

The Enthusiast Protestant Roots of the Modern Concept of “Freedom of Religion.”

John Lilburne and the Leveller Movement

Nathan B. Gilson

HIST 501

In his letter to the Danbury Baptists, Thomas Jefferson employed the conventional language of his time by referring to God as the “common father and creator of man” rather than in more personal or devotional terms.¹ Such language that emphasized God’s role as creator was typical of the political work of Jefferson, but it would be inaccurate to try to claim that any of his ideology was more than loosely grounded in a belief in the general principles of the Judeo-Christian tradition. Similar linguistic application can be found in John Locke’s *Second Treatise on Government*. In the first chapter, Locke’s discussion of Biblical content is limited to a discussion of Adam and is really intended to be a refutation of the argument made by the Church to support the ideas of divine right.² The entire discussion is based on logic and merely acknowledged God’s role as creator. Later in the *Second Treatise*, Locke again acknowledged the “wisdom of the creator” without dealing with any specifics related to the Bible. There is, therefore, nothing resembling an evangelical spirit in any of Locke or Jefferson’s works concerning the freedom of religion.³ This has led historians like Francis Coligliano to conclude that the idea of freedom of religion was not explicitly linked to any religious tradition.⁴ What is clear is that regardless of the relationship that Locke or Jefferson had to Protestantism, the idea of religious freedom as a political ideology first came from Levellers like John Lilburne: a man

¹ Jefferson, *Letter to the Danbury Baptists*, 1801.

² Locke, *Second Treatise on Government*, 1689.

³ Reeve, *Review of Locke’s Two Treatises on Government* by Richard Ashcraft, *Modern Language Review*, 929. In his review of Richard Ashford’s *Locke’s Two Treatises of Government (1987)*, Andrew Reeve observed that Ashford showed that although Locke’s works, especially the *Second Treatise* may have secular tones, that it was profoundly influenced by Locke’s own Protestantism. According to Reeve, Ashford claimed “that the origins of Locke’s radicalism are to be found in dissenting Protestantism’s moral and religious presuppositions.” This is supported by Murray Rothbard’s own claims that Locke was heavily influenced by his scientific and empirical training from his years in Oxford, and therefore was more likely to adopt a more scientific approach to his writing than other authors. Marxist historian Christopher Hill also acknowledged the profound influence of 17th century Puritanism had on empiricism. It is therefore anachronistic to assume that Locke’s works, although deliberately devoid of religious rhetoric, were nonetheless influenced by it.

⁴ Cogliano, “Jefferson’s Epitaph” in *Thomas Jefferson: Reputation and Legacy*, 2006, 147-155. Nowhere in his overview of this topic does Coligliano discuss religious influences on Jefferson’s thought, nor should he, as it seems pretty clear that Jefferson’s concept of religious freedom was a political, not religious belief.

who was profoundly influenced by his commitment to his Christian faith, and that his ideology of the freedom of religion was based on his interpretation of Biblical principles and their applications to government.

John Lilburne, or “Freeborn John” as he would come to be known, had initially run afoul of the English government and Church of England for refusing to vet books with his local bishop before importing them into England. Lilburne came to be known as one of the leaders of a radical political group known as the “Levellers” whose concept of freedom was so extreme for their time that they would eventually be seen as dangerous by Monarchists, Presbyterians, and Independents alike by the end of the 1640’s.

Roger Howell and David Brewster made an important observation that Levellers cannot be treated as a monolithic group, and the ideologies of each individual must be evaluated separately.⁵ This means that special care must be given to not automatically treat Leveller statements as being representative of the beliefs of each individual. Political associations were fluid for the entire century, none more so than during the Civil War and Interregnum Periods. By the eve of the Interregnum Period, many of the officers of the New Model Army were no longer as supportive of religious toleration being extended to Catholics and Anglicans as they had been in the *First Agreement of the People*. Just because some of the Leveller allies had changed their own views, Howell and Brewster concluded that “it is dangerous to conclude that the Leveller leadership had changed its position.”⁶ They cite Lilburne’s words in *Englands New Chains Discovered* (1649) that “there [was] no greater trouble to the Nation about any thing than

⁵ Howell and Brewster, "Reconsidering the Levellers: The Evidence of the Moderate." *Past & Present*, 1970, 69-70.

⁶ *Ibid*, 80-81.

by the intermeddling of Parliaments in matters of Religion”⁷ to show that Lilburne was willing to compromise certain beliefs as a matter of political pragmatism, but that his commitment to universal toleration was unchanged.⁸ This explains Lilburne’s support for the *First Agreement* but also his insistence on writing the *Second* and *Third Agreements of the People* to clarify his own position.

It is important to recognize the Leveller roots of Jefferson and Locke’s ideologies, a point which is often lost in historiographical interpretations like Cogliano’s which credited Jefferson’s *Virginia Statue for Religious Freedom* as “the first such act in modern history.”⁹ It is fair to point out that Jefferson’s law was actually enacted, whereas the Leveller propositions were not, but such statements often overshadow or completely ignore the Leveller efforts and their influence on subsequent ideas. Richard Ashcraft, an author who has written extensively on the political theories of John Locke, argues that many of Locke’s ideas had previously been expressed by the Levellers. In “The Radical Dimensions of Locke’s Political Thought,” Professor Ashcraft made explicit links between the Leveller’s understandings of the natural law and Locke’s own expositions on it later. Ashcraft argued that Locke “formulate[d] practical judgments concerning the existing institutional structures and practices within the realms of religion and politics.”¹⁰ Based on his analysis, the ideologies of Locke and the Levellers that came before him were the source of the emerging concept of “natural rights,” of which the freedom of religion was a key tenant. More importantly, Ashcraft’s careful evaluation of the actual meaning of the Leveller’s and Locke’s writings within their contemporary political

⁷ Lilburne, *Englands New Chains Discovered (1649)* in Howell and Brewster, “Reconsidering the Levellers,” 81.

⁸ Howell and Brewster, “Reconsidering the Levellers”, 81.

⁹ Cogliano, “Jefferson’s Epitaph”, 149.

¹⁰ Ashcraft, “Radical Dimensions of Locke’s Political Thought,” *History of Political Thought*, 1992, 763.

contexts demonstrate that one should give credit to the Levellers for having originated the ideas that later came to be attributed to Locke and others. This opinion is echoed by Murray Rothbard, who credited the Levellers with being the “first self-consciously libertarian mass movement.”¹¹ Rothbard points to the Leveller principles of “self-ownership, private property, religious freedom for the individual, and minimal government interference” as being the evidence of a deep commitment to the principles of natural rights.¹²

This interpretation of the Levellers was challenged most significantly by the works of C.B. Macpherson in the mid-20th century.¹³ Prior to Macpherson’s work, it had been taken for granted that the Levellers were the first political movement in the modern world that had advocated for a much broader concept of democratic government that, although perhaps not as broad as our current concept. Macpherson looked at the *Three Agreements of the People* and came to the conclusion that their arguments were structured in such a way as to essentially

¹¹ Rothbard, *An Austrian Perspective on the History of Economic Thought: Classical Economics*, 1995, 313.

¹² Ibid.

¹³ Although it has not been officially labelled as such, there was a hegemony of the classic interpretation of the Levellers until the work of Marxist historians in the mid 20th century upon which virtually every historiography agrees. C.H. Firth’s *The Clark Papers* (Camden Society, 1891), W. Haller and G. Davies’s *The Leveller Tracts 1647-1653* (New York, 1944), and S.R. Gardiner’s *History of the Great Civil War* (Whitney, UK, 1910-1911) are all examples of historians and works that interpreted the political significance of the Levellers as the earliest example of a coherent and unified political theory of democratic principles. This has been the essential historiographical interpretation of the more recent historical works like J.A. Pocock’s *The Ancient Constitution and Feudal Law* (Cambridge, 1957) and Murray Rothbard’s *An Austrian Perspective on the History of Economic Thought: Classical Economics* (Auburn, 1995). It was not until the work of the Marxist historian, C.B. Macpherson, in his book *The Political Theory of Possessive Individualism, Hobbes to Locke* (Oxford, 1962), that an alternative historiographical interpretation of the Levellers was offered. Any historiographical review that concerns the Levellers must incorporate Macpherson’s work. Macpherson argued that the Levellers sought to maintain the economic status quo by preserving the power of the propertied class, albeit through a change in government institutional structure. His thesis is that the Levellers ought to be interpreted primarily as predecessors to the radical Whigs of the late 17th and early 18th century, and that they should be understood as conservatives rather than radical democrats. Macpherson’s thesis has been challenged by work like Richard Ashcraft’s book *Revolutionary Politics and Locke’s Two Treatises of Government* (Princeton, 1986) in which Ashcraft argues that Locke and the Levellers represented a radical libertarian movement with essential beliefs in the natural rights of all men. Current historiographical interpretations are highly polarized, and very little has been written recently that does not strongly favor Macpherson’s or Ashcraft’s interpretation. There have been efforts like J.C. Davis’s essay “The Levellers and Democracy” (1968) and in Marxist historian Christopher Hill’s books and essays to find common ground between the Marxist and traditional interpretations.

continue to serve the propertied class since the Levellers excluded those who were dependent upon public assistance or were beggars from enfranchisement.¹⁴ Macpherson's premise is essentially based on a Marxist ideological framework which assumes an economic motivation for political positions. Christopher Hill, another Marxist historian, refuted this interpretation, by arguing that the religious beliefs of the Levellers were critical to understanding their motivations.¹⁵ Michael Levy further clarified the Leveller stance by observing that:

One can only fully appreciate the centrality of property in its narrow and extended meanings for Lilburne in the light of his apocalyptic and separatist religious views. From this perspective, his arguments about property become part of an instrumental political sociology of religious liberty. . .¹⁶

Levy claimed that it is anachronistic to treat the term "property" with the modern definition of a physical object; he suggested instead it should be interpreted as "a secure collection of rights to use or direct something, rather than the thing itself."¹⁷ Bearing this in mind, one must be careful to avoid anachronism when analyzing Leveller texts, since often they spoke of "property" in the way that a modern political philosopher would discuss "natural rights." They were, to Lilburne and the Levellers, essentially the same and interchangeable things. Any historian who is evaluating Lilburne's ideas from a Marxist perspective is especially susceptible to misinterpretation, since the modern concept of "property" lends itself strongly to a Marxist interpretation which could easily exchange libertarian arguments about rights for self-interested arguments about preservation of one's own property.

Macpherson's dialectical approach is further open to criticism in his claim that the real significance to understanding political theory is not to understand what the original author

¹⁴ Levy, "Freedom, Property, and the Levellers: The Case of John Lilburne." *The Western Political Quarterly*, 1983. 116.

¹⁵ Hill, *Puritanism and Revolution*, 1958, 75-82.

¹⁶ Levy, "Freedom, Property, and the Levellers", 118.

¹⁷ *Ibid*, 121.

intended to say, but rather what the modern implications were of their ideas. Joseph Carens noted that Macpherson's ideas about the Levellers exemplified this interpretation; specifically how he reinterpreted Leveller ideology based on the subsequent incorporation of their ideas into the emerging "possessive individualism" of 17th century English political thought.¹⁸ To Macpherson and other Marxist historians, the concept of possessive individualism¹⁹ believed the Levellers to be in agreement with other contemporary political thinkers like Thomas Hobbes based on the idea that Hobbes and Levellers both referenced "natural rights" and advocated for a preservation of the status quo, Hobbes the preservation of the aristocracy, and groups like the Levellers the preservation of the property of the capitalist class, which in 17th century England were largely one and the same. Carens looked at the beliefs about the nature of the concept of "natural rights" in the 17th century and observed a fundamental difference between those who supported an absolute monarch like Hobbes and those who favored strong constitutional limitations like the Levellers.²⁰ Hobbes and others argued that natural rights were alienated from the individual by the State, and therefore were subject to interpretation by the monarch, while Levellers and later Locke, and others argued that rights were inalienable, and could not be separated from the individual, even voluntarily.²¹ Therefore, they cannot be treated as the same argument, and to do so is to misunderstand the philosophical underpinnings of these points of view. When viewed in this light, it is also impossible to ignore the use of the term "inalienable" in *The Declaration of Independence*, and since it is there connected to the idea of natural rights,

¹⁸ Carens, *Democracy and Possessive Individualism, The Intellectual Legacy of C.B. Macpherson*, 1993, 6.

¹⁹ Since Marxist historians see this progression as being an inevitable step toward the eventual communist utopia, the idea of the "possessive individualism" carries with it a dual sense of inevitable yet also incomplete progress.

²⁰ Ibid, 26.

²¹ Ibid, 28.

it was a clear indication of Jefferson's adoption of the Leveller principle of inalienable natural rights.²²

This is an important point to be made about Leveller beliefs in general, since it has strong implications for their views on the freedom of religion and in general about the function of a constitution in protecting the religious rights of minorities. Freedom of religion was believed to be a natural right, and as Carens demonstrated, to Lilburne and the Levellers this meant that every person had an inalienable right to this freedom. Even if an individual or collection of individuals chose to sacrifice this right in order to be subordinated to a State Church, according to Leveller political theory, one could not alienate this right for themselves, let alone others. It would be philosophically inconsistent for anyone believing in inalienable rights as the Levellers did to not include universal religious toleration. Their belief in the nature of inalienable rights is the source of the specific function of the negative constitution. Religion, then, was expressly between one and his or her God, and could not be a part of the social contract.

Even more importantly, for Lilburne, this idea was based on his understanding of Biblical principles. In *A Light for the Ignorant*, he clearly defined in Biblical and logical terms an argument for governmental legitimacy. Lilburne argued that there were three types of governments: the civil government, the true ecclesiastical state, and the false ecclesiastical state.²³ Drawing heavily from the Bible, Lilburne justified his opposition to the government of England and Church of England by arguing that both were set against the true ecclesiastical state.²⁴ Lilburne's commitment to civil disobedience was firmly rooted in his understanding of

²² Jefferson, *Declaration of Independence*, 1776.

²³ Lilburne, *A Light for the Ignorant*, 1638.

²⁴ *Ibid.*

the application of Scripture to his political beliefs. He used examples like Mordecai's refusal to bow to Haman from the book of Esther²⁵ to argue that the civil authority was only sovereign when it respected the sovereignty of the true ecclesiastical state, and that one's own conscience could only be between that person and God. As will be explained below, for Lilburne, this did not equate to an argument for total disestablishment of the Church of England; but it was the philosophical basis for his argument that there could be no legitimate civil consequences for those who chose to worship in an alternative manner.

It is, therefore, not surprising that when the *Agreement of the People*, written by some of the leaders of the New Model Army, adopted a similar position regarding religion, that Lilburne lent his whole-hearted support to such a principle. *The First Agreement of the People* was a proposal for the establishment of a constitution that formally defined the functions and power of the government and established principles that would be built upon and further defined by the Levellers.

The authors of *The First Agreement of the People* sought to greatly increase the power of the Parliament, as the representatives of the People, but as a limitation on their power to make laws, they proposed that:

matters of Religion, and the wayes of Gods Worship, are not at all intrusted by us to any humane power, because therein wee cannot remit or exceed a tittle of what our Consciences dictate to be the mind of God, without wilfull sinne. [*sic.*]²⁶

²⁵ Lilburne, *A Light for the Ignorant*.. "According to the scripturs after mentioned: altogether & every way from the Devill. And therefore look unto it whosoever thou art, that thou (like Mordecai) bow not the knee to any of these Amaleks, but on the contrarie Feare God and honour the King, and give reverence Only to such ordinances as God binds thy Conscience too, either in respect of nature or grace, and soe doing thou shalt Give vnto Cæsar the things that are Cæsars, And give vnto God, those things that are Gods."

²⁶ Bear, Edmond, Robert Everard, George Garrett, Thomas Beverley, William Pryor, William Bryon, Matthew Weale, William Russell, John Dover and William Hudson *The First Agreement of the People, for a Firme and Present Peace, Upon Grounds of Common Rights*, 1648.

The *First Agreement* echoes the same essential thinking that Lilburne outlined in *The Light for the Ignorant*; the civil authority, or “humane power” has no authority to legislate matters of “Conscience”. It is worth noting the inclusion of the concept of “wilfull sinne” as the justification for not imposing religion on any individual. Based on his understanding of the Bible, Lilburne had argued that a man’s relationship to God was higher than that to the State. Using a similar argument, *The First Agreement*, stated that men must be free to relate to God in whatever way dictated by their conscience, and to do otherwise imperiled that individual to sin; or what Lilburne had called the “false ecclesiastical state.”

The *Second* and *Third Agreements of the People* were Leveller proposals to be added to the original *Agreement of the People* and should be understood as Leveller addendums to the original *Agreement of the People*. These documents are the seminal source for understanding Lilburne’s beliefs about the freedom of religion, since they represented Lilburne’s political and constitutional proposals for how the State and man’s conscience were to formally interact.²⁷ In all political matters including the freedom of religion, Lilburne, Overton, and Walwyn sought to clearly define their position, which was easily the most liberal of their time in virtually every respect. In the *Second Agreement of the People*, they proposed a new set of principles regarding the freedom of religion. One of the most significant parts of this declaration was the proposed negative constitutional restraints to be placed on the Parliament which the Levellers believed

²⁷ Lilburne co-authored the *Second* and *Third Agreements* with William Walwyn, Thomas Prince, and Richard Overton. Defining leaders of a highly de-centralized political movement is difficult, but most historians of the time period consider Lilburne, Walwyn, and Overton to have been the primary three leaders of the Levellers. Since the men all signed the documents, it can be reasonably assumed that each man agreed with the political philosophies outlined therein.

ought to be the branch of government responsible for the “enacting, altering, repealing, and declaring of Lawes [*sic.*].”²⁸ In the enumeration of these specific restraints, the first one was:

We do not empower our Representatives to continue in force, or make any Lawes, Oaths and Covenants, whereby to compel [*sic.*] by penalties or otherwise, any person to any thing, in or about matters of Faith, Religion, or Gods Worship, or to restraine [*sic.*] any person from the professing his Faith, or exercise of Religion.²⁹

These negative restraints represented an important clarification to the original *Agreement of the People* which barred Parliament from making laws concerning “matters of Religion, and the Wayes [*sic.*] of Gods Worship. . .”³⁰ Lilburne and the Levellers wanted to not only guarantee that future laws could not be made regarding each citizen’s religious beliefs, but to prevent the government from potentially using fines or other “penalties” as coercive powers with respect to religious issues as well.

The influence that this idea had on contemporary documents granting universal religious toleration cannot be ignored. In the *Maryland Toleration Act (1649)*, the colonists proclaimed that “noe person or persons whatsoever within this Province. . .professing to beleive in Jesus Christ, shall from henceforth bee any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof. [*sic.*]”³¹ The colonists of Maryland were making the exact same argument as the Levellers had. The signature of the *Toleration Act* “the freemen have assented”³² employed a reference to “freemen” which within the historical context, would have clearly connected the ideas to Leveller ideology, demonstrating that even the roots of religious toleration in the developing English colonies had explicit ties to the Levellers in England.

²⁸ Lilburne, John, William Walwyn, Thomas Prince, and Richard Overton, *Second Agreement of the People: Foundations of Freedom, or an Agreement of the People*, December 15, 1648.

²⁹ Ibid.

³⁰ Bear, et. al, *First Agreement of the People*.

³¹ *Maryland Toleration Act*, 1649.

³² Ibid.

Several months after the *Second Agreement*, Lilburne and his fellow Leveller leaders further clarified their position. When added to the statements already made in the previous *Agreements*, they made it clear that they were distancing themselves from the mainstream Puritan arguments which were willing to grant only limited toleration. The Independents in Parliament were concerned about the idea of universal toleration, and successfully narrowed the focus to most of the mainstream Protestant sects. Lilburne wished to add to his previous arguments that “nothing [has] caused more distractions, and heart burnings in all ages, then persecution and molestation for matters of Conscience in and about Religion.”³³ Within his contemporary context, Lilburne’s statements would have clearly encompassed the religious conflicts within England over the previous century following the establishment of the Church of England, but was also a direct appeal against the arguments of the Independents.

However, it is anachronistic to attempt to separate too distantly the separate rights of speech, property, religion, and even civil rights. In 17th century England, the freedom of the press and freedom of property were both inextricably tied to the freedom of religion. This can even be seen in Lilburne’s care to acknowledge that the Parliament should still have the power to “direct the Nation in a Publique way, for the matters of Faith, Worship, or Discipline.”³⁴ Lilburne’s concession of the existence and necessity of a State Religion makes more sense when viewed in this context. Therefore, he was not suggesting a disestablishment of the Church of England; such suggestions were not taken seriously by most anyone within the 17th century. However, he did suggest the removal of all authority for coercion by the State on the behalf of the established church. These arguments are identical to the substance of the argument made by

³³ Lilburne, John, William Walwyn, Thomas Prince, and Richard Overton *Third Agreement of the People: Foundations of Freedom, or an Agreement of the People*, April 30, 1649.

³⁴ Lilburne, et. al, *Second Agreement of the People*.

Jefferson a century and a half later when he envisioned the “wall of separation between Church and State” in his letter to the Danbury Baptists.

It is this blurred understanding of the realms of the religious and the secular that allowed Lilburne to seamlessly connect the ideas of religious persecution with his own commitment to libertarian political ideology regarding personal property, which Levellers like Lilburne understood to be an inalienable, natural right. Christopher Hill summarized this principle by simply stating that the Levellers “fused Biblical and constitutional theories.”³⁵ In Lilburne’s own account of the questioning and torture he endured in the Star Chamber, a deep commitment to the future Leveller understandings of *habeas corpus* and the freedom of religion are clearly blended together. When asked to swear the Star Chamber Oath to what he would speak during his questioning, Lilburne replied “But Sir, though I have received the Sacrament, and have heard Sermons, yet it doth not therefore follow that I am bound to take an Oath, which I doubt of the lawfulness [sic.] of.”³⁶ In this argument, one finds Lilburne expressing an argument for due process intertwined with issues of conscience. This connection was not so much Lilburne’s own creation, but rather the framework which already existed due to Charles I’s use of the Star Chamber courts to litigate civil matters, because Charles had more authority in the religious courts than the common law courts.³⁷

The key connection for Lilburne between his religious beliefs and commitment to freedom can be found in his account of his examination several days later. Lilburne had still refused to swear the Star Chamber Oath, and then stated to the Court that the reason he refused to do so was based on his belief that oaths must be grounded on a power higher than one’s self

³⁵ Hill, *Puritanism and Revolution*, 75.

³⁶ Lilburne, *Christian Man’s Triall*, 1638.

³⁷ Hill, *The Century of Revolution, 1603-1714*, 1962, 98-99.

from Hebrews 6:16.³⁸ Lilburne essentially made a political case, based on a Biblical passage, that he could not be compelled to swear an oath in a religious court because the court was not a power higher than himself. According to Lilburne, sovereignty belonged to God, and then to the individual, before the Church or the Government.

In 17th century England, these two entities really could not be separated from one another completely, even if one had wanted to. In his *Christian Mans Triall* (1638), Lilburne repeatedly quoted Scriptures and employed devotional language when discussing the “gracious dealings of a good God” and the “faithful promises of. . .God” as a comfort to him during his time in prison.³⁹ Lilburne explicitly connected his own imprisonment to the promise in 1 Peter 4:13-14 where Peter exhorted believers to “rejoice insofar as you share Christ’s sufferings.”⁴⁰ For Lilburne and many of the Levellers who believed deeply in the Reformation principles of the priesthood of all believers, their egalitarian political philosophies had deep theological roots.⁴¹ It is therefore, the contemporary political framework, more than the theological or political philosophies of Lilburne and other Levellers, that prevented them from fully articulating a modern version of the freedom of religion as expressed in Jefferson’s *Virginia Statute* or the First Amendment of the US Constitution. Yet, the ideas and writings of Levellers like Lilburne, whose commitment to religious freedom and understanding of the very nature of the relationship between one’s religion

³⁸ Lilburne, *Christian Man’s Triall*. “For men verily swear by the greater: and an oath for confirmation is to them an end of all strife.” Hebrews 6:16 (KJV)

³⁹ Ibid.

⁴⁰ Ibid. “But rejoice, inasmuch as ye are partakers of Christ’s sufferings; that, when his glory shall be revealed, ye may be glad also with exceeding joy. If ye be reproached for the name of Christ, happy are ye; for the spirit of glory and of God resteth upon you: on their part he is evil spoken of, but on your part he is glorified.” 1 Peter 4:13-14 (KJV)

⁴¹ Hill, *Puritanism and Revolution*, 81.

and the State was derived from Biblical texts, were the undeniable foundation of political thought upon which the modern concept of the “freedom of religion” rests.

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