I

REVOLUTIONARY ORIGINS
LEVIATHAN
Or
THE MATTER, FORME,
and Power of A COMMON
WEALTH ECCLESIASTICALL
and CIVIL.

By Thomas Hobbes
of Malmesbury.
I
REVOLUTIONARY ORIGINS

Political

The writers of this Section—Hobbes, Locke, and others—were a cohort of learned men who wrote not just on matters regarding politics but on such larger questions as the nature of human understanding. Their era, particularly in England, was marked by major changes in the character of the State (from monarchy to commonwealth), or in the character of the religious establishment (with the ecclesiastical struggles of Puritans, Presbyterians, and others). During the years of the middle and end of the seventeenth century, adherents of these factions struggled to dominate one another, sometimes succeeding and sometimes losing ground. Ideas about liberty were bound up in considerations about personal loyalties to an established king, and challengers to that authority provoked ideological debate about what constitutes a state, liberty, and the nature of freedom.

In America, more than one hundred years later, the words of these seventeenth-century political philosophers still resonated. Three years before his death, John Adams described in a letter revisiting Algernon Sidney’s writing: “As often as I have read it … it now excites fresh admiration that this work has excited so little interest in the literary world.” Two years later, the recipient of that letter, Thomas Jefferson, would cite Sidney’s *Discourses* alongside Locke’s *Treatises* and the Declaration of Independence in an official memorandum on works that were shot through with the ethos he wanted to foster in the university he had established in Virginia.


Hobbes (1588–1679) published *Leviathan* during his self-exile in Paris in order to avoid what he regarded as political changes in London unfavorable to his views. He argued that the basis of government is consent to enter into a social contract pledged to a sovereign authority, and thus his conception of liberty was one of ceding personal liberty to a civil society. In 1683, the University of Oxford condemned his book as among “certain Pernicious Books and
Following the execution of Charles I in 1649, monarchy was abolished in England and a commonwealth under Cromwell was formed, lasting until the restoration of kingship in 1660 under Charles II.

James Harrington (1611–1677) wrote and published the following works in the commonwealth years during which English republicans debated the nature of the proper balance between rulers and the ruled, or between kingly office (monarchy), the few (aristocracy) and the many (democracy). Harrington’s ideas of government rested on ideas “in which the concepts of property and nature functioned as means of pronouncing that man the political animal was by nature a citizen and not a subject, a creature who used intelligence to define himself rather than to acknowledge binding law. It was this which made Harrington a republican and made it hard for him to be an orthodox Christian. The premises on which such thinking rested were immensely remote from those at the foundations of normal English political thinking” (J. A. Pocock, ed., introduction to “The Commonwealth of Oceana” and “A System of Politics” [Cambridge: Cambridge University Press, 1992], p. xiii).

I : REVOLUTIONARY ORIGINS

Damnable Doctrines Destructive to the Sacred Persons of Princes, their State and Government, and of all Humane Society.” Hobbes wrote:

For if wee take Liberty in the proper sense, for corporall Liberty; that is to say, freedome from chains, and prison, it were very absurd for men to clamor as they doe, for the Liberty they so manifestly enjoy. Againe, if we take Liberty, for an exemption from Lawes, it is no lesse absurd, for men to demand as they doe, that Liberty, by which all other men may be masters of their lives. And yet as absurd as it is, this is it they demand; not knowing that the Lawes are of no power to protect them, without a Sword in the hands of a man, or men, to cause those laws to be put in execution. The Liberty of a Subject, lyeth therefore only in those things, which in regulating their actions, the Soveraign hath prætermitted: such as is the Liberty to buy, and sell, and otherwise contract with one another; to choose their own aboad, their own diet, their own trade of life, and institute their children as they themselves think fit; & the like.

[shoulder note] Liberty of the Subject consistent with the unlimited power of the Soveraign.

Nevertheless we are not to understand, that by such Liberty, the Soveraign Power of life, and death, is either abolished, or limited. For it has been already shewn, that nothing the Soveraign Represervative can doe to a Subject, on what pretence soever, can properly be called Injustice, or Injury; because every Subject is Author of every act the Soverain doth; so that he never wanteth Right to any thing, otherwise, than as he himself is the Subject of God, and bound thereby to observe the laws of Nature. And therefore it may, and doth often happen in Common-wealths, that a Subject may be put to death, by the command of the Soveraign Power; and yet neither doe the other wrong (p. 109).

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But seeing they that make the Lawes in Common-wealths are but men, the main question seems to be, how a Common-wealth comes to be an Empire of Lawes, and not of men? or how the debate or result of a Common-wealth is so sure to be according unto reason; seeing they who debate, and they who resolve, be but men. And as often as reason is against a man, so often will a man be against reason.

This is thought to be a shrewd saying, but will do no harm; for be it so, that reason is nothing but interest, there be divers interests, and so divers reasons.

As first, there is Private Reason, which is the interest of a private man.

Secondly, there is Reason of State, which is the interest (or errour, as was said by Solomon) of the Ruler or Rulers, that is to say, of the prince, of the Prince, of the Nobility, or of the People.

Thirdly, there is that Reason which is the interest of mankind, or of the whole (p. 12).

The Lapidus copy is inscribed by a contemporary: “A Schismatical Book”


This act, one of the first of the newly established monarchs, William and Mary, is commonly known as the English Bill of Rights. It sets down in writing such rights as the following held by the people, the citizens of a constitutional monarchy:

That the raising or keeping a standing Army within the Kingdom in time of Peace, unless it be with Consent of Parliament is against Law.

That Excessive Bail ought not to be required, nor Excessive Fines imposed, nor Cruel and Unusual Punishments inflicted (pp. 191–192).
THE PREROGATIVE OF
POPULAR GOVERNMENT.

A Politicall Discourse in two Books.
The former
Containing the first Preliminary of
Oceanas, enlarged, interpreted, and vindicated
from all such mistakes or flanders as have been
alleged against it under the Notion
of Objection.
The Second
Concerning Ordination, against
Dr. H. Hamond, Dr. L. Seaman,
And the Authors they follow.

In which two Books is contained the whole
Commonwealth of the Hebrews, or of Israel,
Senate, People, and Magnificacy, both as it stood
in the Institution by Moses, and as it came
to be formed after the Captivity.

As also the different Policies introduced into the
Church of Christ, during the time of the Apostles.

By JAMES HARRINGTON.

Without counsel purpoffes are disappointed, but in the multitude of Coun-
sellors they are established. Solomon.
La multitudine è più Savia è più costante ch'un Principe. Machiavil.

LONDON:
Printed for Tho. Brewster at the three Bibles at the West end
of Pauls Church-yard, 1658.
the English Bill of Rights—An Act declareing the Rights and Liberties of the Subject and Settling the Succession of the Crowne. [London, 1689].
John Locke (1632–1704) held several posts at Oxford, followed by several positions in the work of the state (such as secretary to the Board of Trade), and fled England for political reasons in 1675/6, returning in 1689. He is best known for his philosophical writings published during the later years of his life.

The Natural Liberty of Man is to be free from any Superior Power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule. The Liberty of Man, in Society, is to be under no other Legislative Power, but that established, by consent, in the Commonwealth, nor under the Dominion of any Will, or Restraint of any Law, but what that Legislative shall enact, according to the Trust put in it (bk. 2, chap. 4, p. 182).

One book surviving the destruction of Princeton's library during the Revolution is the sixth edition of this work, Locke's *Two Treatises*. It was given by Thomas Hollis (1720–1774) who inscribed the copy: “An Englishman, a Lover of Liberty, the principles of the Revolution, & the Protestant Succession in the House of Hanover, Citizen of the world, is desirous of having the honor to present this book to the Public Library of the College at New Jersey, in North America. London, June 23, 1764.”

This is Locke’s Second Treatise—the first American edition, published by Benjamin Edes and John Gill. The Royal Governor of Massachusetts Francis Bernard, in his letter to the Earl of Hillsborough (25 January 1769), declared Edes and Gill to be the “trumpeters of sedition” and conveyors of “all the chiefs of Faction, all the authors of numberless treasonable and seditious writings.”

Eclipsed today by Locke, Algernon Sidney (1622–1683) was regarded as political martyr at his execution in 1683, and a century later, revered as republican sage.

Sidney’s ideas were similar to those of Locke and others of his time, but were uniquely embedded in examples from diverse sources. Nowadays, those allusions may seem obscure, but within Sidney's era, they gave a richness and
specificity to his persuasion that were lacking in the political prose of contemporaries. The ideas contained in the discourses are so familiar now as to be generic: that no right is given by God to kings, that the people should control the course of their government, that revolt may be healthy for a nation. But in his Stuart context, after the end of the republican Commonwealth, these ideas were dangerous ones to tender.

That Nations should be well informed of their Rights, is of the most absolute necessity; because the happiness or infelicity of any People entirely depends upon the enjoyment or deprivation of Liberty; which is so invincibly proved in the following Discourses, that to endeavour to make it more clear, would be an unpardonable presumption. If any man think the publication of this Work to be unseasonable at this time, he is desired to consider, that as men expect good Laws only from good Government, so the Reign of a Prince, whose Title is founded upon the principle of Liberty which is here defended, cannot but be the most proper, if not the only time to inform the People of their just Rights, that from a due sense of their inestimable value, they may be encouraged to assert them against the attempts of ill men in time to come (Preface).

**[John Trenchard]. A Letter from the Author of the Argument against a Standing Army, to the Author of the Balancing Letter. London, 1697.**

Trenchard (1668/9–1723) was a landowner and political writer. Although critical of William III’s standing armies, when a court minister called for Trenchard to be taken into custody, the King refused. This pamphlet warns that, where a ruler has a standing army, it is the Fashion of his Subjects to be Slaves under that STANDING ARMY. I observe Men that are addicted to Fashions, follow them in every thing. Now to be Freemen under a STANDING ARMY is not the Fashion of our Neighbours. And I am afraid that we shall never think our selves compleately in the Fashion till we have got Wooden Shoes too.... It is impossible to consider of a STANDING FORCE which shall be sufficient to oppose a Foreign Power, without considering it at the same time to suppress the Subject at home (pp. 6, 13).

Trenchard further states that government depends upon an equal distribution of Power; and he that gets an over-ballance of Power ... takes away the Title from the rest, and leaves them a Possession without a Right, which is a Tenure at the Will of the Lord (pp. 14–15).


At this time, Defoe (1660?–1731) was publishing a number of pamphlets in support of the policies of William III, followers of whom had been of service during Defoe’s recent bankruptcy proceedings, and he replies to Trenchard:
But notwithstanding all this, I cannot but say that some competent Standing Force is absolutely necessary to preserve that Peace which has cost the Nation so dear; and it would seem a most unaccountable Weakness to run the hazard of it, and expose us to the uncertainty of it: We say, *Temptation makes a Thief*. There is nothing in the World will be so likely to make the Peace precarious, and allure the French to break it, as to find us Naked and Defenceless.

If it be true, that an Army may be dangerous at Home, 'tis as true, that having no Army must be fatal Abroad: The danger of an Army is uncertain, and may be none; the damage of the contrary is infallible (p. 9).


This is a reprint of the *Independent Whig*, No. 1–53, Jan. 20, 1720 – Jan. 4, 1721, originally published as a weekly periodical. It was reprinted in Philadelphia in 1721, and numerous times in London during the years 1722 to 1753. Trenchard and Gordon (d. 1750) championed a number of causes, but a continuing theme was that they considered individual conscience prior in authority in all matters spiritual.

Here, in England, why are we free, why Protestants; but because we are guided by Reason, and judge for our selves? And none amongst us complain of the Liberty of the Press, or the Growth of Free-Thinking, but those who would found a Dominion upon Stupidity and Persecution. Vile and Woful is that Cause, which must be supported by Ignorance and Misery! And yet there are those in Great-Britain, who, tho’ they wear a holy and venerable Livery, yet have the Boldness and Blasphemy to christen that impious Cause, the Cause of God, and of his Church (p. 275).


The Dutch-born Bernard de Mandeville (1670–1733) anatomized humans as social animals, using “the fable of the bees,” as metaphor. In the end, he held that social vice is often an impulse to societal good. Reaction to his work was mixed among English intellectuals debating political and moral theory at the time.

Laws and Government are to the Political Bodies of Civil Societies, what the Vital Spirits and Life itself are to the Natural Bodies of Animated Creatures; ...

What Country soever in the Universe is to be understood by the Bee-Hive represented here, it is evident from what is said of the Laws and Constitution of it, the Glory, Wealth, Power, and Industry of its Inhabitants, that it must be a large, rich and warlike Nation that is happily governed by a limited Monarchy. The Satyr therefore to be met with in the following Lines upon the several Professions and Callings, and almost every Degree and Station of People was not made to injure and point at particular Persons, but only to shew the Vileness of the Ingredients that all together compose the wholesome Mixture of a well order’d Society; in order to extol the wonderful

...
Power of Political Wisdom, by the help of which so beautiful a Machine is rais’d from the most contemptible Branches. For the main design of the Fable, (as it is breffly [*sic*] explain’d in the Moral) is to shew the Impossibility of enjoying all the most elegant Comforts of Life that are to be met with in an industrious, wealthy and powerful Nation, and at the same time be bless’d with all the Virtue and Innocence that can be wish’d for in a Golden Age; from thence to expose the Unreasonableness and Folly of those, that desirous of being an opulent and flourishing People, and wonderfully greedy after all the Benefits they can receive as such, are yet always murmuring at and exclaiming against those Vices and Inconveniences, that from the beginning of the World to this present Day, have been inseparable from all Kingdoms and States that ever were fam’d for Strength, Riches and Politeness at the same time (Preface, pp. [1]–[3]).

The great Art then to make a Nation happy, and what we call flourishing, consists in giving every body an Opportunity of being employ’d; which to compass, let a Government’s first care be to promote as great a variety of Manufactures, Arts and Handicrafts, as Human Wit can invent; and the second to encourage Agriculture and Fishery in all their Branches, that the whole Earth may be forc’d to exert it self as well as Man; for as the one is an infallible Maxim to draw vast multitudes of People into a Nation, so the other is the only Method to maintain them (p. 178).


Burlamaqui’s *Principles* greatly influenced the founders. Jefferson, Wither- spoon, and others owned copies of his principal work on natural law. Burlamaqui (1694–1748) at age twenty-five was named honorary professor of ethics and the law of nature at the University of Geneva.

[H]is singular beauty consists in the alliance he so carefully points out between ethics and jurisprudence, religion and politics, after the example of Plato and Tully, and the other illustrious masters of antiquity. In effect, these sciences have the same basis, and tend to the same end; their business is to unravel the system of humanity, or the plan of providence with regard to man; wherefore the unity of this system being an unquestionable point, as soon as writers ascend to the principles, in order to view and contemplate the whole, ’tis impossible but they all should meet (“The Translator to the Reader,” pp. xiv–xv).


Bolingbroke (1678–1751) was a politician, diplomat, and author. He was a man of wit and learning. According to historian Caroline Robbins, he was widely
read on both sides of the Atlantic. Robbins maintains that his rhetoric is more that of one who is among the political outs, rather than one who was seeking to maintain the commonwealth tradition. “The outs when seeking office seized on popular cries” (Caroline Robbins, The Eighteenth-Century Commonwealth-man [Cambridge, Mass.: Harvard University Press, 1968], p. x).

Now the greatest good of a people is their liberty: and in the case here referred to, the people has judged it so, and provided for it accordingly. Liberty is to the collective body, what health is to every individual body. Without health no pleasure can be tasted by man: without liberty no happiness can be enjoyed by society. The obligation, therefore, to defend and maintain the freedom of such constitutions, will appear most sacred to a patriot king (p. 120).

↔ [CHARLES DE SECONDAT (Baron de Montesquieu)]. De l’Esprit des loix. Geneve, [1748]


Montesquieu (1689–1755) was born wealthy and held a noble title. His treatise on political theory, The Spirit of Laws, was first published anonymously, but was influential outside France through translations. He is best known for his doctrine of the separation of governmental powers. Montesquieu here comments on how the English, despite the efforts of the commonwealth men, were forced to return to a monarchy.

A very droll spectacle it was in the last century to behold the impotent efforts the English made for the establishment of democracy. As those who had a share in the direction of public affairs were void of all virtue, as their ambition was inflam’d by the success of the most daring of their members*, as the spirit of a faction was suppressed only by that of a succeeding faction, the government was continually changing: the people amazed at so many revolutions sought every where for a democracy without being able to find it. At length after a series of tumultuary motions and violent shocks, they were obliged to have recourse to the very government they had so odiously proscribed (vol. 1, bk. 3, chap. 3, p. 29).

* Cromwell

However, for Montesquieu, England is “a republic hiding under the form of monarchy.”

↔ DAVID HUME. Political Discourses. Edinburgh, 1752.

Hume (1711–1776), Scottish philosopher and historian, greatly influenced such Americans as Thomas Jefferson and James Madison. This work is di-

Hume begins his essay on a perfect commonwealth thus:

As one form of government must be allow'd more perfect than another, independent of the manners and humours of particular men; Why may we not enquire what is the most perfect of all, tho' the common botch and inaccurate governments seem to serve the purposes of society, and tho' it be not so easy to establish a new government as to build a vessel upon a new plan? The subject is surely the most worthy curiosity, of any the wit of man can possibly devise. And who knows, if this controversy were fixt by the universal consent of the learned, but in some future age an opportunity might be afforded of reducing the theory to practice, either by a dissolution of the old governments, or the combination of men to form a new one, in some distant part of the world? (p. 282).

He follows on this question with a very detailed plan of representative government.

We shall conclude the subject with observing the falshood of the common opinion, that no large state, such as France or Britain, cou'd ever be modell'd into a commonwealth, but that such a form of government can only take place in a city or small territory. The contrary seems evident. Tho' 'tis more difficult to form a republican government in an extensive country than in a city; there is more facility, when once it is form'd, of preserving it steady and uniform, without tumult and faction, in the former than in the latter (p. 302).

**Religious**

The norm for both Catholic and Protestant states in Europe was to establish a state religion, in the interest of preserving civil order. (Holland was an exception.) This norm held for the first English colonies—Virginia, Plimouth Plantations, and Massachusetts Bay. Subsequently founded colonies greatly loosened the insistence on religious uniformity for a variety of reasons. The laws of Maryland regarding religion were vaguely worded, allowing Roman Catholics to practice. Quakers in West Jersey and Pennsylvania by the 1670s and 1680s granted liberty of conscience. Rhode Island was deliberately founded by Roger Williams to overturn state coercion in matters of faith.
John Cotton. *The Bloudy Tenent, Washed, and Made White in the Bloud of the Lambe: Being Discussed and Discharged of Bloud-Guiltinesse by Just De-

“Liberty of Conscience”—or the freedom in which a citizen is left to follow the dictates of his or her inward sense of what’s right regarding religious creed or practice—came into the language during the years of the Reformation in England. Debates in America on the topic trace back to the early years of the New England colonies. Chief antagonists included Roger Williams and John Cotton. Williams was banished as minister at Salem in 1635 for his ideas that civil magistrates were powerless over persons regarding their religious opinions. Williams’ chief work *The Bloudy Tenent of Persecution* (1644) was ordered by Parliament to be burned. In this book, John Cotton (1584–1652), of the established clergy of Massachusetts Bay Colony, rejects the claims of Roger Williams, point by point.

This Title trespasseth not onely against the Creator of Christian love, which is wont to take even doubtfull things in the fairest sense: but even against the Law of truth. For in the whole purport of my Answer to the Letter, both in stating the Question, and in answering Objections, I expressly professe, 1. That no man is to be persecuted at all (much lesse for Conscience sake:) because all persecution is oppression for Righteousnesse sake. 2. I professe further, That none is to be punished for his Conscience sake, though Erroneous, unless his Errors be Fundamentall, or seditiously, and turbulently promoted, and that after due conviction of Conscience: That it may appeare, he is not punished for his Conscience, but for sinning against his Conscience. Thus whilst as he pleadeth for Liberty of Conscience, he taketh Liberty to his Conscience openly to publish, That I do professedly maintaine Persecution for cause of Conscience, When I doe in expresse tearmes professedly Renounce it. This Liberty of Conscience setteth the Conscience at Liberty (p. 3).


Jessey (1601–1663), nonconformist minister, was a leader of the Jacob Church in Southward, a group that eventually gave rise to the Baptists. He was also a millenarian, that is, one who held that imminent was a 1,000-year-era of peace associated with the Second Coming of Christ. This pamphlet was published in 1656, a year of great optimism about the soon-to-be utopian time. Some believed that a re-gathering of the diasporic Jews was conditional for the occurrence of the millennium. Jessey writes:

*That the Lord may require and expect this kind-
ess towards distressed Jews, as much of this Nation, as (or more then [sic]) of any other Na-
tion. Considering*
1. That the Lord hath exalted *England* in spiritual, and in temporal mercies and deliverances, as much as, (or more then [sic]) any other Nation under Heaven: and all this only for the sake of our Lord Jesus, who concerning the flesh, came of the Jews, ... and by whom the Covenants and promises made to the Jews, are made over to us that are faithful....

2. In our Nation the good people generally have more beleevd the promises touching the calling of the Jews, and the great riches and glory that shall follow to Jews, and us Gentiles; and have (and do stil) more often, and earnestly pray for it, then [sic] any other Nation that we have heard of.

3. Many of the good people here, being persecuted in *Queen Maries* days, and under the Prelates since, have been kindly harboured as strangers in other Lands; and therefore should the more pity and harbour persecuted strangers, especially the persecuted Jews....

4. Many cruel and inhumane injuries have formerly been done in our Nation against the Jews, (that intruded not into *England*, but had been called, and invited to come and dwel here:) cruelties by several Kings, by Lords; and by occasion of the Merchants urging their banishment, multitudes of them were drowned in Thames, or in the Sea (p. 6).

**W[illiam] P[enn].** *The Great Case of Liberty of Conscience Once More Briefly Debated and Defended, by the Authority of Reason, Scripture, and Antiquity: ... [London], 1670.*

The founder of Pennsylvania, Penn (1644–1718) wrote more than forty works, chiefly on toleration, and was active in English politics for several decades. He wrote this work while imprisoned in Newgate for his Quaker non-compliance with a religious law favoring Anglicanism. At trial, the jury found Penn not guilty, but the jury, in turn, was thrown in prison by the mayor of London. The chief justice overturned this act, thus reinforcing the principle of the autonomy of juries. Penn begins:

To the Supream Authority of ENGLAND. 
Tolleration (for these ten years past) has not been more the *Cry of some*, than persecution has been the practice of others, though not on *Grounds equally rational.*

The present Cause of this *Address*, is to soliciu a *Conversion of that Power* to our Relief, which hitherto has been imployd to our Depression; that after this large experience of our innocency, and long since expir'd *Apprenticeship of Cruel Sufferings*, you will be pleasd to *cancel all our Bonds*, and give us a Possession of those Freedoms, to which we are entituled by *English Birthright*.


Locke’s *Second Letter* was a reply to Jonas Proast, who had published a reply to Locke’s initial *Letter* regarding toleration in matters of religion. The presentation of Locke’s reply is in the form of a dialogue, in which Proast’s words are set in italic and Locke’s response in roman, clearly marking Locke’s answering Proast point by point.
The first thing you seem startled at, in the Author’s Letter, is the largeness of the Toleration he proposes: And you think it strange that he would not have so much as a Pagan, Mahometan, or Jew, excluded from the civil Rights of the Commonwealth, because of his Religion [on Proast’s page 1]. We pray every day for their Conversion, and I think it our Duty so to do: But it will, I fear, hardly be believed that we pray in earnest, if we exclude them from the other ordinary and probable means of Conversion; either by driving them from, or persecuting them when they are amongst us. Force, you allow, is improper to convert Men to any Religion. Toleration is but the removing that Force. So that why those should not be tolerated as well as others, if you wish their Conversion, I do not see (p. 2).

In 1655, the year of the conference at White-Hall on the Jews, Thomas Barlow (1607–1691), Bishop of Lincoln, wrote “For Toleration of the Jews.” It was not published until one year after his death, when it appeared in this compendium of his works. Barlow’s tract is a learned argument, with shoulder notes.
and citations, turning away legal and other objections by stressing the benefits
of taxation and other practical aspects of toleration.

This premised, I say, That the Jews neither desiring, nor intending to be Members of
our Church, but only of our Common-weal; their admission or exclusion depends only
on the Civil Power. For the command of
the Common-weal (as it is a civil Society)
being solely in the Civil Magistrate, to him
only it will belong to judge whether it be fit
to admit or exclude them, and to do accord-
ingly (p. 37).

Benjamin Hoadly. The Original and Institution of Civil Government,
Discuss’d. Viz. I. An Examination of the Patriarchal Scheme of Government. II.
A Defense of Mr. Hooker’s Judgment, ... against the Objections of Several Late
Writers.... London, 1710.

Hoadly (1676–1691) was a consummate Whig clergyman, declared by those
likeminded to be “an exemplary divine” and by his detractors as “an infamous
and Scandalous Advocate for Rebellion” and a “true Jeroboam” priest. On the
American side, he influenced Jonathan Mayhew, William Livingston, and Jon-
athan Dickinson. His works were held in Yale and Princeton’s libraries.

I have, in the foregoing Chapter, shewn that the
Patriarchal Scheme sinks the Titles of
all Princes into Mere Possession; pretending
that there can be no Wrong, or Usurpation,
where no other particular Person can make
out a juster Title to a Crown, than that of
Possession: And I have made it evident that
this Possession can give no Right, properly so
called; that is, no Right, sufficient to justify
the Possessor. That there was a time, when
the true Heirs of Noah’s Grandsons became
unknown, cannot be denied.... At that time
there was no one particular Person who
had more Right to Government than another.
And where there is no one, who hath any
more Right than another; there a People are
equal, with respect to Right, because no one
Person hath any at all. Nothing therefore,
can be rightfully done in such a State; but
by their entering [sic] (all, or part, of them,)
into Consultation, upon equal Terms. And
that Possession, which by Force, or Fraud,
hinder’d this, can be nothing but Usurpa-
tion: not indeed an Usurpation of a Govern-
ment which belongs, by right, to any par-
ticular Person: but an Usurpation of what
belongs not to the Possessor, or any one else;
and an Usurpation upon the Community, by
hindring the Exercise of that Right of Free
Deliberation, and Consent, which belongs to
the whole Body (p. 124).

John Toland. Reasons for Naturalizing the Jews in Great Britain and
Ireland, on the Same Foot with All Other Nations. Containing Also, a Defence of
the Jews against All Vulgar Prejudices in All Countries. London, 1714. (Bound
in a volume with the spine title: Tracts on the Naturalization of the Jews,
1714–1753.)

A contemporary described John Toland (1670–1722) as a “candid free-thinker
and a good scholar.” Earning a living through patronage, commissions, and
publishing, he maintained a lifelong interest in religious toleration and civil liberty. His editions and biographies of Algernon Sidney, Denzil Holles, Edmund Ludlow, John Milton, and James Harrington were staples of the Whig tradition. Toland continued Barlow’s arguments for the Jews:

Nevertheless tis manifest almost at first sight, that the common reasons for a General Naturalization, are as strong in behalf of the Jews, as of any other people whatsoever. They encrease the number of hands for labor and defence, of bellies and backs for consumption [sic] of food and raiment, and of brains for invention and contrivance, no less than any other nation. We all know that numbers of people are the true riches and power of any country, and we have been often told, that this is the reason, why Spain (since the expulsion of the Jews and Moors) being continually drain’d of her inhabitants by the colonies in America, and all other Nations being in a manner kept out by the rigor of the Inquisition, is grown so prodigiously weak and poor: wheras, tho Holland has comparatively but few native Inhabitants, and sends great numbers yearly to the East-Indies; yet allowing an unlimited Liberty of Conscience, and receiving all nations to the right of citizens, the country is ever well stockt with people, and consequently both rich and powerful to an eminent degree (p. 6).


The question of rights and liberties regarding religion came up again during the 1740s, the revival years known as the “Great Awakening.” Popular response to itinerant preachers alarmed established clergy as well as civil authorities. In response, in Connecticut, the General Assembly passed a law imposing heavy restrictions on the itinerants. Elisha Williams (1694–1755), tutor and rector at Yale, then a judge of the superior court of Connecticut, took exception and wrote *The Essential Rights and Liberties of Protestants.*

Every man has an equal Right to follow the Dictates of his own Conscience in the Affairs of Religion. Every one is under an indispensible Obligation to search the Scripture for himself … and to make the best Use of it he can for his own Information in the Will of God, the Nature and Duties of Christianity. And as every Christian is so bound; so he has an unalienable Right to judge of the Sense and Meaning of it, and to follow his Judgment wherever it leads him; even an equal Right with any Rulers be they Civil or ecclesiastical (pp. 7–8).

Amos Adams (1728–1775), Harvard A.B., 1752, was ordained pastor of the First Church at Roxbury at age twenty-five. Animated in the pulpit, he was known as a patriot, and as one who spoke out against slavery. He contracted dysentery while ministering to American troops during the siege of Boston.

I answer: in the first place we disclaim all human authority, in matters of faith and worship: We regard neither pope nor prince as head of the church; nor acknowledge that any parliaments have power to enact articles of doctrine, or forms of discipline, or modes of worship, or terms of church communion. We utterly deny the power of any national church, or even of the church universal, to decree rites and ceremonies, in the worship of God, or to have authority in matters of faith. Or to make new terms of ministerial or lay communion, which are not already made, in the new testament. We utterly disclaim, and enjoy a liberty from all civil and ecclesiastical authority in matters of faith and worship. Christ, and Christ alone, we acknowledge and submit to, as sole head, king, and lawgiver, in his church; as alone having authority, by himself, and by his inspired Apostles, to give us articles of faith, and to institute rights and forms of worship and discipline, in the church which is the house of the living God. We here assert, maintain, and enjoy the liberty of judging and acting for ourselves, in matters of religion; God alone being the Lord of conscience, and his people accountable to him alone as their only sovereign. These churches are founded on the natural right of private judgment; they are voluntary societies of the faithful, for the worship of God, in the manner, that they find prescribed in God's word; without the least impositions of human authority, temporal or spiritual. Liberty is the fundamental principle of our establishment; we are accountable to none but Christ. This liberty, blessed be God, we have fully enjoyed, from the beginning. It is a darling privilege, which we cannot be unwilling to give up. While we retain this liberty, we hold the door fast shut against spiritual tyranny and impositions on conscience (pp. 38–39; footnote after “new testament” omitted).

Freedom of the Press


John Asgill (bap. 1659, d. 1738) was a lawyer, one-time banker, and parliamentarian. His religious pamphlet on the meaning of death for a Christian, published in 1700, was condemned by Commons. Debt put him in prison, from which he published this pamphlet, together with others on divorce, charity, debt, and various other civil and religious topics.

That there should be a Restraint upon the Press, seems a matter of Necessity: But the Manner of it, a Matter of Debate. The Use and Intent of Printing, is (the same with that of Preaching) for communicating our Thoughts to others.
And there is equal Reason (in it self) for suppressing the one as the other.

But this Communication being the natural Right of Mankind (as sociable Creatures, and all embark’d in one common Salvation) the suppressing of either of these, is taking away the Children’s Bread.

And in this Communication, Printing is more diffusive than Speaking (pp. 2–4 [sic]).

The Trial of John Peter Zenger, of New-York, Printer; Who Was Tried and Acquitted, for Printing and Publishing a Libel against the Government. With the Pleadings and Arguments on Both Sides. London, 1752.

In 1735, John Peter Zenger (1697–1746) published criticism of New York colonial governor William Cosby. Zenger was jailed for seditious libel. The jury found Zenger not guilty, thus accepting the argument of Zenger’s attorney that, contrary to prevailing common law, true statements were sufficient to overturn charges of libel. Ever since, the case has stood as a landmark defining freedom of the press.

Philadelphia lawyer, Andrew Hamilton (c. 1676–1741) defended Zenger. This is an excerpt from Hamilton’s argument:

Besides, is it not against common Sense, that a Man should be punished in the same Degree for a true Libel (if any such Thing could be) as for a false one? I know it is said, “That Truth makes a Libel the more provoking, and therefore the Offence is the greater, and consequently the Judgment should be the heavier.” Well, suppose it were so, and let us agree for once, That “Truth is a greater Sin than Falsehood;” yet as the Offences are not equal, and as the Punishment is arbitrary, that is, according as the Judges in their Discretion shall direct to be inflicted; is it not absolutely necessary that they should know, whether the Libel is true or false, that they may by that Means be able to proportion the Punishment? For, would it not be a sad Case, if the Judges, for want of a due Information, should chance to give as severe a Judgment against a Man for writing or publishing a Lie, as for writing or publishing a Truth? And yet this (with Submission) as monstrous and ridiculous as it may seem to be, is the natural Consequence of Mr. Attorney’s Doctrine, “That Truth makes a worse Libel than Falshood,” and must follow from his not proving our Papers to be false, or not suffering us to prove them to be true (p. 39).


Thomas Hayter (1702–1762) entered the Anglican clergy shortly after being awarded his B.A. degree from Oxford in 1724. He had a number of rectorships and other posts, most notably as Bishop of Norwich from 1749 to 1761. His politics were Whig, praising the “Blessings, of which the Revolution gave us full Possession, civil and religious Liberty.”
The Liberty of the Press is connected with natural Liberty. The Liberty of the Subject being now generally admitted to be founded in the Reservations made in that Compact, which originally cemented Society, supposeth the Use of Speech.

The Men who first gave up their natural Rights for the Benefits of Society, must have stickled hard for the Faculty, which promoted and facilitated the Conjunction; and most certainly, they never entered into a Compact, that, if at any Time the Gift of Speech should be grossly abused by any Number of Men, a whole Nation would submit to be deprived of the Use of it. Whatever they cannot be supposed to have given up remains a natural Right, and is a Part of those Rights, which constitute the Liberty of the Subject.

British Liberty consists in the Power of asserting, by Representatives, those natural Rights which were reserved as the Liberty of the Subject, at the first Institution of Society. It would be an Act of Sedition, as well as an Absurdity, to insinuate that this Power is ever likely to be perverted, to the Destruction of any natural Right thus reserved: So close is the Alliance between the Liberty of the Press and the Liberty of a British Subject.

We may judge, from this View of the Case, how greatly those learned Men are mistaken, who deny the constitutional Existence of the Liberty of the Press, because the Press is not coeval with Magna Charta. The Use and Liberty of Speech were antecedent to that great Charter of British Liberties; and Printing is only a more extensive and improved Kind of Speech (pp. 6–8).

Scotch émigré settled in Philadelphia, Robert Bell (1732?–1784) published the first and many later editions of Common Sense. He said of that experience: “When the work was at a stand for want of a courageous Typographer, I was then recommended by a gentleman nearly in the following words, ‘There is Bell, he is a Republican Printer, give it to him, and I will answer for his courage to print it.’ ”

But, if according to the opinion of some violents against the freedom of enquiry, they will unwisely trample upon that greatest of all privileges, the Liberty of the PRESS; then will they, like the foolish people of Britain, commit suicide on their own liberties, and thus, entail upon themselves, the scorn and contempt of all true and consistent friends to real Liberty, because, if new modes of Government, are either in reality, or in appearance, approaching towards the inhabitants of America; it is more peculiarly necessary on these extraordinary occasions, that the Liberty of the PRESS should be freely exerted: For, if in these changes, we do not fully retain all our present happy privileges, but weakly suffer any restrictions or curtailings of Liberty to
A few more Words, on the Freedom of the PRESS, Addressed by the Printer, to the Friends of Liberty in America.

Since the PRESS is Free, long may it remain Free, must be the fervent wish of every Friend to real Freedom.

B E L L.

It was the saying of an Ancient, and wife Englishman, (TINDAL) who lived at the time of the Glorious Revolution in 1688, that, "While the Freedom of the PRESS is preserved, all other Liberties, both Civil and Religious, will be secured to us, under "so faithful a Guardian." And it is the declaration of the modern, and noble Virginians, "that the Freedom of the PRESS is one of "the great bulwarks of Liberty, and can never "be restrained but by despotic governments."

Notwithstanding these worthy and estimable authorities, if there are yet any number of mistaken men existing, who under the specious pretence of there being a necessity at some trying exigence for a temporary restriction of the Freedom of the PRESS, and their foolish advice should at any one time be adopted, we may then bid a final adieu to every thing pertaining to Liberty: For it is more than probable, that like unto the wretched British Parliament, in the Year 1715, who pretended, there were at that time, too many Jacobites in the nation, to suffer the triennial election of Members for that House. — They then tyrannically constituted themselves into a septennial parliament: And for the last sixty years, have illegally and audaciously committed one continued insult upon the constitution of the Kingdom, and upon the understandings of the whole body.

advance upon us with new establishments, it will afterwards be next to impossible to regain the desirable possession.

Thus far the Printer still thinks it indispensably his duty to support the Freedom of the PRESS, in which all the lovers of genuine Liberty are deeply interested. And, if there are any, who think otherwise, they may if they please, peruse what follows (p. [68]).

John Wilkes (1725–1797), journalist, member of parliament, and lord mayor of London, was a hero to radical Americans of the eighteenth century for his support in Parliament of American resistance to taxation and for questioning Parliament’s authority. In 1763, his arrest for publishing seditious libel in Number 43 of his newspaper, *The North Briton*, was effected by general warrants. The arrest was overturned. This and events immediately following gave rise to several judicial decisions ending the use of general warrants as grounds for arrest.

The liberty of the press is the birth-right of a Briton, and is justly esteemed the firmest bulwark of the liberties of this country. It has been the terror of all bad ministers; for their dark and dangerous designs, or their weakness, inability, and duplicity, have thus been detected and shewn to the public, generally in too strong and just colours for them long to bear up against the odium of mankind (issue of June 5, 1762).


Blackstone (1723–1780) is revered as the greatest eighteenth-century commentator on English law. He was instrumental in introducing English common law as an academic pursuit at Oxford. Comprising 2,000 pages over four volumes, the *Commentaries* are now considered to be the most influential law book ever published in English. Blackstone harshly criticized the preponderance of capital crimes in the British penal code.

In this, and the other instances which we have lately considered, where blasphemous, immoral, treasonable, schismatical, seditious, or scandalous libels are punished by the English law, some with a greater, others with a less degree of severity; the liberty of the press, properly understood, is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state: but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public: to forbid this, is to destroy the freedom of the press: but if he publishes what is improper, mischievous, or illegal, he must take the consequence of his own temerity. To subject the press to the restrictive power of a licensor, as was formerly done, both before and since the revolution, is to subject...
all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion, and government. But to punish (as the law does at present) any dangerous or offensive writings, which, when published, shall on a fair and impartial trial be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty. Thus the will of individuals is still left free; the abuse only of that free will is the object of legal punishment. Neither is any restraint hereby laid upon freedom of thought or enquiry: liberty of private sentiment is still left; the disseminating, or making public, of bad sentiments, destructive of the ends of society, is the crime which society corrects (pp. 151–52).


Wortman (d. 1822), an attorney, was the long-serving Clerk of the City and County of New York and an assistant justice there. Politically he was allied with DeWitt Clinton and the Jeffersonian Republicans. He wrote for the *American Citizen and General Advertiser*, which carried the following notice of his newly published *Treatise*: “This work we are assured does honor to the talents of the author. It contains a development of first principles on these interesting subjects, and defines in a perspicuous manner, the constitutional liberty of the press in this country” (March 25, 1800, vol. 1, issue 14, p. 2).

No topic can be more interesting than that which relates to the improvement of human society. Political institution is an object of universal concern, and calculated to excite the most ardent solicitude. The general happiness essentially requires, that the authority of civil Government and the rights of the people, should be equally established upon solid and rational principles.

Gratitude demands an acknowledgment of the numerous blessings we enjoy. It is our privilege to live under the influence of a system peculiarly excellent; a system that will stand the test of the most scrutinizing investigation. If we compare the political establishments of the United States with those of any other age or nation, without partiality, we may pronounce, that our own institutions are entitled to decided preference.

Bound to our country by the most sacred ties and the most endearing relations, it is our perpetual duty to understand and promote its interests. Public Liberty is the greatest blessing of the social state: it is the most invaluable attribute of our civil Constitution.

The freedom of speech and opinion, is not only necessary to the happiness of Man, considered as a Moral and Intellectual Being, but indispensibly requisite to the perpetuation of Civil Liberty. To enforce and advocate that inestimable right, is the principal object of the present Treatise (pp. [iii]–iv).

Little is known of John Thomson (fl. 1801) other than his work as a self-published author and a hair dresser. In 1801, he announced in a New York newspaper that “he has just opened an Office of Intelligence for Masters and Servants of every description.” Intelligence offices were early forms of today’s placement bureaus, then chiefly screening risky domestics for the wealthy.

When the Alien and Sedition laws were passed in the summer of 1798, it appeared to me, that they were the offspring of terror and party prejudice, founded upon injustice; and calculated to create more enemies than friends to the government. I conceived it the duty of every man to investigate the principles of the Sedition law in particular (p. [iii]).

In a free and unrestrained Liberty of Speech and Press, many errors will undoubtedly be brought before the public eye; but, even these will not be without their use. When detected by accurate reasoning, the truth will appear with increased lustre. The only danger to be apprehended, is from investigation being fettered, and error allowed to become rooted in the mind.

Let the whig and tory, the royalist and aristocrat [sic], the republican and democrat, or by whatever other name the partizans [sic] of political parties are designated; let them, I say, be allowed to express their opinions, whether by speech or press, with the same unconstrained freedom with which men of science discuss their subjects of investigation. No more danger will result from the one discussion, than arises from the other.

An unlimited freedom in the exercise of religious opinions has been recognized in the United States. The good effects of this are sufficiently visible. We here see none of that superstitious enmity, and uncharitable fanaticism of one denomination against another, which is so prevalent in all European countries where established religions exist. This very circumstance, which we now see realized, was at no very remote period, deemed by many well informed men to be utterly impracticable. Give unto all opinions the same freedom, and the same effects will follow (pp. 83–84).