

Chapter 3

The Heritage of the Republic

The American people are not mindful of history. In consequence, they neither appreciate their own institutions at true value, nor understand why other peoples have a very different outlook on political problems. The result is unnecessary friction, both in the handling of domestic affairs and in matters of foreign policy.

This deficiency of American interest in historical background is inherited. Whatever the nostalgia of the early emigrants, as their frail ships carried them away from Europe, there was little opportunity for dwelling in the past once they had crossed the Atlantic. Beyond the beachheads stretched a wild, seemingly limitless, and none too hospitable continent. The colonists looked forward to the subjection of the land, not backward to recollect the subjection of men in the more cultivated countries from which they came.

But these pioneers brought with them more than high courage and crude tools. The seventeenth century, which saw their plantations expand and multiply and take root, was a remarkable period in many ways and many places. Nowhere was it more remarkable than in England, where the great majority of the first Americans, other than aborigines, were born and reared. From England these adventurers brought ideas that were eventually to flower in the Republic.

The Puritan Revolution of the seventeenth century is one of the great phenomena of history. It was simultaneously a refor-

mation and a renaissance. There was in it an almost apostolic Christian fervor. There was a combination of resolute thought and poetic sensitivity that found its most noble expression in the writings of John Milton. There was an experimental spirit which led on to the developments of modern science. And along with other characteristics there was the mysticism of the Quakers, the ardent democratic faith of the Levellers, and more than a trace of idealistic Socialism in the doctrines of the Diggers.

Restriction of the royal authority was not the fundamental objective of the Puritan Revolution. That reform was only a necessary step toward the desired political end. The real goal was the development of individual liberty. The essentially religious search for this end, and the confusion and cross-purposes attendant on that search, are revealed in the abundant literature of the period. But nowhere is the underlying philosophy summarized more clearly than in the various polemical essays of Milton. The passage that gave rise to our phrase "the blessings of liberty" is illustrative of the political thought carried from England by the early American colonists:

Let us consider whether or no the Gospel, that heavenly promulgation, as it were, of Christian liberty, reduce us to a condition of slavery to kings and tyrants . . . It is evident that our Saviour's principles concerning government were not agreeable to the humour of princes. . . . Our liberty is not Caesar's. It is a blessing we have received from God Himself. It is what we are born to. To lay this down at Caesar's feet, which we derive not from him, which we are not beholden to him for, were an unworthy action, and a degrading of our very nature. . . . Being therefore peculiarly God's own, that is, truly free, we are consequently to be subjected to Him alone, and cannot, without the greatest sacrilege imaginable, be reduced into a condition of slavery to any man, especially to a wicked, unjust, cruel tyrant. . . . Absolute lordship and Christianity are inconsistent.¹

Milton was secretary to Oliver Cromwell, then Lord Protector, when he developed this argument. It was not a sermon, but an earnest attempt to lay down a practical theory of government. This essay, and many others which flowed from the poet's pen,

¹ *Pro Populo Anglicano Defensio* (1651).

give a clear outline of what the Puritan Commonwealth was seeking to achieve. The function of the State should be severely limited. It is the province of political government to preserve peace and order, but the only purpose of this policing is to facilitate the condition of freedom, in which condition the blessings of liberty may be developed by individual effort. The outward law is actually a mark of bondage—a sign of that servitude from which man is liberated by obedience to the inner law “under the influence of the Holy Spirit.”²

Milton realized—or certainly came to realize—that intelligence alone is inadequate to emancipate mankind from the bondage of government. The factor of human weakness outweighs the strength of human reason, unless the latter has spiritual aid. That is the moral of *Paradise Lost*, especially in the poignant passage where Eve’s self-control is overcome by the flattery of the Serpent. She eats of the forbidden fruit because the reasoning power in which “our credulous Mother?” puts her trust is not strong enough to keep her from sin. Eve argues that God’s discipline is limited to arbitrary prohibitions, such as not attempting to defy the force of gravity. In every ordinary case, Eve asserts, reason alone will serve as adequate guide to conduct. The unhappy sequel shows that Milton means it as casuistry when Eve protests that, generally, “our Reason is our Law”:

But of this Tree we may not taste nor touch;
God so commanded, and left that Command
Sole Daughter of his voice; the rest, we live
Law to our selves, our Reason is our Law.

As a political force, the Puritan Revolution had collapsed when Milton wrote *Paradise Lost*, as was the case when Bunyan wrote *The Pilgrim’s Progress*. The many reasons for Puritan inability to form an effective earthly government concern us only incidentally. But we are necessarily concerned with the force of the ideas, and the effect of the changes, brought by this tremendous English uprising of the mid-seventeenth century, and of the sec-

² *De Doctrina Christiana*. See also A. S. P. Woodhouse, *Puritanism and Liberty*, Introduction *passim*.

ond, less violent, attempt in 1688. These two risings were seemingly unsuccessful. But they produced the seeds that found favorable soil, and flowered, in America.

The purpose and nature of the Republic cannot be fully understood—it will falsely seem to be a mechanical and matter-of-course achievement—unless we appreciate the Puritan aspirations, the problems that proved too much for even the greatest of seventeenth century Englishmen, the lessons of a failure that nevertheless assisted the formation of a government actually adequate to secure the blessings of liberty.

II

To the directors of the London Company, recruiting adventurers for the precarious settlement of Jamestown, Captain John Smith sent wholesome advice in regard to the type of immigrants needed by colonial Virginia. "Nothing," he wrote, "is to be expected thence but by labor."³

A few years later the Pilgrims, raising funds to finance the Mayflower expedition, agreed that, like Jacob, they would work for seven years of bondage in order to lay "some good foundation . . . for propagating and advancing the gospel of the kingdom of Christ in those remote parts of the world."⁴

In April, 1681, immediately after Charles II had signed the Charter of Pennsylvania, William Penn wrote confidentially of his plan of government. "For the matters of liberty and privilege," he told a small group of Friends, "I purpose that which is extraordinary, and to leave myself and successors no power of doing mischief; that the will of one man may not hinder the good of an whole country."⁵

These illustrations, chosen almost at random from the wealth of available documentary evidence, serve to remind us of the purposes that animated many of the first American settlers. From Massachusetts to the Carolinas the original immigrants came to

³ Quoted by Charles and Mary Beard, *The Rise of American Civilization*, Vol. I, p. 39.

⁴ See Reuben J. Thwaites, *The Colonies*, pp. 116-17.

⁵ Quoted by W. W. Comfort in *William Penn*, p. 141.

build a new society, based upon individual exertion, freedom of religious worship, and abolition of privilege. It was their design and accomplishment to cut themselves loose from the dominations of both State and Church as practiced in the Old World.

The part played by the urge of religious liberty in the early colonial settlements is well known. But the religious element should be considered as an integral part of the political philosophy that the colonists were seeking to establish long before the Revolution of 1776. Nonconformity in the ordained procedure of divine worship was only one aspect of the struggle of seventeenth century individualism against the authoritarian principles of the Stuarts.

The rise of England as a Great Power coincided with the reign of Elizabeth (1558-1603). Emphasis on the achievement of that brilliant reign has tended to minimize the ruthless assertion of State supremacy over Society that was then, as always, necessary for centralized aggrandizement of material power. Naturally, bureaucracy being then in its infancy, the concentration of power was focused in the personal control of the monarch. And to justify this absolutism the theory of the divine right of kings was promulgated. Because of the union of Church and State in England, under Henry VIII, the doctrine of divine right received important theological as well as political support. It was soon reduced to a syllogism of which the major premise was that *resistance to divine authority is unlawful*. Then came the fallacious minor premise that *the king derives his authority from God*. This leads to the logical conclusion that *resistance to the king is never lawful*. But the syllogism collapses before the argument that all men, commoners as well as kings, derive what authority they possess from God.

The threat of Spanish invasion and the wise leadership of Elizabeth combined to keep the divine right issue from coming to a head during the last half of the sixteenth century, the more so because Parliament was then an undeveloped as well as an unrepresentative institution. But when the great queen died, in 1603, and was succeeded by the stubborn and intractable James I, the struggle that was to have so much meaning for America flared

out. As religion was the chief motive power of the age, the conflict became most acute in the religious field.

While Protestant nonconformists suffered, the regimentation imposed on them was less severe than on the Romanists, who were with good reason suspected of plotting against the State. The long series of Acts of Supremacy and Uniformity can be reviewed in any thorough account of the late Tudor and early Stuart periods. Here we need mention only those sponsored by James I from 1606 to 1610, which banned recusants from public office, debarred them from the legal and medical professions, authorized the search of their homes for Popish books and relics, offered bribes to any who would disclose the names of those refusing to attend Anglican service, and extended the death penalty for conversion to Romanism, already imposed on the agent, to the convert himself.⁶

Of this legislation, reminiscent of that developed by the Nazis against the Jews, Professor Prothero has written: "However eager in the cause of persecution the government might have been, the inherent difficulty of putting into action a coercive and inquisitorial system of such minuteness and universality would have rendered it practically impossible to carry out the law."⁷

In other words, the coercive will of the seventeenth century authoritarian State was not implemented by adequate administrative machinery. But the clear intent of the monarch to persecute, at a time when England was free from any threat of foreign invasion, stirred the English people, acting independently and through Parliament, to resistance. That resistance was stimulated when James I, in 1616, in a statement to the judiciary on his prerogative, laid down the edict that all "which concerns the mystery of the King's power is not lawful to be disputed" and "it is presumption and high contempt in a subject to dispute what a King can do, or say that a King cannot do this or that."⁸

⁶ The text of these drastic Acts "for the better discovering and repressing of Popish Recusants" is printed in G. W. Prothero's *Select Statutes of the Reigns of Elizabeth and James I*, pp. 256-68.

⁷ *Ibid.*, Intro., p. 52.

⁸ Text of this address on "Prerogative and the Judges," is given in Prothero, *op. cit.*, pp. 399-400.

III

All this, of course, was background for the civil war that led to the execution of the son and successor of James I. Equally, it was background for the founding of the American colonies by Englishmen, both Protestant and Catholic, who regarded freedom with rigorous privation in the New World as preferable to submission with relative security at home. Life in England when the American colonies were being launched was far from miserable, in material advantages, for the least privileged groups. "Upon the whole, as compared with other periods of our history," concludes an English historian who has specialized on the Stuart epoch, "this was an age when the poor were well treated by the public action of the community."⁹

What seventeenth century Englishmen sought in America was not so much material advantage as the religious and political freedom which did not then obtain in England. A part of the evidence is that during the period of the Commonwealth and Protectorate, when parliamentary government seemed to have triumphed, there was a pronounced movement from the colonies back to the Mother Country. "In the twenty years of Puritan supremacy at home, as many persons perhaps had returned from New to Old England as had gone out from Old to New."¹⁰

But care should be taken not to exaggerate the picture. Aside from the "gentlemen, goldsmiths and libertines" who gave Smith so much trouble at Jamestown there were, in all the colonies, those who had come unwillingly. For these the prevalent talk of freedom was bitterly ironic. Convicts were included among the many indentured "servants" and the first shipment of Negro slaves became involuntary Virginians a year before the Pilgrims landed on Plymouth Rock.

The spirit of intolerance, furthermore, was a stowaway on the *Mayflower* and other early immigrant ships. In Massachusetts those who had suffered persecution soon showed themselves adept in persecuting others. Virginia closed her territory both to Puri-

⁹ George Macaulay Trevelyan, *England Under the Stuarts*, p. 29.

¹⁰ *Ibid.*, p. 357.

tans from New England and to Papists from Maryland. The latter colony for years experienced more civil strife than the average, which was high. Any attempt to paint Americans, at any period from 1606 to 1776, as a Utopian band of happy brothers would be absurd. From the beginning, strife and contention were in the air. After the bloody suppression of Bacon's Rebellion (1676) by Governor Berkeley of Virginia, King Charles II commented: "That old fool has hanged more men in that naked country than I have done for the murder of my father."

On the whole, however, the colonial conflicts contributed to progress along a definite line of political evolution. When Roger Williams was exiled from Massachusetts for "divers new and dangerous opinions" (1636) he fled to Narragansett Bay and there established Providence Plantation. When the theoretical constitution that John Locke helped to write for the Carolinas failed miserably, the settlers there slowly worked out a system of government to suit themselves. Throughout the colonies, at different times in different places, there were periods of near anarchy. But the rich response of the new land to labor, and the independent spirit of most of the settlers, together provided the desired opportunity for founding a type of civilization unknown in Europe. Everywhere the dominant emphasis was on self-government rather than on imposed government; on the development of Society, not on the aggrandizement of the State.

Behind this new political development there was conscious political theory, continuously discussed in town and village meetings, continuously taught in unadorned churches and primitive frontier schools. It was the theory quaintly expressed in 1682 by William Penn in his first "Frame of Government" for Pennsylvania:

Governments, like clocks, go from the motion men give them, and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments . . . for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy; where either of these fail, government will be subject to convulsions . . .

where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of Pennsylvania. Amen.

To support and secure a new civilization, a new State was in process of gestation. The grand design was emancipation, not regimentation. People were to be citizens, not subjects. For the divine rights of kings the colonial leaders substituted a new, a revolutionary, and a highly idealistic political doctrine: the divine right of men. The word brought hope to the discouraged English revolutionists. And throughout all Western Europe, in communities shattered by the Thirty Years' War to an extent comparable with the wreckage of World War II, the story of God's country spread.

Travel was difficult but settlers with the initiative to make the effort were welcomed. Soon the steady stream of emigrants from Britain was strengthened by rivulets of like-minded men and women from the long Rhine valley, from Scandinavia, and from France. America, clearly, was destined to be much more than a group of English colonies. And its social judgments would in general be based on the character, not on the heredity, of the individuals who merged themselves in the current setting toward the "New World."

IV

The Civil War in England became inevitable, considering the personal character and absolutist political creed of Charles I, with the passage by Parliament of The Grand Remonstrance, on November 22, 1641.¹¹

As Charles with some reason protested, this lengthy indictment of his rule was printed and broadcast before presentation to him, on December 1. Its central point was an open threat (Sect. 197) to refuse appropriations unless the king would agree to the confirmation of his "Councillors, Ambassadors and other Ministers" by Parliament. Charles retorted sharply that "it is the undoubted right of the Crown of England to call such persons to our secret

¹¹ For text of the remonstrance and the royal reply, see *Constitutional Documents of the Puritan Revolution*, edited by Samuel Rawson Gardiner, pp. 202-36.

counsels, to public employment and our particular service as we shall think fit.”

On January 3, 1642, the king brought impeachment proceedings in the House of Lords against the five members of the House of Commons (Pym, Hampden, Hazlerigg, Holles and Strode) who were the principal authors of *The Grand Remonstrance*. For this highhanded action there was no constitutional authority, as the Lords pointed out. Thus thwarted, Charles, the next day, moved personally, with an armed bodyguard, to arrest the Puritan leaders on the floor of the House. Forewarned of the coming outrage on the Commons, Pym and his associates had gone into hiding. Surrounded by his swordsmen the king stalked to the Speaker's desk; surveyed the rows of silent, standing members; lamely announced “the birds are flown”; and walked out again. Now there could be no healing of the breach. Within a week the king had fled from London, not to return until, seven years later, men gathered at Whitehall to watch fulfillment of Cromwell's grim promise: “We will cut off his head, with the crown upon it.”

Unlike the French Revolution, the epic seventeenth century struggle in England was not primarily a war between classes, for many of the gentry sided with Parliament while some merchants, artisans, and laborers, as well as great landowners, voluntarily followed the banner of the king. Unlike our own Civil War, that in England, more than two hundred years earlier, was not a regional conflict, for while the Parliamentary cause predominated in the south and the east a great part of the country was evenly balanced between the adherents of both sides. Unlike the Thirty Years' War in Europe, the end of which was contemporaneous with the English struggle, the latter was not deeply embittered by religious fanaticism. Though the Catholics for the most part sided with the king, both parties were predominantly Protestant. And a Christian attitude of mercy and forgiveness to the defeated royalists was as much emphasized as military efficiency had been in the building of Cromwell's “New Model” army.

To a greater extent, perhaps, than any other military conflict in modern history the English Civil War was one of abstract

political ideas, thereby arousing "a nobler speculative enthusiasm among the chiefs and their followers, but less readiness to fight among the masses of the population, than in other contests that have torn great nations."¹² It was the peculiar character of this conflict, as much as its coincidence with the period when American institutions were being formed, which made its trans-Atlantic influence so great. The American heritage was molded not only by the physical conditions of the frontier, but also by the mental stimulus of England's Civil War. Were local evidence of this fact lacking, one could infer it from the considered opinion of English historians on the importance of the struggle between king and Parliament. In the words of Trevelyan:

The First Civil War is the decisive event in English history. The defeat of the King's armies alone enabled Puritanism to survive in England and Parliamentary institutions to triumph.

For if Charles had won, those who could keep alive resistance to Anglican and royal absolutism must have sailed for America. The men who formed the strength of the anti-monarchical and the Puritan part of the community, were always contemplating emigration. England sent enough of these elements to found a new world; but if the war had gone differently, she would have sent out enough to ruin herself. The most adventurous merchants, the most skilled artisans, the Lords and gentlemen who took counsel for the liberties of their country, the ploughmen who saw visions, the tinkers who dreamed dreams, were perpetually thinking of New England. Thither twenty thousand Puritans had already carried their skill and industry, their silver and gold, their strivings and hopes. The Roundhead armies were raised by men of the merchant class, and were led by landed gentlemen of the type of Cromwell, who were not, like the Cavaliers, deeply attached to the soil . . . Such men would have emigrated rather than live under the military despotism of an Anglican King. Thus defeat in the field would have ruined forever the cause of Parliament, and would have driven the Puritans out of England. Freedom in politics and religion would never have been evolved by the balance of parties, for one party would have left the land. Without its leadership, the mass of Englishmen, indifferent as they showed themselves to the result of the Civil War, would never again have risen in revolt against

¹² Trevelyan, *op. cit.*, p. 229.

a royal Church and a royal State. The current of European thought and practice, running hard towards despotism, would have caught England into the stream.¹³

For England, however, the conflict was not as immediately decisive, in a political sense, as the above conclusion, taken from its context, would seem to indicate. "Brave Oliver" found it far easier to unseat the doctrine of divine right than to evolve a workable system of constitutional government to replace it.

V

The problem of holding an even balance between the potential anarchy of a free Society and the potential tyranny of an empowered State is both the most difficult and the most important in the sphere of politics. Cromwell's effort to solve it, through his "Instrument of Government," was thoughtful and intelligent. This constitution for a British Republic was never formally adopted. But from the end of 1653 until the death of the "Lord Protector" on September 3, 1658, Great Britain—and incidentally the American colonies—were governed under its terms. Moreover, the influence of this "Instrument of Government" on the eventual Constitution of the United States was so pronounced as to cause surprise that it is largely ignored by studies of the American political system.¹⁴

The death of Oliver Cromwell ended the political power, though not the influence, of the Puritan Revolution. The attempted rule of his son Richard ("Tumbledown Dick") lasted only a few months. Exhausted by years of disorder, the English people as a whole welcomed the arbitrary action of General Monk. He occupied London and organized the election of a "Free Parliament," which in turn voted for the restoration of the Stuart monarchy, in accordance with the terms of the Declaration of Breda. On May 25, 1660, eighteen and a half years after The Grand Remonstrance to his father, Charles II returned from exile

¹³ *Ibid.*, pp. 225-6.

¹⁴ For the text of the "Instrument of Government," see Gardiner, *op. cit.*, pp. 405-17.

to land on Dover beach. England's republican revolution was at an end. But every end is also a beginning—in this instance, of the American Republic.

Across the broad Atlantic, in the scattered settlements of New England and Virginia-Maryland, the ebb and flow of the struggle in the mother country aroused partisanship, which doubtless would have been even more keen if communications had not been so primitive. Fortunately the Dutch and Swedish settlements, in New Netherland and along the Delaware respectively, helped to separate the strongly Puritan colonies of New England from predominantly Royalist Virginia. The feuding in the then raw colony of Maryland, where Lord Baltimore had established the first settlement in 1633, indicated what might have happened if northern Roundheads and southern Cavaliers had been closer together on the long seaboard. That latent political antagonism was destined to play a part in our own Civil War.

Coming when it did, however, the first English revolution was more instrumental in developing American self-government than in dividing the colonies into antagonistic camps. One significant political result was the formation of the New England federation, joining the embryonic governments of Massachusetts Bay, Plymouth, Connecticut, and New Haven in "a firm and perpetual league of friendship and amity for offence and defence," under the name of the United Colonies of New England. In these early articles of confederation there was no reference to either king or Parliament. "Freed from the supervision of the English government, the colonists began to think of themselves as beyond the mother country's control, trading wherever they pleased and conducting their affairs much in the manner of independent States."¹⁵

This phenomenon was as apparent in Virginia as in New England, even though the population of the oldest colony was doubled, largely as a result of Cavalier immigration, during the disestablishment of the monarchy. The colonists were deeply interested in England's political changes, but there is ample evidence to show that this interest was intellectual rather than

¹⁵ John C. Miller, *Origins of the American Revolution*, p. 30.

emotional. If the clash of ideas seemed more important than the clash of arms to Englishmen at home, this was much more the case for their cousins who were growing up as Americans. As such they were forced to give primary attention to the problem of the form of government that could most satisfactorily knit together, protect, and strengthen the social life which they had come to the New World to develop.

Indifference to the patriotic, though not the political, aspect of the war in England was strengthened by the large number of colonists for whom the English flag had no nationalistic appeal. This applied to the Dutch, the Swedes, the Germans who pressed into Pennsylvania, the French Huguenots trickling into the southern colonies, and also many of the Scottish and Irish settlers. To all of these, America was far more important for itself than as a part of England's Empire. To many of the agricultural population, whether or not Charles kept his head seemed less important than the continued good health of the family cow. But few were indifferent to the underlying question of whether the Parliament would eventually establish representative government. The more intelligent colonists could see the impact of this issue on themselves, on their children, and on the country that had become their home.

The Puritan Revolution in England, as we have seen, was inconclusive. A century after the execution of Charles I another English king, of the House of Hanover, was again asserting the royal prerogative, almost as stridently as had the Stuart monarchs. It took a second revolution, in England, and a third, originating in America, firmly to establish not only the independence of the United States but more particularly the Puritan ideal of a controlled and representative government. We cannot say that the American Revolution would not have taken place if the two in England had been averted. But we do know that the English revolutions, over the lessons of which men in this country reflected long and deeply, provided a political philosophy for the American rising, and largely determined the character of the new State which rose from the upheaval.

Two Englishmen in particular, both of whom will always rank

high in the world's roster of outstanding political thinkers, clarified the issue.

VI

The first of these two, in point of time, was Thomas Hobbes, who was born in the year of the Spanish Armada and whose long life (1588-1679) lasted for nearly two decades after the restoration of the Stuart monarchy. Therefore his calm and scientific scrutiny encompassed the whole tumultuous series of events that revolved around the scope and limitation of governmental authority. That Hobbes was well aware of the magnitude, as well as the difficulty, of this fundamental issue is shown in the judicial tone of all his political writing, especially in the foreword to *Leviathan*, where he summed it up:

Beset with those that contend, on one side for too great liberty, and on the other side for too much authority, 'tis hard to pass between the points of both unwounded.

No chain of political thought can be wholly immunized from the circumstances that envelop the thinker. The condition of England when Hobbes, in Paris, was writing *Leviathan* went far to justify his basic assumption. This was "that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man." Under such circumstances, Hobbes concluded in a famous passage, the life of man is "solitary, poor, nasty, brutish and short."¹⁶

This assumption of human depravity in the absence of some overriding temporal power led Hobbes to even-handed condemnation of the Jesuits, the Puritans, and the Quakers. All of these placed spiritual authority above that of the political State and were, therefore, in one way or another, "sowers of anarchy." Perhaps the worst of all were the Quakers, who, under the leadership of George Fox, were contemporaneously insisting on the importance of individual conscience and developing the doctrine of the "inner light" as the final guide of personal conduct. Of these be-

¹⁶ *Leviathan*, Ch. XIII.

lievers in revelation, Hobbes said with scathing accuracy that "every boy or wench thought he spoke with God Almighty."

Because Hobbes served as mathematical tutor to Charles II, before the Restoration, and because he presented a copy of *Leviathan*, written on vellum, to that exiled prince when the book was completed, in 1651, some have attacked his political philosophy as opportunist. None who has examined the brilliant reasoning of *Leviathan* is likely to accept this criticism. The case that Hobbes built up for centralized authority, free from popular interference, would have been useful to Charles I, had it appeared before his execution. It was certainly useful to Charles II, to George III, and could have been useful to Lenin. But Hobbes was no believer in divine right or any other form of mysticism, pure or applied. His argument was that individual self-interest, called *laissez faire* a little later, must lead to governmental tyranny. His conclusions were ably reasoned, on eminently practical considerations.

The position to which they led can best be summarized in Hobbes' own classification "Of Those Things that Weaken, or Tend to the Dissolution of a Commonwealth," which is the title of Chapter XXIX of *Leviathan*. There the "doctrines repugnant to civil society" are listed as:

- 1) that a man to obtain a kingdom, is sometimes content with less power, than to the peace and defence of the commonwealth is necessarily required;
- 2) that every private man is judge of good and evil actions;
- 3) that whatsoever a man does against his conscience is sin;
- 4) that he that hath the sovereign power is subject to the civil laws;
- 5) that every private man has an absolute propriety in his goods; such as excludeth the right of the sovereign;
- 6) that the sovereign power may be divided.

Since these six "diseases" of a commonwealth were, in effect, the fundamental articles of political faith of the American colonists, it is easy to appreciate the effect of *Leviathan* on the dawning political consciousness of the New World. The proportion of Americans who read this book contemporaneously was probably about the same as the proportion that today can claim to have

waded through the far more turgid pages of Karl Marx. But the effect of the parallel philosophies was in each case similar. For one who approvingly followed the argument for complete individual subordination to centralized planning there were ten who felt it to be irrational as well as wrong. And, fortunately, the man to give the case against Hobbes effective presentation was at hand, in the person of John Locke.

VII

The admitted purpose of Locke's essays on civil government was to justify the second, bloodless, English revolution of 1688. The Stuart Restoration had applied Hobbes' arguments for undivided sovereignty not wisely but too well. There is painful modernity in some of the excesses that were committed. To prove that Cromwell was really dead, his decayed body was exhumed and hanged at Tyburn, the motive being the same as in the public exhibition of Goering's corpse at Nuremberg, after that Nazi leader escaped the gallows by suicide.

Such sadistic actions, however, were of less political consequence than the infamous "Clarendon Code," designed to eliminate all opposition to the monarchy, and well illustrated by the "Five Mile Act" of 1665. This act prohibited any clergyman or schoolmaster from coming within five miles of an incorporated town until he had sworn that he would not "at any time endeavor any alteration of government, either in Church or State." The grim irony of this and similar repressive statutes was their coincidence with the secret plotting of Charles II, both with the Vatican and with Louis XIV of France, "to alter the doctrines of the Church of England into those held by the Church of Rome."¹⁷

Nevertheless, in spite of all the excesses, abuses, deception, and outright terrorism of his reign, the political skill and shrewd opportunism of Charles, coupled with popular aversion to another civil war, kept this king on the throne until his death in 1685.

¹⁷ Trevelyan, *op. cit.*, p. 366.

Charles II was then succeeded by his brother, James II, last of the Stuart monarchs, who reigned only three years.

Ushered in by peasant revolt in the west of England, the liquidation of which sent many admirable political exiles to the American colonies,¹⁸ this short reign ended ingloriously when William of Orange accepted the secret invitation to take the throne extended to him by a number of leading lords and clergy, headed by John Churchill. In February, 1689, William and Mary were jointly established in office by a duly elected constitutional convention—legitimacy being attributed to the choice both because Mary was the daughter of James II, and because William's mother was the daughter of Charles I. The immediate passage of a bill of rights, containing many provisions later incorporated into the Constitution of the United States, confirmed the liberty of the subject and the authority of Parliament as against the dictatorship of the Crown.

It was this Revolution of 1688 for which John Locke, the son of one of Cromwell's officers, provided the necessary philosophical basis. His youth, like Hobbes' middle age, was passed amid the vast upheaval of the Civil War and there was much, as in their mathematical leanings and their mutual admiration for Descartes, which these great political thinkers shared in common. Of the two, however, Locke was the more active in public life, for some time combining his practice as a physician with service as secretary to the Council of Trade and Foreign Plantations, where he learned much concerning the developing American colonies. Locke's part in writing the "Fundamental Constitutions for the Government of Carolina" has been mentioned. He also contributed to the political education of William Penn, whose viewpoint he shared in matters other than religious toleration.

Two sentences in his first *Letter on Toleration* go far toward summarizing Locke's political philosophy, and help to clarify the vital distinction between Society and State that Hobbes had so completely missed:

¹⁸ Monmouth's Rebellion is the subject of several historical novels: *Lorna Doone*, by R. D. Blackmore; *Micah Clarke*, by Sir Arthur Conan Doyle; *Captain Blood*, by Rafael Sabatini.

The whole trust, power, and authority of the magistrate¹⁹ is vested in him for no other purpose but to be made use of for the good, preservation and peace of men in that Society over which he is set, and therefore that this alone is and ought to be the standard and measure according to which he ought to square and proportion his laws, model and frame his government. For, if men could live peaceably and quietly together, without uniting under certain laws, and growing into a commonwealth, there would be no need at all of magistrates or politics, which were only made to preserve men in this world from the fraud and violence of one another; so that what was the end of erecting of government ought alone to be the measure of its proceeding.

Locke, at this point, did not take direct issue with the assertion of Hobbes that the life of man, in a state of nature, is "solitary, poor, nasty, brutish and short." But he did reiterate and revive the Puritan belief that the aim of civil government is not to control man, but to help him to control himself. Hobbes, on the other hand, had developed an argument encouraging the conclusion that governmental coercion is not only essential, but even desirable because of the allegedly depraved nature of man. There is certainly no sympathy in Hobbes for Hamlet's contemporary protest against:

"The insolence of office, and the spurns
That patient merit of the unworthy takes"²⁰

It is in the second treatise *Of Civil Government* (1690) that Locke really engages with Hobbes, pointing out that even in a state of nature man cannot be called a really vicious animal. Agreement, tacit or expressed, to enter into a social contract, itself proves men to be reasonable. One obvious purpose in the formation of any State is to protect that private property which begins with a man's own person—"this nobody has any right to but himself"—and extends to that with which "he hath mixed his labour." Life, liberty and the means for the pursuit of happiness are less

¹⁹ The title is used in the broad sense of any executive officer of civil government.

²⁰ Act III, Sc. I, ll.73-74.

tangible forms of individual property, to preserve which men form a commonwealth. As Professor Orton points out: "What Locke is defending is property as the extension of personality."²¹

VIII

Hobbes' contrasting theory was that in creating the State men became its subjects, placing the sovereign power outside and above themselves. This argument Locke denied. Those who bear allegiance to a State are not its subjects but its citizens. They have surrendered only such natural rights as must be surrendered for the better protection and development of their personalities.

In consequence, the law-making power is of the first importance in every commonwealth and must be subject to certain principles: (1) It cannot be "absolutely arbitrary over the lives and fortunes of the people," since all civil government is in the nature of a trust. (2) There cannot be government by decree, but only "by promulgated standing laws and known authorized judges." Otherwise the "peace, quiet and property" of men "will still be at the same uncertainty as it was in the state of Nature." (3) Government "cannot take from any man any part of his property without his own consent." This consent may be granted by duly-elected representatives, but even so taxation must not be confiscatory. Since men created the State to preserve private property, the State cannot be utilized to dissipate private property, for this would be "too gross an absurdity for any man to own [admit]." (4) "The legislative cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others." Locke would have been appalled by the growth of what we call administrative law.

For Hobbes' argument that the evil nature of man makes dictatorship inevitable, Locke had a challenging retort:

Absolute monarchs are but men; and if government is to be the remedy of those evils which necessarily follow from men being judges

²¹ William Aylott Orton, *The Liberal Tradition*, p. 110.

in their own cases, and the state of Nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of Nature, where one man commanding a multitude has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases without the least question or control of those who execute his pleasure? ²²

The philosophical structure designed by Locke fitted perfectly into the political necessities of the American colonists. The colonists were not disturbed by charges that the idea of social contract arising from the state of nature is pure fiction, for The Mayflower Compact and other communal agreements to subdue the wilderness were actually a part of their heritage. In Locke's distinction between Society and State the colonists found the philosophical justification of all their efforts to create a way of life preferable to that which they had left behind in various European principalities. The attack on absolutism vindicated their criticisms of royal authority without seeming to have relevance to dictatorial practice in their own glass houses. The gathering cry of "no taxation without representation" of course sprang directly from Locke's denunciation of such procedure. And his defense of the right of rebellion against tyranny, intended to defend the English Revolution of 1688, could be applied with devastating effect to the successors of William and Mary on the British throne.

John Locke died a little over a year before Benjamin Franklin was born. The latter tells, in his *Autobiography*, of reading Locke's *Essay Concerning Human Understanding* "when about sixteen years of age." That would have been some twenty years before the birth of Thomas Jefferson. Shortly before his death the principal author of the Declaration of Independence replied with customary dignity to accusations that this great document was "a commonplace compilation," containing "no new ideas." Said Jefferson of the Declaration: "Richard H. Lee charged it as copied from Locke's treatise on Government . . . I only know that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether

²² *Second Treatise of Civil Government*, Ch. II, par. 13.

and to offer no sentiment which had never been expressed before." ²³

By 1776, in other words, the ideas of John Locke had become an intrinsic part of the body of American political thought.

IX

The Puritan Revolution in England did more than undermine the theory of State supremacy. To it we also owe establishment of the two-party system, a political device remarkable for its mechanical simplicity and efficiency, and possessing the even greater merit of guiding the deepest and most passionate human emotions into an orderly contest between those who are entrusted with, and those who aspire to, the exercise of political power.

Much of the credit for the origination of party government must go to that amiable, even though misanthropic, mathematician, Thomas Hobbes, whose reaction to the famous Forty-Seventh Theorem of Euclid was: "By God, is it possible?" ²⁴ It was the great contribution of Hobbes to apply mathematical precision to political problems—to develop the careful work of Aristotle in laying the foundations of political *science*. Our Democrats and our Republicans alike can trace their party affiliation, whether inherited, reasoned or accidental, to Hobbes' observation, already quoted, that the golden mean between the advocacy of liberty and the advocacy of authority is difficult to locate.

Hobbes, influenced by contemporary anarchy, aligned himself on the side of authority. Locke, sickened by Stuart absolutism and eager to defend the peaceful solution offered by the accession of William of Orange, thereupon worked out an alternative philosophy of liberty.

Of course the division in political thinking did not originate with these two Englishmen, influential though their respective

²³ Gilbert Chinard, *Thomas Jefferson*, p. 71. See also Dumas Malone, *Jefferson the Virginian*, Ch. XVI and Miller, *op. cit.*, Ch. VIII.

²⁴ The square on the hypotenuse is equal to the sum of the squares on the two other sides. A pleasant biographical sketch of Hobbes is found in *The Story of the Political Philosophers*, by George Catlin.

reasoning and speculation proved to be. The cleavage between those who regard individual liberty as of transcendent importance and those who conclude that the individual must conform to political discipline for the sake of the "general welfare" can be traced back to Socrates and Plato, who may be called protagonists of the respective schools. So, for those who are careful not to minimize the importance of Oriental civilization, are Lao-tze and K'ung Fu-tze (Confucius). Clearly there is the pulsating rhythm of Yin and Yang, of thesis and antithesis, of statics and dynamics, behind these contrasting schools of thought.²⁵

But Hobbes and Locke were unique, and remain vital to us, because their philosophical speculation was adapted to and was adopted by a politically minded people grappling with a pervading and difficult political issue—the rivalry of Crown and Parliament. Today we speak of Executive and Legislature. They are essentially the same well-seasoned rivals, under other names.

X

Actual party division in England originated during the tyrannical reign of Charles II. While all were weary of the seemingly futile blood letting of the Civil War, the underlying issue between the prerogative of the king and that of Parliament remained unsolved. It had not been settled by the arbitrament of arms; so Englishmen concentrated on solution through political procedures.

Anthony Ashley Cooper, later first Earl of Shaftesbury, who gave two of his names to the rivers that join at Charleston, South Carolina, was the friend and patron of John Locke. Though a skeptic and politician to his fingertips Cooper was also a true liberal, proving himself time and again as advocate of civil liberty and religious toleration for all Protestants, and as unswerving opponent of absolutism in Church or State. Like many another courageous leader of these troubled years, the Earl of Shaftesbury

²⁵ For a thorough inquiry into the evidence of these "integrations" and "differentiations" see Toynbee, *A Study of History*, esp. Vol. I, Part II, "The Genesis of Civilizations."

spent time in the Tower of London for his views. He therefore had more than academic interest, as a leader in Parliament, in two measures before the Parliament of 1679. One of these—the Habeas Corpus Act—enforcing speedy trial for political prisoners, became law. The other—the Exclusion Bill—designed to prevent the accession of James II to the throne, failed when Charles II dissolved Parliament to prevent its passage.²⁶

The issue and the passions aroused were closely akin to those that a generation earlier had led to armed hostilities. But the packed and unrepresentative parliaments of Charles II contained many more courtiers, and fewer stubborn Puritans, than Charles I had confronted. In consequence, Shaftesbury's group chose the pacific course of petition. All over England, among the humble as well as the exalted, the agents of the liberal parliamentary leaders collected signatures for the demand that Parliament be permitted to reassemble. For the first time the yeomen, the small merchants, and the master craftsmen were asked—even entreated—to express themselves personally on an issue of government. By thousands they responded, and peaceful politics suddenly became the business of the average man.

Alarmed by the multitude of the "Petitioners," the Court leaders busied themselves with securing the names of those willing to express abhorrence of Shaftesbury's methods. This also brought politics down to the level of the common man, who has perhaps more right to claim the seventeenth than the twentieth century as his own. Whether "Petitioner" or "Abhorrer," his opinion was asked and use of his undistinguished name was requested in connection with affairs of State. The development was unprecedented in England. And it provided the practical basis of party organization at the very time when, by natural coincidence, its theoretical significance was being thought out.

The year 1680 saw the cumbersome appellations of Petitioner and Abhorrer change to Whig and Tory. For this, though for no other reason, it is fitting to recall the name of Titus Oates, the prototype of the informers who flourished in Nazi Germany, who

²⁶ For text of these measures, see *Select Statutes and Documents, 1660-1832*, edited by C. Grant Robertson, pp. 92-104.

serve the N.K.V.D. in Communist Russia and who may always be expected to appear in the service of the State whenever the latter sets out to persecute some element in Society.

The feverish political excitement of the reign of Charles II concentrated on the question of whether his brother James, known to be a Catholic and strongly suspected of being in league with Louis XIV of France, would be the next king. This was the background that inspired the anti-Catholic legislation of the period, and the atmosphere was made to order for a clever scoundrel like Oates. The stories, of the Popish Plot that he concocted, and of the wretched reign of terror resulting from it, do not concern us here. But it was at this time that Oates would loudly denounce as a "Tory"—the Irish name (*tōruidhe*) for those who murdered Protestant settlers in that country—any dignitary who questioned the authenticity of his plot. The quick retort of the Catholic leaders, close to the throne and hoping to be more so, was to label their traducers with the appellation of bandits of another stamp—that of the Scottish whiggamors, or mare drivers, who were guilty of horse stealing and worse along the English border.

Thus, in an exchange of biting epithets, came the christening of the Tory and Whig parties, the former standing for supremacy and absolutism on the part of the Crown, the latter for the subordination of the king to Parliament. At the outset the Whigs were dominant, partly because the fear of Catholic restoration aligned the entire Anglican Church as well as the London mobs on their side, partly because of the greater organizing ability of men like Shaftesbury and his fellow members of the famous Green Ribbon Club—the Union League of its day.

Indeed it was not until the "divine right" issue and the "Protestant Succession" had been simultaneously settled, by the "Glorious Revolution" of 1688, that the Tories became powerful. The more moderate Statism of Viscount Bolingbroke, who sought the "fortification of Toryism," replaced the *Leviathan* of Hobbes as their text. To Bolingbroke's *Letters on the Spirit of Patriotism*—as Locke to Hobbes half a century earlier—Edmund Burke soon responded with his *Vindication of a Natural Society*, arguing

ironically that only when the State disciplines Society do we find a situation where it holds:

. . . that those who labour most enjoy the fewest things and that those who labour not at all have the greatest number of enjoyments. A condition of things, this, strange and ridiculous beyond expression.

Burke wrote those words in 1756, only twenty years before the American colonies declared their independence. By then the name of Tory, on this side of the Atlantic, was applied to all who advocated submission to British authority; the Whigs were those who denied the British Parliament a right to tax the colonies. The application of the names had changed, as it had changed in England. But the essential division, between those who placed the State first and those who placed Society first, still held, and on this issue the English-speaking people of America were preparing a third political revolution. It was the logical climax of the two preceding ones in England.

By this time, also, the international picture had come to favor American separation. In 1680, the year when Tories and Whigs were first so classified, Louis XIV had annexed the entire Mississippi Valley. While encircled by French territory, to the north and west, the seaboard colonists were understandably loath to break the English connection. But in 1763 France was forced to cede Canada to England. Thereupon France ceased to be a potential conqueror of the colonies, becoming instead a potential ally. This new strategic situation brought almost immediate flowering of the political thought that for generations had been preparing the birth of the American Republic.