Wilburne, Cooper, Locke, Trenchard and Gordon: *Who should get credit for colonial America's enthusiasm for Natural law and Natural rights?*

By Robert Yarnell

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When I would teach the Declaration of Independence, I would ask my students where Jefferson got the ideas he included in the theory of government paragraph. Invariably, the students would answer, John Locke. I would then ask, where did Locke get those ideas from. Someone might say he thought them up himself but mostly the students admitted they never gave that a thought. I would tell them he got them from John Lilburne. However, I would add, Locke never met Lilburne and as far as we know never read anything Lilburne wrote, so, how did Locke get them? What is the missing link? I made that an extra credit assignment. Most semesters 3-5 would turn something in and usually at least one got it correct.

But, before we get to the answer to that question, let us consider John Lilburne. Lilburne was a member of a group known as the Levellers in mid-17th century England. The name is slightly misleading because it implies to some people a sort of idealistic socialism.[i] The Levellers advocated expanding the vote, equality before the law, religious toleration, freedom of trade and protection of private property. They based their views on natural law. They attached themselves to the Parliamentary forces during the English civil war against Charles I, believing that their ideas and proposals would get a fair hearing once Parliament won. However, Cromwell persecuted them just as Charles I had for being too radical.

Which bring us to Ashley Cooper, the missing link between Lilburne and Locke. After briefly supporting the Royalist forces, Anthony Ashley Cooper switched to the Parliamentary side and came under the influence of the Levellers. Following the Parliamentary victory, he served on the English Council of State under Cromwell, though he opposed Cromwell's dictatorial rule. In October 1666 Cooper met John Locke. I will let Murray Rothbard take it from here:

> "… something happened to John Locke … when he became personal secretary, advisor, writer, theoretician, and close friend of … Anthony Ashley Cooper … who in 1672 was named the first Earl [of] Shaftesbury. It was due to Shaftesbury that Locke, from then on, was to plunge into political and economic philosophy, and into public service as well as revolutionary intrigue. Locke adopted from Shaftesbury the entire classical liberal Whig outlook, and it was Shaftesbury who converted Locke into a firm and lifelong champion of religious toleration and into a libertarian exponent of self-ownership, property rights, and a free market economy. It was Shaftesbury who made Locke into a libertarian and who stimulated the development of Locke's libertarian system. Without Shaftesbury, Locke would not have been Locke at all. But this truth has been hidden all too often by historians who felt they had to hide this relationship in order to construct an idealized

> image of Locke the pure and detached philosopher, separate from the grubby and mundane political concerns of the real world.
> As worked out and developed by John Locke in the early 1680s in his *Two Treatises of Government*, Shaftesbury's arguments turned out to be pretty much the same as the ones John Lilburne had offered the literate English public back in the turbulent 1640s. [ii]

Locke's Two Treatises would cross the Atlantic and be read by people in the colonies. But who, exactly, is reading Locke? While most of the American colonists in the 18th century were literate, only the wealthy and well-educated could afford the books and had the leisure time to deal with Locke's sometimes dense prose. So, how did Locke's ideas get to the common man, the masses of the people? We will explore that question next month. [iii]

[1] While they advocated expanding the number of people who could vote, they did not believe paid domestics, for example, should be given the right to vote as they would merely vote as their employers wished. They extended that same line of reasoning to include mechanics and artisans employed by small businesses.

ii Liberty and Property: The Levellers and Locke By Murray N. Rothbard

iii Shaftsbury and Locke both tutored Shaftsbury's grandson, who would become the 3rd Earl. The young Shaftsbury then attended Dublin college where he quickly gained admittance to a select group of thinkers and scholars. One member of the group said of him "he is the most original moral thinker of his generation." Locke and his grandfather had done their job well. He is credited with re-defining the word politeness. He took a word used by jewelers and stone masons meaning to polish and defined it as meaning not just good manners, but also kindness, compassion, self-restraint, and a sense of humor. He asked the question what is the basis for a society where men are polite? His simple answer was Liberty. "All politeness is owing to liberty." In a free society, he wrote, you polish and refine yourself to a higher level of politeness through social interaction with others. He was an advocate of doing good for other people not out of a sense of duty or obligation, but because, he believed, doing good gave one a sense of wellbeing. His writings and teachings on moral philosophy influenced the faculties of both Glasgow University and Edinburgh University. It was at those universities that many Scots who immigrated to the American colonies in the early and mid-18th century received their education. They brought the ideas of the Scottish Enlightenment to America…Lilburne's ideas transmitted to the 3rd Earl of Shaftesbury by his grandfather and Locke and from him to numerous people educated in the two great Universities in Scotland. Among them John Witherspoon—President of Princeton and NJ delegate to the 2nd Continental Congress.