

on clearly to propound the moral patriarchal position. This position may not have come into its own until the seventeenth century, but its lineaments are plainly discernable in the work of several of these medieval Aristotelians.

James M. Blythe

CORNELL UNIVERSITY

LOCKE, LEVELLERS AND LIBERTY: PROPERTY AND DEMOCRACY IN THE THOUGHT OF THE FIRST WHIGS

David McNally

Was Locke a Leveller? At first glance the question appears merely rhetorical. It is not. A number of studies over the past ten years or so have redrawn our picture of Locke. The figure who emerges is no longer the retiring defender of the Glorious Revolution and of the Whig oligarchy which emerged in the eighteenth century. Instead, we have been presented with a picture of Locke as a committed advocate of popular sovereignty and a theorist of the right of revolution whose basic political positions, including those on the crucial question of property, linked him theoretically with the Levellers of the 1640s. In three of the more important studies of Locke published over the past decade, for example, we encounter claims to the effect that Locke's political principles had already been anticipated by the Levellers; that his position on the question of property was essentially the same as that developed in the writings of the Leveller theorists John Lilburne and Richard Overton and articulated by Maximilian Petty on behalf of the Levellers in the debates of the New Model Army at Putney; and, indeed, that in addition to sharing Leveller views on equality, sovereignty and natural rights, Locke was a hard-line radical whose attitude towards property was 'not so far removed' from that of the Diggers, the agrarian communists of the 1640s, 'as is generally assumed'.¹

The most powerful formulation of such a position has been put by Richard Ashcraft in his major study, *Revolutionary Politics and Locke's Two Treatises of Government*. The great strength of Ashcraft's book is his insistence on seeing Locke's political thought, and the *Two Treatises of Government* in particular, in the context of the Whig agitation against the Court of Charles II during the Exclusion Crisis of 1679-81, and of the radical Whig conspiracies throughout the whole of the 1680s. Seen in this context, Locke's debt to Anthony Ashley Cooper, the first Earl of Shaftesbury and the most prominent leader of the first Whigs, is thrown into sharp relief. At the same time, Ashcraft insists upon the significance of the connections Shaftesbury and Locke maintained with old Levellers like Major John Wildman, Colonel Richard Rumbold and Major John Brenan, commonwealthmen such as

¹ These views are expressed respectively by Julian H. Franklin, *John Locke and the Theory of Sovereignty* (Cambridge, 1978), pp. 123-6; James Tully, *A Discourse on Property: John Locke and His Admirers* (Cambridge, 1980), pp. 169, 174; and Richard Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton, 1986), pp. 143-5, 307n, 327, 551, 579, 591, 600 and 272. The statement with respect to Locke and the Diggers on property is made by Ashcraft (*ibid.*, p. 272). While Franklin shares the tendency to see a continuity between the Levellers and Locke, it must be said that he has a much sharper appreciation of the conservative elements of Locke's thought — especially with respect to monarchy and the mixed constitution — than do either Tully or Ashcraft. Moreover, Franklin does recognize that the Levellers were more democratic in outlook than was Locke.

Colonel John Rumsey and Captain Thomas Walcot, and long-standing Harringtonian republicans like Henry Neville and Algernon Sidney. Moreover, he documents Locke's personal involvement in the Rye House plot to assassinate Charles II and in the preparations for an armed invasion of England from Holland led by Charles's illegitimate son, the Duke of Monmouth, designed to remove the king from the throne and block the succession of James II.² The result of this reinterpretation of Locke, put most authoritatively, but by no means exclusively, by Ashcraft, is a radically new image of the author of the *Two Treatises*. There are two key elements to this new interpretation. Alan Ryan has summarized them concisely in a recent review article where he writes that Locke 'turns out to have been more of a Leveller than we thought. By the same token, Locke emerges with a greater debt to Shaftesbury than we previously realized.'³

It is the central argument of the present article that if we are to accept the second proposition then we must reject the first. That is to say, the more we truly probe the depths of Locke's debt to Shaftesbury, the more we are forced to recognize the gulf which separates the political thought of Locke and the first Whigs from that of the Levellers. In what follows, I propose to substantiate this claim via three main lines of argument. First, by discussing Shaftesbury's political career and his political thought I shall show his commitment to the independent powers of the monarchy and a hereditary aristocracy within the framework of a mixed constitution, and to a society dominated by an aristocracy of landed gentlemen. In this connection I shall attempt to demonstrate how the principles of Locke's *Two Treatises*, and his doctrines of property and resistance in particular, can be illuminated if seen through the prism of Shaftesbury's position on the mixed constitution. Second, I shall argue that Locke's famous discussion of property in chapter five of the *Second Treatise* was in large measure an attempt to demonstrate that resistance to arbitrary authority based upon defence of the mixed constitution, rather than leading to the levelling of property, was the only real means of protecting the prevailing distribution of property, unequal as it was. Finally, I shall attempt to reinforce these lines of argument with a brief discussion of Locke's economic writings and his document on the Poor Law. The weight of my argument will be to show how, proceeding from radical natural rights principles (as did the Levellers) in order to reject absolutism and justify the right of resistance, Locke arrived at an ingenious defence of the mixed constitution and inequality in the distribution of property.

I

Shaftesbury is known to most students of politics as the foremost leader of the great wave of Whig agitation of 1679–81 for the exclusion of James, Duke of York, from succession to the throne. During these years Shaftesbury and his allies built a popular movement based on the slogan 'No Popery, No Slavery' which won majorities against the Crown in three successive parliamentary elections. As important as this

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campaign by the first Whigs is for an understanding of Shaftesbury's politics, it remains the case that one cannot understand his overall political position, nor indeed the posture he adopted during the Exclusion Crisis, without consideration of his political career as a whole.

Like many wealthy country gentlemen, Shaftesbury first adopted a royalist position and fought on the side of the King during the early years of the Civil War, switching to the side of Parliament in early 1644.⁴ Given his early royalism, Shaftesbury was never entirely trusted by many of the more hardline supporters of Parliament. Indeed, he was one of many barred in 1645 from taking his seat in the House of Commons on the grounds of having previously taken up arms against Parliament. Nominated by Cromwell to the Barebones Parliament in 1653, Shaftesbury staked out a position as a member of 'the conservative group which opposed the extremists'. Indeed, it was Shaftesbury, as a member of Cromwell's Council of State, who recommended continuation of the arbitrary imprisonment of the Leveller leader John Lilburne. Moreover, during the course of the parliamentary elections of the summer of 1654, Shaftesbury campaigned in Wiltshire as a candidate of the conservative group in Parliament against the republican Edmund Ludlow who had been closely associated with the Levellers. Led by the Presbyterian clergy, Shaftesbury's supporters repeatedly denounced Ludlow and his allies as 'Anabaptists and Levellers', winning a disputed contest in the process.⁵

In late 1654 Shaftesbury proposed giving the Crown to Cromwell. After this plan failed, he left the Council of State and allied himself with the parliamentary opposition. By the end of the decade he was in alliance with those forces planning a restoration of the Stuart line to the throne. Indeed, Shaftesbury was one of twelve commissioners who on behalf of Parliament brought an expression of loyalty and a gift of £50,000 to Charles II. Furthermore, he was a member of the special commission which tried and executed ten of the regicides convicted of the murder of Charles I. Shortly thereafter, in the Spring of 1661, he received a peerage and became Lord Ashley. He was soon to become Chancellor of the Exchequer and a member of the King's Privy Council. It is often forgotten that Shaftesbury spent thirteen years as a servant of Charles II, longer than he spent in opposition to the King, and that, as his biographer put it, he 'was the only non-Royalist who attained the front rank among Charles' advisers'.⁶

⁴ Throughout this article I shall refer to Anthony Ashley Cooper as 'Shaftesbury', the name by which he was known after Charles II gave him an earldom in the early 1670s. Throughout most of what follows I am relying upon the excellent biography by K.H.D. Haley, *The First Earl of Shaftesbury* (Oxford, 1968). My interpretation of the Exclusion Crisis draws upon J.R. Jones, *The First Whigs: The Politics of the Exclusion Crisis, 1678–1683* (London, 1961).

⁵ On the persecution of Lilburne see Haley, *First Earl of Shaftesbury*, pp. 76–7. On the campaign against Ludlow see *ibid.*, pp. 80–3; and David Underdown, *Revel, Riot and Rebellion: Popular Politics and Culture in England 1603–1660* (Oxford, 1985), p. 237. Ludlow's own version of events is available in *The Memoirs of Edmund Ludlow*, ed. C.H. Firth (2 vols., Oxford, 1894) Vol. 1, pp. 388–40.

⁶ Haley, *First Earl of Shaftesbury*, p. 346.

³ Ashcraft, *Revolutionary Politics*, pp. 247–8, and Chapters 7–9.

² Alan Ryan, 'The legitimacy of resistance', *Times Literary Supplement*, 10 July 1987, p. 739.

The longevity of Shaftesbury's service to the King was far from accidental. During this period he emerged as one of the foremost defenders of the royal prerogative against the objections of the House of Commons. In fact, in 1672 Shaftesbury was prepared to dissolve Parliament in defence of the prerogative of the Crown over penal statutes in ecclesiastical matters. A fair summary of his views on the prerogative may be gleaned from a speech he made on 24 January 1673 on the appointment of Baron Thurland as one of the barons of the Exchequer Court. 'In the first place', Shaftesbury told the Baron, 'you are to maintain the King's prerogative; and let not the King's prerogative, and the Law, be two things with you. For the King's prerogative is law, and the principal part of the law.' He went on to praise the government of England, arguing that 'the ease and safety of the people' was 'inseparable from the greatness and security of the Crown'.⁷

Just as he was protective of the royal prerogative, so was Shaftesbury a jealous defender of the privileges of the House of Lords. This comes through especially clearly in his important speech in the Lords of 20 October 1675, by which time he was in opposition to the Court, concerning the case of Shirley vs. Fagg — a case in which Shaftesbury was a determined opponent of a resolution, passed in the Commons with the backing of the Court, which tried to deny the judicial power of the Lords to act as a court of appeal on decisions of the King's Court of Chancery. This speech is one of the clearest delineations of Shaftesbury's politics that we have. He defended the powers and privileges of the nobility as essential to that balance in the English constitution which prevents it from gravitating to the extremes of either absolute monarchy or democracy. The appeal powers of the House of Lords were, he argued, a guard against arbitrary infringement of the rights of all subjects. Since the nobility were economically and politically independent, they tended to be above dependence and corruption. Their judicial powers were thus a check against the prince making judges 'not of men of ability and integrity, but men of relation and dependence', men 'who will do what they are commanded'. To eliminate the judicial powers of the Lords would be to 'overthrow the law of nature, and all the laws of right and property in the world' by opening the door to absolute and arbitrary power. What was at risk as far as Shaftesbury was concerned was the very nature of the English constitution. That constitution was the very nature of the monarchy; aristocracy and democracy, he believed, a delicate balance of avoiding the degeneration inherent in any one of these forms on its own — pure monarchy inevitably degenerating into tyranny, aristocracy into oligarchy, democracy into anarchy. Indeed, the whole theory of mixed government was deeply rooted in the desire of the propertied to preserve their rights and privileges from tyrannical assaults, either in the form of absolute monarchy or democracy.⁸ Defence of the

⁷ This speech is reprinted in W.D. Christie, *A Life of Anthony Ashley Cooper* (2 vols., London, 1871), Vol. 2, pp. lix-lxi. Hailey, *First Earl of Shaftesbury*, discusses this speech on p. 312, and deals with other examples of Shaftesbury's attitude to the prerogative on pp. 164-6, 297-8, 319-22, 325.

⁸ For discussion of the early-modern adaptation of the classical humanist idea of a mixed constitution see Zera S. Fink, *The Classical Republicans* (Evanston, 2nd edn., 1962). As Fink points out, the Ciceronian and Renaissance Italian variants of this position had a decidedly aristocratic twist. See also J.G.A. Pocock,

privileges of the Lords was thus defence of that balance of the constitution upon which the liberty and property of all subjects depended, however unequally they might be distributed. Shaftesbury was remarkably clear about this point:

My Lords, it is not only your interest, but the interest of the nation that you maintain your rights; for, let the House of Commons and gentry of England think what they please, there is no prince that ever governed without nobility or an army. If you will not have one, you must have the other, or the monarchy cannot long support itself or keep itself from tumbling into a democratical republic. Your Lordships and the people have the same cause and the same enemies.

Undermine the powers of the Lords, then, and the alternatives were absolutism supported by force of arms or the rule of the mob — 'a democratical republic'. These were for Shaftesbury, of course, the false alternatives which contested during the Civil War. Indeed, Shaftesbury's support of the Restoration had followed precisely from his view that without restoring monarchy there could be no return to a genuine Parliament of Lords and Commons. The balance of the constitution was thus something which no one element — be it Crown, Lords or Commons — could legitimately upset. Indeed, upset one of these elements and the rights and liberties of every subject would be imperilled.

My principle is, 'that the King is king by law, and by the same law that the poor man enjoys his cottage'; and so it becomes the concern of every man in England that has but his liberty, to maintain and defend, to his utmost the King in all his rights and prerogatives. My principle is also, 'that the Lords' House and the judicature and rights belonging to it, are an essential part of the Government', and established by the same law. The King, governing and administering justice by his House of Lords, and advising with both his Houses of Parliament in all important matters, is the Government I own, I was born under, and am obliged to. If ever there should happen in future ages (which God forbid!) a King governing by an army without his Parliament, it is a Government I own not, am not obliged to, nor was born under.⁹

Shaftesbury, then, was no democrat or egalitarian. He accepted the principle of monarchy and vigorously defended the royal prerogative. He is said to have told John Evelyn that he would support the principle of monarchy 'to his last breath, as having seen and felt the misery of being under a mechanic tyranny' — a reference to the alleged rule of the lower orders during the Interregnum.¹⁰ At the same time,

Politics, Language and Time: Essays on Political Thought and History (New York, 1971), Chs. 3 and 4; J.G.A. Pocock, *The Machiavellian Moment* (Princeton, 1975), esp. Part Three; and J.G.A. Pocock, 'Introduction' to *The Political Works of James Harrington*, ed. J.G.A. Pocock (Cambridge, 1977).

⁹ These two passages are taken from Shaftesbury's speech as reprinted in Christie, *Life of Anthony Ashley Cooper*, Vol. 2, pp. xc, xcii.

¹⁰ *The Diary of John Evelyn*, ed. E.S. De Beer (6 vols., Oxford, 1955), Vol. 4, p. 328. Evelyn provides no date for this conversation.

he was a determined opponent of absolutism, believing that absolute monarchy meant arbitrary rule and the collapse of natural and civil law. For this reason, he saw the privileges of the Lords as essential to England's form of mixed government. The powers of the nobility were, for Shaftesbury, a bastion against absolutism; and, insofar as they embodied the superior rights of property, they were also a protection against the threat of democracy and a 'mechanic tyranny'.

This view of the constitution was tied to a decidedly aristocratic concept of society. Shaftesbury favoured a commercially prosperous landed society ruled by natural and hereditary aristocracies of publicly-spirited wealthy landed gentlemen. That this is best seen in the *Fundamental Constitutions of Carolina*, a collaborative effort between Shaftesbury and Locke, drawn up in 1669 when Shaftesbury was one of eight Lords Proprietor of the new colony.¹¹ Indeed, in attempting to design a social and political structure for Carolina, Shaftesbury and Locke were in the unique position of being able to start from scratch, of designing a constitution without concern for prior social arrangements and political institutions.

To begin with, Carolina was to be a landed not a mercantile society. Commercial development, while it was to be encouraged, was to be strictly tied to the needs and interests of the landed proprietors. 'We aim not at the profit of merchants, but the encouragement of landlords', Shaftesbury explained.¹² Furthermore, the constitution was to be in its principles compatible with the nature of the British monarchy. The authors announced that they intended 'that the government of the Province may be made most agreeable to the monarchy under which we live and of which this province is a part, and that we may avoid erecting a numerous democracy'. To that end, the land was to be divided into counties with one-fifth of each county being divided into eight baronies for a local hereditary aristocracy. The remaining three-fifths was for 'the people', a category which embraced either a lord of the manor or a husbandman. Signiores and baronies were to have courts run by the lords from which there would be no appeal; and each Lord Proprietor was to direct one of eight supreme courts. Parliament was to meet every two years and was to include a hereditary upper chamber consisting of the Lord Proprietors and the hereditary nobility. Voting for the elected chamber was restricted to freemen possessing at least fifty acres — thus excluding slaves (slavery was to be an integral part of the colony), servants, bonded labourers, landless labourers and poor husbandmen. Equally significant, in order to stand for election members were required to possess at least five-hundred acres.

The *Fundamental Constitutions* thus embodied the basic principles of a landed society governed according to a mixed constitution. By no means was the society to

¹¹ The composition of the *Fundamental Constitutions* is discussed by Haley, *First Earl of Shaftesbury*, p. 242. Maurice Cranston, *John Locke: A Biography* (London, 1957), p. 119, asserts that 'Locke did have a considerable say in the framing of the *Fundamental Constitutions*'.

¹² As quoted by Haley, *First Earl of Shaftesbury*, p. 251. My discussion of *The Fundamental Constitutions* is based upon the French translation printed in John Locke, *Deuxième Traité du Gouvernement Civil* (Paris, 1967), and also draws on Haley, *First Earl of Shaftesbury*, pp. 242-51.

be democratic. At the same time, within the framework of a government which provided prerogative powers to its Lord Proprietors and hereditary powers to an élite of its largest landholders, there was to be a limited and qualified 'popular' element. As Shaftesbury's biographer has put it, the constitution of Carolina 'was to be liberal, but by no means levelling; and though it made provisions for 'the people', *demos* was not to rule'. It is fair to say, consequently, that 'the *Constitutions* certainly reflect Ashley's and Locke's preference for a landed aristocracy ruling its inferiors in the countryside, with political institutions embodying a balance between the propertied class, the smaller landowners and the demands of "prerogative"'.¹³

Such a conception of government is a far cry from the Leveller's belief in popular sovereignty and a popular franchise. Moreover, the property-franchise of the *Fundamental Constitutions* was by no means an aberration in the world-view of the first Whigs. On the contrary, the Whig proposal of 1679, commonly attributed to Shaftesbury (and later published in 1689 as the pamphlet *Some Observations concerning the Regulation of Elections for Parliament*), would have dramatically reduced the size of the electorate by restricting the suffrage to property holders worth £200 or more. As J. R. Jones observed, this Whig proposal 'would have strengthened the independence of the individual member and established an oligarchy even more secure than that which was to rule in the eighteenth century'.¹⁴ Ashcraft is right to point out that this proposal represented an attempt to circumvent the Court's efforts at bribing voters, and that later Whigs returned to such proposals to restrict the franchise. Indeed, in the immediate aftermath of the Glorious Revolution, John Wildman, at that time a leader of a circle of radical Whigs with which Locke appears to have been associated, proposed a similar increase in the property qualification.¹⁵ Yet these very facts underline precisely the gulf which separated even the most radical Whigs of the 1680s and '90s from the Leveller position of the 1640s. After all, it would have been inconceivable for the Levellers ever to have proposed a restriction in the franchise, never mind the sort of restriction involved in these early Whig proposals.

It should thus be clear that Shaftesbury's and Locke's constitutional design for Carolina does not accord well with an interpretation which sees them as inclining towards a Leveller view of society. Neither does it well fit the view, advanced

¹³ Haley, *First Earl of Shaftesbury*, pp. 243, 247-8.

¹⁴ Jones, *The First Whigs*, p. 213. Haley, *First Earl of Shaftesbury*, p. 740, doubts the attribution of this proposal to Shaftesbury. Whether or not Shaftesbury was the author of this document, it seems to me clear that the proposal reflects the direction of Whig thinking on the question of the franchise at the time. For this reason, Ashcraft is correct (*Revolutionary Politics*, p. 165) to treat it as a product of Shaftesbury's party.

¹⁵ See the discussion of this point by Mark Goldie, 'The Roots of True Whiggism 1688-94', *History of Political Thought*, 1 (1980), p. 214. Goldie writes (p. 208) that 'Locke can probably himself be associated with Wildman's circle'. It is worth recalling that Wildman, alone among leading Leveller figures of the 1640s, had become a very wealthy man by the 1680s, largely through land speculation; had become imbued with the radical aristocratic Harringtonianism which flourished first in the 1650s and then again in the 1680s and '90s; plotted with royalists at various points; and accepted a knighthood in 1692 — hardly the typical trajectory of a Leveller radical. See Maurice Ashley, *John Wildman, Pioneer and Postmaster* (London, 1947).

especially by Ashcraft, according to which Shaftesbury can best be seen as a large commercial capitalist addressing his arguments principally to 'the industrious part of the nation' — tradesmen, manufacturers, yeomen, husbandmen and craftsmen — while attacking most of the landed interests.¹⁶ The whole bias of the *Fundamental Constitutions* is in favour of large landed proprietors. Moreover, the available records of Shaftesbury's financial affairs indicate clearly that his revenues from landed investments far outweighed those from trade, colonies and stockholdings combined. Haley is surely right when he remarks of Shaftesbury that 'to the last he remained a country landlord'. But not a traditional country landlord. For we know from his keen interest in the literature of agricultural improvement and his own attempts at experimental farming that Shaftesbury represented the new breed of English landlord who looked upon his estates not as a passive *renier* but, rather, as an improver who used his intelligence and his capital to augment the productive powers of nature — via enclosure, drainage, scientific crop rotation, intelligent estate management and so on.¹⁷ Shaftesbury thus conceived of society in largely agrarian terms. Yet his was to be a prosperous and improving agrarian society — one would now say a system of *agrarian capitalism* — which progressed via the rational disposition of labour and capital applied to the land, in which production was carried out by hired wage-labourers producing an agricultural commodity for sale on the market, and in which commercial development had an important, albeit subordinate, role in the society as a whole. Further, for Shaftesbury, such a society was to be led rightfully by enlightened and prosperous landed gentlemen ruling in the context of a constitutional monarchy which recognized the unique right and responsibility of a landed aristocracy to participate in government and to preserve its liberties and properties. Indeed, the tacks and turns in Shaftesbury's political alignments throughout his life — from royalist to moderate Parliamentarian to advocate of Restoration to spearhead of the Revolution settlement of 1688-9 — represent a series of adjustments which reflect a relatively consistent desire to preserve the liberties and properties of landed gentlemen from two 'tyrannies' — that of an absolute monarch, and that of mob rule via a democratic republic. Even during an important period of his campaign against the Court, when the main danger appeared to be that of absolutism, Shaftesbury argued in a letter of 10 June 1675 that 'it is as bad as a state of war for men that are in want to have the making laws over men that have estates'.¹⁸

What we have in Shaftesbury then is a dedicated proponent of the classical notion of the mixed constitution. Only a constitution which combined monarchy, aristocracy

¹⁶ Ashcraft, *Revolutionary Politics*, p. 82. Indeed Ashcraft writes (*ibid.*, p. 579) that Locke's *Two Treatises* was primarily addressed not to the aristocracy and the landed class, but rather to the urban merchants, tradesmen, artisans, and independent small gentry'. See also *ibid.*, pp. 104, 228-34.

¹⁷ On Shaftesbury's financial records see Haley, *First Earl of Shaftesbury*, pp. 208-9. On his interest in the literature of agricultural improvement see *ibid.*, pp. 210-11, 218-19. Haley's overall characterization of Shaftesbury's financial affairs is made on *ibid.*, p. 705. It is significant that Ashcraft quotes Haley's references to Shaftesbury's capitalist instincts, yet fails to cite his statement (*ibid.*, p. 227) that 'the profits of land and office provided a larger proportion of his personal income than those from trade', or the data he provides on Shaftesbury's landed holdings and estate revenues.

¹⁸ As quoted by Haley, *ibid.*, p. 255.

and democracy in a delicate balance was capable of preserving English liberties — including the liberty from levelling assaults. But in the context of the 1670s and '80s, the main threat was 'from above', not 'from below'. The campaign against absolutism thus became the order of the day. As far as Shaftesbury himself was concerned, this made him a defender of tradition, of the ancient constitution against 'the new' and 'most dangerous and destructive' doctrine, as he put it, that 'monarchy is of Divine right'.¹⁹ His opposition to absolutism, therefore, took the form of defending the 'rights and liberties' of the subject against the subversive encroachments of the Crown. Thus, *when in opposition to the Crown* his politics took on a radical edge. Even under such circumstances, however, his adherence to monarchy, the royal prerogative and the privileges of the Lords, and his opposition to democracy are clear. Throughout the whole of his political career, Shaftesbury was a determined opponent of democracy and all 'levelling' tendencies — as his opposition to Ludlow and his persecution of Lilburne attest. What gave Shaftesbury's aristocratic politics its populist tinge was his conviction that, despite enormous inequalities in property and privilege, all subjects of the Crown are protected by law. Thus, in his speech on the case of Shirley vs. Fagg, in addition to referring to the law by which 'the poor man enjoys his cottage', Shaftesbury argued that 'it is the constitution of the Government, and maintaining it, that secures your Lordships, and every man else in what he hath'. Subvert the constitution, then, and the poorest man has no guarantee of his dominion over his family, or of the security of his property, however mean. Under such circumstances, Shaftesbury asks, 'how long shall the husband maintain his dominion, or any man his property, from his friend's or his neighbour's obstinacy?'²⁰ Thus, any threat to the constitution is a threat to the property of every subject — a point which is absolutely central to an understanding of Locke's *Two Treatises of Government*.

II

One of the central problems of Locke's *Two Treatises* is to justify resistance within the framework of a theory of the mixed constitution which defends independent powers for the monarchy and special privileges for the Lords. Julian Franklin has demonstrated admirably that Locke inherited the problem which bedevilled the parliamentary side during the English Civil War: how to justify opposition to the Crown while accepting that the monarchy was an independent power within the constitution, not one thoroughly subjugated to the overriding sovereignty of Parliament. Throughout the early 1640s, the main theorists of the Parliamentary position explicitly disavowed any affiliation with republicanism or doctrines of popular sovereignty. The result, however, was that their defence of resistance was

¹⁹ These quotes too come from Shaftesbury's speech on the case of Shirley vs. Fagg, as reprinted in Christie, *Life of Anthony Ashley Cooper*, Vol. 2, p. xcii. Locke followed Shaftesbury in seeing divine right theories as dangerous innovations, and himself as a defender of the ancient constitution. On this point see Tully, *Discourse on Property*, pp. 157-8.

²⁰ Christie, *Life of Anthony Ashley Cooper*, Vol. 2, pp. lxxxix, lxxxv.

theoretically incoherent.²¹ Given the experience of the popular upheaval during the Civil War and the Interregnum, and the abolition of Monarchy and the Lords which had occurred in 1649, this theoretical problem was especially significant for Locke. If the Whigs were to justify resistance to Charles II it was essential that they demonstrate that such resistance need not imply either the abolition of monarchy or the levelling of property. Indeed, the King himself had raised this issue directly against the Whigs in April 1681 when in his Declaration on the occasion of the Oxford Parliament he asked: 'who cannot but remember that religion, liberty and property were all lost and gone when the monarchy was shaken off?'²² To this argument Shaftesbury and the Whigs needed a persuasive response. Locke's *Two Treatises* was in large measure an attempt to provide just that. As John Dunn has put it, Locke needed a theory which outlined a set of possible limitations on political obligation without thereby impairing the legitimacy of the existing social and political order. In short, he needed a charter for political revolution which would be in no way qualitatively different from that aimed at by the Levellers during the 1640s — one that did not entail the threat of the abolition of monarchy and aristocracy, nor of popular suffrage and a democratic republic.²⁴

At the same time, one cannot deny the political radicalism of parts of Locke's arguments — a radicalism which is defined largely by his attempt to refute the absolutist position of Robert Filmer's *Patriarcha*. Locke was far from alone in seeing Filmer's book as a serious threat to the classical concept of the mixed constitution. Two other Whig theorists of note — James Tyrrell in *Patriarcha non Monarcha* (1681) and Algernon Sydney in his *Discourses concerning Government* (published posthumously in 1698) — also focused their attacks on Filmer. But Locke's assault had potentially the most radical implications, in part because it was the most intellectually rigorous response to Filmer's version of the divine right of kings.

It is not necessary here to rehearse all of Filmer's arguments. The whole of *Patriarcha* was based upon the claim that God had bequeathed the earth to a single man — Adam — and that the natural dominion of a single individual over all others and, indeed, over all property had descended down the ages to the current occupant

of the English throne who, like Adam, ruled by divine right. We need not consider here the contradictions and inconsistencies of Filmer's position. The crucial problem he posed for all Whig theorists — and with which Locke grappled more ingeniously than any other — was the argument that to deny the original dominion of one man over all the creatures and property of the earth was to claim that God had given the earth to all, as common property. If this was so, Filmer claimed, then all men were by nature equal and all modern private property was illegitimate, a theft committed upon God's original gift of common property to all mankind. If we postulate an original community of property, he argued, then 'to have given propriety of any one thing to any other, had been to have robbed him of his right to the common use of all things'.²⁵ Deny the absolute power of Adam, the first king, and his modern descendants, Filmer claimed, and you embrace a doctrine of natural equality of all men and of common property — positions which imply the illegitimacy of all ranks, authority and private property. By implication, then, one was either an absolutist or a 'leveller'. There was no middle ground.

The greatness of Locke in his *Two Treatises* was that he met Filmer on his own ground. Locke accepted that any rigorous anti-absolutist position had to start from the view that God had originally bequeathed the earth to all as common property, and that all individuals in the state of nature were equal. Without proceeding from the view that all individuals were by nature equal, and therefore that no man had a divine right to rule over another, there was no logical way to construct a doctrine of legitimate resistance to authority. Having set out this position, the task then became to show how private property and inequality of estates could be justified on the basis of a natural rights argument which started from the assumption of the natural equality of individuals. Crucial to this argument was to show that private appropriation from the common stock of property which God bequeathed to mankind was not a violation, but rather a manifestation, of natural right.

Individuals in the state of nature lived, according to Locke, in a state of 'perfect freedom' and of 'equality' in which 'all the power and jurisdiction is reciprocal, no one having more than another'. God imposed two basic laws upon men in the state of nature — to preserve themselves and, insofar as this does not conflict with the former principle, to do as much as they can to preserve the rest of mankind. Every individual in the state of nature has the right to punish any other who invades his right to self-preservation. But since every individual is partial where his self-interest is concerned, justice in the state of nature is characterized by 'Confusion and Disorder'. This is so especially with respect to the individual's enjoyment of his property which is 'very unsafe, very insecure' in the state of nature. Civil government 'is the proper Remedy for the Inconveniences of the State of Nature'. Indeed, 'the preservation of their property' is 'the great and chief end' of men's decision to unite into commonwealths under the rule of government.²⁶ But how does privatization of

²¹ Franklin, *Theory of Sovereignty*, Chs. 1–2. Franklin discusses Locke's commitment to the independent powers of the monarchy on *ibid.*, pp. 91–2.

²² As quoted by Haley, *First Earl of Shaftesbury*, p. 639.

²³ John Dunn, 'The Politics of Locke in England and America in the Eighteenth Century', in *John Locke: Problems and Perspectives*, ed. John Yolton (Cambridge, 1969), p. 50; see also *ibid.*, p. 54.

²⁴ On the Leveller position see H. N. Brailsford, *The Levellers and the English Revolution*, ed. Christopher Hill (London, 1976); Christopher Hill, *The World Turned Upside Down* (Harmondsworth, 1973); Brian Manning, *The English People and the English Revolution* (Harmondsworth, 1978); and Keith Thomas, 'The Levellers and the Franchise', in *The Interregnum: The Quest for Settlement*, ed. G. E. Aylmer (London, 1972). For the Army debates of 1647–9 and many of the crucial documents and pamphlets of the period see *Puritanism and Liberty*, ed. A. S. P. Woodhouse (London, 3rd edn., 1980); as well as *Leveller Manifestoes of the Puritan Revolution*, ed. Don Wollé (New York, 1944), and G. E. Aylmer, *The Levellers in the English Revolution* (Ithaca, 1975).

²⁵ Robert Filmer, *Patriarcha*, ed. Peter Laslett (Oxford, 1949), p. 273; see also *ibid.*, p. 262.

²⁶ John Locke, 'The Second Treatise of Government', in *Two Treatises of Government* by John Locke, ed. Peter Laslett (New York, 1965), paras. 4, 6–8, 13, 123, 124.

property come about if men initially hold all in common, and how is it to be justified according to natural right? Locke concedes that this 'seems to some a very great difficulty'. His claim is to have decisively answered this question in chapter five of the *Second Treatise*, 'Of Property'.

The key to Locke's position is the claim that God gave the earth to all men not to use in common, which is impossible, but so that every individual would have an equal right to self-preservation by procuring the means of individual subsistence. We see on common lands, Locke claims, that people make private use of that to which they have equal right of access; and it is this act of 'taking any part of what is common, and removing it out of the state Nature leaves it in, which *begins the Property*'. What gives the individual the right to appropriate part of the common is the act of mixing his labour with the things of nature. For every individual has a property in his own body and his person and this naturally extends to the products of his own labour. Thus, since labour is the basis of self-preservation, and since individuals have a right and a duty to preserve themselves, so they have a right to appropriate to themselves, through their labour, some of the common stock bequeathed to mankind. Private property thus emerges in the state of nature, even if it remains precarious given the inconveniences of a state which lacks an impartial adjudication of disputes between individuals.²⁷

The only restriction on the right of individual appropriation is the so-called 'spoliage restriction' — the principle that the individual must not appropriate more than he can use. The products taken from the common must not be allowed to go to waste. Thus 'As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his *Property*'. He by his Labour does, as it were, inclose it from the Common. What Locke is here outlining is not, as some commentators have claimed, the priority of common over private property but, rather, the right of the individual to appropriate or 'inclose' from the common as a principle which flows from the natural right of each individual to preserve himself and the concomitant property which each individual has in his person and the products of his labour. The whole of his argument is thus designed to show the necessity of privatization of property within the framework of a theory which begins from the assumption that God gave the earth to men in common. To argue, as Tully has done, that 'Locke provides a justification, not of private property, but, rather, of the English Common', is almost entirely to miss the role of Chapter 5 of the *Second Treatise* with respect to the theoretical and political problem with which the first Whigs were grappling — the demonstration that private property is not rendered illegitimate but, on the contrary, can be vigorously defended, within the framework of an anti-absolutist argument which begins from the principles of natural equality and common property.²⁸ In fact,

²⁷ *Ibid.*, paras 28, 26–7, 32. It should be noted in this context that in Chapter 5 of the *Second Treatise* Locke generally uses the term 'property' in its narrower meaning of possessions.

²⁸ Tully, *Discourse on Property*, p. 130, see also *ibid.*, pp. 78–9, 124, 134. Neal Wood has effectively answered a whole series of misunderstandings with respect to property, capitalism and the nature of wage-labour which plague Tully's analysis. See Neal Wood, *John Locke and Agrarian Capitalism* (Berkeley, 1984). Ch. 5. Related criticisms are made by, Neil J. Mitchell, *John Locke and the Rise of Capitalism, History of Political Economy*, 18 (1986), pp. 291–305.

Locke clearly believes that in the natural course of economic improvement private property will come increasingly to predominate over common property. For, as he says, although God gave the world to men in common, 'it cannot be supposed he meant it should always remain common and uncultivated'. On the contrary, as the earth is used by 'the Industrious and Rational' it is improved and privatized. The rational utilization of the land represents the act of removing it from a common and uncultivated state and placing it in a private (or enclosed) and improved state. It is instructive that Locke treats common lands as lands which are unimproved — i.e. as waste. As a consequence private appropriation and improvement are treated as synonymous.²⁹ The individuation and improvement of the common are the essential indices of economic and social progress. It thus follows that the labour and industry of individuals will lead to a situation in which 'the *Property of labour* should be able to over-balance the Community of Land'. At the heart of the economic progress of society is the increasing *privatization of property*.³⁰

Related to the above argument is the view that economic progress also lays the basis for a vast expansion in the accumulation of property. In the early stages of economic development accumulation is limited by use. It is not justifiable for the individual to appropriate items from the common which will be wasted. The invention of money, however, overcomes this spoilage limitation. For money makes it possible for men to appropriate beyond their personal needs and to exchange their 'overplus' for an item which can be hoarded, since it functions as a recognized store of value which does not appreciably spoil. The invention of money thus enabled men to enlarge their possessions to an extent limited only by the degree of their industry. The result was that the inequality of possessions was enlarged; and this 'inequality of private possessions' brought about by the invention of money increased the need for governments whose laws 'regulate the right of property'. Increasing inequality, it would seem, creates the potential for increased conflict among individuals. The creation of government is a rational response to the inconveniences this entails. 'The great and chief end therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is the *Preservation of their Property*.'³¹

Locke's argument is thus one which justifies private appropriation and, indeed, one which sees economic improvement largely in terms of an increasing individuation of property. In this sense Locke is clearly on the side of those who believed that common property characterized rude, uncultivated and primitive forms of society. It is not necessary, however, to see Locke as sanctioning unlimited private accumulation, as did Macpherson. For Locke it is not individual appropriation which is the desired end; rather it is industry and improvement. But industry and improvement presuppose individual appropriation from the common stock. While covetousness is to be condemned, those conditions — of which the right of appropriation is crucial

²⁹ To my knowledge Wood (*John Locke*, p. 62) is the only commentator to have made this point.

³⁰ Locke, *Second Treatise*, paras 34, 40. See also *ibid.*, para. 45. Mitchell argues correctly ('John Locke', p. 293) that 'Locke is identifying the public interest with private appropriation'.

³¹ Locke, *Second Treatise*, paras 47–50, 124.

— which encourage and protect industry and improvement are to be encouraged.³² Moreover, what becomes clear in this discussion is that Locke's praise of industry does not refer simply to the directly productive use of labour; it applies equally to the productive use of property — and of landed property in particular. Landowners are themselves productive in Locke's terms if they so dispose of their estates as to improve upon the powers of nature. Thus, the landlord who hires labourers to work upon the land is, via the money with which he hires the labourers, applying his own industry to nature. For this reason Locke can claim, as he does in a particularly revealing passage, that

the Grass my Horse has bit, the Turf my servant has cut, and the Ore I have digg'd in any place where I have the right to them in common with others, become my *Property*, without the assignation or consent of anybody. The labour that was mine, removing them out of the common state they were in, hath fixed my *Property* in them.³³

Two crucial points emerge in this passage. First, Locke treats the industry of the hired labourer as constituting part of the labour of the property-owner who hired him. The labour of my own body, of my horse or of my hired servant belongs to me — indeed these all represent different facets of my own industrious activity. 'Labour' thus refers to the productive use of my own property, not merely to my own physical activity. It follows, then, that Locke's praise for 'the industrious and Rational applies equally' — one might say ultimately — to the intelligent, improving landlord. As we shall see, just such an argument is at the core of Locke's economic writings. Second, Locke clearly does not believe that consent is required to justify private appropriation from the common stock since, by right of my own labour or that of my horse or servant, I may appropriate from the common 'without the assignation or consent of anybody'. To be sure, Locke held that where common lands were backed by legal title such consent was required. But most sixteenth- and seventeenth-century enclosure effectively undermined customary and communal farming practices without technically violating any legal property rights.³⁴ Yet, for Locke, consent would not be required in such circumstances. Indeed, this was precisely the position taken by Shaftesbury during the Civil War with respect to the Lydiard Millicent residents who were sentenced to be whipped if they refused to pay fines imposed for tearing down Shaftesbury's hedges. The issue here clearly was the priority of individual property

rights over the consent of the community. Indeed, the tithingman was arrested for refusing to execute the order to punish the rioters against Shaftesbury's enclosures.³⁵ Enclosure from the common was thus at the heart of economic progress for Locke.

As Neal Wood has persuasively shown, the whole discussion of property in the *Second Treatise* is imbued with the language of the seventeenth-century theorists of agricultural improvement — many of whom Locke knew and whose works he owned. The improvers, who advocated enclosure, drainage, scientific crop rotation, the use of improved implements and rational estate management, attempted to construct a programme of economic development based upon raising the productivity of agriculture. As Wood has argued, Locke's discussion in 'Of Property' echoes this language of improvement through 'his continuous reference to "appropriation", "enclosure", "common land", and "waste land"'. Indeed, 'of the twenty-seven sections' of the chapter, twenty-two referred to agricultural property and its problems'.³⁶ The improvers believed in the duty of the individual to improve through his labour (including the hired labour of others) the productive powers of nature. They supported enclosure largely as a move away from inefficient customary practices towards a rational and efficient system of agriculture. At the same time, some of them believed in enclosure of commons by consent. However, community consent was not to impinge upon property rights established by law. As we have shown, Locke shared this view, according to which enclosure of legal commons required consent, while enclosure from open-field to closed-field farming did not require consent if no legally enshrined common rights were violated, however much customary practices may have been eliminated and the conditions of social life transformed. Such a position was by no means a radical one — and hardly justifies extravagant claims to the effect that Locke was seeking 'to legitimate the rights of the commoners against the enclosing landlords'.³⁷ There is nothing in any of Locke's writings which would indicate opposition to legal sanctions in defence of enclosure of the type imposed upon the residents of Lydiard Millicent. Indeed, the whole thrust of his argument would suggest that he saw the rights of landed gentlemen to dispose of their estates free from the encumbrances of customary rights as at the heart of the issue of property.

Locke's emphasis on the crucial importance of the landed proprietor to the commonwealth emerges clearly in his economic writings, especially *Some Considerations of the Lowering of Interest, and Raising the Value of Money*, first drafted as a memorandum to Shaftesbury in 1668, and revised and published in 1692. While devoted to an analysis of money and interest, as William Lewin has noted, 'the price of land . . . became the chief matter' of *Some Considerations*,³⁸ and there was good

³² While Macpherson's overall argument cannot be sustained, it is important to recognize that he emphasizes 'industrious appropriation' in Locke, not covetousness. See C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (London, 1962), pp. 236-7. Wood, *John Locke* (especially Ch. 6) seems to me to have more accurately captured the values which imbue Locke's writings.

³³ Locke, *Second Treatise*, para. 28. Tully's misunderstandings of this crucial passage have been exposed by Wood, *John Locke*, pp. 86-90.

³⁴ Locke's argument for consent in the case of enclosure of legal commons is to be found in Locke, *Second Treatise*, para. 35. The conflict between traditional, open-field husbandry and enclosed farming is nicely drawn out by Underdown, *Revel, Riot and Rebellion*, pp. 5-8, 18, 40-2, 75-104. As Underdown demonstrates, this conflict was as much cultural as it was economic.

³⁵ Underdown, *Revel, Riot and Rebellion*, p. 214.

³⁶ Wood, *John Locke*, pp. 61, 51.

³⁷ Tully, *Discourse on Property*, p. 154.

³⁸ William Lewin, *The Origins of Scientific Economics: English Economic Thought 1660-1776* (London, 1963), p. 168. Some Considerations is printed in John Locke, *Several Papers Relating to Money, Interest and Trade* (New York, 1968).

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reason for this focus on the price of land. Locke's whole argument was organized around the view that the public interest is inseparably linked with the economic interests of the landed gentlemen. In the raising of rents, Locke claimed, 'lies the true advantage of the Landed-man, and with him of the Publick'. This connection between the landed and the public interests flows from the fact that the landed interest is a settled, unmoveable Concernment in the Commonwealth'. For this reason, the interest of the landholder 'is chiefly to be taken care of in considerations of economic policy'.³⁹ Locke followed a long line of economic writers in seeing the surplus product of agriculture — which takes the form of rent according to landowners — as the most important revenue generated within the economy. At the same time, he adhered, as did Shaftesbury, to a version of the civic humanist position which saw the landed interest as the only fixed and independent interest within the commonwealth — and hence as the only interest inseparable from that of the public.⁴⁰ For this reason, economic policy should be constructed principally with an eye to the landed interest. Locke could scarcely have been more explicit on the point:

the Landholder, who is the person, that bearing the greatest part of the burthens of the Kingdom, ought, I think, to have the greatest care taken of him, and enjoy as many Privileges, and as much Wealth, as the favour of the Law can (with regard to the Publickweal) confer on him.⁴¹

This argument is completely consistent with the vision of society developed in *The Constitutions of Carolina* and meshes neatly with the sort of interpretation of Locke's theory of property which we have advanced. At the same time, it indicates the enormity of the gulf which separates Locke and Shaftesbury from the Levellers. No Leveller writer could ever have defended the interests of the large landholders in this way; nor could they have argued that the large proprietor should 'have the greatest care taken of him and enjoy as many Privileges' as possible (consistent with the public interest). Similarly, Locke's severely harsh position on the Poor Laws would have been entirely reprehensible to the Levellers.

Before turning to Locke's views on the Poor Laws, it is perhaps worth recalling the vehemence with which Leveller pamphlets attacked the rich. As Brian Manning has pointed out, 'in the eyes of the Levellers the basic conflict in society was between "rich" and "poor"'.⁴² Leveller pamphlets argued that there was 'a confederacy amongst the rich and mighty, to impoverish and so enslave all the plain and mean people throughout the land'; that the rich 'abound in goods' yet 'have no compassion of' the poor; that the rich are 'fat and swollen with wealth' yet 'esteem far less of plain men' than of horses or dogs; that the rich lived idly off the labour of the poor — 'our flesh is that whereupon you rich men live, and wherewith you deck and adorn

³⁹ Locke, 'Some Considerations', pp. 112, 42.

⁴⁰ I have explored these points at greater length in D. McNally, *Political Economy and the Rise of Capitalism: A Reinterpretation* (Berkeley, 1988), Ch. 2.

⁴¹ Locke, *Some Considerations*, p. 102.

⁴² Manning, *The English People*, p. 302.

Generalized (it is far from being a wage slave: they were claiming the rights of the poor, not rights to poor.)

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yourself'; and so on.⁴³ While the basic solution proposed by the Levellers was political equality — essentially the creation of manhood suffrage in the context of a democratic constitution — it seems clear that the sort of society they envisioned was a community of independent producers united by Christian values in which disparities between rich and poor would be markedly reduced (deriving as they did, in the Leveller view, from exploitation by the rich of conditions of political inequality).⁴⁴ Any fair assessment must conclude that such views are entirely absent in Locke. Nowhere do we find in his writings these sorts of attacks on the rich, nor do we find the argument that poverty is a function of the rapacity of the rich. On the contrary, the whole thrust of Locke's discussion of the Poor Laws is to blame the indiscipline and vice of the poor for their condition.

Locke prepared his document on the Poor Laws for a discussion of pauperism by the commissioners of Trade and Plantations in 1697. Locke's document started from the position that poverty resulted 'neither from scarcity of provisions nor from want of employment for the poor' but, rather, from 'relaxation of discipline and corruption of manners'. The solution, he claimed, was to suppress 'superfluous brandy shops and unnecessary alehouses' and to enforce harsh punishments against those who transgressed the laws regulating the activities of the poor.⁴⁵ The whole of Locke's scheme was punitive in nature. Since poverty derived from the corruption and indiscipline of the poor, this group must be coerced into industry. To this end, all males between the ages of fourteen and fifty caught begging without a pass outside their parish in maritime counties should be impressed for three years' service on His Majesty's ships. Married men in this age group so apprehended were to be committed to three years of hard labour. Anyone counterfeiting a pass was to have his ears cut off on first offence and to be transported to the colonies on second offence. Boys and girls caught begging outside their parish without a pass were to be sent to a working school where they would be 'soundly whipped and kept at work till evening'. Children between three and fourteen years of age of parents on poor relief were to be taken from their parents and put to labour in workhouses. Harsh penalties were to be in place to punish both the poor and the guardians of the poor who failed to abide by these and related laws. It is difficult not to concur with Wood's assessment that Locke's 'aim was to mobilize the unemployed, force them by unrelenting draconian methods to labour, and shape them into a docile and deferential brigade instilled with the work ethic of industry, thrift, and sobriety', or with his statement that 'little of Christian charity or compassion for the less fortunate can be found in this unusually harsh document'.⁴⁶

⁴³ All of these passages come from *ibid.*, pp. 301-4.

⁴⁴ For a useful overview of the sort of egalitarianism which ran through Leveller and radical writings of the 1640s see Maurice Goldsmith, 'Levelling by Sword, Spade and Word: Radical Egalitarianism in the English Revolution', in *Politics and People in Revolutionary England*, ed. Colin Jones, Malyn Newitt and Stephen Roberts (Oxford, 1986), pp. 65-80. It does seem to me, however, that Goldsmith has ignored some of the ambiguities and inconsistencies to be found in Leveller writings.

⁴⁵ Locke, 'Proposal for Reform of the Poor Laws', in H.R. Fox Bourne, *The Life of John Locke* (2 vols., New York, 1876), Vol. 2, pp. 377-90.

⁴⁶ Wood, *John Locke*, pp. 106-7.

III

Let us now attempt to situate Locke's theory of property in relationship to some of the contending positions set out in the seventeenth century to which his viewpoint has been compared. We have seen that, in order to reject the absolutist position of Filmer, Locke began by positing an original community of property and a natural equality amongst individuals. The problem then became that of justifying private appropriation and accumulation within the parameters of such a natural rights argument. This justification involved three crucial steps. First, Locke attempted to show that private appropriation from the common stock followed naturally from God's injunction to man to preserve himself. Second, he maintained that the physical act of labour transforms elements of the common stock of nature into extensions of the labouring individual — his property. Third, he sought to demonstrate that the invention of money removed the spoilage limitation on private appropriation since it then became possible for men to appropriate to a degree determined by their industry, not by their needs, and to exchange their 'overplus' for a socially accepted store of value. Locke's ingenious discussion thus undercut the charge that the levelling of estates was inherent in any non-absolutist position which proceeded from the proposition that God gave the earth to men in common. On the contrary, Locke had provided a theory which invalidated attempts by *any government* to interfere with the properties of the individual without his consent. The reason 'why they chuse set as Guards and Fences to the Properties of all the Members of the Society'. Indeed, 'whenever the *Legislators endeavour to take away, and destroy the Property of the People*, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, against Force and Violence.'⁴⁷

There was nothing particularly unique about Locke's *emphasis* on property. The idea that government was to some degree rooted in the need to regulate and protect property arrangements had a long tradition among natural law theorists.⁴⁸ But Locke was drawing upon and modifying arguments within this tradition for the specific purpose of constructing a non-absolutist theory of sovereignty — and hence of the

⁴⁷ Locke, *Second Treatise*, para. 222. Locke's reference to 'guards and fences' around people's property illustrates Wood's point with respect to the language of enclosure and improvement which permeates the *Second Treatise*.

⁴⁸ Judith Richards, Lotte Mulligan and John K. Graham, ' "Property" and "People": Political Usages of Locke and Some Contemporaries', *Journal of the History of Ideas*, 42 (1981), pp. 29-51, make this point with respect to Locke's seventeenth-century English contemporaries. The strength of Tully's book is to situate Locke in this natural law tradition. Unfortunately, he fails to grasp much of the purpose and the direction of Locke's discussion of property. It should also be added that James Harrington, perhaps more than any seventeenth-century writer, had put the question of property at the centre of all discussions of government. While the stimulus for Locke's theory of property appears to have been his confrontations with Filmer, one should not lose sight of just how widespread was political debate over property and government during this period.

right of resistance — which could at the same time put forward a coherent defence of private property and social inequality. This was possible only if he utilized the sort of 'wide definition' of property which characterizes much of the *Second Treatise*.

Locke links together life, liberty and estate in his definition of property.⁴⁹ To attempt to deprive a man of his life, his liberty or his estate is to invade his property'. It thus follows that every man has property. Moreover, every man has some property in possessions, minimal as it may be, and his rights to this are precarious without law and government. It is not the case that government preserves the lives and liberties of all and the possessions of a propertied minority, since *all* men enjoy property in the narrow sense of possessions — 'whether this his Possession be of Land, to him and his Heirs forever, or a Lodging only for a week'. Locke writes⁵⁰ — and thus have an interest in preserving the government which protects their property rights. In this respect, Locke's argument is a refinement of Shaftesbury's claim in his speech on *Shirley vs. Fagg* that 'the King is king by law, and by the same law that the poor man enjoys his cottage'.

This wide definition of property enables Locke to resolve one of the central arguments about liberty which had arisen during the Civil War and was voiced clearly during the famous debates of the New Model Army at Putney. The Levellers proceeded from a natural rights argument according to which no one had the right to invade the fundamental natural liberties of any citizen. Richard Overton put the point especially clearly in *An Arrow against all Tyrants*:

To every individual in nature, is given an individual property by nature, not to be invaded or usurped by any: for every one as he is himself, so he hath a selfe propriety, else he could not be himselfe, and on this no second may presume to deprive any of, without manifest violation and affront to the very principles of nature, and of the Rules of equity and justice between man and man: . . .⁵¹

Overton's concept of 'self-propriety' involves a wide definition of property in which the emphasis, as it always was for the Levellers, is upon the individual's inalienable rights in his own person. Moreover, for the Levellers such 'self-propriety' had to be actively expressed — in the right of the majority of men to vote and in the individual's freedom of conscience and religious expression. But how did such a concept intersect with the narrower notion of property in possessions? At the heart of the argument made against the Levellers by Ireton during the Putney debates was the claim that equal political rights would inevitably result in the levelling of property in the narrow sense. If you hold that by nature all men have an equal right to vote, Ireton asserted, then 'you must deny all property too'. For, if you claim that by nature each individual shares with all others a property in the right 'to the choosing of him

⁴⁹ Locke, *Second Treatise*, para. 123. See also Tully, *Discourse on Property*, pp. 114-16.

⁵⁰ Locke, *Second Treatise*, para. 119.

⁵¹ Richard Overton, 'An Arrow against all Tyrants', in *The Levellers in the English Revolution*, ed. G. H. Aylmer (Ithaca, NY, 1975), p. 68.

that shall govern him', does it not follow that 'by the same right of nature, he hath the same [equal] right in any goods he sees — meat, drink and clothes — to take and use them for his sustenance. He hath a freedom to the land, [to take] the ground, to exercise it, till it?' The levelling of the vote thus implied the levelling of estates. Grant poor men the vote and 'why may not those men vote against all property?'⁵² To Ireton, the defence of property required unequal political rights in the form of a franchise determined by property qualification.

The Levellers hoped to show that political equality did not necessarily imply an attack on property rights. But it must be admitted that their position on this question was ambiguous — in part because they were severely critical of the social and economic inequality which prevailed in the England of their day — but especially because they tended to treat fundamental rights to 'self-property', such as the right to vote, equal rights in law and freedom of conscience as logically and morally prior to property rights in possessions.⁵³

This perspective emerges clearly in the response at Putney by Major William Rainborough to Ireton's arguments about property. Rainborough attempted to refute Ireton's argument against manhood suffrage (which was based on the claim that preservation of property in estates is a fundamental principle of government and requires restriction of the franchise) by asserting that 'the chief end of this government is to preserve persons as well as estates, and if any law should take hold of my person it is more dear than my estate'.⁵⁴ We find the same priority of persons over goods in John Lilburne's *Legal Fundamental Liberties* (1649) where he argues that 'the Liberty of my Person is more nearer to me than my Propriety or goods'.⁵⁵ By detaching 'person' from 'goods' and 'estates' in this way — and by according priority to the former — these Leveller arguments opened the door to the claim that the principle of the preservation of persons could be used to justify attacks on the social distribution of estates and goods. Moreover, there was a tendency in much Leveller writing to emphasize subsistence as a basic human right. Thus, the *Remonstrance of many Thousands of the Free People of England* of September 1649 included the demand 'that every free commoner shall be put into a way and enabled with means for his natural subsistence'.⁵⁶ Indeed, a whole series of demands raised in some Leveller writings — especially for the undoing of all enclosures on common land, and the elimination of both base tenures and imprisonment for debt — certainly implied that there were some situations which justified incursions upon private property.⁵⁷ But what were to be the limits to such incursions? If the ultimate appeal

⁵² 'The Putney Debates', in *Puritanism and Liberty*, ed. Woodhouse, pp. 58, 63.

⁵³ On this point I am in agreement with Iain Hampsher-Monk, 'The Political Theory of the Levellers: Property, Putney and Professor Macpherson', *Political Studies*, 24 (1976), p. 410.

⁵⁴ 'The Putney Debates', in *Puritanism and Liberty*, ed. Woodhouse, p. 67. It should be kept in mind that Major William Rainborough is a different figure from the leading Leveller Colonel Thomas Rainborough.

⁵⁵ As quoted by Hampsher-Monk, 'Political Theory of the Levellers', p. 411.

⁵⁶ As quoted by Brailsford, *The Levellers*, p. 573.

⁵⁷ *Ibid.*, pp. 233, 263 and Ch. 21.

was to natural right, and if persons were to take priority over estates, there could be no set limits. Indeed, in their *Manifestation* of 1649, written after their arrests, John Lilburne, William Walwyn, Thomas Prince and Richard Overton do not disavow the principle of the abolition of private property; they merely insist that, as among the early Christians, such a levelling would only be justifiable if it followed from 'an universal assent thereunto from all and every one of the People'.⁵⁸ Yet precisely the fear of the propertied classes voiced so sharply by Ireton at Putney was that manhood suffrage would lead to an electoral majority which would support incursions upon property in estates. Given that persons were logically and morally prior to estates and goods in the Leveller outlook, such fears had at least some real basis.

By making estates an essential part of persons, Locke offered a solution to this problem. Since property derived from the principle of self-preservation, since 'lives, liberties and estates' were all interconnected aspects of property — indeed of 'self-property' to use Overton's term — any attack on estates was by definition an attack on persons. Locke's wide definition of property thus delegitimized attacking notions. Consequently, however much he had started from principles common to the Levellers, the end result of Locke's analysis was to *deradicalize* natural rights arguments with respect to the property question. Resistance could thus be legitimized without thereby justifying attacks on property.

It is true of course that in the context of the Exclusion Crisis and the reign of James II the immediate threat to property was posed by absolutism not popular rebellion. Nevertheless, Locke was concerned to refute the charge that resistance implied a levelling threat to property for two main reasons, one theoretical, the other practical. The theoretical challenge had been posed by Filmer in his argument that '... deny original dominion in one man over all others was to have no coherent justification of private property or of political authority. For the only alternative to the absolutist position, as he saw it, was to argue that individuals in the state of nature were equal and all had an equal right to the use of the earth. Start from this premise, Filmer claimed, and 'we must needs conclude that the law by which things were common, and men equal, was contrary to the law by which now things are proper and men subject'.⁵⁹ Such a natural rights argument could not coherently legitimize either authority or property. Locke's theory of property offered a resolution of this problem by grounding labour and appropriation in the state of nature *prior* to civil society and government and, in so doing, by making property in possessions an integral part of the 'self'. But the problem was more than a theoretical one. In the context of the 1670s and 1680s, the attempt by the Whigs to mobilize opposition to the Crown raised the spectre of 1649 and the revolution from below.⁶⁰ The first Whigs understood that they would be able to build a viable political movement only if they could

⁵⁸ *A Manifestation*, in *Leveller Manifestoes*, ed. Wolfe, p. 390. It is worth noting that the need for universality of assent does moderate the radical thrust of this argument.

⁵⁹ Filmer, *Paritarchia*, p. 262.

⁶⁰ For a view of just how seriously the ruling class took the threat of a Leveller uprising in the autumn of 1649 see Brailsford, *The Levellers*, pp. 567–79.

convince the gentry that it was possible to support a programme of resistance which did not threaten property and traditional authority. This meant presenting a coherent position which was both anti-absolutist and anti-levelling. As John Dunn has noted, the choice facing the Anglican gentry during this period appeared to be that 'between a levelling republican assault, redolent with the acrid overtones of 1649, upon the entire structure of social authority, and the acceptance of a royal policy which outraged their deepest religious prejudices and stimulated their most obscure emotional anxieties'. If the Whigs were to succeed, 'the gentry had to be persuaded that there could be reasons for rebellion which could make it neither blasphemous nor suicidal'.⁶¹ Locke's *Two Treatises*, works of general theory and practical political argument, were designed in significant measure to address this problem, largely in the terms in which it had been defined by Filmer.

This is not to say that Locke's theoretical position was defined purely and simply by immediate tactical considerations. After all, Locke was a serious philosopher for whom practical positions had to be consistent with the moral philosophy which underpinned his theory of politics. But that moral theory, and its unique combination of egalitarian individualism and social quietism, was well-suited to the sort of political response fashioned by the first Whigs. For Locke's position tended to require that the individual exercise his duty to God and himself by finding his 'calling' within the prevailing social arrangements. The existing social structures are taken as 'a datum' within such a moral theory. It is only when the individual's duties to God — in particular his duty to preserve himself and the property rights (in the wide sense) this entails — are threatened by the state that resistance is legitimate. Envy of the station of others or attempts to appropriate their wealth violates the duties of the calling.⁶² Such a position provided the philosophical basis for a political theory which simultaneously justified resistance to arbitrary authority on the basis of radical egalitarian principles and disavowed levelling assaults on the existing social structure as an abdication of moral responsibilities. Translated into the argument of the *Two Treatises*, this position established a unique combination of political radicalism and social conservatism which neatly suited the political requirements of the first Whigs. Indeed, even the term 'political radicalism' is not without its difficulties. After all, absolutist theorists such as Grobuis and Pufendorf posited an original state prior to private property (contrary to the Adamite position of Filmer), and grounded their theories of government in a natural rights argument. Similarly, Hobbes used the presuppositions of natural equality, an original community of property, and a social contract theory of the origins of the state in order to arrive at his doctrine of absolute sovereignty. Locke's use of such arguments does have more radical implications — especially with respect to the residual sovereignty which he vests in the people, and their ultimate right of resistance. But it is important to recognize that Locke used

such radical arguments to bolster a position which was socially conservative — insofar as it accepted the prevailing distribution of property and the 'ancient constitution' upon which this distribution of property and power rested.

The difficulty in recent discussions of Locke is that the term 'radical' has been applied to him without adequate appreciation of the social conservatism which these radical arguments were designed to reinforce. Indeed, the only approach which can decipher the full texture of Locke's thought is one which captures the unique interaction of these two elements of his political thinking — and the overriding unity which Locke attempted to impose upon their potentially uneasy relation.⁶³ Moreover, if we are to insist on the importance of Shaftesbury to Locke's political formation, then it is incumbent upon us to explain how it was that Locke's egalitarian individualism connected with a political position which favoured a mixed constitution (conceived of as the ancient constitution) in which the monarchy and the Lords exercised legitimate independent powers. In this context it is worth recalling that Locke's discussion in the *Second Treatise* presupposes the existence of such a mixed constitution in which the independence and prerogative powers of the monarch, although far from absolute, are nevertheless very real.⁶⁴ Moreover, in a letter to Edward Clarke in February of 1689 Locke argued, in relation to the Convention Parliament which had the job of overseeing the transition to a new regime after the flight of James II, that 'the settlement of the nation upon the sure grounds of peace and security . . . can no way soe well be don as by restoring our ancient government, the best possibly that ever was if taken and put together all of a peice in its original constitution'.⁶⁵

Locke adhered to Shaftesbury's view that opposition to absolutism was not based upon new and subversive principles but, rather, upon the original English constitution; it was the theory of the divine right of kings which was an innovation — a 'most dangerous and destructive' departure from tradition. However extreme resistance might appear, it was resistance in the name of tradition; it was the Stuarts who were the real subversives. Locke's programme for resistance did not require a radical alteration of the existing social structure or the traditional political constitution (as he conceived it). 'He neither expected, nor, as far as we know, would he have desired, a realisation in his day of the radical programmes for extending the right to vote put forward by the Levellers in the English Civil War or by the Chartists a century and a half after him.'⁶⁶ If nothing else, *The Fundamental Constitutions of Carolina* and

⁶¹ Dunn, 'The Politics of Locke', p. 49.
⁶² I am drawing here on the excellent discussion by John Dunn, *The Political Thought of John Locke* (Cambridge, 1969), pp. 245–8. For an insightful treatment of Locke's concepts of man and society see Neal Wood, *The Politics of Locke's Philosophy: A Social Study of 'An Essay Concerning Human Understanding'* (Berkeley, 1983), especially Ch. 6.

⁶³ Ashcraft's major study, replete with insights as it is, is perhaps the most extreme version of the 'radicalism' argument. The same one-sidedness characterizes the often interesting article by Richards, Mulligan and Graham who baldly state ('Political Usages of Locke', p. 51) 'Locke was a radical theorist'. Some of Ashcraft's earlier articles did draw attention to the fact that the *Two Treatises* is a 'Janus-faced' text characterized by a combination of radical and conservative elements, even if his emphasis was on the former. See Richard Ashcraft, 'Revolutionary Politics and Locke's *Two Treatises of Government*', *Political Theory*, 8 (1980), pp. 431, 476n10.

⁶⁴ Locke, *Second Treatise*, paras. 213, 152, 158.

⁶⁵ *The Correspondence of John Locke*, ed. E.S. De Beer (8 vols., Oxford, 1978), Vol. 3, p. 545.

⁶⁶ John Dunn, *Locke* (London, 1984), p. 33.

the propertied franchise and hereditary privileges they contained should make that clear. Indeed, it seems fair to say that 'egalitarian social democracy as a moral ideal would have offended against many of his deepest social and moral assumptions, and had he been confronted by the reality of such a social revolution these assumptions would probably have placed him among the defenders of the Ancien Régime'.⁶⁷ To say this is not, of course, to deny the radical implications of much of the *Second Treatise*. It is however to insist that this radicalism be seen in context — as the radicalism of a theorist who favoured a society ruled by rational and industrious landed gentlemen in the context of a mixed constitution which contained a limited popular element (however much ultimate sovereignty may have resided with the people as a whole), and whose theory, practice and associations demonstrate a decided rejection of the sort of social and political radicalism which characterized the Levellers.

David McNally

YORK UNIVERSITY, TORONTO

THE POETICS OF POLITICS VICO'S 'PHILOSOPHY OF AUTHORITY'

Joseph Mali

I The Dilemma of Enlightened Conservatism

Ever since Plato decreed that, for the sake of social stability in the state, 'we must begin . . . by a censorship over our myth-makers', and then invent another, new mythology, a 'golden lie' which would lead to right behaviour — the debate about the use and abuse of political myths has never been safely laid to rest. The problem with myth, as Plato duly recognized, is that 'when taken as a whole, the myth is false, but there is truth in it also': a 'truth', presumably, pertaining to man's deepest need for common meaning, order and purpose in social life, such as has been encoded into those essential rules of political association, and woven by many generations into those traditional tales which still persist in our minds and cultures. As far as Plato was concerned, the ancient Homeric myths were particularly harmful to the well-being of the *Republic*, because they disguised the origin of power and its control in the state, rooting it in fabulous, mostly immoral, deeds of gods and heroes. Even the most heroic tales, he thought, were liable to cause moral and political disintegration (*anomie*), as they attributed the laws to super-human agents, and thus acquitted the citizens of the *Republic* from their authorial responsibility to them. Since Plato's main ambition in the *Republic* was to re-establish the *nomos* of the state on new philosophical premises, the ancient mythological ones had to be discredited.¹

Alas, Plato's and successive attempts to purge politics of its myths have failed. It seems that the historical process of rationalization, described by Max Weber as 'the disenchantment of the world', has indeed demystified the world of nature, but less effectively so the world of the polity. In his classic essay 'Science as a Vocation', Weber conceded that because the emotional level of modern man has not yet advanced as far as the intellectual one, there is an imminent danger that the demythologization of political power might end up in its remythologization. The crucial problem with regard to myth-making in politics, Weber thought, is that because of the new professional ethos in the humanities and the social sciences, modern political scientists no longer deal with questions of 'ultimate and most

¹ Plato, *The Republic*, 2.17 (377-8). The age-old controversy about Plato's theory of myth is still, and more than ever, alive. The most recent and sharply antagonistic positions are drawn by Marcel Detienne, *L'invention de la mythologie* (Paris, 1981), who criticizes Plato's elitist ideology, and Luc Brisson, who counters this view in his *Platon, les mots et les mythes* (Paris, 1982). On Plato's conception of political myth and its impact on political theory see John G. Gunnell, *Political Philosophy and Time* (Chicago, 1968).