

FROM THE CIVIL WAR TO THE GLORIOUS REVOLUTION

Key Words and Related Topics

Temario de la Guía Docente: 5. Aspects of English National Identity: The Monarchy, the Protestant Reformation, and Liberalism. 6. The Anglican Church, the Monarchy and Parliament: their historical origin, their evolution and their cultural roles today.

- The continuity between the radical factions in the Protestant Reformation and the English Civil War.
- The relation between the Levellers, and the tradition of dissent, and radical Reformation, on the one hand, the radicalism of the 18th century (Tom Paine, abolitionism) in both Britain and America (the relation with the ideas that furnished the American Revolution).
- The Levellers, and the tradition of Dissent as a prelude to the political reforms of the 19th century.
- The English Bill of Rights (not to be mistaken with the American Bill of Rights).
- Social compact theory (cf. James I and George Buchanan in the 16th and early 17th centuries).
- John Locke's *Second Treatise of Government*.
- The Habeas Corpus act of 1679.
- The Toleration Act of 1689.

Introduction

After the death of James I, the king who polemized with George Buchanan in defence of the divine rights of kings to rule as absolute monarchs, he was succeeded by his son Charles I. Like James, Charles had to rule with the collaboration of Parliament. Charles I also inherited the religious tensions that his father had carefully balanced. As we have seen in previous units, certain traditional political prerogatives of the English Parliament—meant to control and counterbalance the power of the monarch—were combined with, and reinforced by, the religious doctrines of the Protestants in their joint opposition to absolute rule by the king. As Charles I tried to rule without Parliament, and as he was perceived by the most radical among Protestants to be doctrinally and politically close to other Catholic powers in Europe (which were already perceived to be anti-English), these tensions between the Parliamentarians and the Royalists degenerated into a Civil War (1642-1651).

The Civil War in turn led to the defeat of the Royalists, the capture of Charles I, his trial and eventual execution for treason in 1649. The Puritan Parliamentarians saw Charles I as a despotic ruler who had broken the contract with the English people, had betrayed their ancient liberties, and was therefore guilty of treason. Following in the wake of Buchanan's ideas, they thought that the English people had the right to depose and punish a tyrannical monarch. These arguments were used to defend the execution of the king first, and then the establishment of a Puritan republic in England (the so-called Commonwealth), led by Oliver Cromwell between 1649 and 1659.

During the course of the Civil War and the Commonwealth, certain groups of radical Puritans called the Levellers and the Diggers produced some exceptional documents which proposed far-reaching political reforms and became very influential later on—for instance during the process of American Independence, or during the political reforms that took place in 19th-century England.

The Commonwealth eventually failed and the monarchy was restored in 1660. However, the two monarchs who ruled England after the Commonwealth (Charles II, and his brother James II) were perceived as too close to the Catholic camp, and the Anglican establishment staged a coup in 1688 which deposed James II (who fled abroad) and brought William of Orange (a Dutch Protestant aristocrat who was married to a daughter of James II) to the throne as William III. This is the so-called Glorious Revolution.

As we shall see, the events and the ideas around the Civil War, the Commonwealth, and the Glorious Revolution are important components in the narrative of Anglo-American national and political identities. The following texts explore these issues.



Cavaliers vs Roundheads

THE ENGLISH CIVIL WAR AND THE COMMONWEALTH

The first two texts (“Choosing sides in the English Civil War” and “The execution of Charles I”) recount the sort of religious and political confrontation that led to the Civil War and to the establishment of a Puritan republic in England. This republic was founded upon two important traditions that were used to legitimize it. One, as mentioned above, consisted of the radical interpretation that Puritans elicited from their reading of the Bible—in particular the Old Testament—on what kind of action good Christians should take when confronted with a tyrannical, ungodly monarch. Another important republican tradition that was used to legitimize the deposition of the tyrant was that of classical, republican Rome: classical authors like Seneca, Lucan, as well as other prestigious philosophers, historians, and poets had criticized the bloody tyrants of Rome, and had praised the republican virtues of great Romans (like Cato, see unit 6). The third text deals with Oliver Cromwell the leader of this short-lived Puritan republic, whose figure is still very controversial today.

TASK. Read texts [1] to [3] and answer the following questions:

1. Explain the different origins and definitions of the terms “Cavaliers” and “Roundheads”
2. How does the text describe the personality and the perceived politics of Charles I?
3. What sort of division emerged in Parliament in late 1641?
4. When the war started, which social groups tended to support the king, and which groups tended to support the parliamentarians?
5. According to Ann Hughes (text [2]) how do historians differ in their interpretation of the execution of Charles I? What does she declare she intends to prove in her essay?
6. Which were the religious and political views of the Puritans who executed Charles I, and how did they use them to justify their decision?
7. How did they use the Bible to justify the execution?
8. Which other, more secular traditions, were also used to justify the execution?
9. What sort of proclamation did the House of Commons issue on January 4th 1649? Was this a revolutionary proclamation, or were its ideas part of a long-standing and ancient English tradition? Justify your answer.
10. Which was Oliver Cromwell’s social extraction?
11. What sort of settlement was Cromwell trying to reach in 1647-48? What does this reveal about his political positions? In which ways did his position change a few years later? Why do you think this change came about?
12. How does Morrill describe Cromwell’s political regime? Do you think Morrill is partisan in his account of Cromwell’s political career? Justify your answer.

[1]

Choosing Sides in the English Civil War

By Dr Mike Stoye (<http://www.bbc.co.uk/history/>)

Between 1642 and 1646 England was torn apart by a bloody civil war. On the one hand stood the supporters of King Charles I: the Royalists. On the other stood the supporters of the rights and privileges of Parliament: the Parliamentarians. Shortly before the war broke out, partisans of both sides began to apply an insulting nickname to their opponents, little dreaming that the two scornful labels which they had chosen for each other would ring down through the succeeding centuries.

To the Parliamentarians, the Royalists were 'Cavaliers' - a term derived from the Spanish word



Charles I, by Anthony van Dyck, 1635-1636

'Caballeros', meaning armed troopers or horsemen. To the Royalists, the Parliamentarians were 'Roundheads' - a reference to the shaved heads of the London apprentices who had been so active in demonstrating their support for Parliament during the months before the fighting began. Both terms reveal a lot about what the two sides thought of each other. In Parliamentarian eyes, the typical Royalist was a dissolute gentleman, possessed of a suspiciously foreign air and prone to acts of sudden violence. As far as the Royalists were concerned, the typical Parliamentarian was a 'base mechanic': a low-born, lumpen townsman, inexperienced in judgment and inelegant in appearance. There was more than a grain of truth in these stereotypes, but it would be wrong

to conclude from them that the Civil War was primarily a class war, a punch up between 'toffs' and 'toughs'. The considerations which prompted men and women to choose the sides they did between 1642 and 1646 were infinitely more varied and subtle than the two-party labels suggest.

The personality of Charles I

At the heart of the conflict lay the policies and personality of the King himself. Charles I was a reserved, slightly diffident figure whose abilities as a monarch left a good deal to be desired. During the 1630s, his apparent determination to rule England without the assistance of Parliament, his introduction of all sorts of controversial financial measures and his support for 'high-church'¹ religious practices aroused considerable alarm among his subjects. Many people, particularly the more zealous protestants, or 'puritans', came to fear that Charles was pursuing a hidden agenda: that he planned to remove his people's rights, or 'liberties', and to restore England to the Catholic fold.

When, in 1637, Charles attempted to introduce a new form of prayer book in his northern kingdom of Scotland, a major rebellion erupted. The King did not have enough money to raise an army against the Scots and was therefore forced to summon a Parliament. Yet the men who assembled at Westminster were unwilling to give the King the money he needed until their own grievances had been dealt with. The angry, disaffected members of Parliament seized political control and set about dismantling the hated instruments of the Personal Rule. During 1640-41, Charles I's prerogative courts were abolished, his ministers arrested or forced to flee, and his unpopular

¹ As we have seen in unit 4, the High Anglican Church (or simply the High Church) is that section of the established Anglican Church which stands closer to Catholicism in rituals and doctrine. This is the main reason why the most zealous amongst Protestants disliked these "high church" religious practices in the time of Charles I.

financial expedients declared illegal. To many contemporaries, it seemed that the kingdom's political problems were solved. In fact, they were only just beginning.

The road to war

In late 1640 Charles I had faced a political élite which was almost wholly united against him. In late 1641 this was no longer the case. By this time a split had emerged in Parliament - and, still more dangerously, in the country at large - between those who wished for further reform, and those who felt that the recent changes had gone quite far enough. Friction was particularly apparent between religious conservatives, men and women who were happy with the Church of England as it had been established at the time of the Reformation, and more 'Godly' protestants', those who considered the Church to be 'but half reformed' and were determined to rid it of the 'rags and patches of Rome'. As time went by, religious traditionalists became increasingly alienated from the more radical spirits and turned to the King for support.

Charles thus found himself with a swelling political constituency and, emboldened by this change in his fortunes, he made a bold attempt to seize back the political initiative. In January 1642 Charles strode into the Parliament house with a body of soldiers and demanded the persons of five MPs whom he had declared to be traitors. The King's plan went badly wrong. Not only did the men he sought manage to escape, but public opinion was outraged by his action. London was soon in an uproar, and the King, fearing for his life, was forced to flee. War was now inevitable and over the next few months rival sides began to emerge across the country.

Class divisions

Among the peerage and the greater gentry, a majority favoured the King: partly, perhaps, because they felt bound to him by ties of personal loyalty, mainly because they saw him as the chief guarantor of the established social order. Similar considerations influenced the lesser gentry. Among this group, too, it seems probable that supporters of the Crown outnumbered supporters of the Parliament, though by a considerably narrower margin. Beneath the level of the gentry it is harder to make definite connections between social status and political allegiance. Many historians believe that the 'middling sort' of people were more inclined to favour Parliament than the King because Parliament's party was less rigidly hierarchical - and this may well have been so. Yet, for the vast majority of ordinary men and women, it was factors other than those of 'class' or 'rank' which determined the eventual choice of sides.

[...]

Across the country as a whole, it was religion which ultimately divided the two parties. Puritans everywhere supported the Parliament, more conservative protestants - together with the few Catholics - supported the King.

[...]

As Charles I's attempts to secure 'foreign' soldiers in any way he could became more widely known, the choice facing the English people seemed increasingly to be one between national subjugation under the King and national liberation under the Parliament. It was a choice to which



Charles I, by Anthony van Dyck, 1633

there could only be one response. Those who had initially rallied to the King's banner now deserted him in droves - and the defeat of the Royalist party in arms was the inevitable result.

In June 1646 the King's wartime capital, Oxford, was surrendered to the Parliamentary New Model Army. Charles fled in disguise and put himself under the protection of the Scots - but they soon handed him back to Parliament. Two years later the King was led out to the executioner's block, his attempts to recover his position by fomenting a new war - this time between the Scots and Parliament - having finally hardened his captors' hearts against him. On 30 January 1649 the King was beheaded in front of a huge crowd at Whitehall. 'The man Charles Stuart' was gone - but, thanks to the subsequent efforts of royalist propagandists, the memory of 'the martyr king' would live on in the English popular imagination for centuries to come.

[2]

The Execution of Charles I

By Professor Ann Hughes (<http://www.bbc.co.uk/history>)



Common wisdom has it that the execution of Charles I on 30 January 1649 was a desperate, aberrant act by a small and reluctant minority of English parliamentarians - opposed by the right-thinking bulk of the population. One seventeen year-old boy in the crowd at Whitehall recorded that the execution was met with 'such a groan as I have never heard before, and desire I may never hear again'. This lad grew up to become a nonconformist minister in the 1660s but his views echoed those of a Restoration Bishop who claimed no king 'ever left the world with more sorrow: women miscarried, men fell into melancholy'. Over half of those sitting in the House of Commons in December 1648 had to be purged by Colonel Pride and his soldiers before the trial of the

king could be undertaken - and this was of course a parliament from which royalist sympathisers had long been dismissed. Barely half of the one hundred and thirty five men nominated to the High Court of Justice to try the king actually attended its proceedings; sixty-eight were there when sentence was handed down, but only fifty-nine actually signed the death warrant, some later claiming undue pressure, especially from Oliver Cromwell. One member of the Rump, Thomas Hoyle, committed suicide on the anniversary of Charles' execution in 1650, while the death the same year of another, Rowland Wilson, was attributed to melancholy and guilt.

For many historians, the regicides were 'rogues and knaves', or self-righteous fanatics driven to an Old Testament-inspired vengeance against an ungodly king who wantonly reopened the civil war in 1648 and could never be trusted to make a settled peace. No one would claim that the trial and execution of Charles I was widely supported by political elites, or met with popular acclaim. In this article, however, I shall argue that it is misleading to present the regicide only as a monstrous aberration; it is part of the comforting, moderate mythology of English history that the English do not do this sort of thing, and when it somehow happens, it is an unnatural mistake, the product of extreme short-term crisis. Here I want to present a different version: my argument is that regicide was not simply a result of the impasse of 1648, but a solution made thinkable by longer-term aspects of English political culture and history.

To counterbalance the earlier remarks we can recall the pride with which one of the most unrepentant regicides, Major-General Thomas Harrison approached a horrible death at the

Restoration. 'Next to the sufferings of Christ', he claimed, 'I go to suffer in the most glorious cause that ever was in the world. And one, as he passed by, asking him in derision where the good old cause was, he with a cheerful smile clapped his hand on his breast and said, Here it is, and I go to seal it with my blood.' *Next to the sufferings of Christ*: no higher claim for the radical parliamentary cause could be made. The Puritans, 'the godly' or the 'Saints' as they called themselves, had long believed that the world was polarised between popery and true religion, and that the Scriptures provided a blueprint for politics as well as for further religious reformation. While there was plenty in the Bible to justify obedience to



Charles I in the *Eikon Basilike*, a propaganda pamphlet published only ten days after his execution in which the monarch appears portrayed as a martyred, Christ-like figure.

authority, there was also much Old Testament History showing unrighteous kings being overthrown by God's people. Psalm 149 encouraged the 'saints' 'To bind their kings with chains and their nobles with fetters of iron'; as early as 1643 the troops of Lord Brooke were said to have attacked royalist Lichfield while singing this psalm. In Sandwich the preacher John Durant was accused in 1646 of praying, 'that the King might be brought up in chains to the Parliament'; members of his congregation were prominent signatories of a Kentish petition of 1648 which called for justice to be levied upon the king.

Within this biblical framework there was much in Charles' reign before 1642 to alarm the godly. As a whole, Charles' religious policies looked alarmingly like popery.... The notion that Charles had provoked God's wrath was thus of long-standing. By 1648 many in parliament's army had come to see him as a man of blood whose sacrifice was necessary to secure peace: shortly after Pride's Purge, one preacher quoted Numbers XXXV.33: 'Blood it defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it'. Charles was compared to Ahab and Nebuchadnezzar, evil rulers who had been given their just deserts. But as early as 1642, Yorkshire parliamentary preaching had presented Charles as Saul.

Charles could also be seen as Caligula, or other tyrannical Roman Emperors, for the classical learning English men acquired at grammar schools and universities familiarised them with a broadly republican understanding of political structures as mutable human contrivances, subject to corruption and decay, unless a system of checks and balances with regular public participation counteracted this. Political practice, also, encouraged a down-to-earth view of kingship. England, under Elizabeth I, has been described as a 'monarchical republic', with the Queen at the head of a polity where a wide range of male householders participated in legal and political affairs, as jurors, constables, electors, justices and members of parliament. This 'republican' element in English political culture and practice was not at all incompatible with a regulated monarchy, but, long before 1648-9, it was very much in tension with the type of monarchy Charles represented.

[...]

Most importantly service in parliament's army had brought a creative politicisation. As the soldiers declared in a famous declaration of June 1647: 'we were not a mere mercenary army, hired to serve any arbitrary power of a state, but called forth and conjured, by the several Declarations of Parliament, to the defence of our own and the people's just rights, and liberties'. Political and religious debate under 'praying and preaching Captains' had produced a citizens' army, dedicated to the Lord's cause.

[...]

Proceedings against the king thus had some real basis in English political culture and practice and in a radical vision of English history.... Charles was tried for crimes against his people and the laws of England: 'trusted with a limited power to govern by and according to the laws of the land, and ... for the good and benefit of his people', he was accused of a 'wicked design' to establish 'an unlimited and tyrannical power to rule according to his will'. Charles had attacked the fundamental constitution of the kingdom, under which frequent parliaments were the remedy for misgovernment and had embroiled his people in 'unnatural, cruel and bloody wars'.

On 4 January 1649, in ringing tones the purged House of Commons declared: 'That the people, are, under God, the original of all just power...That the Commons of England...representing the people have the supreme power in this nation...whatever is enacted, or declared for law, by the Commons...hath the force of law...although the consent and concurrence of King, or House of Peers, be not had thereunto'. ... As a political argument [this declaration] was not eccentric, but a plausible conclusion from English traditions.

In President John Bradshaw's address to the court when Charles was sentenced and in the act of parliament to abolish the 'kingly office' altogether, a radical view of history was used to present the end of monarchy as a renewal of fundamental values. Bradshaw argued that as the Barons had curbed the ambitions of medieval kings so it had now fallen to the Commons to preserve English liberties. The Nation was returning to its 'just and ancient right, of being governed by its own representatives or national meetings in council'. This was in itself a historical myth of legitimization. But the act also used history as evidence against monarchy:

It is and hath been found by experience, that the office of a king in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and that for the most part, use hath been made of the regal power and prerogative to oppress and impoverish and enslave the people.

[3]

Oliver Cromwell

By Professor Morrill (<http://www.bbc.co.uk/history/>)

Oliver Cromwell played a leading role in bringing Charles I to trial and execution, and was a key figure during the civil war. Why does he remain one of the country's most controversial public figures?



Oliver Cromwell in an allegorical portrait that portrays him as victorious over impious monarchy and the ruler of Britain.

Oliver Cromwell rose from the middle ranks of English society to be Lord Protector of England, Scotland and Ireland, the only non-royal ever to hold that position. He played a leading role in bringing Charles I to trial and to execution; he undertook the most complete and the most brutal military conquest ever undertaken by the English over their neighbours; he championed a degree of religious freedom otherwise unknown in England before the last one hundred years; but the experiment he led collapsed within two years of his death, and his corpse dangled from a gibbet at Tyburn. He was - and remains - one of the most contentious figures in world history.

Cromwell was a highly visible and volatile member of parliament from 1640-2 He was outspoken on the need for reform of the Church 'roots and branches' and he was the first man to demand the outright abolition of bishops. He was also prominent in the campaign to force the king into calling annual sessions of Parliament.... He was quickly commissioned into the army, and spent most of the next four years in arms.

[...]

In 1647-8 he argued in favour of a settlement with the king that would require him to accept Cromwell's political allies as his ministers and which would guarantee rights of religious liberty for all sincere protestants. This brought him into conflict with those in Parliament who wanted to replace the old Church of England, with a new 'Presbyterian' Church based on the teachings of Calvin and the experience of Geneva and Scotland, but also with more radical voices that wanted a much more democratic system of government - the right of all adult males to vote, for example. For too long, Cromwell trusted in the King's willingness to agree to his proposals. When, instead, he escaped from army custody and launched a second civil war, Cromwell rounded on him and hounded him to death.

[...]

As Lord General, he was a powerful voice in the counsels of the Rump Parliament and its 41-man Council of State that ruled England. But his deepening irritation with its self-serving and sloth in developing long-term solutions led him to lose patience in April 1653 and to use military force to disband the Parliament and to establish a 'parliament of saints', the 140 godliest men Cromwell could find whose task it was to devise a constitution that would reflect gospel values and would teach the people the responsibilities of freedom - how to turn from the things of the flesh to those of the spirit. This proved too tall an order and after five months the assembly surrendered power back into Cromwell's hands. His army colleagues asked him to take power as a constitutional monarch within the 'Instrument of Government', a fully developed paper constitution.



Oliver Cromwell, this time represented as coming out of hell, and bent (with a bunch of roundheads) on the destruction of the Royal Oak of Britain, which bears the royal arms, the crown, and a copy of Magna Carta

Cromwell was not averse to monarchy - he had wanted to replace Charles I by one of his sons, even at the time of the Regicide - and he had discussed the restoration of the House of Stuarts with colleagues in 1651 and 1652, but he shrank from taking the title himself. And so he was installed with most of the powers that the Instrument had assigned to monarchy but with the title Lord Protector. He was constrained to work with and through a Council of State and to meet Parliament regularly. He was most committed to a wide measure of religious liberty - there was a state church under Cromwell, but no-one was required to attend it, and almost everyone, Catholics and Jews included, was allowed to worship privately in the light of conscience. Membership of the state church was not a qualification (as it was to be before 1649 and from 1660 until the nineteenth century) for entry to the universities, the professions, public office. Those who abused liberty to disturb the liberty of others (Quakers), as a front for political ambition (Catholics), or who promoted beliefs against the Creeds (especially those who denied that Jesus Christ was God) were subject to regulation, but otherwise this was a remarkable period of religious freedom. Cromwell wanted to build a godly commonwealth, and he rode roughshod over those who got in his way - raising taxation without consent, overriding a law he has helped to make in 1651 which protected ex-royalists from further penalty, imprisoning without trial those he believed to be planning subversion of his regime.

In 1657 the more conservative of Cromwell's supporters - the lawyers above all - made another attempt to make him King in an attempt to place him under the restraining influence of ancient rules and restrictions. He again refused the title, but did accept a redefinition of his powers in 'The Humble Petition and Advice'. In 1658, his health inexorably failed him and he died on 3 September and was buried in Westminster Abbey. He had always led a minority government, and the coalition of interests he represented disintegrated with his death, opening the way to the Restoration twenty months later.

He had championed religious liberty, the principle of the accountability of rulers to the people and these proved a great inspiration to nineteenth-century non-conformists and liberals. He has more roads named after him than any other Englishman and woman except Queen Victoria. He is a dominant figure in public memory of British and Irish history, and probably the one about whom there is most disagreement.

THE LEVELLERS, THE DIGGERS AND THE TRADITION OF DISSENT

The political turmoil that led to the Civil War and the Commonwealth also generated strong political debate. As we have seen in previous chapters, the Renaissance and the Reformation, with its emphasis on recovering the thought of classical Greece and Rome, on the one hand, and with its focus on the Bible as the true source of salvation and political legitimacy, on the other, contributed to the creation of a European public sphere, in which books and pamphlets that proposed new ideas circulated with growing intensity. The new interpretation of the texts recovered from classical antiquity and of the Bible included critical editions, and many translations. This transfer of contents and ideas from one language to another, and from one cultural community to another, promoted the emergence of fresh ideas that would prove very influential in the future.

This is the case of the Levellers and the Diggers: in a sense, they were the national heirs of a well-established English tradition that originated in the Middle Ages with Wyclif and the Lollards. They all had in common a radical type of egalitarianism which they founded on their interpretation of the Bible. On the other hand, their radical egalitarianism coexisted with the interpretation that current scholars elicited from the new editions and translations of Greek and Roman historians, above all as regarded political participation in ancient Athens, and the idealized image of the Roman republic and its patriotic heroes.

This combination of secular and religious principles was part of the tradition of dissent inaugurated by radical protestants like these. Although they were repressed after the Restoration of the monarchy in 1660, they were nevertheless tolerated, and managed to survive and create certain trends of thought on the margins of the established Anglican Church, which would develop into very important ideas towards the 18th and the 19th centuries. During these centuries, the status of the nonconformists (as these dissenters were also called, see unit 6) would be an important part of the political debate in England. These dissenting circles would even establish their own independent schools and social networks, they would continue to circulate new texts. And from these schools came the work of thinkers, authors, and artists educated in this tradition, who contributed with fundamental political, religious and scientific ideas over the course of the 18th and the 19th centuries.



A group of Levellers in a meeting. They proclaim their motto: "No way to the old way", i.e. no return to the previous monarchical regime.

TASK. Read texts [4] to [8] and answer the following questions:

1. Which were the main principles defended by the Levellers? Support your answer with quotations from the text of the *Agreement of the People*
2. Which were the main principles defended by the Diggers? Support your answer with quotations from their manifesto.
3. Where does the Supreme Authority of England reside, according to the *Agreement of the People*?
4. Who is the Creator, according to the Diggers?
5. Describe the tradition of dissent that originated with the Levellers and the Diggers, and its subsequent influence.

[4]

Levellers. A popular democratic movement which emerged fully in 1647, though its leading pamphleteers, John Lilburne, Richard Overton, and William Walwyn, had campaigned earlier for specific rights and reforms. The Levellers' basic principle was that all men and women are born equal, and are rightfully subject to no authority except by agreement and consent. Their so-called

'Large Petition' of March 1647 confronted Parliament with a wide range of grievances, but was burned by the common hangman in May. By then the New Model Army was defying Parliament's threat to disband it, so the Levellers set about indoctrinating its newly elected agitators. They made some converts, notably Edward Sexby, but most soldiers remained loyal to their commanders. They therefore persuaded six cavalry regiments to adopt new agents or agitators, and through them brought a revolutionary 'Agreement of the People' before the army's general council in the famous Putney debates. Implying the abolition of monarchy and the House of Lords, the agreement proposed that biennial, popularly elected parliaments should wield supreme authority, subject only to certain 'native rights' such as liberty of conscience and equality before the law, which the sovereign people reserved to themselves. Unwisely, they accompanied their agitation among the soldiery with incitements to mutiny. They suspended their opposition during the second civil war, but when the Commonwealth was established their leaders (Walwyn excepted) denounced it virulently in *Englands New Chains Discovered* and other tracts. They also raised a new and more serious mutiny in the army. After its suppression they lost coherence as an organized movement, and some of them later intrigued with the royalists against Cromwell's Protectorate.

The Levellers' claim to be true democrats has been challenged, because they later qualified their demands for manhood suffrage by excluding those who subsisted by alms or worked as servants in a master's household; but this modification was tactical rather than principled. It was their principle, however, to preserve property, and not 'level men's estates'; here they differed from the self-styled True Levellers, or **Diggers**.

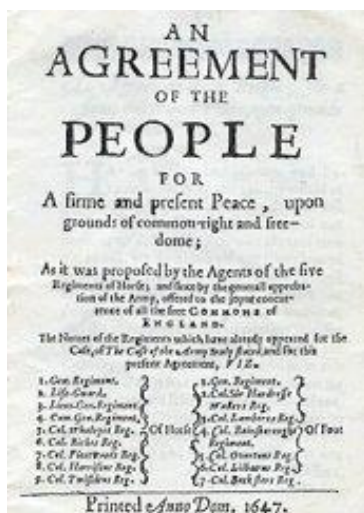
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[5]

An Agreement of the Free People of England

By Lieutenant Colonel John Lilburne, Master William Walwyn, Master Thomas Prince, and Master Richard Overton, Prisoners in the Tower of London, May the 1. 1649.

The following are excerpts from this document, which proposed a radical constitutional reform in the middle of the English Civil War.



We the free People of England, to whom God hath given hearts, means and opportunity to effect the same, do with submission to his wisdom, in his name, and desiring the equity thereof may be to his praise and glory; Agree to ascertain our Government, to abolish all arbitrary Power, and to set bounds and limits both to our Supreme, and all Subordinate Authority, and remove all known Grievances².

And accordingly do declare and publish to all the world, That we are agreed as followeth

That the Supreme Authority of England and the Territories therewith incorporate, shall be and reside henceforward in a Representative of the People consisting of four hundred persons, but no more; in the choice of whom (according to naturall right) all men of the age of one and twenty yeers and upwards (not being servants, or receiving alms, or having served in the late King in Arms or voluntary Contributions) shall have their voices [...]

For security whereof, having by wofull experience found the prevalence of corrupt interests powerfully inclining most men once entrusted with authority, to pervert the same

² Grievance: "A circumstance or state of things which is felt to be oppressive. In mod. use, a wrong or hardship (real or supposed) which is considered a legitimate ground of complaint; something to complain of." (*Oxford English Dictionary*)

to their own domination, and to the prejudice of our Peace and Liberties, we therefore further agree and declare.

X. That we do not inpower or entrust our said representatives to continue in force, or to make any Lawes, Oaths, or Covenants, whereby to compell by penalties or otherwise any person to any thing in or about matters of faith, Religion or Gods worship or to restrain any person from the profession of his faith, or to exercise of Religion according to his Conscience, nothing having caused more distractions, and heart burnings in all ages, then persecution and molestation for matters of Conscience in and about Religion.

[...]

XIII. That all priviledges or exemptions of any persons from the Lawes, or from the ordinary course of Legall proceedings, by vertue of any Tenure, Grant, Charter, Patent, Degree, or Birth, or of any place of residence, or refuge, or priviledge of Parliament, shall be henceforth void and null; and the like not to be made nor revived again.

[...]

XVIII. That it shall not be in their power to continue to make any Laws to abridge or hinder any person or persons, from trading or merchandising into any place beyond the Seas, where any of this Nation are free to trade.

[...]

XXX. We therefore agree and declare, That it shall not be in the power of any Representative, in any wise, to render up, or give, or take away any part of this Agreement, nor level mens Estates, destroy Propriety, or make all things Common: And if any Representative shall endeavor, as a Representative, to destroy this Agreement, every Member present in the House, not entering or immediately publishing his dissent, shall incur the pain due to High Treason, and proceeded against accordingly; and if any person or persons, shall by force endeavor to contrive, the destruction thereof, each person so doing, shall likewise be dealt withal as in case of Treason.

[6]

Diggers. Small communistic groups, active in 1649-50, sometimes calling themselves True Levellers. Their prophet Gerrard **Winstanley** taught that God made the earth to be a common treasury; property and man's subjection to man were results of the Fall. The religious foundations of their beliefs range them nearer to contemporary millenarians than to modern Marxists or Maoists. But unlike the **Fifth Monarchists** they eschewed the use of force; their aim was not to dispossess landlords, robbers of their fellow-creatures though they were, but merely to assert the people's right to common land, and to lands recently confiscated by the Commonwealth. A pioneering group began digging the commons on St George's Hill (Surrey), in April 1649. The **Council of State** ordered General **Fairfax** to disperse them, but it was angry locals who finally destroyed their cabins and crops. They moved on to Cobham, but suffered the same fate. Some evidence survives of nine other short-lived Digger colonies, mainly in the home counties and midlands.

Austin Woolrych, "Diggers" in *The Oxford Companion to British History*. Ed John Cannon. Oxford University Press, 2009. *Oxford Reference Online*. Oxford University Press. Universidad de Granada. 27 December 2011 <<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t110.e1330>>

[7]

The Diggers, or True Levellers and their manifesto
The True Levellers Standard Advanced: Or, The State of Community Opened, and Presented to the Sons of Men.
Gerrard Winstanley, 1649

A Declaration to the Powers of England, and to all the Powers of the World, shewing the Cause why the Common People of England have begun, and gives Consent to Digge up, Manure, and Sow Corn upon George-Hill in Surrey; by those that have Subscribed, and thousands more that gives Consent.

In the beginning of Time, the great Creator Reason, made the Earth to be a Common Treasury, to preserve Beasts, Birds, Fishes, and Man, the lord that was to govern this Creation; for Man had Domination given to him, over the Beasts, Birds, and Fishes; but not one word was spoken in the beginning, that one branch of mankind should rule over another.

And the Reason is this, Every single man, Male and Female, is a perfect Creature of himself; and the same Spirit that made the Globe, dwels in man to govern the Globe; so that the flesh of man being subject to Reason, his Maker, hath him to be his Teacher and Ruler within himself, therefore needs not run abroad after any Teacher and Ruler without him, for he needs not that any man should teach him, for the same Anoynting that ruled in the Son of man, teacheth him all things.

“England is not a free people, till the poor that have no land, have a free allowance to dig and labour the commons...”
Gerrard Winstanley, 1649



But since humane flesh (that king of Beasts) began to delight himself in the objects of the Creation, more then in the Spirit Reason and Righteousness, who manifests himself to be the indweller in the Five Sences, of Hearing, Seeing, Tasting, Smelling, Feeling; then he fell into blindness of mind and weakness of heart, and runs abroad for a Teacher and Ruler: And so selfish imaginations taking possession of the Five Sences, and ruling as King in the room of Reason therein, and working with Covetousnesse, did set up one man to teach and rule over another; and thereby the Spirit was killed, and man was brought into bondage, and became a greater Slave to such of his own kind, then the Beasts of the field were to him.

And hereupon, The Earth (which was made to be a Common Treasury of relief for all, both Beasts and Men) was hedged in to In-closures by the teachers and rulers, and the others were made Servants and Slaves: And that Earth that is within this Creation made a Common Store-house for all, is bought and sold, and kept in the hands of a few, whereby the great Creator is mightily dishonoured, as if he were a respecter of persons, delighting int he comfortable Livelihoods of some, and rejoycing in the miserable povertie and straits of others. From the beginning it was not so.

(Source: <http://www.kingston.ac.uk/cusp/Lectures/Hill.htm>)

[8]

The Levellers and the Tradition of Dissent

By Tony Benn (<http://www.bbc.co.uk/history/>)

The Levellers were early christian radicals whose ideas helped to shape the American and French revolutions, and inspired generations of socialists.

[...]

The Levellers ... represented the aspirations of working people who suffered under the persecution of kings, landowners and the priestly class, and they spoke for those who experienced the hardships of poverty and deprivation. They developed and campaigned, first with Cromwell and then against him, for a political and constitutional settlement of the civil war which would embody principles of political freedom, anticipating by a century and a half the ideas of the American and French revolutions.

The Levellers found spokesmen and campaigners in John Lilburn, Richard Overton, William Walwyn, Gerrard Winstanley the True Leveller or Digger, and others. These men were brilliant pamphleteers enjoying a short-lived freedom to print, publish and circulate their views at a time when censorship was temporarily in abeyance, and printing presses newly cheap and easy to set up.

They developed their own traditions of free discussion and vigorous petitioning and used them to formulate and advance their demands.

The Levellers' demands were encapsulated in a remarkable document called *An Agreement of the People* outlining a new and democratic constitution for Britain. The preamble to the third draft of this Agreement, published on May 1 1649, states that:

We, the free People of England, to whom God hath given hearts, means and opportunity to effect the same, do with submission to his wisdom, in his name, and desiring the equity thereof may be to his praise and glory, agree to ascertain our Government to abolish all arbitrary Power, and to set bounds and limits both to our Supreme, and all Subordinate Authority, and remove all known Grievances.

And accordingly do declare and publish to all the world, that we are agreed as followeth:

'The people's sovereign rights were only loaned to Parliament, which should be elected on a wide popular franchise...'

1. That the Supreme Authority of England and the Territories therewith incorporate, shall be and reside henceforward in a Representative of the people consisting of four hundred persons, but no more; in the choice of whom (according to naturall right) all men of the age of one and twenty yeers and upwards (not being servants, or receiving alms, or having served with the late King in Arms or voluntary Contributions), shall have their voices...

The Levellers held themselves to be freeborn Englishmen, entitled to the protection of a natural law of human rights which they believed to originate in the will of God - rights vested in the people to whom alone true sovereignty belonged. These sovereign rights were only loaned to Parliament, which should be elected on a wide popular franchise and hold the people's rights in trust.

As well as reflecting the clash of interests between 17th century haves and have-nots, the Levellers' ideas can be traced right back to the teachings of the Bible. The conflict in the Old Testament between the kings and the prophets, between temporal power and the preaching of righteousness, lay at the heart of the arguments in the English revolution - both the one between the King and Parliament, and that between Cromwell and the Levellers.

The deep conviction to be found in the Old Testament that conscience is God-given, or derives from nature or reason and must be supreme over man-made law, was the foundation of the Levellers' political creed.

[...]

The Levellers took from these texts the idea of man's relationship with God as a person-to-person relationship, neither needing nor requiring us to accept the intervention of an exclusive priestly class which claims a monopoly right to speak on behalf of the Almighty - still less of a king claiming a divine right to rule.

Leveller pamphlets abounded with religious quotations. As they read it, divine teaching expressly prohibited the domination of man by man. As one Leveller put it:

The relation of Master and Servant has no ground in the New Testament; in Christ there is neither bond nor free... The common people have been kept under blindness and ignorance, and have remained servants and slaves to the nobility and gentry...

The Diggers, or True Levellers as they described themselves, went even further and advocated absolute human equality - including equality between men and women - and at the same time anticipated today's environmental and green movements in seeing the earth as a precious 'common storehouse for all'. The Digger leader, Gerard Winstanley, wrote in his pamphlet *The True Levellers' Standard Advanced*, published on April 26th 1649.

In the beginning of Time, the great Creator, Reason, made the Earth to be a Common Treasury, to preserve Beasts, Birds, Fishes and Man, the Lord that was to govern this Creation; for Man had Domination given to him, over the Beasts, Birds and Fishes; but not one word was spoken in the beginning, that one branch of mankind should rule over another ... And that Earth that is within this Creation made a Common Storehouse for all, is bought and sold, and kept in the hands of a few, whereby the great Creator is mightily dishonoured...

Unsurprisingly, the ideas of the Levellers were considered extremely dangerous by those with a vested interest in the preservation of privilege, property and power. By 1650 the Levellers' movement had been effectively crushed.

[...]

But the elimination of the Levellers as an organised political movement could not obliterate the ideas which they had propagated. From that day to this the same principles of religious and political freedom and equality have reappeared again and again.

When the American Congress set out their political principles in the Declaration of Independence on July 4th 1776, the ideas were taken straight from the English Levellers a century and a quarter before:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these Rights, Governments are instituted among Men deriving their just Powers from the Consent of the governed.

The Americans had also drawn heavily on the writings of Tom Paine, who was a direct heir of the Leveller tradition, and whose *Rights of Man* also won him a place in the history of the French Revolution (he was elected a Deputy to the first French Constituent Assembly summoned to implement the principles of 'liberty, equality and fraternity'). The English reformers of the early 19th century also drew many of their ideas and language from the Levellers' mix of Christian teaching, religious and political dissent, social equality and democracy. It fired the imagination of generations of Congregationalists, trade union pioneers, early co-operators, Chartists, and socialists.

And so it will always be. For politics is really about education, not about propaganda. It is about teaching more than management. It is about ideas and values and not only about Acts of Parliament, political institutions, and ministerial office. The Levellers, thank God, still teach us that.

THE GLORIOUS REVOLUTION

By the second half of the 17th century the English Anglican establishment, and a considerable part of the population, had come to identify Catholicism with tyranny and foreign intervention. During this period, Catholic tyranny was represented by the absolute monarch Louis XIV of France—as it had been previously identified during Queen Elizabeth I's reign with King Philip II of Spain. The increasing toleration of King James II towards Catholics, (the king himself had converted to Catholicism) alarmed the Anglican establishment, and contributed to intensify a certain paranoia about a Catholic conspiracy to take over England—a fear that was founded, *inter alia*, upon the memory of the Gunpowder Plot of 1605.

This period also saw the emergence of two factions in English politics: the Tories (conservative supporters of the Anglican Church and the status quo), and the Whigs (who proposed a severe limitation of the powers of the monarchy and generally held more radical religious positions than the accommodating Tories). In spite of their differences, both Tories and Whigs were alarmed by the apparent Catholic drift in the personal and political inclinations of the king, and they eventually ended up supporting the takeover of power by a foreign protestant leader, William of Orange, whose marriage to a protestant daughter of James II legitimized his aspiration to the English throne. He would become king William III in 1689 as a result of the so-called Glorious Revolution.



William of Orange arrives in England. This allegorical representation portrays William as a Roman emperor, with Neptune to his right, and Britannia (an allegory of Britain, with a helmet and a long staff) to the left, welcoming him as the new ruler of Britain. The King of Gods, Jupiter, contemplates the scene from above.

The Glorious Revolution created a new status quo, which further limited the powers of the monarch (although not as much as the most radical Whigs desired), established a series of rights that built upon some of the fundamental principles established by the tradition of Magna Carta (such as the English Bill of Rights), and (to this day) banned Catholics from the English crown. In the eyes of many English citizens today, the Glorious Revolution constitutes a founding moment for monarchical constitutionalism: you can click here to read an article from the [British Monarchist Society](#) that voices this view. The following texts discuss the place of the Glorious Revolution in the narrative of English political and cultural identity, and how it was in part appropriated by the leaders of the American Revolution.

TASK. Read texts [9] to [12] and answer the following questions:

1. How were the lives of Catholics affected by the Glorious Revolution?
2. In which way were the powers of the British monarchy restricted?
3. In which sense would you say that the Test and Corporation Acts were discriminatory?

4. Do you think that William of Orange deliberately invaded England on 5 November 1688? If so, why would he choose this particular date?
5. In which way could you say that the Act of Settlement of 1701 is discriminatory?
6. How does text [12] describe the principles of social compact theory? Describe them and compare with some of the ideas discussed in this and in previous units.
7. How did the American Founding Fathers view the political events, and the ideas that circulated in England during the 17th century?

[9]

Glorious Revolution. Title given to the revolution of 1688–9, which resulted in the ‘abdication’ of James II and the succession of William III and Mary II. Participants had differing objectives. Tories and Anglican clergy wanted to stop James undermining the church. Whigs aimed to depose James and limit the powers of the crown. Ordinary people detested James for his Catholicism. William needed to remove a potential ally of Louis XIV and lead England into the war against France that had just begun. Louis left James unassisted, calculating that William’s army would be tied down in an English campaign.

William had earlier established clandestine connections with leading politicians and army and navy officers hostile to James’s policies. In June 1688 he instigated an invitation from two Tories, four Whigs, and Bishop **Compton** to intervene in order to prevent James continuing to favour Catholics, expand and purge the army, and manipulate elections for a parliament that was to sit in November. The birth that month of an infant prince to James had transformed the political future: he would succeed James in place of Mary (his eldest, protestant daughter, married to William). But most people were persuaded that the infant was ‘suppositious’, somebody else’s baby smuggled in to give the appearance of a royal birth. William’s intervention was necessitated by the size of James’s professional army. However, William was promised that most of its officers would defect. When this happened soon after William landed at Torbay on 5 November James found that he could not fight a battle. William moved on London unopposed while his adherents took over provincial centres. Demoralized, James tried to fly the country but was stopped. A second successful escape to France was the direct result of William’s pressure. This left a vacuum. Tories wanted his return as a limited king, or for a regent to rule for him, or for Mary to reign as queen. Instead the **Bill of Rights** (1689) followed the Whig formula, construing James’s flight as abdication, declaring the throne vacant, and William and Mary as joint sovereigns. But the limits it imposed on the crown were less than the Whigs desired. It made illegal royal claims to suspend laws and maintain an army without parliamentary approval. It barred Catholics from succeeding. In Scotland the Revolution went further. James was deposed. Bishops were abolished, Presbyterianism restored. Civil war resulted.

J. R. Jones, "Glorious Revolution", in *The Oxford Companion to British History*. Ed John Cannon. Oxford University Press, 2009. *Oxford Reference Online*. Oxford University Press. Universidad de Granada. 27 December 2011 <<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t110.e1851>>

[10]

The Glorious Revolution

By Dr. Edward Vallance

Source: http://www.bbc.co.uk/history/british/civil_war_revolution/glorious_revolution_01.shtml

Fear of Catholic tyranny

The Glorious Revolution of 1688-1689 replaced the reigning king, James II, with the joint monarchy of his protestant daughter Mary and her Dutch husband, William of Orange. It was the keystone of the Whig (those opposed to a Catholic succession) history of Britain.

According to the Whig account, the events of the revolution were bloodless and the revolution settlement established the supremacy of parliament over the crown, setting Britain on the path towards constitutional monarchy and parliamentary democracy.

But it ignores the extent to which the events of 1688 constituted a foreign invasion of England by another European power, the Dutch Republic.

Although bloodshed in England was limited, the revolution was only secured in Ireland and Scotland by force and with much loss of life.

[...]

To understand why James II's most powerful subjects eventually rose up in revolt against him we need to understand the deep-seated fear of 'popery' in Stuart England. 'Popery' meant more than just a fear or hatred of Catholics and the Catholic church. It reflected a widely-held belief in an elaborate conspiracy theory, that Catholics were actively plotting the overthrow of church and state.



King James II portrayed as a Roman Emperor

In their place would be established a Catholic tyranny, with England becoming merely a satellite state, under the control of an all-powerful Catholic monarch, (in the era of the Glorious Revolution, identified with Louis XIV of France). This conspiracy theory was given credibility by the existence of some genuine catholic subterfuge, most notably the Gunpowder Plot of 1605.

[...]

James II's authority appeared to be secure when he succeeded to the throne in February 1685. The king's initial promises to defend the existing government in church and state reassured many of those worried by his personal faith. [...] Initial support for the king ebbed away as it became clear that he wished to secure not only freedom of worship for Catholics, but also the removal of the **Test and Corporation Acts**³ so that they could occupy public office.

[...]

In April 1687, James issued a declaration of indulgence, suspending penal laws against Catholics and granting toleration to some Protestant dissenters. [...] These measures met with increasing opposition from the Anglican-Tory establishment.

[...]

Two factors moved James II's opponents to urge William to intervene militarily. Firstly, after years of trying, James' Catholic second wife finally fell pregnant. The birth of a healthy male heir, James Edward Stuart, on 10 June 1688, dashed hopes that the crown would soon pass to James' protestant daughter Mary. Secondly, William's co-conspirators believed that the parliament James planned to summon in the autumn would repeal the Test Acts.

³ The Test and Corporation Acts were laws designed to banish, or limit, non-Anglicans from public office. This kept Catholic, Jews and dissenters from public life and important positions in politics, the administration, the army and university (as well as the church, of course). It was a legal strategy to reinforce the power of the Anglican establishment and to secure the allegiance of all important positions in the ruling elite. Most of these limits (which severely restrict individual rights) were eliminated as a result of the political reforms implemented in England during the 19th century (see unit 8). See the following definition:

Test Acts Laws that made the holding of public office in Britain conditional upon subscribing to the established religion. Although Scotland imposed such a law in 1567, the harsh laws against recusants in England were sufficient in themselves to deter Roman Catholics and dissenters from putting themselves forward for office. But in 1661 membership of town corporations, and in 1673 all offices under the crown, were denied to those who refused to take communion in an Anglican church. In 1678 all Catholics except the Duke of York (the future **James II**) were excluded from Parliament. In the 18th century religious tests in Scotland were not always enforced, except for university posts, and in England the test could be met by occasional communion, but this was not possible for Roman Catholics. The Test Acts were finally repealed in 1829, and university religious tests were abolished in the 1870s and 1880s.

A Dictionary of World History. Oxford University Press, 2000. *Oxford Reference Online*. Oxford University Press. Universidad de Granada. 4 January 2012
<<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t48.e3595>>

The grave danger posed to the Protestant succession and the Anglican establishment led seven peers to write to William on 30 June 1688, pledging their support to the prince if he brought a force into England against James. William had already begun making military preparations for an invasion of England before this letter was sent. Indeed, the letter itself mainly served a propaganda purpose, to allow the prince of Orange to present his intervention as a mercy mission.

In fact, William's main reason for interfering in English affairs was essentially pragmatic – he wished to bring England into his war against Louis XIV's France and a free parliament was seen as more likely to support this.

The forces that the prince of Orange amassed for his invasion were vast, the flotilla consisting of 43 men-of-war, four light frigates and 10 fireships protecting over 400 flyboats capable of carrying 21,000 soldiers. All in all, it was an armada four times the size of that launched by the Spanish in 1588.

[...]

William landed at Torbay, Devon, on 5 November 1688, the exact timing of his landfall neatly fitting with the anniversary of another celebrated moment when the nation was delivered from popery.

[...]

The 'convention parliament', made up of members from Charles II's last parliament, convened on 22 January 1689. After considerable pressure from William himself, parliament agreed that he would rule as joint monarch with Mary, rather than act merely as her consort, and on 13 February William and Mary formally accepted the throne.

Before they were offered the crown, William and Mary were presented with a document called the Declaration of Rights, later enshrined in law as the Bill of Rights, which affirmed a number of constitutional principles, such as the illegality of prerogative suspending and dispensing powers, the prohibition of taxation without parliamentary consent and the need for regular parliaments.

In reality, the Bill of Rights placed few real restrictions on the crown. It was not until 1694 that the call for regular parliaments was backed up by the Triennial Act.

Pressure from William also ensured the passage in May 1689 of the Toleration Act, granting many Protestant groups, but not Catholics, freedom of worship. This toleration was, however, considerably more limited than that envisaged by James II.

[...]

The revolution also fostered the growth of slavery by ending the Royal African Company's monopoly on the trade in 1688. For the non-white inhabitants of



A portrait of the new monarchs,
King William III and Queen Mary

the British Atlantic empire, the Glorious Revolution represented not the broadening of freedom but the expansion of servitude.

[11]

Bill of Rights. Passed by Parliament in December 1689 this gave statutory force to the Declaration of Rights presented to William and Mary on 13 February 1689, and agreed by them after they had jointly accepted the crown of Great Britain. The bill closely followed the declaration in its recital of ancient rights, and the recent abuses of the royal prerogative by the catholic James II, deemed to have abdicated and hence vacated the throne. The question of any contractual character the crown might possess was skirted. The succession was now stated to lie in the heirs of the bodies of the protestant Mary, and then her younger sister Anne. None could succeed who were of the catholic faith, or had married catholics. Prerogative power to dispense with law in specific instances was rendered subject to statutory sanction; and Parliament claimed the right to override a royal pardon. This received statutory recognition in 1701 through the Act of Settlement. In the early 21st century there have been proposals that the Bill of Rights should be replaced, or substantially modified, and calls for the restriction on catholics to be removed.

David Denis Aldridge, "Bill of Rights", in *The Oxford Companion to British History*. Ed John Cannon. Oxford University Press, 2009. *Oxford Reference Online*. Oxford University Press. Universidad de Granada. 27 December 2011 <<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t110.e476>>

[12]

The Glorious Revolution and Anglo-American liberalism **The English roots of the American Bill of Rights**

The predominance of the social compact theory in American thought reflected a condition of freedom and, like the experience with charters, contributed to the belief in written bills of rights. The social compact theory hypothesized a prepolitical state of nature in which people were governed only by laws of nature, free of human restraints. From the premise that man was born free, the deduction followed that he came into the world with God-given or natural rights. Born without the restraint of human laws, he had a right to possess liberty and to work for his own property. Born naked and stationless, he had a right to equality. Born with certain instincts and needs, he had a right to satisfy them—a right to the pursuit of happiness. These natural rights, as John Dickinson declared in 1766, 'are created in us by the decrees of Providence, which establish the laws of our nature. They are born with us; exist with us; and cannot be taken from us by any human power without taking our lives.' When people left the state of nature and compacted for government, the need to secure their rights motivated them. A half-century before John Locke's Second Treatise on Government, Thomas Hooker of Connecticut expounded the social compact theory. Over a period of a century and a half, America became accustomed to the idea that government existed by consent of the governed, that the people created the government, that they did so by a written compact, that the compact reserved their natural rights, and that it constituted a fundamental law to which the government was subordinate. Constitutionalism, or the theory of limited government, was in part an outgrowth of the social compact.

In America, political theory and law, as well as religion, taught that government was limited. But Americans took their views on such matters from a highly selective and romanticized image of seventeenth-century England, and they perpetuated it in America even as that England changed. Seventeenth-century England was the England of the great struggle for constitutional liberty by the common law courts and Puritan parliaments against Stuart kings. Seventeenth-century England was the England of Edward Coke, John Lilburne, and John Locke. It was an England in which religion, law, and politics converged to produce limited monarchy and, ironically, parliamentary supremacy. To Americans, however, Parliament had irrevocably limited itself by reaffirmations of the Magna Carta and passage of the Petition of Right of 1628, the Habeas Corpus Act of 1679, the Bill of Rights of 1689, and the Toleration Act of 1689. Americans learned that a free people are those who live under a government so constitutionally checked and

controlled that its powers must be reasonably exercised without abridging individual rights.

In fact, Americans had progressed far beyond the English in securing their rights. The English constitutional documents limited only the crown and protected few rights. The Petition of Right reconfirmed Magna Carta's provision that no freeman could be imprisoned but by lawful judgment of his peers or 'by the law of the land'; it also reconfirmed a 1354 version of the great charter that first used the phrase 'by due process of law' instead of 'by the law of the land'. The Petition of Right invigorated the liberty of the subject by condemning the military trial of civilians as well as imprisonment without cause or on mere executive authority. Other sections provided that no one could be taxed without Parliament's consent or be imprisoned or forced to incriminate himself by having to answer for refusing an exaction not authorized by Parliament. The Habeas Corpus Act safeguarded personal liberty, without which other liberties cannot be exercised. The act secured an old right for the first time by making the writ of habeas corpus an effective remedy for illegal imprisonment. The only loophole in the act, the possibility of excessive bail, was plugged by the Bill of Rights ten years later. That enactment, its exalted name notwithstanding, had a narrow range of protections, including the freedom of petition, free speech for members of Parliament, and, in language closely followed by the American Eighth Amendment, bans on excessive bail, excessive fines, and cruel and unusual punishments. As an antecedent of the American Bill of Rights, the English one was a skimpy affair, though important as a symbol of the rule of law and of fundamental law. The Toleration Act was actually 'A Bill of Indulgence', exempting most nonconformists from the penalties of persecutory laws of the Restoration, leaving those laws in force but inapplicable to persons qualifying for indulgence. England maintained an establishment of the Anglican Church, merely tolerating the existence of non-Anglican trinitarians, who were still obligated to pay tithes and endure many civil disabilities.

Leonard W. Levy. *Origins of the Bill of Rights*. Yale University Press. Chapter I, "Why we have the Bill of Rights" pp. 3-5