

subtopic

Radical Whigs and Natural Rights

ENGLISH RADICAL WHIGS: NATURAL LAW *and* NATURAL RIGHTS

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The phrase “English radical Whigs” is ambiguous, for there was not one but several different groups to whom that name could be applied. All were of some importance to the Americans of the Founding era. The original English radical Whigs comprised the extreme elements of the Whig movement that grew up in England around the first Earl of Shaftesbury in the very late 1670s and the 1680s. The Whigs, centered in Parliament, stood in opposition to what they saw as the centralizing and absolutizing tendencies of Charles II and the Stuart line of Kings. The Whig party or faction was especially agitated about the possibility that Charles II’s brother, James, Duke of York, a Catholic, would succeed to the throne, for Charles had no legitimate heir. The Whigs were persuaded that a Catholic monarch would, like the French king, attempt to institute an absolutist regime in England. They therefore supported a movement to exclude James from the succession, a movement that ultimately failed. They attempted exclusion via legal means—a bill in Parliament—but there was a more extreme wing of the Whigs that contemplated violent action. Recall that the English were less than a quarter-century past the restoration of the old order that had been overturned in a violent revolution earlier in the century. A classic example of a first-wave radical Whig was Algernon Sidney (1622–1683), author of [Discourses on Government](#), a now undeservedly neglected work of political philosophy. Sidney put forth a version of social contract and rights philosophy somewhat similar to that of [John Locke](#). Sidney was not just a thinker, however, for he also was apparently involved in plots aiming at violent action, for which he lost his life. It is now sometimes alleged that John Locke was also a radical Whig of this revolutionary sort, i.e., one of the Whig group who looked toward violent political action in opposition to the Stuart monarchy.

The Glorious Revolution, the more or less bloodless “revolution” that led to the end of the reign of James II and his replacement by William Duke of Orange and his wife Mary as monarchs, marked the beginning of Whig ascendancy in British politics. But not long after the first glow of the new order dimmed a bit a new group of “radical Whigs” emerged. In this case, they were not so much marked by the resolve to use violence, but by their Whig-inspired opposition to Whig leadership. The radical Whigs persisted as a small, mostly obscure group of political writers and actors up through the American Revolution and beyond.

A major exception to the general obscurity of the second-wave radical Whigs was the newspaper series [Cato’s Letters](#), written in the early 1720s by two men collaborating as “Cato.” The name referred to Cato, the Roman statesman, who chose suicide rather than living in an unfree polity under the rule of Caesar. The name signaled the continuity between these Whigs and the original Whigs in their common opposition to absolutism in any form.

The two authors behind Cato were John Trenchard (1662–1723) and Thomas Gordon (?–1750), the former a very wealthy older man who had played a role on the Whig side in the political controversies of the late seventeenth century. Gordon was a younger “man on the make,” a writer of considerable skill and a scholar of the political writings of classical antiquity. *Cato’s Letters* proved to be a work of great popularity in England, and, significantly for the American Revolution, in America as well, where the collected and bound volumes of the Cato essays were among the books most commonly to be found on colonial library lists. Cato was also widely cited by colonial writers in the pamphlet wars leading up to the revolution.

Intellectually, second-wave radical-Whig thought was distinguished from most of original radical-Whig

thought by the absorption in the former of the main outlines of the theory of legitimate government that Locke had developed in his [Second Treatise of Government](#). Thus the Cato authors endorsed the idea of an original state of nature in which human beings possess natural rights, but in which those rights are insecure because of the tendency of the state of nature to degenerate into a state of war. The remedy for the insecurity of rights is a social contract to form government and put an end to the state of nature. Government is understood to be the result of the intentional action of the contractors and it has the limited function of securing natural rights. Cato strongly endorsed the corollary to this view of the origins and purposes of legitimate government, the right of revolution, or, as Thomas Jefferson put it in the Declaration of Independence, “the right to alter or abolish” established government.

Cato’s Letters ought to be seen as one of the relatively early efforts to draw out of Lockean natural-rights political philosophy some concrete implications for political life. The Cato authors developed these implications in the areas of religion, constitutionalism, and political economy. According to Lockean rights theory, the rights of conscience are inalienable and thus a regime of freedom of religion is the only justified order. Locke often suggested that organized religion—churches, clerical hierarchies—had a kind of self-interest in resisting this kind of order, a thesis that Cato picked up and radicalized. Where Locke had an odor of anti-clericalism about him, Cato was much more outspoken in his reservations about “priest craft” and the violations religious hierarchies commit against the right of religious freedom.

Locke’s rights theory (as opposed to the earlier rights theory of [Thomas Hobbes](#)) implied that the only proper form of constitution was one that provided for limited government. Locke developed a nascent theory of separation of powers as one means toward this end, and in this Cato followed him. Cato’s commitment to separation of powers led to his opposition to the system of “corruption” that he descried at the center of the post-Glorious Revolution Constitution. By corruption he meant the power of the executive to influence the legislature via its ability to provide private benefits like offices and money to members in return for support. Cato has taken Locke’s concern for limited, separated powers and extended that beyond the formal analysis of separation that Locke provided to cover the various informal devices by which the formal separation of powers within the institutions of the constitution was overcome.

Cato apparently goes beyond Locke, however, in his republican sympathies, for there are many places in his essays where he implies that a republic would be the best or perhaps even the only legitimate form of government consistent with the natural-rights grounding of politics. Yet the Cato authors do not quite commit themselves openly to republicanism; they always express loyalty to the British mixed monarchy but it is difficult not to suspect that they are saying less than they think for prudential reasons. In any case, the Americans picked up on the hints in Cato and drew the conclusion from the natural rights philosophy that republicanism was the proper form for a natural rights regime.

Cato also developed some of the concrete implications of the natural rights doctrine for the right to property. The Cato authors were great partisans of property and its security. In the eighteenth-century debates over the value of commerce they were unalterably on the side of commerce, though suspicious of many of the financial institutions of commerce, especially when joined with state power. They were in favor of free trade and of disentangling the state from the economy; they opposed rent-seeking behavior of all sorts. These too were themes that the American Whigs picked up on in the eighteenth and early nineteenth centuries.

The radical Whig tradition had a second flowering in the 1760s and 1770s with several of the most significant of the radical Whigs on the scene at that time. To a large extent this efflorescence was catalyzed by the controversy leading to the American Revolution; these Whigs strongly sided with the Americans, whom they saw as standing firm for Whig principle against a Parliament that defended its sovereignty and neglected the Whig themes of natural rights, liberty, and Parliamentary representation. Richard Price (1723–1791) wrote a defense of the American position in this controversy, [Observations on the Nature of Civil Liberty](#), in which he argued that civil liberty can only be properly understood and secured when traced back to natural right. Price and his close associate Joseph Priestley (1733–1804)

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carried on many of the themes that Cato had emphasized. They both looked to Lockean natural rights-social contract theory as expressing the true foundation of political authority. They were concerned with drawing the political implications of the natural rights philosophy and in this context emphasized the need for representative legislatures, especially to exercise the taxing power, separation of powers, and the perniciousness of the system of corruption. They innovated on Cato and Locke by developing a theory of federal government, a line of thought suggested to them by their involvement in the debates over the imperial relation with the American colonies. Both were not only sympathetic to America but had many American friends and Priestley spent much time in America.

They differed from Cato largely in being more concerned with religious issues and drawing more deeply from the dissenting religious tradition in England than Cato had. They were not, however, orthodox dissenters, but strongly tended toward the rationalist side of the eighteenth-century religious spectrum.

The radical Whigs of the latter part of the eighteenth century were enthusiasts for the French Revolution. Price's defense of it as an echo of the earlier English revolutionary efforts on behalf of liberty was the immediate stimulus for Edmund Burke's critical *Reflections on the Revolution in France*. Lining up in favor of the French Revolution was costly, for the radical Whig tradition did not outlast it. The revolution and the powerful backlash it provoked in Britain led to the eclipse and loss of identity of the radical-Whig persuasion. Some of the concerns of the Whigs resurfaced in the nineteenth century but they were transformed by post-Lockean intellectual movements that changed their character substantially, making radicalism more "leveling" or ultimately even socialist than the original radical Whigs had been. The natural-rights orientation, under stress because of the anarchy and chaos it arguably fostered in France, and because of its commitment to the rights of property, was much weaker in the reborn radicalism of the nineteenth century than it had been among the radical Whigs earlier.

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