

# Utopias of the English Revolution

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While on the Continent the seventeenth century saw the consolidation of absolute governments, in England the absolutism of the kings was resolutely opposed by a great section of the population, and the power of the monarchy was held in check by Parliament. At a time when Louis XIV was able to proclaim “L’Etat c’est Moi,” Charles I was led to the scaffold. The doctrine of the divine right of kings, which had allowed the French monarchs to crush all political and religious freedom, had gained little support among English people who believed, on the contrary, that the power of the rulers must respect the inalienable rights of the individual and that certain limitations must be put to the power of the head of the state.

While the ideal commonwealth conceived by James Harrington tried to combine the existence of a powerful state with respect for the political rights of the citizens, Thomas Hobbes and Gerrard Winstanley, for opposite reasons, denied the possibility of power being shared between the state and the people.

We shall only say a few words here about Hobbes’ *Leviathan* and Harrington’s *Oceana* because, though they are often referred to as Utopias, the first would be more correctly described as a treatise on government, while the second belongs to the category of ideal constitutions rather than to that of ideal commonwealths. On the other hand we shall deal at length with Winstanley’s *Law of Freedom*, partly because it has generally been overlooked, and partly because it embodies the spirit of the English revolution in its more popular and revolutionary form.

Thomas Hobbes’ *Leviathan*, which was published in 1651, claimed to establish the right of the State to absolute power, and denied that man possessed any “natural rights.” Hobbes maintained that man is not by nature a social being, provided with moral sense, but that it was the State which had put an end to the “war of all against all.” The first rulers had been given by contract, absolute power over the rest of the people and that contract was to be respected by following generations and whoever broke it was guilty of the worst of all crimes. He recommended absolute monarchy as the best form of government and held that the individual is under obligation to submit unquestioningly to such a government. Even the Church must be denied all temporal power and religion must be recognised and taught by the state. “The name *Leviathan*,” says F. A. Langel, “is only too appropriate for this monster, the state, which guided by no higher consideration, like a terrestrial god orders law and justice, rights and property, according to its pleasure even arbitrarily defines the concepts of good and evil and in return guarantees protection of life and property to those who fall on their knees and sacrifice to it.”

Harrington’s *Oceana* was written after the execution of Charles I, at a time when it seemed possible that far-reaching reforms might solve England’s economic and political problems. While *The Law of Freedom*, which had appeared a few years earlier, is concerned mainly with improving the conditions of the landless labourers, *Oceana* offers to ameliorate the situation of the middle classes. The right of the elder brothers to the whole inheritance was concentrating property in the hands of an ever-shrinking number of people, destroying the economic balance of property in the country, and

creating a class of parasites composed mainly of clergymen and lawyers, which was the refuge of the “younger sons.”

Harrington believed that there could be no political power without economic power and he wished to spread this economic power over a large section of the population by the application of an agrarian law which would restrict the size of land property to that yielding a revenue of +3000. This new balance of property was to be preserved by a Republican government in which all offices were to be filled by men chosen by ballot and holding office for a limited time. There was to be a double chamber system, one house for debate and the other for voting. This curious division was based on the assumption that there is an important distinction between the capacity for “intention” and the capacity for “judgement,” and that eloquence presented a danger for the democratic state. Only the “freemen,” that is to say the property owners, were to have the right to participate in the government of the Commonwealth — the “servants being economically dependent could not take part in the affairs of the State. Unlike the slaves of Ancient Greece, however, the “servants” could by their industry rise to the status of freemen. Harrington had been greatly influenced by Plutarch, Plato and Aristotle, and he said himself that “*Oceana* was not discovered in phansy but in the archives of antient prudence.” But, as H. F. Russell has pointed out in his book on Harrington and his *Oceana*, it is a work of a different type from Plato’s *Republic* or More’s *Utopia*: “It was meant neither for the skies nor for some spot of earth that did not exist, but for England. Its author had very clearly defined views as to the needs of his country, and his love of the picturesque prompted him to bring them forward in the form of what he called a ‘political romance’ ... The book, stripped of its allegorical trappings is little more than a magnified written constitution.”

Though Harrington dedicated his *Oceana* to Cromwell, who is also the hero of the story and given the task of accomplishing for England what Lycurgus did for Sparta, the book was confiscated while it was passing through the press under the newly enacted order against “scandalous Books and Pamphlets.” It was, however, allowed to appear one year later, in 1656, and immediately enjoyed a great popularity, though Cromwell’s supporters tried their best to ridicule it. *Oceana*, as Russell has shown, received great attention in America and many of Harrington’s ideas were embodied in the constitutions of the American colonies of the Restoration period and in particular in the constitution of Pennsylvania.

Harrington shared with the Levellers the belief that political freedom must rest on the “possession of the earth,” but he only sought that freedom for a class of gentlemen farmers who were to be the “guardians” of the labouring classes.

# Gerrard Winstanley

## The Law of Freedom

During the century and half which separate More's *Utopia* from Winstanley's *Law of Freedom*, the conditions of the English labourer had steadily worsened. Though commerce and industry were expanding, the seventeenth century was, in the words of Thorold Rogers, "a period of excessive misery among the mass of the people and the tenants, a time in which a few might have become rich, while the many were crushed down into hopeless and almost permanent indigence." The unemployment, homelessness and vagrancy brought about by the enclosure of the lands was continually increasing, copyhold tenants were being deprived of the strips of land they cultivated in the open fields and the landless labourers of their right to pasture their beasts and cut firewood on the commons. As during the reign of Henry VIII, the ruling class sought to crush popular discontent by increasing the severity of the laws against beggars and vagrants; it was ordered that when apprehended for the first time they should be branded with the letter R and if found again wandering or begging they would "suffer death without benefit of Clergy."

In spite of these measures vagrancy and petty theft increased for, as More had said, "when the stomachs of those that are turned out of doors, grow keen, they rob no less keenly; and what else can they do?" They could also revolt, and they did. Fences and hedges which enclosed the once common fields were levelled and peasants' insurrections followed one another at short intervals. Movements also came into existence which sought a remedy to the misery of the people through political action. With the fall of the Monarchy and the rise of the Independents there was a hope that radical reforms would take place, but these hopes were short lived. Discontent spread to the army and mutinies had to be crushed by wholesale cashiering. Even among the Levellers who had advocated constitutional political reforms, many began to lose faith in the Long Parliament, dominated by the landlords, who did little to relieve the increased poverty brought about by the Civil War and showed no concern for the families of those who had been maimed or killed serving in their own army. The "left wing" of the Levellers realised that a solution to the economic situation could only be found by improving the conditions of the peasantry, and they advocated the restoration of all common lands to the landless labourers and the abolition of "base tenures."

Towards 1648 a movement sprang up, of the "true levellers" or "Diggers," which went beyond the demands of even the most extreme of the Levellers. They saw that nothing,

short of direct action, would give back to the peasants the lands they had lost, and eventually they even challenged the right of a few to private property in the land. This involved a complete change in the structure of society for, as Gerrard Winstanley, who became the leader and theoretician of the Diggers' Movement, expressed it, it was not enough to "remove the Conqueror's power out of the king's hand into other men's, maintaining the old laws still."

By the beginning of 1649 the "Conqueror's power" had been removed out of the King's hands, the King had been executed, the House of Commons had been purged of its "malignant members" and the Councils of State had been appointed to administer the public affairs of England. But the Diggers took it upon themselves to remove the "old Laws." On the 16<sup>th</sup> of April, 1649, the Council of State was informed that a "disorderly and tumultuous sort of people" led by "one Everard, once of the army but was cashiered," had begun to dig on St George's Hill in Surrey "and sowed the ground with parsnips, carrots and beans." The Council of State was so alarmed by the activities of the Diggers, though they only numbered twenty or thirty, that they instructed Lord Fairfax, the Lord General of the armed forces of the Commonwealth, to send some "force of horse... with orders to disperse the people so met, and to prevent the like for the future" and, so as almost to excuse themselves for their fears, they added "although the pretence of their being there may seem very ridiculous, yet that conflux of people may be a beginning to whence things of a greater and more dangerous consequence may grow, to the disturbance of the peace and quiet of the Commonwealth."

Thus at a momentous time in history the tiny Digger Movement occupied the attention of the Council of State and of the Lord General of the Armed Forces of the Commonwealth. Had they known the reasons which prompted the Diggers to occupy St George's Hill their fears would have been still greater. These reasons had been set down by Gerrard Winstanley before they began their activities:

"The work we are going about is this, To dig up George's Hill and the waste grounds thereabouts, and sow corn, and to eat our bread together by the sweat of our brows.

"And the first reason is this, that we may work in righteousness, and lay the foundation of making the earth a common treasury for all, both rich and poor, that everyone that is born in the land may be fed by the earth his mother that brought him forth, according to the reason that rules in the creation."

Of Gerrard Winstanley, who emerges at that time as one of the leaders of the movement, little is known until 1648 when he published four pamphlets expressing some daring theological views and for which he was accused, by some orthodox ministers of the Church, of denying God, the Scriptures and the Ordinances of God. These pamphlets were probably written before he came in contact with William Everard and the "true Levellers," for they do not reveal an interest in social questions, but

Winstanley had already had cause to reflect on the injustices of society. He had been a small trader and a freeman of the City of London but, like so many others, he had been ruined by the Civil War. As he said later, in a letter addressed to the City of London, “I had an estate in thee... by thy cheating sons in the thieving art of buying and selling, and by the burdens of and for the soldiery in the beginning of the war, I was beaten out of both estate and trade, and forced to accept the good-will of friends, crediting of me, to live a country life.”

In January, 1649, he published *The New Law of Righteousness*, which has been described by H. N. Brailsford “as the most characteristic of his books... which is in reality a Communist Manifesto written in the dialect of its day” and in which, as George Woodcock has pointed out, “he revealed an understanding of social problems in advance of any English social thinker before Godwin.” He fiercely denounced the private ownership of the land:

And let all men say what they will, so long as such are rulers as call the land theirs, upholding this particular propriety of mine and thine, the common people shall never have their liberty, nor the land be ever freed from troubles, oppressions, and complainings, by reason whereof the Creator of all things is continually provoked...

The man of the flesh judges it a righteous thing that some men who are cloathed with the objects of the earth, and so called rich men, whether it be got by right or wrong, should be magistrates to rule over the poor; and that the poor should be servants, nay, rather slaves, to the rich. But the spiritual man, which is Christ, doth judge according to the light of equity and reason, that all mankind ought to have a quiet subsistence and freedom to live upon earth; and that there should be no bondman nor beggar in all his holy mountain.

And he advocated the end of the exploitation of man by man:

No man shall have any more land than he can labor himself or have others to labor with him in love, working together, and eating bread together, as one of the tribes or families of Israel neither giving nor taking hire.

Though his doctrines were revolutionary Winstanley did not incite people to violence or to the expropriation of the rich. He wanted the poor to seize the waste lands and cultivate them in common: “And let the common people that say the earth is ours, not mine, let them labor together, and eat bread together upon the commons, mountains and hills.”

During the two years which followed, the Diggers of St George’s Hill were persecuted by the Lords, the soldiery and the freeholders. They were beaten up, their spades were taken away, their houses pulled down, their corn was destroyed and their carts torn

to pieces. Some of them were arrested and prosecuted and, as they could not pay the heavy fine imposed upon them, their meagre possessions were taken away. After one year only a few Diggers were left, who, says Winstanley, “have made little hutches to lie in, like calf-cribs... and have planted divers acres of wheat and rye... and nothing shall make them slack but want of food, which is not much now, they being all poor people, and having suffered so much in one expense or other since they began.”

In spite of their courage and perseverance the Diggers were defeated. Winstanley had done all in his power to defend them; in several forceful pamphlets he had shown the justice of their claims and their peaceful intentions and had appealed to the Army, to Parliament, and to the City of London, that the persecutions should cease.

It was after the adventure of St George’s Hill had failed to gain any support and to spread, as the pioneers had hoped, into a mass movement, that Winstanley published in 1652, *The Law of Freedom*, where he set forth the plan for an ideal commonwealth. It was written less than four years after the publication of his first pamphlet and during this short time his religious and political ideas had undergone a swift development; they had passed from a religious mysticism to a kind of rational atheism, from agrarian reformism to integral collectivism. Winstanley was also beginning to lose faith in the methods by which he and his companions had hoped to bring about a better society. The Diggers had believed that, by explaining their aims and by their example, they could persuade the people to work the waste lands communally and that eventually even the landlords would be prepared to give up their lands. Their resistance was one of non-violence and they never employed force to defend themselves against the soldiers and the rich tenant farmers who attacked them.

The failure of the experiment at St George’s Hill seems to have led Winstanley to the belief that as long as the army was against the people it would be impossible for them to seize and work the land as free men. It was perhaps for this reason that the *Law of Freedom* opens with an epistle addressed to Cromwell, who was at the time Commander in Chief of the Army, and who, more than anybody else, would have had the power to carry out far-reaching reforms. From the contents and tone of the letter, however, it is clear that Winstanley had little hope that Cromwell would carry out the programme set forth in his book and that he merely told him what he should do to be in a better position to criticise what he would do. He would not have addressed Cromwell in this way if he had seen in him a future liberator and law-giver:

That which is yet waiting on your part to be done is this, to see the oppressor’s power to be cast out with his person; and to see that the free possession of the land and liberties be put into the hands of the oppressed commoners of England...

And now you have the power of the land in your hand, you must do one of these two things. First, either set the land free to the oppressed commoners, who assisted you, and paid the Army their wages; and then you will fulfil



the Scriptures and your own engagements, and so take possession of your deserved honour.

Or secondly, you must only remove the Conqueror's power out of the King's hand into other men's, maintaining the old laws still; and then your wisdom and honour is blasted for ever; and you will either lose yourself, or lay the foundation of greater slavery to posterity than you ever knew.

Winstanley was too acute a social thinker to think that society could be transformed through the work of one man, and he realised that a revolution from the top would be useless if man's mental and moral outlook remained the same. But he was firmly convinced that when Christ or the "spreading of light" would penetrate people's minds they would cease to covet and oppress and a new society would come into being. "He loved," says Brailsford, "to quote the biblical prophecies which assure this triumph to 'the despised ones of the earth' and bid the rich men 'weep and howl.' He predicts that this revolution will be accomplished 'ere many years wheel about'... The revolution he desired was to come through a change wrought by 'the spirit of Reason' in men's hearts."

For all his biblical quotations and biblical language Winstanley rejected all the foundations of orthodox religion. He did not believe in a personal God, and went as far as identifying God with Reason and once took the resolution, (which he did not keep) "to use the word Reason instead of the word God" in his writings. He anticipated the conception of a "socialist Christ" by declaring that he was "the true and faithful Leveller" but he did not imply by it that he was an historical figure but "the spreading power of light." He condemned the belief in miracles, in heaven and hell, and even doubted man's personal survival after death. Winstanley also rejected the doctrine of original sin. Man is born good and free: "The spirit of light in man loves freedom and hates bondage" and his nature has been warped by a system of society based on corruption and misery.

Thomas More, and most Utopian writers after him, had abolished private property because they feared its corrupting influence and saw in it the greatest danger to the unity of the state. Winstanley also abolishes the private ownership of the means of production, but on the grounds that "true Freedom" cannot exist as long as men do not have economic freedom and, as he considers the land as the main source of wealth, he declares: "True commonwealth's freedom lies in the free enjoyment of the earth," and again, "A man had better to have no body than to have no food for it. Therefore this restraining of the earth from brethren by brethren is oppression and bondage; but the free enjoyment thereof is true freedom." From the freedom to enjoy the fruits of the earth derives also the freedom of the mind, for, says Winstanley, "I am assured that if it be rightly searched into, the inward bondages of the mind, as covetousness, pride, hypocrisy, envy, sorrow, fears, desperation and madness, are all occasioned by the outward bondage that one sort of people lay upon another."

Before defining the government of a true Commonwealth Winstanley denounces the kingly government based on property and like Proudhon he believes that “property is theft”:

Kingly government governs the earth by that cheating art of buying and selling, and thereby becomes a man of contention his hand is against every man, and every man’s hand against him. And take this government at the best, it is a diseased government and the very City Babylon, full of confusion, and if it had not a club law to support it there would be no order in it, because it is the covetous and proud will of a conqueror, enslaving the conquered people.

This kingly government is he who beats pruning hooks and ploughs into spears, guns, swords, and instruments of war; that he might take his younger brother’s creational birth-right from him, calling the earth his, and not his brother’s, unless his brother will hire the earth of him; so that he may live idle and at ease by his brother’s labours.

Indeed this government may well be called the government of highwaymen, who hath stolen the earth from the younger brethren by force, and holds it from them by iorce. He sheds blood not to free the people from oppression, but that he may be king and ruler over an oppressed people...

Commonwealth’s government governs the earth without buying and selling and thereby becomes a man of peace, and the restorer of ancient peace and freedom. He makes provision for the oppressed, the weak and the simple, as well as for the rich, the wise and the strong. He beats swords and spears into pruning hooks and ploughs. He makes both elder and younger brother free-men in the earth. Micah, iv, 3, 4, Isaiah, xxxiii, I and Ixv, 17–25.

All slaveries and oppressions which have been brought upon mankind by kings, lords of manors, lawyers, and landlords, and the divining clergy, are all cast out again by this government, if it be right in power as well as in name.

For this government is the true restorer of all long lost freedoms, and so becomes the Joy of all nations, and the blessing of the whole earth: for this takes off the kingly curse, and makes Jerusalem a praise in the earth. Therefore all you who profess religion and spiritual things, now look to it and see what spirit you do profess, for your profession is brought to trial.

If once Commonwealth’s government be set upon the throne then no tyranny or oppression can look him in the face and live.

For when oppression lies upon brethren by brethren, that is no Commonwealth’s government, but the kingly government still; and the mystery of iniquity hath taken

that peace-maker's name to be a cloak to hide his covetousness, pride, and oppression under.

A Commonwealth government cannot be the work of some lawgiver or saviour: "This government depends not upon the will of any particular man, or men... the great lawgiver in the Commonwealth government is the spirit of universal righteousness dwelling in mankind, now rising up to teach everyone to do to another as he would have another do to him, and is no respecter of persons, and this spirit hath been killed by the pharisaical spirit of self-love, and been buried in the dunghill of their enmity for many years past."

The laws of the true commonwealth spring from "common preservation," or what Kropotkin would call "mutual aid," which is "a principle in every one to seek the good of others as himself":

This is the root of the tree magistracy, and the law of righteousness and peace; and all particular laws found out by experience, necessary to be practised for common preservation, are the boughs and branches of that tree. And because, among the variety of mankind, ignorance may grow up, therefore this original law is written in the heart of every man, to be his guide or leader. So that if an officer be blinded by covetousness and pride, and that ignorance rule in him yet an inferior man may tell him where he goes astray; for common preservation and peace is the foundation rule of all government.

The task of the magistrates of the true Commonwealth is "to maintain the common law, which is the root of right government, and preservation and peace to everyone; and to cast out all self-ended principles and interests, which is tyranny and oppression, and which breaks common peace."

In *The New Law of Righteousness* Winstanley had advocated a society where there would be no need for lawyers or magistrates, but in his imaginary commonwealth the administration is to be carried out by elected officers. His belief that "everyone that gets an authority into his hands tyrannises over others" did not altogether abandon him, however, and he took great precautions to ensure that this would not happen. All officers of the commonwealth must enjoy the confidence of the people and be freely elected. The first link in the magistracy is to be the father who will rule over his family, and Winstanley argues (not very convincingly) that he has been elected by his children "because the necessity of the young children chose him by a joint consent, and not otherwise." The other links in the chain are to be the officers elected by the parish, county, shire or land.

Winstanley, being convinced that "power corrupts," particularly if enjoyed for long, advocates that new officers should be elected every year:

When public officers remain long in place of judicature they will degenerate from the bounds of humility, honesty and tender care of brethren, in

regard the heart of man is so subject to be overspread with the clouds of covetousness, pride, vain glory. For though at first entrance into places of rule they be of public spirit, seeking the freedom of others as their own; yet continuing long in such a place, where honours and greatness is coming in, they become selfish, seeking themselves and not common freedom; as experience proves it true in these days, according to this common proverb, Great offices in a land and army have changed the disposition of many sweet-spirited men.

And nature tells us that if water stands long it corrupts; whereas running water keeps sweet and is fit for common use.

Therefore as the necessity of common preservation moves the people to frame a law, and to choose officers to see the law obeyed, that they may live in peace: so doth the same necessity bid the people, and cries aloud in the ears and eyes of England, to choose new officers and to remove old ones, and to choose state officers every year; and that for these reasons.

First, to prevent their own evils. For when pride and fullness take hold of an officer, his eyes are so blinded therewith that he forgets he is a servant to the Commonwealth, and strives to lift up himself high above his brethren; and oftentimes his fall proves very great: witness the fall of oppressing kings, bishops and other state officers.

Secondly, to prevent the creeping in of oppression into the Commonwealth again. For when officers grow proud and full they will maintain their greatness, though it be in the poverty, mire and hardship of their brethren: witness the practice of kings and their laws, that have crushed the commoners of England a long time.

And have we not experience in these days, that some officers of the Commonwealth are grown so mossy for want of removing, that they will hardly speak to an old acquaintance, if he be an inferior man, though they were very familiar before these wars began, etc.?

And what hath occasioned this distance among friends and brethren but long continuance in places of honour, greatness and riches?

Thirdly, let officers be chosen new every year in love to our posterity. For if burdens and oppressions should grow up in our laws and in our officers for want of removing, as moss and weeds grow in some land for want of stirring, surely it will be a foundation of misery, not easily to be removed by our posterity; and then will they curse the time that ever we their forefathers had opportunities to set things to rights for their ease, and would not do it.

Fourthly, to remove officers of state every year will make them truly faithful, knowing that others are coming after who will look into their ways. And if they do not do things justly they must be ashamed when the next officers succeed. And when officers deal faithfully in the government of the Commonwealth they will not be unwilling to remove. The peace of London is much preserved by removing their officers yearly.

Fifthly, it is good to remove officers every year, that whereas many have their portions to obey, so many may have their turns to rule; and this will encourage all men to advance righteousness and good manners in hopes of honour. But when money and riches bears all the sway in the rulers' hearts there is nothing but tyranny in such ways.

Sixthly, the Commonwealth hereby will be furnished with able and experienced men, fit to govern, which will mightily advance the honour and peace of our land, occasion the more watchful care in the education of children, and in time will make our Commonwealth of England the lily among the nations of the earth.

He then determines with great care "Who are fit to choose and fit to be chosen officers in a Commonwealth":

All uncivil livers, as drunkards, quarrellers, fearful ignorant men, who dare not speak truth lest they anger other men; likewise all who are wholly given to pleasure and sport, or men who are full of talk; all these are empty of substance and cannot be experienced men, therefore not fit to be chosen officers in a commonwealth; yet they may have a voice in the choosing.

Secondly, all those who are interested in the monarchical power and government ought neither to choose nor be chosen officers to manage Commonwealth's affairs; for these cannot be friends to common freedom. And these are of two sorts:

First, such as have either lent money to maintain the king's army, or in that army have been soldiers to fight against the recovering of common freedom. These are neither to choose nor to be chosen officers in the Commonwealth as yet, for they have lost their freedom. Yet I do not say they should be made servants as the conquered usually are made servants, for they are our brethren; and what they did, no doubt they did in conscionable zeal, though in ignorance.

And seeing that but few of the Parliament's friends understand their common freedoms, though they own the name Commonwealth, therefore the Parliament's party ought to bear with the ignorance of the King's party, because they are brethren, and not make them servants; though for the

present they be suffered neither to choose nor to be chosen officers, lest that ignorant spirit of revenge break out in them to interrupt our common peace.

Secondly, all those who have been so hasty to buy and sell the Commonwealth's land, so to entangle it upon a new account, ought neither to choose nor to be chosen officers. For hereby they declare themselves either to be for kingly interests or else are ignorant of Commonwealth's freedom, or both; therefore unfit to make laws to govern a free Commonwealth, or to be overseers to see those laws executed.

Why truly, choose such as have a long time given testimony by their actions to be promoters of common freedom, whether they be members in church fellowship or not in church fellowship, for all are one in Christ.

Choose such as are men of peaceable spirits and of a peaceable conversation.

Choose such as have suffered under kingly oppression, for they will be fellow-feelers of other bondages.

Choose such as have adventured the loss of their estates and lives to redeem the land from bondage, and who have remained constant.

Choose such as are understanding men, and who are experienced in the laws of peaceable and right ordered government.

Choose men of courage, who are not afraid to speak the truth for this is the shame of many in England at this day; they are drowned in the dunghill mud of slavish fear of men; these are covetous men, not fearing God, and their portion is to be cast without the city of peace amongst the dogs.

Choose officers out of the number of those men that are above forty years of age, for they are most likely to be experienced men and all these are likely to be men of courage, dealing truly and hating covetousness.

And if you choose men thus principled, who are poor men as times go, for the Conqueror's power hath made many a righteous man a poor man, then allow them a yearly maintenance from the common stock, until such time as a Commonwealth's freedom is established, for then there will be no need of such allowances.

As in More's *Utopia*, with which Winstanley seems to have been acquainted, the unit of society is the family and the father not only directs the education of the children but also supervises their work:

A father is to cherish his children till they grow wise and strong; and then as a master he is to instruct them in reading, in learning languages, arts and sciences, or to bring them up to labour or employ them in some trade

or other, or cause them to be instructed therein, according as is shown hereafter in the education of mankind.

A father is to have a care that as all his children do assist to plant the earth, or by other trades provide necessaries, so he shall see that every one have a comfortable livelihood, not respecting one before another.

He is to command them their work, and see they do it, and not suffer them to live idle. He is either to reprove them by words, or whip those who offends for the rod is prepared to bring the unreasonable ones to experience and moderation: that so children may not quarrel like beasts, but live in peace like rational men, experienced in yielding obedience to the laws and officers of the Commonwealth, everyone doing to another as he would have another do to him.

In the town, city or parish there are to be five kinds of officers: the peace-makers, the overseers, the soldiers (which we would call policemen), the taskmasters, and the executioner. This is how Winstanley details the tasks of each of them:

## **The Work of a Peace-maker**

In a parish or town may be chosen three, four or six peace-makers, or more, according to the bigness of the place; and their work is twofold.

First, in general to sit in council to order the affairs of the parish, to prevent troubles, and to preserve common peace, and here they may be called councillors.

Secondly, if there arise any matters of offence between man and man, by reason of any quarrel, disturbance, or foolish actings the offending parties shall be brought by the soldiers before any one or more of these peace-makers, who shall hear the matter and shall endeavour to reconcile the parties and make peace, and so put a stop to the rigour of the law, and go no further.

But if the peace-maker cannot persuade or reconcile the parties, then he shall command them to appear at the judge's court at the time appointed to receive the judgement of the law.

If any matters of public concernment fall out wherein the peace of the city, town or country in one county is concerned then the peace-makers in every town thereabouts shall meet, and consult about it; and from them, or from any six of them, if need require, shall issue forth any order to inferior officers.

But if the matters concern only the limits of a town or city, then the peace-makers of that town shall from their court send forth orders to inferior officers for the performing of any public service within their limits.

Thirdly, if any proof be given that any officer neglects his duty, a peace-maker is to tell that officer between them two of his neglect. And if the officer continue negligent after this reproof, the peace-maker shall acquaint either the county senate or

the national Parliament therewith, that from them the offender may receive condign punishment.

And it is all to this end, that the laws be obeyed; for a careful execution of laws is the life of government.

## The Work of an Overseer

In the parish or town there is to be a four-fold degree of over seers, which are to be chosen yearly.

The first is an overseer to preserve peace, in case of any quarrels that may fall out between man and man. For though the earth with her fruits be a common treasury, and is to be planted and reaped by common assistance of every family, yet every house and all the furniture for ornament therein is a property to the indwellers; and when any family hath fetched in from the store-house or shops either clothes, food, or any ornament necessary for their use, it is all a property to that family.

The second office of overseership is for trades. This overseer is to see that young people be put to masters, to be instructed in some labour, trade, service, or to be waiters in storehouses, that none may be idly brought up in any family within his circuit... Truly the government of the Halls and Companies in London is a very rational and well-ordered government; and the overseers for trades may well be called masters, wardens, and assistants of such and such a company, for such and such a particular trade . Likewise this overseer for trades shall see that no man shall be a housekeeper and have servants under him till he hath served under a master seven years, and hath learned his trade; and the reason is, that every family may be governed by staid and experienced masters, and not by wanton youth. And this office of overseer keeps all people within a peaceful harmony of trades, sciences or works, that there be neither beggar nor idle person in the Commonwealth.

The third office of overseership is to see particular tradesmen bring in their work to the storehouses and shops, and to see that the waiters in the storehouses do their duty... And if any keeper of a shop or storehouse neglects the duty of his place the overseer shall admonish him and reprove him. If he amend, all is well; if he doth not, the Overseer shall give orders to the soldiers to carry him before the peace-maker's court, and if he reform upon the reproof of that court, all is well. But if he doth not reform, he shall be sent by the officers to appear before the judge's court, and the judge shall pass sentence: That he shall be put out of that house and employment, and sent among the husbandmen to work in the earth: and some other shall have his place and house till he be reformed.

Fourthly, all ancient men, above sixty years of age, are general overseers. And where-soever they go and see things amiss in any officer and tradesmen, they shall call any officer or others to account for their neglect of duty to the Commonwealth's peace; and they are called elders.



## **The Office of a Soldier**

A soldier is a magistrate as well as any officer, and indeed all state officers are soldiers, for they represent power, and if there were not power in the hand of officers the spirit of rudeness would not be obedient to any law or government, but to their own wills.

Therefore every year shall be chosen a soldier, like unto a marshal of a city, and being the chief he shall have divers soldiers under him at his command, to assist in case of need.

The work of a soldier in times of peace is to fetch in offenders and to bring them before either officer or courts, and to be a protection to the officer against all disturbances.

## **The Work of a Task-master (Prison warden)**

The work or office of a taskmaster is to take those into his oversight as are sentenced by the judge to lose their freedom, and appoint them their work and see they do it.

If they do their tasks he is to allow them sufficient victuals and elothing to preserve the health of their bodies. But if they prove desperate, wanton or idle, and will not quietly submit to the law, the taskmaster is to feed them with short diet, and to whip them For a rod is prepared for the fool's back, till such time as their proud hearts do bend to the law.

And when he finds them subject he shall then carry a favourable hand towards them, as to offending brethren, and allow them sufficient diet and clothes in hopes of their amendment; but withal see they do their work, till by the sentence of the law, he be set free again.

The taskmaster shall appoint them any kind of work or labour as he pleases that is to be done by man.

And if any of these offenders run away there shall be hue and cry sent after him, and he shall die by the sentence of the judge when taken again.

## **The Work of an Executioner**

If any have so highly broke the laws, as they come within the compass of whipping, imprisoning and death, the executioner shall cut off the head, hang or shoot to death, or whip the offender according to the sentence of the law. Thus you may see what the work of every officer in a town or city is.

# The Work of a Judge

The law itself is the judge of all men's actions, yet he who is chosen to pronounce the law is called judge, because he is the mouth of the law; for no single man ought to judge or interpret the law.

Because the law itself, as it is left in the letter, is the mind and determination of the Parliament and of the people of the land, to be their rule to walk by and to be the touchstone of all actions.

And that man who takes upon him to interpret the law doth either darken the sense of the law, and so makes it confused and hard to be understood, or else puts another meaning upon it; and so lifts up himself above the Parliament, above the law and above all people in the land.

Therefore the work of that man who is called judge is to hear any matter that is brought before him; and in all cases of difference between man and man he shall see the parties on both sides before him, and shall hear each man speak for himself without a feed lawyer. Likewise he is to examine any witness who is to prove a matter in trial before him

And then he is to pronounce the bare letter of the law concerning such a thing, for he hath his name judge not because his will and mind is to judge the actions of offenders before him, but because he is the mouth to pronounce the law, who indeed is the true judge. Therefore to this law and to this testimony let everyone have a regard who intends to live in peace in the Commonwealth.

But from hence hath arose much misery in the nations under kingly government, in that the man called the judge hath been suffered to interpret the law. And when the mind of the law, the judgment of the Parliament, and the government of the land is resolved into the breast of the judges, this hath occasioned much complaining of injustice, ill judges, in courts of justice, in lawyers and in the course of the law itself, as if it were an evil rule.

Because the law, which was a certain rule, was varied according to the will of a covetous, envious or proud judge. Therefore no marvel though the kingly laws be so intricate, and though few knew which way the course of the law goes, because the sentence lies many times in the breast of a judge and not in the letter of the law.

And so the good laws made by an industrious Parliament are like good eggs laid by a silly goose, and as soon as she hath laid them she goes her way and lets others take them, and never looks after them more; so that if you lay a stone in her nest she will sit upon it as though it were an egg.

And so though the laws be good, yet if they be left to the will of a judge to interpret, the execution hath many times proved bad ...

And surely both the judges for the law and the ministers for God's word have been both unfaithful servants to man and to God by taking upon them to expound and interpret that rule which they are bound to yield obedience to, without adding to or diminishing from.

For a whole county or shire there is to be a judge's court, or county senate, which is to be composed of a judge, of the peacemakers of every town within that circuit, and of the overseers and soldiers attending thereupon.

## **The Judge's Court**

This court shall sit four times in the year, or oftener if need be, in the county, and four times in the year in great cities. In the first quarter of the year they shall sit in the east part of the county, and the second quarter of the year in the west, in the third in the south, and in the fourth in the north.

And this court is to oversee and examine any officer within their county or limits; for their work is to see that everyone be faithful in his place. And if any officer hath done wrong to any, this court is to pass sentence of punishment upon the offender, according to his offence against the law.

If any grievance lie upon any man, wherein inferior officers cannot ease him, this court shall quietly hear his complaint, and ease him. For where a law is wanting, they may prepare a way of ease for the offender till the Parliament sit, who may either establish that conclusion for a law, if they approve of it, or frame another law to that effect; for it is possible that many things may fall out hereafter, which the law-makers for the present may not foresee.

If any disorder break in among the people, this court shall set things to rights. If any be bound over to appear at this court, the judge shall hear the matter, and pronounce the letter of the law, according to the nature of the offence.

So that the alone work of the judge is to pronounce the sentence and mind of the law. And all this is but to see the laws executed, that the peace of the Commonwealth may be preserved.

For the whole land there will be a Parliament, a Commonwealth's ministry, a post-master and an army.

## **The Work of a Commonwealth's Parliament**

A Parliament is the highest court of equity in a land, and it is to be chosen every year. And out of every city, town, and certain limits of a county through the land, two, three, or more men are to be chosen to make up this court.

This court is to oversee all other courts, officers, persons and actions, and to have a full power, being the representative of the whole land, to remove all grievances, and to ease the people that are oppressed.

First, as a tender father, a Parliament is to empower officers, and give out orders for the free planting and reaping of the commonwealth's land, that all who have been oppressed and kept from the free use thereof by conquerors, kings, and their tyrant

laws, may now be set at liberty to plant in freedom for food and raiment; and are to be a protection to them who labour the earth, and a punisher of them who are idle.

The work of a Parliament, secondly, is to abolish all old laws and customs, which have been the strength of the oppressor, and to prepare and then to enact new laws for the ease and freedom of the people, but yet not without the people's knowledge. For the work of a Parliament herein is three-fold. First, when the old laws and customs of the kings do burden the people, and the people desire the remove of them, and the establishment of more easy laws.

It is now the work of a Parliament to search into reason and equity, how relief may be found out for the people in such a case, and to preserve a common peace. And when they have found out a way of debate of counsel among themselves, whereby the people may be relieved, they are not presently to establish their conclusions for a law.

But in the next place, they are to make a public declaration thereof to the people of the land who chose them, for their approbation; and if no objection come in from the people within one month, they may then take the people's silence as consent thereunto.

And then in the third place, they are to enact it for a law, to be a binding rule of the whole land. For as the remove of the old laws and customs are by the people's consent, which is proved by their frequent petitioning and requests of such a thing, so the enacting of new laws must be by the people's consent and knowledge likewise.

And here they are to require the consent, not of men interested in the old oppressing laws and customs, as kings used to do, but of them who have been oppressed. And the reason is this: because the people must be all subject to the law, under pain of punishment; therefore it is all reason they should know it before it be enacted, that if there be anything of the counsel of oppression in it, it may be discovered and amended.

The work of a Parliament, fourthly, is this: if there be occasion to raise an army to wage war, either against an invasion of a foreign enemy or against an insurrection at home, it is the work of a Parliament to manage that business for to preserve common peace.

So then, a Parliament is the head of power in a Commonwealth, and it is their work to manage public affairs in times of war and in times of peace; not to promote the interests of particular men, but for the peace and freedom of the whole body of the land viz., of every particular man, that none be deprived of his Creation rights unless he hath lost his freedom by transgression, as by the laws is expressed.

The army, in Winstanley's Commonwealth, is not to be a permanent body of hired or conscripted soldiers. It is levied only in case of emergency and is composed of the officers who form the magistracy in times of peace and, if necessary, of the whole people in arms:

A ruling army is called magistracy in times of peace, keeping that land and government in peace by execution of the laws, which the fighting army did purchase in the field by their blood out of the hands of oppression.

And here all officers, from the father in a family, to the Parliament in a land, are but the heads and leaders of an army; and all people arising to protect and assist their officers, in defence of a right ordered government, are but the body of an army.

Winstanley saw the need to strengthen the social bonds between the various parishes and counties which compose the commonwealth and for this purpose he imagined that there should be post-masters, whose role is not dissimilar from that of our newspaper editors, though their aims seem more altruistic:

In every parish throughout the Commonwealth shall be chosen two men (at the time when other officers are chosen), and these shall be called postmasters. And whereas there are four parts of the land, east, west, north, south, there shall be chosen in the chief city two men to receive in what the postmaster of the east country brings in, and two men to receive in what the postmaster of the west brings in, and two for the north, and two for the south.

Now the work of the country postmaster shall be this. They shall every month bring up or send by tidings, from their respective parishes to the chief city, of what accidents or passages fall out which is either to be the honour or the dishonour, hurt or profit of the Commonwealth. And if nothing have fallen out in that month worth observation, then they shall write down peace or good order in such a parish.

And when these respective postmasters have brought up their bills or certificates from all parts of the land, the receivers of those bills shall write down everything in order from parish to parish in the nature of a weekly bill of observation.

And those eight receivers shall cause the affairs of the four quarters of the land to be printed in one book with what speed may be, and deliver to every postmaster a book, that as they bring up the affairs of one parish in writing, they may carry down in print the affairs of the whole land.

The benefit lies here, that if any part of the land be visited with plague, famine, invasion, or insurrection, or any casualties, the other parts of the land may have speedy knowledge and send relief.

And if any accident fall out through unreasonable action, or careless neglect, other parts of the land may thereby be made watchful to prevent like danger.

Or if any through industry or ripeness of understanding have found out any secret in nature, or new invention in any art or trade or in the tillage of the earth, or such like, whereby the Commonwealth may more flourish in peace

and plenty, for which virtues those persons received honour in the places where they dwelt; when other parts of the land hears of it, many thereby will be encouraged to employ their reason and industry to do the like; that so in time there will not be any secret in nature, which now lies hid (by reason of the iron age of kingly oppressing government) but by some or other will be brought to light, to the beauty of our Commonwealth.

Winstanley then goes on to describe the tasks of the Ministers of the Commonwealth who are to be laymen, elected every year by the members of the parish. each Sunday when the parish holds its meeting the minister reads aloud the laws of the Commonwealth and the report contained in the Postmaster's gazette and this is followed by speeches and discussions on historical and scientific subjects. Thus we see that there is no room for religion in Winstanley's ideal Commonwealth and that it has been replaced by the study of nature and history. His views on experimental sciences on the importance of discoveries and on education are all the more interesting since they do not come from a philosopher or a scientist, but from a man who had only received a grammar-school education.

If there were good laws, and the people be ignorant of them, it would be as bad for the Commonwealth as if there were no laws at all.

Therefore according to one of the laws of Israel's Commonwealth made by Moses, who was the ruler of the people at that time, it is very rational and good that one day in seven be still set apart, for three reasons.

First, that the people in such a parish may generally meet together to see one another's faces, and beget or preserve fellowship in friendly love.

Secondly, to be a day of rest or cessation from labour; so that they may have some bodily rest for themselves and cattle

Thirdly, that he who is chosen minister (for that year) in that parish may read to the people three things.

First, the affairs of the whole land, as it is brought in by the postmaster, as it is related in his office hereafter following.

Secondly, to read the law of the Commonwealth; not only to strengthen the memory of the ancients, but that the young people also, who are not grown up to ripeness of experience, may be instructed, to know when they do well and when they do ill. For the laws of a land hath the power of freedom and bondage, life and death in its hand, therefore the necessary knowledge (is) to be known, and he is the best prophet that acquaints man therewith; that as men grow up in years they may be able to defend the laws and government of the land. But these laws shall not be expounded by the reader, for to expound a plain law, as if a man could put a better meaning than the letter itself, produces two evils.

First, the pure law and the minds of people will be thereby confounded, for multitude of words darken knowledge.

Secondly, the reader will be puffed up in pride to condemn the law-makers and in time that will prove the father and nurse of tyranny, as at this day is manifested by our ministry.

And thirdly, because the minds of people generally love discourses; therefore, that the wits of men both young and old may be exercised there may be speeches made in three-fold nature.

First, to declare the acts and passages of former ages and governments, setting forth the benefits of freedom by wellordered governments, as in Israel's Commonwealth; and the troubles and bondage which hath always attended oppression and oppressors, as the state of Pharaoh and other tyrant kings who said the earth and people were theirs and only at their dispose.

Secondly, speeches may be made of all arts and sciences, some one day, some another, as in physics, surgery, astrology, astronomy, navigation, husbandry, and such like. And in these speeches may be unfolded the nature of all herbs and plants from the hyssop to the cedar, as Solomon writ of.

Likewise men may come to see into the nature of the fixed and wandering stars, those great powers of God in the heavens above and hereby men will come to know the secrets of nature and Creation, within which all true knowledge is wrapped up, and the light in man must arise to search it out.

Thirdly, speeches may be made sometimes of the nature of mankind of his darkness and of his light, of his weakness and of his strength, of his love and of his envy, of his sorrows and of his joys, of his inward and outward bondages, and of his inward and outward freedoms, etc. And this is that which the ministry of churches generally aim [at], but only that they confound their knowledge by imaginary study, when anyone takes upon him to speak without experience.

And because other nations are of several languages, therefore these speeches may be made sometimes in other languages and sometimes in our mother tongue; that so men of our English Commonwealth may attain to all knowledges, arts and languages. and that every one may be encouraged in his industry, and purchase the countenance and love of their neighbourhood for their wisdom and experimental knowledge in the things which are.

Winstanley asserted that under "kingly" government education had remained the privilege of a few: "kingly bondage," he says, "is the cause of the spreading ignorance in the earth. But when Commonwealth's freedom is established, and Pharisaical or kingly slavery cast out, then will knowledge cover the earth as the waters cover the

seas, and not till then.” In his ideal commonwealth every child will be educated both in “book learning” and in a particular trade, and special care will also be taken to train children into good citizens:

Mankind in the days of his youth is like a young colt, wanton and foolish, till he be broke by education and correction and the neglect of this care or the want of wisdom in the performance of it, hath been and is, the cause of much division and trouble in the world.

Therefore the law of a Commonwealth does require that not only a father but that all overseers and officers should make it their work to educate children in good manners; and to see them brought up in some trade or other, and to suffer no children in any parish to live in idleness and youthful pleasure all their days as many have been; but that they be brought up like men and not like beasts, that so the Commonwealth may be planted with laborious and wise experienced men, and not with idle fools.

Mankind may be considered in a fourfold degree, his child hood, youth, manhood and old age. His childhood and his youth may be considered from his birth till forty years of age; and within this compass of time, after he is weaned from his mother (who shall be the nurse herself if there be no defect in nature), his parents shall teach him a civil and humble behaviour toward all men. Then send him to school, to learn and to read the laws of the Commonwealth, to ripen his wits from his childhood, and so to proceed in his learning till he be acquainted with all arts and languages. And the reason is threefold.

First, by being acquainted with the knowledge of the affairs of the world, by their traditional knowledge they may be the better able to govern themselves like rational men.

Secondly, they may become thereby good Commonwealth’s men in supporting the government thereof, by being acquainted with the nature of government.

Thirdly, if England have occasion to send ambassadors to any other land, we may have such as are acquainted with their language; or if any ambassador come from other lands, we may have such as can understand their speech.

But one sort of children shall not be trained up only to book learning and no other employment, called scholars, as they are in the government of monarchy; for then through idleness and exercised wit therein they spend their time to find out policies to advance themselves to be lords and masters above their labouring brethren; as Simeon and Levi do, which occasions all the trouble in the world.



Therefore, to prevent the dangerous events of idleness in scholars, it is reason, and safe for common peace, that after children have been brought up at schools, to ripen their wits, they shall then be set to such trades, arts and sciences as their bodies and wits are capable of; and therein continue till they come to forty years of age.

We have already seen that Winstanley abolished private ownership of the means of production, but unlike More, Campanella, and Andreae, he retained private ownership of “consumer goods.”

If any other man endeavour to take away his house, furniture, food, wife, or children, saying, Everything is common, and so abusing the law of peace, such a one is a transgressor, and shall suffer punishment, as by the government and laws following expressed.

For though the public storehouses be a common treasury, yet every man’s particular dwelling is not common, but by his consent; and the Commonwealth’s laws are to preserve a man’s peace in his person, and in his private dwelling, against the rudeness and ignorance that may arise in mankind.

Nevertheless in his ideal commonwealth there is neither money nor wages and each gives according to his ability and receives according to his needs. At the end of *The Law of Freedom* he returns to the organisation of a moneyless society and explains how it will work:

The earth is to be planted and the fruits reaped and carried into barns and storehouses by the assistance of every family. And if any man or family want corn or other provision, they may go to the storehouses and fetch without money. If they want a horse to ride, go into the fields in summer, or to the common stables in winter, and receive one from the keepers, and when your journey is performed, bring him where you had him, without money. If any plant food or victuals, they may either go to the butchers’ shops, and receive what they want without money — or else go to the flocks of sheep, or herds of cattle, and take and kill what meat is needful for their families, without buying and selling.

In the last chapter of *The Law of Freedom* Winstanley analyses the nature of laws and attempts to show the difference between customary, conventional and written laws, and the unwritten laws which spring from the “inward light of reason.” “The King’s old laws,” he says, “cannot govern in times of bondage and in times of freedom too,” and, with his characteristic concreteness, he compares them to “old soldiers, who will change their name, and turn about, and as they were.” The law of the true commonwealth must be “a covenant of peace to whole mankind.” This law “sets the earth free to all. This unites both Jew and Gentile into one brotherhood, and rejects none. This makes Christ’s garment whole again, and makes the kingdoms of the world to become

Commonwealths again. It is the inward power of right understanding, which is the true law that teaches people in action, as well as in words, to do as they would be done unto.”

As far as the written laws of the Commonwealth are concerned they must be “few and short and often read... and everyone, knowing when they did well and when ill, would be very cautious of their words and actions: and thus would escape the lawyer’s craft.” It is rather surprising, in view of this statement, to find that Winstanley ends the description of his ideal Commonwealth with a list of sixty-two laws, many of which seem little different from the “traditional law of kings which kills true freedom.” They appear, however, to have been put forward tentatively, for Winstanley prefaces them with these words: “What may be those particular laws, or such a method of law, whereby a Commonwealth may be governed.” It is disappointing, nevertheless, to see that Winstanley, like so many other Utopian writers, shows so little faithfulness to his own theoretical views when he comes to put them into practice. He, who in the *Law of Righteousness* had said: “If any man can say, he can give life, then he hath the power to take away life. But if the power of life and death be only in the hand of the Lord, then surely he is a murderer of the Creation that taketh away the life of his fellow creature, man, by any law whatsoever,” makes a free use of the death penalty. As if he had had power to give life,” he orders:

No man shall administer the law for money or reward. He that doth shall die as traitor to the Commonwealth for when money must buy and sell justice, and bear all the sway, there is nothing but oppression to be expected. He who professes the service of a righteous God by preaching and prayer, and makes a trade to get possess shall be put to death for a witch and a cheater.

His conception of justice is wholly barbarian:

He who strikes his neighbour shall be struck himself by the executioner blow for blow, and shall lose eye for eye, tooth for tooth, limb for limb, life for life; and the reason is, that men may be tender to one another’s bodies, doing as they would be done by.

As in More’s *Utopia* slavery is prescribed as the punishment for lesser crimes:

He who breaks any laws shall be the first time reprov’d in words in private or in public, as is showed before; the next time whipped, the third time lose his freedom, either for a time or for ever, and not to be any officer.

He who hath lost his freedom shall be a common servant to any freeman who comes to the taskmasters and requires one to do any work for him; always provided that after one freeman hath by the consent of the taskmasters appointed him his work, another freeman shall not call him thence till that work be done.

If any of these offenders revile the laws by words they shall be soundly whipped and fed on coarse diet. If they raise weapons against the laws they shall die as traitors.

When any slaves give open testimony of their humility and diligence and their care to observe the laws of the Commonwealth, they are then capable to be restored to their freedom when the time of servitude is expired, according to the judge's sentences. But if they remain opposite to the laws they shall continue slaves till another term of time.

Winstanley was a staunch defender of the family and he had often denounced those who, "through unreasonable beastly ignorance, think there must be a community of all men and women for copulation, and so strive to live a bestial life." In a free Commonwealth "every family shall live apart, as now they do. Every man shall enjoy his own wife, and every woman her husband, as now they do." The laws concerning marriage are however extremely simple and though rape is, in some cases punished by death, adultery is not considered a crime:

Every man and woman shall have the free liberty to marry whom they love, if they can obtain the love and liking of that party whom they would marry. And neither birth nor portion shall hinder the match, for we are all of one blood, mankind. And for portion, the common storehouses are every man's and maid's portion, as free to one as to another.

If any man lie with a maid and beget a child, he shall marry.

If a man lie with a woman forcibly, and she cry out and give no consent; if this be proved by two witnesses, or in the man's confession, he shall be put to death, and the woman let go free. It is robbery of a woman's bodily freedom.

If any man by violence endeavour to take away another man's wife, the first time of such violent offer he shall be reproved before the congregation by the peace-maker; the second time he shall be made a servant under the taskmaster for twelve months; and if he forcibly lie with another man's wife, and she cry out, as in the case when a maid is forced, the man shall be put to death.

When any man or woman are consented to live together in marriage, they shall acquaint all the overseers in their circuit therewith, and some other neighbours. And being all met together, the man shall declare by his own mouth before them all that he takes that woman to be his wife, and the woman shall say the same and desire the overseers to be witnesses.

If, in the drafting of the laws of his ideal commonwealth, Winstanley reveals an authoritarian spirit common to most Utopians he is, on the other hand, completely

free from that nationalism which characterises so many of them. Not only does his Commonwealth not engage in wars of aggression, but he also seems to have believed that the other nations of the world would soon follow its example and that the whole of humanity would live in peace:

In that nation where this Commonwealth's government shall be first established, there shall be abundance of peace and plenty and all nations of the earth shall come flocking thither to see his beauty, and to learn the ways thereof. And the law shall go forth from that Zion, and that word of the Lord from that Jerusalem which shall govern the whole earth. Micah, iv. 1, 2.

There shall be no tyrant kings lords of manors, tithing priests, oppressing lawyers, exacting landlords, nor any such like pricking briar in all this holy mountain of the Lord God our Righteousness and Peace; for the righteous law shall be the rule for everyone and the judge of all men's actions.

The whole earth would become one immense family:

And the rule of right government, being thus observed, may make a whole land, nay the whole fabric of the earth, to become one family of mankind and one well governed Commonwealth; as Israel was called one house of Israel, though it consisted of many tribes, nations and family.

*The Law of Freedom* marks the end of Winstanley's short, but intense, literary and political activity. At the time of its appearance it must have enjoyed a certain success for it soon ran into a second edition, and like most of his other works was widely pirated. But with the return of the monarchy and the final enslavement of the English working class, Winstanley's message lost its meaning and his works were ignored both by historians and social thinkers. It was not until the beginning of this century that a comprehensive study of his activities and writings was made by L. H. Berens in *The Digger Movement in the Days of the Commonwealth*. Since then a selection from his works has been published in England and a complete edition has appeared in America. Yet Berens protests against the neglect from which Winstanley has suffered, which still applies to-day: "Its perusal (of *The Law of Freedom*) convinced us, and our subsequent investigations have only served to strengthen the belief, that Winstanley was, in truth, one of the most courageous, far-seeing and philosophical preachers of social righteousness that England has given to the world. And yet how unequally Fame bestows her rewards. More's *Utopia* has secured its author world-wide renown; it is spoken of, even if not read, in every civilised country in the world. Gerrard Winstanley's *Utopia* is unknown to his own countrymen."

The Ted K Archive

Marie Louise Berneri  
Utopias of the English Revolution  
1941

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