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The Levellers' View of History

Margaret Trowe History 365 December 20, 1969

### PREFACE

In quoting from Leveller tracts, except those edited tracts in A.S.F. Woodhouse's <u>Puritanism and Liberty</u>, I have preserved the original spelling, punctuation, and capitalization.

The name "Levellers" applies to a political organization which functioned as a potent force in the politics of England in the late 1640's.

During this period a fierce struggle for power was being fought, partly on an ideological level. The fighting of the first civil war had ended in 1646; the army of Parliament had defeated the royalist forces and had captured the King. In the wake of military victory, the various factions among the victors began to vie for power. In 1645 and 1646 tracts supporting the establishment of a representative democracy, the guarantee of civil and religious freedoms, and the reform of the judicial system were written independently by John Lilburne, Richard Overton, and William Walwyn. With the circulation of the Petition of March, 1647, the organized efforts of the Levellers began. (The name "Levellers" was originally given to the party by its enemies, who accused members of having the communistic goal of lewelling men's estates.

From 1647 through 1649 a flood of pamphlets issued from the Leveller authors, who were often writing Mom prison cells. They received their support from the Army rank-and-file and the citizenry of London. Dozens of petitions and protestations were published, often illegally, during this time. In addition, Leveller ideas found expression in the radical Agreement of the People issued by the Army Agitators (elected regimental representatives) in late 1647, and the more moderate Agreement of the People produced by the Officers in January, 1649. Both documents were presented to Commons as demands for a clear delineation of Parliament's rights and limitations, and a guarantee of religious and civil rights for every Englishman.

In 1649 the Army purged Parliament, the king was executed, and the Leveller leaders were imprisoned in the Tower of London. Although their imprisonment was not of long duration, the political viability of the Leveller movement vanished in 1649; the Army leaders had taken firm control of the country. 4

A study of the Levellers' view of history is interesting because it brings to light some of the intellectual trends of mid-seventeenth century England, and it reveals the synthesis of these different philosophies within the minds of political philosophers, in this case the Levellers. It often seems that the "synthesis of philosophies" is more like a jumble of half-baked ideas, tied together by pragmatic minds; but it is obvious after a million or so years of human activities that the course of events never depended on any mortal's understanding of the changes which were occurring. A study of the Levellers' view of history underscores the fact that a clear sense of historical perspective is not one of the prerequisites for participation in matters-at-hand. This is not to say that the Levellers had no sense of history, but rather to set the scene for the confusions which do arise in their writings.

The Levellers approached history from three basic viewpoints. The first historical point of view was Constitutional, the examination of the evolution of England's laws and institutions; the second viewpoint was religious, the interpretation of history in terms of good and evil, Godly and wicked; the third point of view might be termed humanistic, the secular study of worldwide history. The last viewpoint had a much less important place in Leveller thinking than the first two.

Leveller tracts frequently presented their cases in terms of English constitutional history. Within the framework of English history the Levellers frequently cited legal precedent to justify their demands and complaints. In some ways this approach was a calculated tactic of fighting Parliament in its own language, but to many people, including Lilburne himself, the "legal precedent" rationals was quite valid. These people saw English constitutional history as a struggle of Englishmen to regain their fundamental rights and liberties.

The influence of Sir Edward Coke's Institutes, especially the second which discussed Magna Carta, was important in this aspect of the Levellers' historical consciousness. Also influential were the intellectual rationalizations produced by the Long Parliament and its supporters in 1640-1642 to justify taking up arms against the King. The case for parliamentary supremacy had been built on arguments which cited English legal precedent. Coke had given great impetus to this tactic in the 1620's as a leader of Parliamentary opposition. Supporters of Parliament against the king continued this argument in the early 1640's. Their idea was that a fundamental guarantee of certain liberties to Englishmen was expressed in English law, especially in Magna Carta and its repeated confirmations. The king, argued the Parliamentarians, could not be allowed prerogatives or arbitrary powers which would violate these rights. Parliament at this point portrayed itself as the body representing the English people and defending their fundamental rights against arbitrary royal power.

Important to the idea of fundamental rights of Englishmen was the idea of the "Norman yoke." The prerogatives of the king was thought to be Norman in origin, while the fundamental rights were considered to be Anglo-Saxon.

The theory was that William the Conqueror and the Norman invaders thrust

a burdensome yoke of feudalism over the free men of England, nearly obliterating the noble Anglo-Saxon institutions such as representative government and trial by jury; however, the people of England knew the fundamental rights, and at various points in post-conquest English history they rose and forced the kings to acknowledge their rights and to allow them representation.

Needless to say, the Norman Yoke theory was largely mythical. Good and evil, selflessness and selfishness, are as jumbled and intertwined in English history as in any other history. But the myth was widely believed in the seventeenth century.

The Levellers broke with Farliament soon after the Royalist forces were defeated in 1646 by carrying Parliament's arguments further than Parliament itself wished to carry them. History showed that fundamental rights and liberties were guaranteed to the people of England, everyone agreed. Parliament had called upon men to fight against a king who violated these rights. Now Parliament, it seemed to the Levellers, was abusing these liberties they had won. The Levellers insisted that the freemen of England had every right to demand that Parliament stay within its bounds. Citing the same laws and charters that Parliament had cited, they proclaimed the people's right to maintain their fundamental freedoms.

In the early libertarian tract <u>Englands Birth Right Justified</u>, probably written by Lilburne in 1645<sup>5</sup>, the writer asks:

Conscience, seeing that by the 4. of Ed. 3.14. that there should be a Parliament once every yeers, and more often, if need require, and in the 36. of E. 3.10. it is inacted. That for maintenance of the Laws, and the redresse of divers mischiefs and grievances, which daily happen, a Parliament shall be holden every yeers, as at another time was ordained by a Statute, that seeing this present Parliament (by reason of the extroardinary necessities of the Kingdom) have sate foure yeers, and many of the members betrayed their trust, and those that remains, in grosse Lawmaking, and also Law-executing into their own hands contrary

both to reason, and to the true intent and meaning of the Law, which saith, delayes in judgment in other Courts shall be redressed in Parliament, as also false judgements and difficult Cases that shall happen, shall be there decided: Read the 14. E. 3.5.

A noteworthy fact is that the Levellers never rest their entire argument on legal precedent; instead they amass a jumble of justifications. In the passage above, reference is made not only to law, but to "Justice, Equity and Conscience" and to reason. In the postscript of the same tract, when Lilburne states that forced self-incrimination is contrary to eight precedents and principles, he admits that "God's most Sacred Word" is the most profound objection. Citation of Scriptures will be discussed below.

Most of the Leveller pamphlets show the authors' familiarity with Sir Edward Coke's Institutes. In Overton's The Commoners Complaint it is seen that Coke's second Institute was in Overton's hand when he was thrown into Newgate prison in 1646: ". . . in this . . . barbarous manner they brought me into the lower room in Newgate, called the lodge, and there they threw me down upon the Bords, and having Sir Edward Cookes 2. part instit. upon Magna Charta the Mr. Briscoe offered to wrest it out of my hands . . . and thus by an assault they got the great Charter of Englands Liberties and Freedoms from me . . . "9 However, Overton did not always show such high regard for Magna Carta or the many statutes praised by Coke, although he did generally accept the Norman Yoke theory:

Yee know, the Lawes of this Nation are unworthy of a Free-People, and deserve from first to last, to be considered, and seriously debated, and reduced to an agreement with common equity, and right reason, which ought to be the Forme and Life of every Government.

Magna Charta it self being but a beggarly thing, containing many markes of intollerable bondage, & the lawes that have been made since by Parliaments, have in very many particulars made our Government much more oppressive and intollerable.

The Norman way for ending of Controversies, was much more abustive then the English way, yet the Conquerour, contrary to his Oath introduced the Norman Lawes, and his litigious and vexatious way

amongst us; the like he did also for punishment of malefactours, Controversies of all natures, having before a quick and finall dispatch in every hundred.

He erected a trade of Judges and Lawyers, to sell Justice and injustice at his owne unconscionable rate, and in what time hee pleased; the corruption whereof is yet remaining upon us, to our continual impoverishing and molestation; from which we thought you should have delivered us. 10

In this tract "the commoner" complains that instead of regaining their ancient rights, the people of England have allowed Parliament to establish a tyranny worse than the one they sought to destroy: he describes their barbarous unheard of inhumanities (such as never were acted by their Norman Progenitors, since the Prerogative-Foundation of that Norman house was ever laid, or ever since they bore the name of an House of Peers):11 Overton's acceptance of the Norman Yoke theory is further revealed in An Appeal (1647) in which a number of demands are presented to Parliament: most of the suggested reforms are phrased as a return to the ancient way. Overton consistently calls for restoration, not innovation. 12 This is not true of all Leveller tracts, as will be discussed at length below, but in An Anneal the Norman Yoke theory is accepted fully. In the section of this pamphlet called "Articles concerning Courts of Judicature, offices and Officers of the Law," The second article demands "That according to the old Law and custome of the Land, long before, and sometime after the Conquest. There may be Courts of Judicature for the speedy tryall and determination of all causes, whether Criminall or Civill, erected and established in every Hundred . . . . . . . . . Another article reveals a common grievance related to the Norman Yoke theory: it demands "That all Lawes of the Land (lockt up from common capacities in the latine or French tongues.) may bee translated into the English tongue. "14 Great resentment resulted from the fact that laws were in the language of the "Norman-Prerogative men."15

Of the Leveller leaders, Lilburne was the most familiar with English legal history; in his pamphlets he frequently cited statute after statute to give validity to his grievances and proposals. In <u>Englands Freedomes</u>.

<u>Souldiers Rights</u> (1647) there is a typical Lilburne protest against his unfair treatment, and a call for restoration of the old Law of the Lands; various laws are cited to back his demands;

I am by birth a free Commoner of England, and am thereby intailed or intituled unto an equall priviledge with your selfe, or the greatest men in England, unto the freedom and liberty of the lawes of England, as the Parliament declares in their Declaration of the 23. of October, 1642. I part Book Decl. pag. 660. And the 29. Chap. of Magna Charta expresly saith, That no man shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or free customes, or be outlawed or exiled. or any other wayes destroyed, nor past upon nor condemned, but by the lawfull Indgement of his Peers (or equalls) and that by due course, or processe of the Law of the Land, Lilburne's superscript which expresly saith, that no man shall be taken or restrained of his liberty, by petition or suggestion (made unto whomsoever is in authority) unlesse it be by indictment or presentment of good and sawfull men where such deeds be done; and that no man whatscever be put to answer ( any crime whatsoever) without presentment before Iustices or matter of record, or by due processe and Writ originall, according to the old Law of the Land: and if anything from henceforth be done to the contrary, it shall be void in law, and holden for Lilburne's superscript error.

This manner of presentation continues throughout the tract; six footnotes refer to Coke and four cite statutes.

Lilburne retained confidence in arguments based on English legal history throughout his political career. He continued to demand the ancient laws of England. In 1653, during his trial for returning from banishment, he produced a work called <u>The Just Defence of John Lilburn</u><sup>17</sup> in which he

The <u>Farnest Petition</u> of January, 1648, contains twenty-nine footnotes, most of which refer to statutes, Coke's works, and the Scriptures. The <u>Earnest Petition</u> is similar to <u>An Appeal</u> in its denunciation of the use of the French language for laws:

That considering its a Badg of our Slavery to a Norman Conqueror, to have our Laws in the French Tongue, and it is little lesse then brutish vassalage to be bound to walk by Laws which the People . . . cannot know, that therefore all the Laws and Customs of this Realm, be immediately written in our Mothers Tongue . . . without any abbreviations of words, and the most vulgar hand, vis, Roman or Secretary, and that Writs, Processes, and Enroulments, be issued forth, entered or inrouled in English, and such manner of writing as aforesaid. 19

A later passage is noteworthy for its outline of the history of Parliamentary representation:

Whereas it hath been the Ancient Liberty of the Nation, that all the Free-born people have freely elected their Representers in Parliament, and their Sheriffs and (z) Justices of the Peace, &c. and that they were abridged of that their native Liberty, by a Statute of the 8.H.6.7. That therefore, that Birth-right of all Englishmen, be . . . forthwith restored to all which are not, or shall not be legally disfranchised for some criminal cause, or are not under 21 years of age, or servants, or beggars; and we humbly offer, That every County may have its equal proportion of Representers; and that every county may have its several divisions, in which one Representer may be chosen, and that some chosen Representatives of every Parish proportionably may be the Electors of the Sheriffs, Justices of the Peace, Committee-men, Grand-jury men, and all ministers of Justice whatsoever, in the respective Counties, and that no such minister of justice may continue in his Office above one whole year, without a new (a) Election.

The footnotes (indicated by the letters in parentheses) are worth examining:

z 28 Edw. I, Chap. I, 8, and 13. See 2 part instit fo. 174, 175, where Sir Ed. Cook positively declares that in ancient times by the common law of England, the Coroner, the high Sheriff, Justices of the Peace, Verderors of Forests yea and in times of war, the leaders of the Counties soldiers, were chosen in ful county by the freeholders. It hath been a maxime amongst the wisest legislators, that whose-ever means to settle good Laws, must proceed in them with a sinister, or evil opinion of all mankind; and suppose that whoseever is not wicked, it is for want of opportunity, & that no State can be wisely confident of any publick minister continuing good longer then the Rod is over him.

Here is an interesting example of the eclectic means the Levellers employed in justifying their arguments. Footnote z is concerned with legal precedent, whereas footnote a contains a philosophy of government based on something vaguely resembling historical comparison ("It hath been a maxime amongst the wisest Legislators . . . ") The second type of approach will be discussed below.

A final example of the presentation of English history in Leveller writings occurs in A Manifestation which was written in the Tower of London in the spring of 1649. This conciliatory tract is signed by Lilburne, Overton, Walwyn, and Prince, but it is considered to be largely Walwyn's work. 22

If Walwyn wrote the following passage, concerning the Norman yoke, it was one of the few times he used this rationale:

. . . if we should consult only with our selves . . . Wee should never enterprise as we have done, in behalfe of the Commonwealth: But when so much has been done for recovery of our Liberties, and seeing God hath so blest that which has been done, as thereby to cleer the way, and to afford an opportunity which these 600 years has been desired, but could never be attained, of making this a truly happy and wholly Free Nation. 23

#### \* \* \* \*

I. The religious approach to history shares a place of importance with the legal approach in Leveller thinking. In seventeenth-century England, religion was a vital intellectual force. The political leaders of the time frequently expressed themselves in religious terms. W.K. Jordan

says of the period.

It is difficult, if not impossible, to distinguish between religious and political thought during the seventeenth century. In part this is true because the organic concept of the Christian society still filled the minds of men; in part, because the seventeenth century often argued in religious terms when it was actually concerned with political ends.<sup>24</sup>

Whereas the English constitutional approach to history viewed history as English freemen's struggle for their deserved fundamental rights, the religious approach viewed history as the perpetual universal effort of good men to establish God's law on earth. An endless supply of evil kings had ignored the glorious freedoms of Englishmen; similarly, in the religious sphere an endless number of evil men persecuted those who spoke the word of God.

The Levellers see significance in the historical developments described in the Scriptures, as well as the historical development in the Christian world since the death of Jesus. In citing scriptural history the Levellers assure themselves and their followers that there is a pattern in history:

God wants men to make the world a better place, to fight evil men and harmful institutions. To a certain extent God will actively help the good men in their efforts, although the degree of aid varies.

The <u>Petition</u> of January, 1648, in angrily denouncing Parliament's transgressions, continually refers to Biblical passages which express righteous anger at oppression and promise God's vengeance:

Now O ye worthy Trustees! Let not your eares be any longer deafe to our importunate cries, let not our destruction be worse than that of Sodome, who was overthrown in a woment. Let us not pine away with famine and bee worse then those who die by the sword. Oh dissolve not all Government into the prime lawes of nature, and compell us to take the naturall remedy to preserve our selves, which you have declared no people can be deprived of . . . Oh remember that the righteous God standeth in the Congregation of the mighty, and judgeth among the gods, and saith, How . . . long will ye judge unjustly, and accept the persons of the wicked, defend the poor and fatherless, do justice to the afflicted

In <u>Englands Birthright Justified</u> (1645) John Lilburne quotes scriptural passages to strengthen his attacks on hypocrites, lawyers, and wicked men, categories which overlap considerably in Lilburne's scheme of things. In culminating his tirade he quotes ten psalms.<sup>26</sup>

The Levellers found coherence in history when they approached it from a religious standpoint. In fact, they presented a much more cogent case for themselves when they wrote in religious/historical terms. Their perspective was broader, their logic grander in scale. The modern materialist may be unable to accept the basic premises of the Levellers! religious explanations of history, but the fact remains that they produced a better internal coherence in these explanations than in their use of justification by legal precedent. They were on more familiar ground; religious orientation was a natural state to these men, especially Lilburne.

In describing his life and the activities of the Leveller movement in <u>Legall Fundamentall Liberties</u>, which was written in prison in 1649, lilburne speakes of his religious conversion experience:

. . . it is now above 13 years, since I knew God as my loving and reconciled father, that had particularly washed and clensed my soul with the precious bloud of Jesus Christ, and had caused the grace of God to appear in my soul, to teach me (as a reciprocall duty spread abroad in my heart by the overflowings of the fountaine of love within me) to abstaine from all ungodlinesse and worldsy lusts and to live soberly and righteously, in this present evill world, doing good to all, but especially to the houshold of Faith . . . ??

Lilburne and Walwyn in particular often saw religious significance in post-Biblical history. They frequently portrayed history as the struggle of Christian martyrs against the wickedness of secular rulers and the errors of Roman Catholicism. Foxe's <u>Book of Martyrs</u>, a sixteenth century account of the Protestant martyrs since John Hus, had deeply influenced Lilburne.

He mentions his reading in <u>Legall Fundamentall Liberties</u>, referring to his apprentice days, 1630-1636:<sup>28</sup> "I had spare time enough, yet I never misspent it, but continually spent it in reading the Bible, the Book of Martyrs, Luthers, Calvins, Bezaes, Cartwrights, Perkins, Molins, Burtons, and Rogers Works, with multitudes of other such like Books that I had bought with my own money. \*29 These books are all religious works.

In <u>The Just Defence of John Lilburn</u> (1649) the Leveller leader outlines post-Biblical history as the battles of Christians against both civil and religious oppression:

And thus in every age ever since Biblical times hath it been, as witness all the volumes of the books of Martyrs, and the Chronicles of almost every nation; and thus sometimes on a religious, and sometimes upon a civil account, and very often upon both in one and the same persons: the most faithful servants of Christ in every country where they lived, being ever the greatest enemies to tyranny and oppression, and the most zealous maintainers of the known laws and liberties of their Country, as was John Hus in Bohemia, Jerom of Prague, John Wyckliff in England, the Martyrs in Queen Maryes dayes, the Hugonots or Protestants in France, the Gues in the Low-Countreys; all not only esteemed . . . Hereticks by the Church, but rebels and traytors to their several States and Princes.

Overton did not have the religious bent of Walwyn and Lilburne, but he too had been impressed by Foxe's presentation of the Christian martyrs' struggles. In the satire <u>The Araignement of Mr. Persecution</u> (1645), the character <u>Christian</u> testifies "... godly King Edward moved by his bloody Bishops, to the burning of a godly Woman called Joan Butcher (Fox Act. Mon. p. 148.4) answered, will you have me send her quicke to the Divell in her errours ... "31 The reference is to Foxe's <u>Actes and Monumentes</u>, the real title of what was commonly called the <u>Book of Martyrs</u>.

william Walwyn paints a picture of human history in which the Christian struggle is predominant in <u>The Power of Love</u> (1643). This is not technically a "Leveller tract," but it expresses the philosophy of one of the prominent

#### Levellers-to-be:

. . . if you be studius in this work of Love, nothing will be more deare unto you then the glory of God (who hath so infinitely loved you) so as you will be most zealously opposite to whatsoever is opposite unto God, you will finde it nothing to hazzard your lives for God. in defence of his truth from errour: in defence of your brother of neighbor from oppression or tyranny: love makes you no longer your owne but Gods servants, and prompts you to doe his will in the punishment of all kinde of exorbitances, whether it be breach of oathes, breach of trust, or any kind of injustice in whomsoever, and to be no respecter of persons; nor will any ones greatnesse over-sway or daunt your resolutions, nut you will be bold as Lions, not fearing the faces of men: you will when needs requires, that is, when tyrants and oppressors endeavor by might and force to pervert the truth of God into a lie, interpreting his sacred word as patron of their unjust power, as if any unjust power were of God, and were not to be resisted: I say, such insolencies as these will inflame your zeals, and sat you all on fire manfully to fight the Lords battell, and to bring into Subjection those abominable imaginations and ungodly courses of men: your judgements will be so well informed, as you will know these things are by God referred unto you, and you will not resigne them up to him, but willingly sacrifice your lives and fortunes, and all that is neare and deare unto you, rather than suffer his name to be so blasphemed, or your innocent brethren, or your wives and children to become a prey to wicked and bloud-thirsty men. The politicians of this world would have religious men to be fooles, not to resist, no by no meanes, lest you receive damnation: urging Gods holy Word. whilst they proceed in their damable courses; but (beloved) they will finde that true Christians are of all men the most valiant defenders of the just liberties of their Countrey, and the most zealous preservers of true Religions.....

This is essentially a sermon intended to convince the readers that Christians have been and should be fighters for the cause of liberty. In this eary tract, Walwyn is quite articulate in calling for Christians to take an active part in fighting iniquity, both religious and civil. Although it is not always so explicit, this motif composes part of the superstructure of all Leveller thinking. All of the writers believed, at least some of the time, that they were acting in a way which God approved. Two modern historians see modified millenarianism in this philosophy. W. Schenk says of Walwyn:

Walwyn was, in fact, like so many of his contemporaries, a believer in the approach of the Millenium. He did not, indeed, anticipate

the Second Coming of Christ, but he did expect the rule of practical Christianity on earth. Christian love in conjunction with human reason, so his equable temperament and the events of the 11640 made him believe, would heal the world's corruption. 33

Christopher Hill expresses a similar idea, but he applies it to the seventeenth century Puritans in general:

Not all Puritans expected the millennium in the immediate future. But the essence of Puritanism as a revolutionary creed lay in the belief that God intended the betterment of man's life on earth, that men could understand God's purposes and co-operate with Him to bring them to fruition. So men's innermost wishes, if strongly enough felt, could be believed to be God's will. 34

When the Levellers looked for the ultimate meaning of human events, past and present, it was natural that they should see God's hand in history. \* \* \* \*

The humanistic approach to history is evident in some Leveller publications, especially Walwyn's writings, but it is of far less importance than either the legal or the religious approach. The Leveller policymakers were intelligent men, but they were not scholars; they dabbled in history at best. Lilburne, for example, in the postscript of Englands

Birth-Right Justified quotes the Parliamentarian William Prynne:

In the Appendix of one of Mr. Prinnes bokes, authorized by the Parliament, called The Soveraign power of Parliaments and Kingdoms, beginning at pag. 1. It is manifested by sundry Histories and Authours, that in the ancient Roman Kingdome and Empire, in the Greek and German Empires, derived out of it, in the old Grecian, Indian, Egyptian Realmes, in the Kingdome of France, Spaine, Italy, Hungaria, Bohemia, Denmark, Poland, Swethland, Scotland, yea of Judah, Israel, and others mentioned in the Scripture, the supreame Soveraignity and Power, resided not in the Emperours and Kings themselves, but in their Kingdomes, Senates, Parliaments, People, who had not onely power to restrain, but censure and remove their Emperours & Princes, for their tyranny and mis-government...35

However, in the body of <u>Englands Birth-Right</u> Lilburne has cited Coke, the Book of Declarations, and the Scriptures to justify his demands. This bit of distorted history is added as an afterthought.

Overton, like Lilburne, occasionally inserts some strange historical data into his pamphlets to embellish his argument. In <u>The Araignement of Mr. Persecution</u> "Mr. Nation" presents "divers antient and moderne Examples" of successful toleration throughout the world:

ived divers sects of Religions, Herodians, Scribes, and Pharises, Sadduces, and Libertines such as denyed the Resurrection, and Samaritanes the common Religion of the Jewes, the Christian and Apostolick Religion, all which differed from the common Religion of the State; which in all probability was the worship of Diana, whome all the world almost then worshipped, Act. 19.20. yet all these lived under the Government of Caesar, not any wayes injurious to his Crowne and Dignity, or disturbant to the peace of his Government: but when Persecution arose, then the State was troubled by tumults, uproares, &c. And how doth Toleration injure the State of Holland, Peland, Trasilvania sic , &c.36

Obviously, Overton is on shaky ground when he ventures into the realm of factual world history, but this does not detract a great deal from his argument because he justifies his case in other ways. Chiefly, he relies on the existence of a law of nature.

Of the Leveller leaders, Walwyn demonstrated the greatest knowledge of world history; more accurately, he dabbled more diligently, but he, like most men of the time, was no more than a dilettante in the study of history. In <u>Walwins Wiles</u>, a pamphlet issued in 1649 by seven enemies of Walwyn, the Leveller philosopher is accused of:

continuous discourse . . . either with some plausible stories of the cunning and crafty behaviour of Foreign Princes, or men in power, pretending good for the Common-wealth, and doing many things very promising thereunto, and at last exalting themselves in the oppressions and vexations of the people, or else with observations of Domestique Polititians, once very famous for their pretended zeal for their Country, but when advanced and lifted up, as infamous for their baseness in Opperession and Tyranny: and by this means he is still fomenting new and fresh jealousies against those that approve themselves most faithful in Authority and Trust, ever observing what actions (if any such thing do fall out) have been done by such men which may possibly (by wringing and wresting, and maligh interpretation) render them by his cunning art and skill (being very dexterous that way) to be suspected for self-seekers, Juglers and Deceivers of the People. 37

He is held in utter contempt for trying to lead your men astray with what we might call history courses:

He entertains them with as much excellency and strength of discourse, as his capacities have attained, in setting forth the famous Governments of such and such Common-wealths, the excellent readings of Phylosophers, their moral ingenuity, parts, and learning, how farre short the Government of this Kingdom comes of them? What kind of breeding such States and Common-wealths give their Children in the study of martiall discipline, feats of activity, geometry, &c. by all which means he endeavors still to take off the minds of his Disciples from Religion . . .38

Within this same scathing piece, Walwyn is accused of examining the Christian gospel in a harsh secular light:

... he prepares his battery against the credit, honour and authority of the holy Scriptures . . . he sets upon men querewise: How can you prove the Scriptures to be the Word of God? What security have you concerning the divine authority of the Scriptures, and consequently the articles of your belief, and the grounds of your faith, but from the testimony of men? What better grounds have you to believe the Scriptures came from God, then the Turks have for their Alcharon, or the Jewes for their Talmud? 39

If the accusation is true, then Walwyn was capable of taking a very rational, analytical approach to the Bible. Still another passage of <u>Walwins Wiles</u> shows the man's ability to look at the Bible from a humanistic, historical standpoint:

... [Walwyn] fetcht out that prophane scurrilous Lucians Dialogue, come (said he) let us go read that which hath something in it, Here is more wit in this (saith he) then in all the Bible.

And speaking of the book of Psalms, and the Proverbs, said, were pen'd by kings in order only to their own advantage, and the promotion of their own interest, as they were kings.

And another, a presumed sure friend, (having some familiarity with this worthy Champion for, and Assertor of the Divine Authority of the Scriptures Mr Walwyn) profest, that this wretched man, Walwyn, speaking of the book of Canticles, said, That it was nothing else but one of Solomans Epiphonema's or Rhetoerical Songs upon one of his whores.

Walwyn's friend Humphrey Brooke defended him41 in TheCharity of Church.

Men, a reply to Walwins Wiles:

For Books of Morality and History, though Mr Walwyn gives them their

due esteem, and judges that the peoples reading them would very much advance their knowledge, and enable them to preserve themselves in freedom, by seeing through . . . the policies of bad men and their many sleights by which they abuse and enslave the people which are plentifully described in those Books: And thus far the Author speaks truth of him. Yet hath Mr Walwyn nerer elevated them beyond their proper sphere, or desert, nor made comparisons between them, and that Book which he ever hath accounted . . . the Book of Books . . . . 42

Walwyn himself gives a parallel defense in a brochure appropriately called Walwyns Just Defence:

on discoursing, from one thing to another, and amongst other things, of the wisdom of the heathen, how wise and able they were in those things, unto which their knowledge did extend; and what pains they took to make men wise, vertuous, and good common-wealths men; how pertinent they were in the things they undertook, to the shame of such Christians, as took upon them to be teachers of others, when they were to seeke in the main principle of their science, with which kinds of discourse, he was very much affected, though it did not appear he had been accustomed to the reading of humane authors; which for twenty years before I had been, but I used them alwayss in their due place; being very studious all that time in the Scriptures, and other divine authors. . .; hearing, and reading continually; using Seneca, Plutarchs Lives, and Charon of humane wisdom, as things of recreation, wherein I was both pleased, and profited. 43

He insists that his fundamental confidence is in the Scriptures and the works of the divines; he is not very convincing, however, because he reveals his humanistic, historical interests with such enthusiasm. He mentions having read Thucydides! History, "wherewith I was much delighted."

There follow several long discussions of Montaigne. Walwyn quotes part of one work of the sixteenth century French essayist which compares Christian European civilization unfavorably with Turks, pagans, and cannibals. 45

Another Montaigne essay, quoted in Just Defence, makes reference to Roman, Greek, and Egyptian history. 46 As final historical comparison to support his half-serious call for a law against lying, Walwyn tells the reader:

Almanzar the first (or third) of the Sarazens Emperors, made use of such a Law [against lying], by which (above any other meanes) a mighty people were kept in great quietnesse and prosperity, as you may read in a little Book, called the Life of Mahomet; and are we

not in a low forme for Christians, when we are not so wise as such schoole-masters? O miserable Reformationi4?

The evidence of the Levellers' use of their scanty knowledge of history in its modern secular sense is often amusing and interesting to the modern reader. However, this type of historical reference is seldom used in the important Leveller documents. Lilburne. Overton, and Walyyn did not feel that a study of human events and the evolution of human institutions was vital to one's political intelligence. They occasionally used quasi-historical information to embellish a point which already seemed evident, but this was the extent of their use of history. This is not surprising, for politicians are seldom noted for their sense of historical perspective, even in times when a vast reservoir of historical knowledge is readily available. For men in the thick of a battle for power, the present is an overwhelming reality. In most of their appeals to the people, the Levellers make the assumption, explicit or not, that men know what is good for them through common sense, natural reason, or divine inspiration. In The Levellers Joseph Frank, commenting on Lilburne's way of judging laws, says:

In short, any law to be just (or "true") must conform to four criteria: history, God, nature, and reason. Since, however, the Leveller view of history was both flexible and anachronistic, God, nature, and reason became their primary means of judging the validity of law; history could be adjusted to confirm whatever God, nature, and reason indicated. 48

The Levellers did not consciously adjust history, but they did have great confidence that God, nature, and reason showed men right and wrong. This leads to the next area of discussion.

#### \* \* \* \*

II. In order to understand the Levellers' view of history in a proper perspective, it is necessary to comprehend that most of the time the Levellers

were quite comfortable living wholly in the present. They frequently relied on their own sense of reason and common sense and on divine inspiration to enable them to see and speak the truth, and they were confident that other men, being naturally rational, could comprehend their appeals. The faculty of reason was sometimes explicitly attributed to God, sometimes regarded as merely existing in nature.

The ideas of nature and reason were not always expressed consistently or coherently in Leveller writings. There are reasons for this lack of clarity. First, the Levellers were writing pamphlets designed to move men to action. They already knew what they wanted; their tracts were primarily means of arousing and mobilizing the soldiers and the London populace, not sophisticated philosophical dissertations. The Levellers had a knack for picking up a variety of arguments, sometimes contradictory, to justify their demands. Another factor contributing to the lack of cogency in the expression of ideas of nature and reason is the element of mysticism inherent in these concepts; faith in innate rationality is a somewhat irrational belief.

In many cases the Levellers' emphasis on reason was coupled with a denial of the relevance of precedent. Richard Overton, in A Remonstrance of Many Thousand Citizens (1646), after tracing the unsuccessful attempts of Englishmen to lift their Norman yoke, concludes that constitutional history is irrelevant, reason is supreme. He tells Parliament:

... whatever our Fore-fathers were; or what ever they did or suffered, or were enforced to yeeld unto; we are the men of the present age, and ought to be absolutely free from all kindes of exorbitancies, molestations or Arbitrary Power, and you were choose to free us from all without exception or limitation, either in respect of Persons, Officers, Degrees, or things; and we were full of confidence, that that ye also would have dealt impatially sic on our behalf, and made us the most absolute free People in the world.

Parliament itself had used this argument before, as Overton points out in

## An Appeal from the Commons to the Free People (1647):

It is confessed that our English histories and records of the actions and transactions of our predecessors, both of ancient and late times, so far as I can understand, do not afford me any example or precedent for any appeal from parliaments to people . . . To such I shall return even the late words of our now degenerate Parliament: that reason hath no precedent: for reason is the fountain of all just precedents . . . . therefore where that is, there is a sufficient and justifiable precedent.

The Humble Petition of September 11, 1648, a Leveller tract of major importance, chastised Parliament for misusing precedent to justify a restoration of Charles I, to the detriment of the nation's freedom and safety:

vouchsafeth your victory, and blesseth you with success, and thereby enableth you to put us and the whole Nation, into an absolute condition of freedom and safety: but according as ye have bin accustomed, passing by the ruine of a Nation, and all the bloud that hath bin spilt by that king and his Party, ye betake your selvs to a Treaty with him, thereby puting him that is but one single person, and publike Officer of the Commonwealth, in competition with the whole body of the people, whom ye represent; not considering that it is impossible for you to erect any authority equall to your selves; and declared to all the world that you will not alter the ancient Government, from that of King, Lords, and Commons . . .51

In denying the importance of legal precedent, the Levellers were using an idea that had been set forth by Coke and by theorists of the Long Barliament in 1640-1642 to counter the King's use of precedent. The arguments for and against precedent were used by royalists, parliamentarians, and radical democrats alike. A study of the political thought of the 1640's is dizzying experience.

Coke had declared in the fourth <u>Institute</u> that reason is, or should be, the basis of all laws and government. Parliament itself had declared the same thing. The use of the terms "<u>salus populi</u>" (the safety of the people), "equity," and reason," had become frequent in 1642.52 The Levellers often made use of Parliament's arguments. The character "Politicke Power" in Overton's <u>The Araignement of Mr. Persecution</u> declares that "<u>Salyus</u>

The King, Parliament, great men in the City and Army, have made you but the stairs by which they have mounted to honor, Wealth and Power. The only Quarrel that hath been, and at present is but this, namely, whose slaves the people shall be: All the power that any hath, was but a trust conveyed form you to them, to be employed by them For your good; they have mis-imployed their power, and instead of preserving you, have destroyed you: all Power and Authority is perverted from the King to the Constable, and it is no other but the policy of Statesmen to keep you divided by creating jealousies and fears among you, to the end that their Tyranny and Injustice may pass undiscovered and unpunished; but the people's safety is the supream Law; and if a people must not be left without a means to preserve themselves against the Parliament and Army too; . . .55

Lilburne had taken the same approach, although not so well expressed, in Englands Birth-Right Justified. He begins the tract by quoting the Book of Declarations (March 24, 1642) as saying:

... the Letter of the Law shall be improved against the <u>equitie</u> of it (that is, the publick good, whether of the body reall or representative) then the Commander going against its equity, gives liberty to the Commanded to refute obedience to the Letter: for the Law taken abstract from its originall reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soul . . .

Nor need this equity be expressed in the law, being so naturally implyed and supposed in all laws that are not meerly Imperiall, from that Analogie which all bodies Politick hold with the Naturall; whence all Government and Governours borrow a proportionable respect; And therefore when the Militia of an Army is committed to the Generall, it is not with any expresse condition, that he shall not turn the mouthes of his Cannons against his own Souldiers, for that is so naturally and necessarily implyed, that its needlesse to be expressed, insomuch as if he did attempt or command such a thing against the nature of his trust and place, it did ipso facto estate the Army in a right of Disobedience, except we think that obedience binds men to cut their owne throats, or at least their companions. 50

In <u>Legall Fundamentall Liberties</u> (1649) Lilburne quotes Sir Edward Coke's fourth <u>Institute</u> as saying that "where reason ceaseth, there the law ceaseth; for seeing reason is the very life and spirit of the Law it self, the

Lawgiver is not to be esteemed to respect that which hath no reason, although the generality of the words at first sight, or after the Letter seem otherwise...\*57 He then refers the reader to that part of the Book of Declarations he had cited in Englands Birth-Right.

In the course of the Putney Debates, a meeting in late 1647 of army leaders and Agitators (representatives elected by the regiments) at which policy was debated, the leading Leveller spokesman, Colonel Rainborough, voiced ideas in the same vein as the preceding quotes from Overton, Walwyn, and Lilburne (Woodhouse's editing is in brackets):

I think it well for us to consider the equality and reasonableness of the thing, not to stand upon constitution which we have broken again and again. I do not find in all the reading that I have done — I do not know that ever the Commons made war with the King [till now, though | the Barons did. Yet, besides the oath he found, I would add | that one of the main articles against Richard the Second [was] that he did not concur with, and agree upon, those wholesome laws [which] were offered him by the Commons for the safety of the people. If that were so great a right as did depose him, ti it is in the kingdom [still], and therefore let us go to the justice of the thing. 58

In contradicting himself by citing a precedent to justify the breaking of precedent, Rainborough provides an example of the inconsistencies common to the Levellers and others involved in the struggle for power.

While the Levellers did not always explicitly denounce precedent in their writings, they incessantly referred to reason and the law of nature; the assumption was made that a certain morality, a certain political intelligence, was inborn. Overton's "Mr. Light-of-Nature" assures the jury that decent behavior "comes within the compasse of that which Nature teaches the most ignorant, therefore within the reach of publike restraint, according to the Lawes of common modesty and civility, which Nature hath written in the hearts of all men naturally." This idea that all men instinctively know what is best for themselves and society, whether it is expressed as

being given by God or nature, is common throughout the Leveller tracts.

An important Leveller-influence appeal, The Case of the Armie (1648), which, by the way, was a source of dispute at the Putney Debates, accused leaders of going against the laws of nature; the Agitators are incensed that

. . . all promises of the Armie to the people that Petitioned his Excelencie and the Army to stand for the National interest, freedomes and rights, are hitherto wholly declined, and the law of nature and nations now refused by many to be the rule by which their proceedings should be regulated; they now strip themselves of the interest of English men, which was so ill resented when it was attempted by the malice of the enemies. 60

One of the first radical appeals issued by the Army (and heavily influenced by Leveller ideas), A Declaration, or, Representation (1647), expresses the importance of the people's common sense. The army reminds Parliament that

Overton's An Appeale 2 presents an articulate case for reason as the basis of all laws; it is "most evident and cleare to the eye of <u>Rationall</u> Man . . . that this fundamental principle . . . must be preserved. 63 To Overton, history only confirms what is obvious to human reason; in <u>The Hunting of the Foxes</u> (1649), 64 Overton gives historical examples of reason superseding laws:

. . . upon these fundamentals of Nature and Reason the Netherlands made their resistance against the king of Svain. Thus rose the Scots up in arms, and entered this Kingdom, immediately before this Parliament, without all formal countenance or allowance of King or Parliament,

since owned and justified by this Parliament. Thus this Parliament took up arms against the King: and thus the Parliament of France now taketh up arms: yea thus this Army enter'd upon their Solemn Engagement against the oppressing party at Westminster. And thus may the souldiery renue and revive the same, and even oppose, contradict, dispute and overrule the commands of their officers themselvs to the contrary, and be equally justifiable with the foregoing presidents precedents.

Overton was content to say that reason was the source of laws.

Lilburne and Walwyn, however, often interpreted reason and understanding of natural law as being identical with the state of grace. Natural law and Christ's teachings overlap considerably in these men's minds. Lilburne, in A Copie of a Letter (1645) wrote:

hath a Kingdome given unto him . . . which he hath erected, and set up in the world, amongst his Saints, where visibly and spiritually he governeth, ruleth and dwelleth . . . and according to that trust the Father hath reposed in him . . . he hath been faithfull to every thing required of him . . . and unto this his visible Kingdome by his last will and Testament he hath bequeathed perfect and compleate lawes, which are unalterable and unchangeable, in all times, ages and places by any of the sonnes of men. . . 66

In the introductory passage of <u>A Manifesto</u> (1649) Walwyn states that "no man is born for himself only, but obliged by the Laws of Nature (which reaches all) of Christianity (which ingages us as Christians) and of Publick Societie and Government, to employ our endeavors for the advancement of a communitive Happinesse . . . 67

Overton's insistence that "whatever our Fore-Fathers were . . . we are the men of the present age . . . " expresses the sentiment underlying Leveller philosophy. There is a sense of exhibitantion evident in the writings of Lilburne, Overton, and Walwyn, a confidence in the adequacy of their own native reason. In some respects, this self-confidence is a form of religious faith; in Walwyn's and Lilburne's works; the idea of reason almost always carries religious overtones. Overton, on the other hand, generally chose not to trace the faculty of reason to any supernatural source, but he certainly believed in reason and natural law.

The self-confident tone of the Leveller tracts appealed to the many soldiers and Londoners who had willingly given their blood to the revolution, the people in whose name Parliament had justified its unprecedented actions. These people in the late 1640's needed no elaborate intellectual rationale, historical or otherwise, to convince them that they were the source of governmental authority, that they could justly claim their natural rights. Their expectations had been aroused in the early part of the decade: in the aftermath of the war, as their hopes were dampened by the actions of the Parliament and the Grandees, they eagerly signed the numerous Leveller Petitions and Remonstrances, and applauded the ideas contained in the tracts circulated by John Lilburne and his associates. History was important to them insofar as it aided their cause. The people were familiar with Parliament's grand speeches of 1640-1642, and could comprehend references to the liberties guaranteed in certain English statutes of the past; they faithfully read the Bible and the Book of Martyrs, and readily accepted suggestions that they were similar to the Christian martyrs of former times: they even accepted a touch of the Classics and bits of exotic world history in Leveller presentations. However, the Levellers had no need to perform

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- 3. Frank, The Levellers, pp. 2-3.
- 4. Ibid., p. 221.
- 5. William Haller, ed., Tracts on Liberty in the Puritan Revolution, 1638-1647 (New York: Columbia University Press, 1933-34), III, 257.
- 6. Haller, Tracts on Liberty, III, John Lilburne, Englands Birth-Right Justified, pp. 32-33.
- 7. Ibid., postscript.
- 8. Haller, Tracts on Liberty, III, 371.
- 9. Haller, Tracts on Liberty, III, Richard Overton, The Commoners Complaint, 14.
- 10. Haller, Tracts on Liberty, III, Richard Overton, A Remonstrance of Many Thousand Citizens, p. 15.
- 11. Haller, Tracts on Liberty, III, Overton, The Commoners Complaint, p. 2.
- 12. Wolfe, Develler Manifestoes, pp. 156-188.
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- 15. Haller, Tracts on Liberty, III, Overton, The Commoners Complaint, title page.
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- 17. Frank, The Levellers, 236-237.
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- 19. Haller and Davies, The Leveller Tracts, p. 109, Earnest Petition in A Declaration of Some Froceedings.
- 20. <u>Ibid.</u>, p. 112.
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- 22. Frank, The Levellers, p. 199, and Haller and Davies, Leveller Tracts, p. 276.

- 23. Haller and Davies, Leveller Tracts, p. 277, [Walwyn], A Manifestation.
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- 25. Haller and Davies, Leveller Tracts, 114-115, Petition(January, 1648) in A Declaration of Some Proceedings.
- 26. Haller, Tracts on Liberty, III, John Lilburne, Englands Birth-Right Justified, 46-47.
- 27. Haller and Davies, Leveller Tracts, pp. 402-403, John Lilburne, Legall Fundamentall Liberties.
- 28. Frank, The Levellers, 11-16.
- 29. Haller and Davies, <u>Leveller Tracts</u>, p. 404, Lilburne, <u>Legall Fundamentall Liberties</u>.
- 30. Haller and Davies, Leveller Tracts, p. 452, Lilburne, Just Defence.
- 31. Haller, Tracts on Liberty, III, Richard Overton, The Araignement of Mr. Persecution, p. 14.
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- 33. W. Schenk, The Concern for Social Justice in the Furitan Revolution (London: Longmans, Green and Co., 1948), p. 56.
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- 36. Haller, Tracts on Liberty, Overton, Araignement, p. 31.
- 37. Haller, Tracts on Liberty, Kiffin, Walwins Wiles, pp. 293-294.
- 38. Ibid., p. 295.
- 39. Ibid., pp. 294-295.
- 40. Ibid., p. 296.
- 41. Haller, Leveller Tracts, p. 329.
- 42. Hallen, Leveller Tracts, p. 335, Brooke, Charity of Church-Men.
- 43. Haller and Davies, Leveller Tracts, p. 362, William Walwyn, Walwyms Just Defence.
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- 45. Ibid., p. 365.
- 46. Ibid., p. 366.
- 47. Ibid., p. 388
- 48. Frank, The Levellers, pp. 92-93.
- 49. Hallerk Tracts on Liberty, III, Overton, Remonstrance, pp. 4-5.
- 50. A.AS. P. Woodhouse, Puritanism and Liberty (London: Dent, 1938), p. 323, Overton, An Appeal.
- 51. Haller and Davies, Leveller Tracts, pp. 149-150, Humble Petition.
- 52. T. C. Pease, The Leveller Movement (Washington: American Historical Association, 1916), pp. 22-23, p. 38.
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- 56. Haller, Tracts on Liberty, III, Lilburne, Englands Birth-Rights, pp. 1-2.
- 57. Haller and Davies, Leveller Tracts, pp. 406-407, Lilburne, Legall Fundamental Liberties.
- 58. Woodhouse, Puritanism and Liberty, pp. 120-121, Putney Debates.
- 59. Haller, Tracts on Liberty, III, Overton, Araignement, p. 32.
- 60. Haller and Davies, Leveller Tracts, p. 71, The Case of the Armie.
- 61. Haller and Davies, <u>Leveller Tracts</u>, p. 55, <u>A Declaration</u>, or, <u>Representation</u>.
- 62. Wolfe, Leveller Manifesuss, p. 154.
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Wolfe's comprehensive collection of important Leveller and Leveller-influenced documents was important to my research. The introduction was helpful as a secondary source. 10. A. S. P. Woodhouse, ed. <u>Puritanism and Liberty</u>. London: Dent, 1938.

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