it was revealed that persons in receipt of public relief had voted. A striking case occurred at Great Marlow in 1640, when no fewer than

77 of the 245 voters were said to have been alms-takers, nine of them being actual inmates of the alms-house. Alms-takers also voted at Bedford. Usually the right of such persons to vote would be defended by the interested candidate and rejected by the parliamentary committee; by the end of the century a long list of decisions against alms-men-voters had been accumulated. But there were some notable exceptions. In 1640 it was claimed that the right of inmates to vote had been upheld at Bramber. In 1662 it was testified that at St Albans the alms-men 'had had voices time out of mind'; and their right to vote was upheld by the House of Commons. The same thing happened at Sandwich in 1690, when the parliamentary committee resolved 'that the freemen of the port of Sandwich, inhabiting within the said borough (although they receive alms) have a right to vote in electing barons to serve in Parliament'. In 1711 a witness declared that in Grantham freemen in receipt of weekly relief had voted in parliamentary elections for the past forty or fifty years. By the later eighteenth century it was said to be a 'commonly received doctrine, that servants, and those who receive alms, have no right to vote for members of Parliament'.¹⁴ But in the days of the Levellers and for some time afterwards the position of alms-takers was a good deal less clear. It was by no means axiomatic that they were automatically disqualified from voting.

Servants and wage-earners also played some part in seventeenth-century elections. 'Labourers and handicraftsmen' were said to have intervened at Wigan in 1640. Many wage-earners voted legitimately in the potwaller or householder boroughs: in constituencies like Wootton Bassett, Tregony or Honiton it was quite usual, even in the eighteenth century, for poor labourers to take part in elections. Resident household servants, however, could participate only irregularly. 'Servants' were said to have voted in the Worcestershire county election of 1604; and five certainly did so at Sandwich in 1690. But no spokesman defended their rights. On the other hand it should be remembered that in Virginia all male inhabitants, indentured or covenanted servants included, were allowed to participate in elections to the General Assembly from 1619 until 1655. This concession was said to have been secured by the English parliamentarian Sir Edwin Sandys, who, it was alleged, 'aimed at nothing more than to make a free popular state there'. Since 1557, moreover, when two servants voted in the adoption of the *Book of Discipline* by the Frankfurt group of Marian exiles, there had been precedents for the exercise of voting rights by servant members of sectarian congregations.¹⁵

It is clear, therefore, that by the mid-seventeenth century the idea of allowing the vote to alms-takers, wage-earners and even household servants was by no means inconceivable. We also know that the Diggers accepted universal manhood suffrage (delinquents and criminals apart), while the Fifth Monarchy Men included labourers and servants among their élite. Other contemporary radicals also saw lowliness of status as no bar to political participation.¹⁶ Where, then, did the Levellers stand on this important issue?

In his attempt to prove the underlying consistency of Leveller ideas Professor Macpherson fastens upon Maximilian Petty's statement at Putney that 'we would exclude apprentices, or servants, or those that take alms'. He declares that this dictum shows 'the Levellers had been assuming the exclusion of "servants" all along', and uses it to explain away any previous or subsequent statement to the contrary. Colonel Rainsborough's insistence upon the rights of 'the poorest he that is in England', 'any man that is born in England', or 'the meanest man in the kingdom', is, therefore, not to be taken literally, since 'in their contexts these terms may equally be assumed to have been understood as "all free-born men who have not lost their birthright"'.¹⁷ Only, Professor Macpherson explains, in that sense could they be 'consistent' with Petty's utterances (pp. 122-3, 125-6). But there is of course no reason to look for any such consistency. The Levellers we know to have been a heterogeneous party. There was a radical wing which shaded off into 'Diggers' (or 'True Levellers'), and there were more conservative figures who subsequently made their peace with the Commonwealth regime. The much-quoted statement in Henry Denne's *The Levellers Designe Discovered* (1649), 'We were a heterogeneous body, consisting of parts very diverse from another, settled upon principles inconsistent one with another', referred to the whole parliamentary party, not to the Levellers. But the very varied subsequent careers of the Leveller leaders clearly show how mixed was the character of the temporary alliance of soldiers and civilians that went under the name of the Leveller party.

It is to establish a quite unnecessary consistency that Professor Macpherson (pp. 126-8) has to explain away the statements of Rainsborough, Captain Clarke and Captain Audley. He also has to treat the allegations of Cromwell and Ireton that the Levellers wanted manhood suffrage as mere hyperbole; and he has to dodge the problem of Rainsborough's failure to repudiate Colonel Rich's suggestion that the Levellers would make 'master and servant . . . equal electors'.¹⁸ All

this is necessary if every Leveller statement at Putney is to be forced into line with the isolated utterance of Maximilian Petty, one of the more obscure Leveller spokesmen, but significantly one of those whom we know to have been prominent in hatching the compromise second 'Agreement of the People', and later to have become a member of Harrington's Rota Club, whose aristocratic republican tone was very different from that of the Leveller movement. There seems no reason why he should be taken as a more representative Leveller than Rainsborough. For it was Rainsborough who was said to have had 'the greatest interest' among the agitators. We know him to have been dissatisfied with the outcome of Putney, and his untimely death in October 1648 robbed the Levellers of one of their more radical spokesmen.¹⁹

The pressure of debate at Putney, therefore, revealed internal divisions and uncertainties over a programme which had clearly not been worked out in all details. Afterwards the General Council of the Army voted 'that all soldiers and others, if they be not servants or beggars, ought to have voices in electing those which shall represent them in Parliament'.²⁰ But there is no way of proving that for many Levellers this was not a compromise.

If we go back to Leveller declarations before Putney we find no reference to any exclusions from the franchise at all, Royalists apart. Professor Macpherson has to admit that the Levellers at times 'appeared to be speaking for manhood franchise' (p. 115), but he prefers to re-interpret everything they said earlier in the light of Petty's remarks at Putney. In *The Charters of London* (1646) Lilburne had declared that 'the poorest that lives, hath as true a right to give a vote, as well as the richest and greatest'. This, says Professor Macpherson, cannot mean what it seems to mean 'in view of the position we have seen the Levellers to have taken in the Putney debate' (p. 134). The same method is employed to deal with all other apparent assertions of manhood suffrage during the pre-Putney period. It involves flying in the face of some contemporary opinion, for, as a pamphlet of July 1647 observed, 'the new doctrine of the people's sovereignty extends to give power to all servants and children grown up, as well as to their parents and masters'. It also comes up against the *Case of the Army truly Stated* (October 1647). For this demanded unambiguously 'that all the free-born at the age of 21 years and upwards, be the electors, excepting those that have or shall deprive themselves of that their freedom, either for some years, or wholly by delinquency'.²¹

When he first considered the *Case of the Army truly Stated* in 1945

Professor Macpherson was prepared to recognise it as 'the only clear claim for manhood suffrage',²² but in his book he has to force it into conformity with his general theory by arguing that it was servants and alms-takers who were here assumed to have deprived themselves of their freedom 'for some years'. This would mean, of course, that the 'Case' proposed to disfranchise delinquents (i.e. Royalists) 'wholly', and that, Professor Macpherson tells us, would be consistent with 'the harsh tone of "The Case of the Army" towards delinquents' (p. 130). In fact the 'Case' was notable for urging merciful treatment for Royalists. The Levellers had always stood for the healing of past differences and in their final 'Agreement of the People' they excluded Royalists from Parliament for ten years only. It is quite improbable that the authors of *The Case of the Army* wished to disqualify all delinquents for ever; and it is much more likely that, along with the parliamentary sequetrators, they envisaged 'degrees' of delinquency, some Royalists being only temporarily disabled, while those unprepared to submit were permanently excluded.²³ It is also possible that the temporary deprivation of freedom referred to apprentices. Professor Macpherson dismisses this possibility on the grounds that apprentices were 'mainly under 21, and so excluded by the age clause' (p. 130). In fact, the legal age at which apprentices might gain their freedom was not twenty-one but twenty-four. So a special provision would have been necessary to disfranchise them.

After Putney Professor Macpherson has plainer sailing. The second 'Agreement' explicitly confined the franchise to its subscribers, 'not persons receiving alms, but such as are assessed ordinarily towards the relief of the poor; not servants to, or receiving wages from, any particular person'. The third 'Agreement' (May 1649) was somewhat wider: 'all men of the age of one and twenty years and upwards (not being servants, or receiving alms, or having served the late King in arms or voluntary contributions)'. But both these exclusions came late in the day. The Levellers were displaying more political realism. They had learned the need to compromise: Wildman tells us of *The Earnest Petition of Many Freeborn People* (January 1648) (which excluded criminals, minors, 'servants' and 'beggars') that its authors wisely 'inserted no such particular grievances as might disengage any considerable party, and so continue our distractions . . . the removal of such a particular grievance is not worth blood, or the hazarding of a war'. The second 'Agreement' is well known to have been a compromise with the army leaders and others; Professor Macpherson does not argue that the

Levellers ideally wanted the ratepayer franchise it asked for. The third 'Agreement', however, though not without its compromises, was a more independent document and its exclusion of servants and alms-takers can be reasonably taken as the final position of what remained of the Leveller party. Yet later in 1649 *The Remonstrance of Many Thousands of the Free-People of England* offered votes to 'all that come unto us'; and in 1653 *A Charge of High Treason exhibited against Oliver Cromwell* summoned all the people of England to the polls, 'as well masters, sons, as servants'.²⁴

The extant evidence, therefore, is consistent with more than one interpretation. It can be argued, with Professor Macpherson, that when the Levellers appeared to be saying one thing they really meant something else; but it can also be argued that they were a heterogeneous party, divided among themselves, and forced to make a series of tactical compromises as they went along. Until new evidence appears both possibilities must be allowed for.

There is also room for debate about the meaning of the 'servants' and 'receivers of alms' whom the Levellers ultimately agreed to exclude. So far as alms-men are concerned, it should be noted that until the second 'Agreement' it was only 'beggars' who were mentioned as candidates for exclusion. It was 'beggars' who were formally voted out in the resolution passed after the Putney Debates. It was 'beggars' who were mentioned by John Harris in *The Grand Designe* (December 1647); and it was 'beggars' who were excluded in *The Earnest Petition*. Even the recipients of alms excluded in the third 'Agreement' were taken by an informed contemporary, Marchamont Nedham, to be synonymous with 'vagabonds'. At Putney, Petty was the only person to mention 'those that take alms'. The passage is ambiguous, for, as J. C. Davis points out, it is possible that Petty regarded the exclusion of alms-takers as Cromwell's proposal rather than his own. But in any case it is notable that Petty should have explained that the exclusion envisaged was of 'those that receive alms from door to door'. This was surely a reference to beggars rather than to regular recipients of parish relief. Petty's view thus contrasted sharply with the practice in contemporary election cases, where haggling about what was meant by 'receiving alms' usually ended up with the disqualification from the franchise of all those in regular receipt of parochial relief.²⁵ Such persons were emphatically not synonymous with the 'beggars' whom the Levellers had primarily in mind. The statistical difference between the two classes is enormous, for Professor Macpherson estimates that

in 1648 there were 343,000 male adult alms-takers, as compared with a mere 10,000 beggars (p. 287).

The impression that the Levellers originally excluded not alms-takers but only beggars is confirmed by a piece of evidence unavailable to Professor Macpherson, namely the report in John Boys's parliamentary diary of how Cromwell told the Commons on 23 November 1647 that the agitators 'would exclude children and servants, yet such as received alms they insisted on as persons competent for electors'. We know that the Levellers had every sympathy with those who had been temporarily impoverished by the effects of civil war and this may explain why they did not initially contemplate their exclusion from the franchise. We also know that they regarded alms-men as capable of taking their own decisions. For in *The Earnest Petition* they demanded that 'the Poor be enabled to choose their trustees' - a desire which was by no means utopian so long as there were alms-houses in England like the one at Sherborne, where under the terms of the fifteenth-century foundation deed the inhabitants customarily elected their own prior or ruler.²⁶

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The excluded 'servants' pose even greater problems. For in the seventeenth century the word 'servant' could have many meanings. 'There is scarce any general name of a calling,' wrote Richard Mayo in his *Present for Servants* (1693), 'that contains under it such different kinds of persons, as this of servant.' Professor Macpherson makes short shrift of any such ambiguities. 'In seventeenth-century usage,' he tells us, 'servants meant wage-earners, anyone who worked for an employer for wages' (p. 107n). Acting on this comprehensive definition, he is able to give statistical meaning to the Levellers' exclusions. Using Gregory King's estimates for England in 1688 he calculates that there were 509,000 adult male 'servants' (comprising 130,000 in-servants and 379,000 out-servants). Allowing for a population growth of 10 per cent in the intervening forty years, he reduces this to a figure of 458,100 for 1648. So that on this reckoning the 'servants' to whom the Levellers would have refused the vote were no less than 39 per cent of the adult male population of 1,170,400. This percentage is only slightly diminished if allowance is made for the soldiers whom the Levellers would have enfranchised, even though they had been servants in civilian life (pp. 282-6, 290-2).

There are various objections to these calculations. First of all, it must

be remembered that Gregory King set no great store by his own figures; his notes show that his estimates of the size of the different social classes varied wildly.²⁷ Secondly, it does not follow that the proportionate size of the different classes in 1688, even if properly estimated by King, was the same as it had been in 1648. On the contrary, there is every reason to believe that the number of wage-earners had risen sharply during the intervening years, with the growth of industrial and agricultural capitalism. To apply King's figures to 1648 is to read backwards into the mid-seventeenth century a situation that had not yet come about. Professor Macpherson thus exaggerates the proportion of the population who in 1648 were wholly or partly dependent upon wages. Besides the Levellers did not have access to anyone's social statistics. Like all men who live in a changing society they had a conception of their own age that was out of date. They probably thought that there were even fewer wage-earners than there actually were.

But most serious of all is the lack of evidence to show that when the Levellers spoke of 'servants' they meant all wage-earners. It is true that this is what some contemporary writers meant when they used the term - though not the ones cited by Professor Macpherson. Of the three economic writers whom Macpherson cites (p. 282n), neither Andrew Yarranton nor John Cary equates day-labourers with 'servants', while Thomas Firmin actually contrasts single persons who earn money by spinning with the 'servants' who are apprenticed or go into domestic service. But there is an overwhelming volume of evidence to suggest that in the mid-seventeenth century the term 'servant' normally had a more restricted meaning. Its 'most usual' usage, thought Richard Mayo, was in respect of 'such as . . . have voluntarily submitted themselves, by contract, for a certain time, to the disposal of others, according to the Word of God, and laws of the realm'.²⁸ The Statute of Artificers (1563) was the law of the realm most relevant here. It distinguished 'servants', who covenanted to serve by the year or similar period, from 'artificers and labourers being hired for wages by the day or week'. The former were 'servants'; the latter were usually described as 'day-labourers'. Their relationship with their employer differed, for whereas the servant entered into a firm covenant which could be unilaterally broken only with the consent of a J.P., the day-labourer was on a more casual basis. He might frequently change employers; he might be on a piece-work basis; and he could be dismissed at will. In the wage assessments issued by the J.P.s the wages of 'servants' are almost always given by the year; those of labourers by the week or day. The Suffolk

assessment for 1630 quoted by Macpherson (p. 282n) is one of the very few extant exceptions to this rule. This distinction between servants and day-labourers was preserved in later labour legislation and is found in the literary sources.²⁹

The other great difference between the two categories was that the servant often lived in as a member of his master's family, whereas the labourer lived out. In the assessments made under the fiscal Act of 1694 it was the unmarried resident employees who were normally described as 'servants'.³⁰ They were subject to their master's discipline and they were the ones to whom the traditional teaching about master and servant most obviously applied.

Contemporary usage of the term 'servant' was inconsistent. It reflected the semantic confusion arising from an attempt to apply a social vocabulary inherited from a feudal and patriarchal past to the needs of a society in which the relationship of master and servant was steadily yielding to that of employer and wage-earner. There was a time-lag between the development of new social relationships and the invention of a vocabulary adequate to describe them, just as there was a time-lag in the development of a social ethic appropriate to these new relationships. Late seventeenth-century clerical teaching, for example, was 'based upon the assumption that employees were in fact members of the family, living under the same roof with the master's wife and children'. Despite the growth of the wage-earner, moralists 'clung to the traditional teachings about master and servant'.³¹

Similar anachronisms underlay Leveller thinking. It cannot be definitely proved that when they spoke of 'servants' they meant only resident, covenanted servants, rather than the whole wage-earning class. But there are two reasons for thinking that this is what they did mean. The first is that whereas previous political thinkers had had little if anything to say about wage-earners they were fully accustomed to excluding household servants from political participation. For if political freedom required independence then it was the independence enjoyed by heads of households. 'All men understand that where the election is most freest and most general,' wrote the Elizabethan Puritan, Thomas Cartwright, 'yet only they have to do which are heads of families.' The 1646 Ordinance on Church Government allowed the vote in the election of parochial and congregational elders to those who 'have taken the National Covenant, and are not persons under age, nor servants that have no families'. Similarly John Eliot, the apostle of the American Indians, declared in his *Christian Commonwealth* (1659), but

written earlier) that 'servants, or sons living with their parents as in the condition of servants . . . may not explicitly, politically, personally, choose public rulers, while they live under the authority of family-government. . . . But if they marry, or live in the state of allowed public freemen, then are they capable of . . . the choice of their public rulers'. As Mr Schochet has well put it, 'The crucial fact that seems to have set servants and beggars off from the rest of society and deprived them of political significance was not so much the alienation of their labour . . . as it was their lack of familial headship'.³²

The second indication that the Levellers did not equate 'servants' with wage-earners is to be found in their own manifestoes. For the fact that the second 'Agreement' excluded both 'servants' and persons 'receiving wages from any particular person' strongly suggests that the two categories were thought of as different ones. The third 'Agreement' by contrast excluded only 'servants'. Even the second 'Agreement', with its emphasis on wages 'from any particular person', suggests uneasiness about the dependence that sprang from subjection to an individual master rather than that deriving from the alienation of one's labour as such (to a large corporation, for example, or to the state).

We may therefore conclude that the servants whom the Levellers ultimately agreed to exclude were not identical with the whole body of wage-earners. In Gregory King's tables resident servants form little more than a quarter of the wage-earning classes. Moreover in-service was usually a temporary state, appropriate to young unmarried persons who would in due course move on, either to a new employer or to a new status as independent wage-earners or even proprietors. In late seventeenth-century Bristol over half the 'servants' listed under the 1694 Act were in fact apprentices who would shortly attain their freedom. In the present state of our knowledge figures can mean little. But if we assume that by excluding 'servants' the Levellers were temporarily denying the vote to at most 15 per cent of the population we shall not be far out. The figure would be increased by 0.1 per cent if we added the beggars.³³

Can we find a theory behind these exclusions? Professor Macpherson suggests that the Levellers spoke only for the 'freeborn' and that they considered servants and wage-earners to have 'lost their birth-right'. It is certainly true that the Levellers usually claimed political rights upon behalf of the 'freeborn', the 'freeman' or the 'free commoners'. Although such terminology was part of the general rhetoric of contemporary discourse and in no way peculiar to the Levellers, they

were particularly associated with this appeal to 'native freedoms'. Dr Hill quotes a piece of contemporary verse in which 'freedom birth' is contrasted with 'peasant blood', but there does not normally seem to have been anything socially exclusive about the term 'freedom'. The word had originally distinguished those who were born free from those who were unfree, namely villeins and slaves; thus a seventeenth-century clergyman thanked God for making him 'a man, not a beast; civil, not barbarous; freeborn, not a slave'. Slavery had long disappeared, but villeinage was a more recent memory and had survived as a legal disability into the early seventeenth century. What the Levellers were emphasising by their use of the term 'freedom' was that Englishmen were now free. 'All slaves have bought their freedoms,' said Cowling at Putney. England was 'too pure an air for slaves to dwell in', thought Lilburne. He was alluding to the already established tradition that a foreign slave brought into England became *ipso facto* free.³⁴ But the main Leveller theme was the end of villeinage. For them bondage had been a tyrannical Norman innovation. According to the author of *Vox Plebis* (1646) – possibly Lilburne himself³⁵:

As God created every man free in Adam, so by nature all are alike freemen born; and are since made free in grace by Christ; no guilt of the parent being of sufficiency to deprive the child of this freedom. And although there was that wicked and unchristian-like custom of villeiny introduced by the Norman Conqueror; yet was it but a violent usurpation upon the law of our creation, nature, and the ancient laws of this kingdom; and is now, since the clear light of the Gospel hath shined forth, quite abolished as a thing odious both to God and man in this our Christian commonwealth.

This was to invoke the language of the sixteenth-century charters of manumission in which serfdom was conventionally described as being against the laws of God and nature.

For the Levellers, therefore, all men were doubly freeborn. Slavery and villeinage were intrinsically contrary to nature and reason.³⁶ They had also been abolished in England by legal means. So every man was free, whatever his social position. 'Albeit these labourers be of the most inferior in degree,' wrote the Elizabethan John Hooker of the Devonshire day-labourers, 'yet they be *liberi homines* and of a free condition, no villeins, no bond slaves.' 'Servants or serving men and women,' said another Elizabethan, Sir Thomas Smith, 'be for other matters in liberty as full free men and women.' The law was 'the common birth-

right and inheritance of every particular individual freeman of England,' declared Lilburne, 'yea of the meanest cobbler and tinker, as well as of the greatest gentleman or nobleman'. 'This word, *liber homo*, or free man, extends to all manner of English people,' explained *Vox Plebis*; the *liber homo* of Magna Carta was 'every man born in the realm'. 'Let not the greatest Peers in the land be more respected with you,' thundered Overton, 'than so many old bellows-menders, broom-men, cobblers, tinkers or chimney-sweepers, who are all equally free born.'³⁷

It was precisely because all Englishmen were now 'free' that the Leveller slogan became so irritating to their opponents. 'Why "many freeborn people of this nation"?' asked a hostile commentator on the 'Earnest Petition of Many Freeborn People'. 'Are there any Englishmen that are not freeborn? Why do you distinguish yourselves? What need of that epithet?' In ancient Rome, said Roger Coke, only the *civitate donati* were free. 'But in England the case is much otherwise; for with us there is no *civitate donatus* in one more than another; for men are alike born free; and so by consequence every man as a freeborn man of England has as much right to his freedom one man as another. . . . Two parts of three have not forty shillings a year, yet are as freeborn as they who have.' This was why the Levellers demanded popular suffrage, and it was why they so frequently denounced all infringements of their liberties as treatment fit only for 'bondmen and bondwomen', or for slaves with holes bored through their ears, or for those who held by 'tenure in villeinage'.³⁸

Professor Macpherson, however, argues that the Levellers considered wage-earners and alms-takers to have forfeited this native birthright (pp. 122, 124). They had 'lost a crucial part of their native freedom or property, namely the property in their own capacities or labour' (p. 144). They were entitled to civil rights, but political participation depended on 'retention of the property in one's labour' (p. 146). His texts in support of this argument, however, are noticeably thin. The key ones seem to be Petty's two separate assertions at Putney, that 'all inhabitants that have not lost their birth-right' should vote, and that servants, apprentices and alms-takers should not vote. But the reason Petty gives for their exclusion is the traditional one: such persons 'depend upon the will of other men and should be afraid to displease them'.³⁹ There is nothing here about the alienation of their labour.

This is not to say that the Levellers did not consider that birthright could not be forfeited. On the contrary, like many of their contemporaries they considered that crimes against the state might justify such

a forfeiture. 'I am a freeborn Englishman,' declares Lilburne in one of his pamphlets, 'and have lived a legal man thereof all my days, being never yet convicted of an attempt or design undertaken or countenanced by me that did tend to the subversion of the fundamental laws and constitution thereof.' Overton proposed that thieves convicted thrice should be made into bondmen, and he also argued that 'enemies' of the state had forfeited their political rights. The Levellers therefore countenanced the temporary or permanent exclusion of delinquents from the franchise, for they had drawn their swords against freedom.⁴⁰

The temporary exclusion of apprentices could also be justified, since apprenticeship was commonly regarded as 'another kind of servitude or bondage'. Edmund Bolton, in *The Cities Advocate* (1629), had vigorously denied that apprenticeship was 'in any sort of bondage'. But forty years later Edward Chamberlayne could still assert the older view: apprentices, being subject to their master's authority in all respects, were 'a sort of servants that carry the marks of pure villeins or bond-slaves'. This was perhaps the 'voluntary servitude' mentioned by Lieutenant-Colonel Reade at Putney. But apprenticeship was only a temporary state and involved no permanent disqualification. Apprentices played a prominent part in Leveller agitation; and Lilburne, though himself an ex-apprentice (as were also Petty, Sexby and Walwyn), could nevertheless declare himself to be a 'freeman of England, who to his knowledge never did any act that deserveth the forfeiting of his birthright'.⁴¹

Criminal delinquency and apprenticeship apart, there is little indication in the Leveller writings of other circumstances under which birth-right could be forfeited. On one occasion Overton, charged with being 'one of Lilburne's bastards', retorted that he was 'free-born'.⁴² But to infer from this that he regarded illegitimacy as incompatible with free birth would be to build too much on a passing remark.

It is therefore hard to extract from Leveller writings any theory that the loss of birthright followed from the alienation of one's labour. In any case such a theory would not explain the position the Levellers took up, even the position Professor Macpherson attributes to them. It would not explain why ex-soldiers were to have the vote, even though they were wage-earners or alms-takers in civilian life. And it would not explain why all women were to be excluded, even though they were widows or single women with independent means. For, as Filmer pointed out, if individuals were born free and equal, as the Levellers held, then 'women, especially virgins', had by 'birth as much natural

freedom as any other, and therefore ought not to lose their liberty without their own consent'.⁴³

Professor Macpherson has rightly been praised for the courage and ingenuity with which he has attempted to impart intellectual consistency to the Leveller manifestoes. But it is doubtful whether any single theory can adequately rationalise the Leveller position. What can, however, be seen is a faith in human equality and natural right, modified by traditional patriarchal assumptions about the place of women, apprentices and household servants, and further tempered by a specifically Leveller desire to eliminate clientage and dependence on great persons. John Harris commented on the old county franchise that 'the persons choosing are commonly more swayed by favour than reason in their choice, being tenants either to the persons chosen or their friends; which hath been one main reason that the lost liberties of the Kingdom have been . . . no better . . . preserved.'

This theme frequently recurs in Leveller writings.⁴⁴ Their eagerness to improve popular education also suggests that the Levellers were worried as much by the illiteracy and ignorance of the lowest classes as by their economic dependence.⁴⁵ The political experience of the boroughs certainly shows that a wide franchise was not necessarily accompanied by an increase in political self-consciousness on the part of the labouring poor. On the contrary, the very poor frequently regarded their vote as a marketable commodity. Such considerations may help to explain why the Levellers ultimately agreed to exclude both servants and alms-takers from the franchise. We cannot be sure. But at least we can avoid endowing the Levellers with views that we feel they ought to have held, even though there is little evidence that they did.

For the Levellers are implausible as prophets of the new age of capitalism and wage-labour. However 'advanced' their constitutional notions, their economic ideas were backward-looking. They wanted to preserve (or rather to create) a world in which every man was an independent proprietor. Hence their attempt to ensure the widest possible distribution of private property by abolishing monopolies, banning primogeniture and throwing open the commons. Hence Lilburne's scheme for distributing inalienable lands to the soldiers and the poor, in order to set them up as private owners. The Levellers did not aim to bring riches to everyone, but at least there were to be 'no beggars, or any that want necessities'. They wished to bring things 'to such a pass that every man may with as much security as may be enjoy his propriety'.⁴⁶ Whether they would have excluded wage-labourers

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and alms-takers from the franchise will long remain debatable. What is certain is that they hoped that these classes would wither away to the absolute minimum. In such circumstances the only adult males denied the vote would have been apprentices, temporary household servants and, possibly but not certainly, elderly or impotent persons dependent on public relief. Otherwise all men would enjoy a modest self-sufficiency. This would enable them to exercise political choice and to enjoy their birthright as freeborn Englishmen.

3. Conquest and Consent: Thomas Hobbes and the Engagement Controversy

QUENTIN SKINNER

I

THE opening months of 1649 saw the climax of the revolution staged by the Independent Party. The king was executed, the House of Lords abolished, the Commonwealth of England proclaimed. This outcome, however, was far more radical than most of the moderates in the Presbyterian Party had wanted, and far more revolutionary than the instinctive royalism of most Englishmen could readily countenance. One of the most immediate tasks of the new government was thus to persuade such moderate and hostile groups that the revolution was really over. They had to be given reasons for obeying and submitting to the newly established Commonwealth rather than trying to continue the fight. There was a need, in short, for a theory of political obligation in terms of which the new government might be legitimated. And it was clear that any such theory would in turn need to satisfy two contrasting conditions. It would need to be couched in a sufficiently familiar form to be acceptable to Presbyterian and even Royalist opinion. But it also needed to be capable of performing the revolutionary task of justifying the duty to obey a merely *de facto* and usurping political power.

The Council of State itself was plainly aware of this need, which it tried to meet in March 1649 with its own 'Declaration', 'expressing the grounds of their late proceedings, and of settling the present government in the way of a free state'. The arguments of the 'Declaration' were immediately taken up by several government propagandists, notably by John Milton in his *Tenure of Kings and Magistrates*. The basic contention of this propaganda reflected the most characteristic political belief of the Independents: that the origin of any lawful government must lie in a decision by the people to consent to its establishment. The