

# Interpretation

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# Interpretation

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# Locke's *Second Treatise* and the Literature of Colonization

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## INTRODUCTION

A significant amount of scholarship has been devoted to the debate over whether and to what extent Locke's theory of government influenced the American Revolutionary generation. Less attention has been paid, however, to the relationship between the theory of property which Locke developed in the *Second Treatise of Government* and English policies and attitudes concerning the colonization and development of America.<sup>1</sup> By the time Locke wrote the *Treatise* English colonization had been in progress for roughly ninety years, and during that period there was no shortage of either published accounts of life in America or documents suggesting reasons for establishing and then expanding a permanent English presence. But the sorts of reasons one finds in these documents differ markedly from those which Locke offers later in the *Treatise*. These pre-Lockean writings generally appealed to either prudential or religious concerns; whatever explicit moral justifications were in circulation were either highly sectarian or largely enthymematic. Locke's theory of property represents an important contribution to the ongoing process of justifying an English presence in America because it advances a full-blown, theoretically based moral argument for that presence which was independent of both assumptions based on narrowly sectarian religious views and of appeals to what would now be thought of as geopolitical and economic concerns.

The shift in emphasis from prudential reasons to moral ones parallels a shift in thinking about exactly which aspects of colonization and settlement required justification, and this was not a historical accident but reflected changing conditions in America. Prior to the publication of the *Treatise*, whatever reasons were advanced in favor of colonization were largely concerned with showing *why* England should establish a presence in America, and that it had as good a claim to territory in America as the other European powers. Concern over the fact that native Americans may have had a justifiable claim to the land is rarely expressed. Thus we should expect most of the earlier arguments for colonization

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I would like to thank my colleague Richard Gildrie for reading earlier drafts of this paper and for offering very helpful comments and suggestions.

to appeal to geopolitical and economic concerns, and that is exactly what we find. But by the time the *Treatise* appeared, English colonization efforts were in full swing, and consequently there was no longer any need to convince the English government to press ahead with colonization. Additionally, claims to American land by the major European powers had to some extent been sorted out, and so there was little need to justify the English presence in America to the French or the Spanish. What was called for instead was a response to those in England and the colonies who had misgivings about the fact that the English were appropriating, settling, and planting land that arguably belonged to native Americans and so was not England's for the taking. As early as 1629, for example, the Puritan leader John Winthrop considered the possibility that "We have noe warrant to enter uppon that land wch hath been soe long possessed by others."<sup>2</sup> And while he ultimately argues that there is such warrant, whether English settlers had the right to appropriate American land was clearly an issue of concern. The *Treatise* amounts to an implicit admission that a specifically moral argument had to be given in response to claims made on behalf of native Americans. I want to argue that one function of Locke's discussion of property in the *Treatise* was to place a moral stamp of approval on a process of land appropriation that was already under way, and to suggest a specific direction for future colonial policy.

The foregoing all hinges on the claim that America specifically was before Locke's mind when he laid out his theory of property. It may be suggested, however, that this makes far too much of Locke's references to America in the *Treatise*. Why not simply suppose that the references to America are haphazard and accidental, and that Locke invoked America, when, as far as he was concerned, any colony would serve just as well as an illustration of the points he was trying to make? I think this suggestion is mistaken; Locke's recurrent appeal to conditions in America in the context of his discussion of property is not accidental. When we examine the passages in which Locke specifically refers to America, it appears that he does so with the specific purpose of justifying English claims to property in America. This is not to deny that Locke had other purposes in mind as well. I only claim here that Locke wanted to show that English colonization efforts in America were morally justified, and to provide English policymakers with a blueprint for an ongoing, morally justified policy of colonization and development in America.

This view is partially borne out by Locke's actions while he served on the Board of Trade. Locke served as a member of this board, as well as being an unofficial advisor to various governmental and quasi-governmental bodies. On those occasions when a question relating to American development was raised, these bodies promoted policies that were consistent with Locke's theories in the *Treatise*, both during his tenure as an official member and for some time after he ended his official association with them. The principles set forth in the *Treatise* reinforce the view that the establishment of permanent, agriculturally

intensive settlements with relatively large populations in America, as opposed to just missions or trading outposts, was the proper policy to be followed, and that is just the sort of policy we find Locke advocating and which usually carried the day. If all this is correct, then the *Treatise* contributed to and advanced the ongoing discussion of the colonization of America and the treatment of native Americans.

#### THE DISCUSSION PRIOR TO LOCKE

It is important at the outset to appreciate the context in which the literature advocating English colonization made its first appearance. As Kenneth R. Andrews notes, "it would be mistaken to suppose that Hayes and similar enthusiasts [about colonization] represented the main current of opinion about such matters. From 1586 to 1602 at least skepticism if not downright hostility prevailed . . ."<sup>3</sup> The earliest documents were directed to two distinct audiences and began to appear in the 1580s. Some of these, such as the younger Richard Hakluyt's "Discourse on Western Planting," were directed to the queen and other powerful figures in the government, and attempted to persuade them that the government should embark on a much more aggressive policy of colonization. On the other hand, documents such as Thomas Harriot's "A Brief and True Report of the New Found Land of Virginia" were more akin to modern guidebooks; they provided information about conditions in the New World to the public and potential colonists. One consequence of the fact that this literature was aimed at very different audiences and had a range of purposes is that prudential, religious, and moral justifications for the colonization and development of America are all jumbled together, apparently with little awareness on the part of the authors that, for example, a prudential reason does not supply a moral justification. Given the practical nature of these documents, we shouldn't expect anything more. But from our perspective it is possible to sort out the strands of justification, and as we do that, certain patterns emerge. For example, the most frequently encountered justifications in the earliest literature generally appeal to prudential concerns. Some invoked what would now be thought of as geopolitical considerations, whereas others made much of the economic conditions which prevailed in England. But the upshot of all these justifications was that colonization would be good for England, rather than that colonization was morally justified. Of course, the people to whom these arguments and reasons were addressed typically would have assumed that what was good for England was morally good and failed to see these as two separate issues. But from our perspective it is clear that these are very different claims, and that there is a major difference between justifying a policy by showing it is in a nation's self-interest as opposed to its being morally permissible. This is important, for

Locke's justification of colonization, as we shall see in the next section, was moral through and through.

We can begin by taking a detailed look at the various forms that the prudential arguments take. What I have called the geopolitical arguments all note that colonization and settlement would improve England's position in relation to other European powers, most notably Spain's, which had already mounted fairly extensive explorations and which was beginning to reap economic benefits. It was argued that colonization and trade in America would help to check the expansion of Spanish power. For example, as the younger Hakluyt notes "This enterpryse may staye the spanishe kinge from flowinge over all the face of that waste firme of America, yf wee seate and plante there in time."<sup>4</sup> He also says that an English presence in America would, "be a great bridle to the Indies of the kinge of Spaine and a meane that wee may arreste at our pleasure for the space of tenne weekes or three monethes every yere, one or two hundred saile of his subjectes shippes at the fysshinge in Newfounde lande." In the next paragraph Hakluyt claims that the gold and other wealth from the Indies enabled the Spanish to "worke the unrecoverable annoye of this Realme, whereof already wee have had very dangerous experience" (p. 211). The implicit point is that an English presence in America would provide a base of operations from which harassing raids on Spanish shipping might be carried out.

Sir Walter Raleigh offered a similar argument. He believed that the ability of the Spanish to wage war was partially dependent on American gold and silver. Thus, Spanish designs in Europe could be thwarted by cutting off this source of wealth. Raleigh writes,

For if the Spaniards by the treasure of those Kingdomes which hee hath already [in America] be able to trouble the better parte of Christendome, what would hee doe if hee were once established in Guiana, which is thought to bee more rich than all other lands which hee enjoyeth either in the East or West Indies. Whereas if her Majestie weare seased of it, hee mighte bee soe kepte occupied in those prouinces that hee would not hastely threaten us, with any more of his inuincible navies.<sup>5</sup>

This argument continued to carry some persuasive force, for fifty years later we find the following in a speech given in the House of Commons, "They are not his [the king of Spain's] great territories which make him so powerful . . . For it is very well knowne, that Spaine itself is but weake in men, and barren of naturall commodities . . . No sir, they are his mines in the West Indies, which minister fuell to feed his vast ambitious desire of universall monarchy."<sup>6</sup>

Arguments that a presence in North America will advance other national concerns are readily found. For example, it was thought that America would provide an excellent base for further explorations, such as the search for a Northwest Passage to Asia. The elder Hakluyt writes, "A great possibilitie of further discoveries of other regions from the North part of the same land by sea,

and of unspeakable honor and benefit that may rise upon the same, by the trades to ensue in Japan, China, and Cathay, &c.”<sup>7</sup> A North American presence would also augment the strength of the English navy and allow it greater freedom of movement. Hakluyt the Younger notes, “That this action [colonization] will be greatly for thincrase, mayneteynaunce and safetie of our Navye, and especially of greate shippinge which is the strengthe of our Realme . . .” (“Discourse,” p. 213). And it would aid English efforts to draw Ireland closer into the English sphere of influence (p. 212).

There was additionally a confluence between these geopolitical concerns and one prominent type of religious justification. The conversion of native Americans was often cited as a reason to explore and settle the New World. Insofar as these were based solely on charitable concerns for the state of native Americans’ eternal souls, they count as moral arguments, however misguided, and I will take them up later. But other authors see the conversion of natives as having a more pragmatic and strategic aspect, which was to ensure their allegiance in the religious controversies and wars that were being played out on the continent. As Peter Mancall notes, “Under Queen Elizabeth I, an ardent believer in the need to expand the power of Protestants and limit the power of the Catholic Church, Spanish and French efforts to spread Catholicism across the Atlantic constituted a threat that had to be stopped.”<sup>8</sup> Raleigh, for example notes one reason which recommends the colonization of Guiana is that “presently it will stopp the mouthes of the Romish Catholickes, who vaunt of theyr great adventures for the propogacion of the gospell” (p. 135).

Economic considerations provided the basis for another category of prudential justification. Of these two were especially prominent. One was that colonization would pay for itself in the short run and in the long run make a significant contribution to the economic well-being of England. It was argued that colonization would simultaneously open up new markets for English goods and create more reliable sources of both cheap raw materials and finished goods. For example, a major English concern was to find new markets for English wool. This concern is reflected in the list of reasons for colonization offered by the elder Hakluyt, who claims that America and native Americans will offer “An ample vent in time to come of the Woollen clothes of England, especially those of the coursest sorts, . . . and vent also of sundry our commodities upon the tract of that firme land, and possibly in other regions from the Northerne side of that maine” (“Inducements,” p. 327). He also notes that it is especially important to find new markets because of increased competition from Spanish wool, at least some of which is coming from the West Indies (p. 331).<sup>9</sup>

Besides functioning as a new market, America would supply raw materials and other goods that were more costly when bought elsewhere. These could be had cheaply in America, since essentially worthless goods could be exchanged with native Americans for these resources. Hakluyt notes, “At the firste traficque wth the people of those partes, the subjectes of this Realme for many

yeres shall change many cheape commodities of these partes, for thinges of highe valor there not estemed, and this to the greate inrichinge of the Realme, if commone use faile not” (“Discourse,” pp. 316–17). Furthermore, transportation costs would be lowered. “By the greate plentie of those Regions the marchantes and their factors shall lye there cheape, buye and repaire their shippes cheap, and shall returne at pleasure withoute staye or restraunte of forreine Prince, whereas upon staies and restraints the marchaunte raiseth his chardge in sale over of his ware . . .” (p. 317). Finally, as opposed to goods that came from other European nations, there were no customs taxes to be paid to foreign powers. “No forren commoditie that commes into England commes withoute payment of custome once twice or thrise before it come into the Realme, and so all forren commodities become derer to the subjectes of this Realme . . .” (p. 316).

An additional problem that colonization might solve was that of ensuring a steady supply of certain goods in the face of conflict among the European powers. The maintenance of trade was generally an iffy proposition, given the extent of European animosity during this period, and so this concern was not an idle one. As David Quinn notes, “One of their major hopes was to find alternative sources for Spanish products—olive oil, wine, leather, and suchlike—the continued acquisition of which was becoming uncertain as relations with Spain worsened.”<sup>10</sup> The supply of these could be interrupted at any moment if hostilities were to break out, and so finding an alternative supply was a matter of concern for the English government. Hakluyt the Younger says,

If the sea coste [of America] serve for makinge of salte, and the Inland for wine, oiles, oranges, lymons, figges, &c., and for makinge of yron, all wch wth moche more is hoped, withoute sworde drawn, wee shall cutt the combe of the frenche, of the spanishe, of the portingale, and of enemies, and of doubtfull frendes to the abatinge of their wealthe and force, and to the greater savinge of the wealthe of the Realme. (“Discourse,” p. 317)

In addition to these standard reasons, the socioeconomic conditions that prevailed in England were the occasion for another sort of argument. Beginning in 1570 and ending in 1600 England experienced a significant increase in population, from 3.25 million to 4.07.<sup>11</sup> Furthermore, advances in manufacturing and agriculture resulted in less work being available. These two factors produced unemployment, which in turn led to poverty, crime, and general social disorder. One partial solution to these problems was colonization. The pursuit of such a policy would purportedly have two desirable consequences. First, it would put idle and unproductive laborers to work, thereby increasing the overall prosperity of England. Second, it would help eliminate social disorder by exporting the social riffraff from England to America.<sup>12</sup> As Hakluyt the Elder notes,

If this realme shall abound too too much with youth, in the mines there of Golde, (as that of Chisca and Saguenay) of Silver, Copper, Yron, &c. may be an employment to the benefit of this realme; in tilling of the rich soile there for graine, and in planting of Vines there for Wine; . . . and in many such other things, by imploiment of the soile, our people void of sufficient trades, may be honestly imploied, that els may become hurtfull at home.<sup>13</sup>

He goes on to suggest that the various sorts of tasks that will need performing in the New World could be performed by those he alternates between calling "idle people" and "waste people" ("Inducements," p. 331). The younger Hakluyt argues that America is the perfect place to send the impoverished and their children:

The frye of the wandringe beggars of England that growe upp ydly and hurtefull and burdenous to this Realme, may there [in America] be unladen, better bredd upp, and may people waste Contries to the home and forreine benefite, and to their owne more happy state. If Englande crie oute and affirme that there is so many in all trades that one cannot live for another as in all places they doe, This Noubega (yf it be thoughte so goodd) offreth the remedie." ("Discourse," p. 319)

It should be noted that although the existence of an excess and idle population which could find useful employment in a colony figured in moral arguments offered by subsequent promoters of colonization, some of which will be looked at later, the Hakluyts' arguments were not driven by moral concerns. They were not arguing that the presence of a large group of unemployed people in a nation conferred moral legitimacy on either England's or any other nation's claims to land in America. Rather, colonization is suggested as a practical solution to a pressing economic problem.

All the reasons for colonization we have surveyed thus far were based on prudential rather than purely moral considerations. But Locke's was neither the only nor the first explicitly moral justification. There were significant differences between Locke's moral justification and those other moral justifications which were in circulation prior to the publication of the *Treatise*, however. The most frequently invoked involved a set of interrelated assumptions which would be plausible only to those who already accepted a sectarian and religious world view. For example, some believed that it was simply the will of God that either England or some group within England such as one of the Nonconformist sects should colonize America. Colonization was morally justified then because it was directly sanctioned by God; America had been given by God to whichever group was claiming the right to colonize and appropriate land. For example, John Winthrop asks rhetorically, "who knowes but that god hath provided this place to be a refuge for many whom he meanes to save out of the generall callamitie, and seeinge the Church hath no place left to flie into but the wildernesse, what better worke can there be, then to goe before and provide Taberna-

cles, and food for her, against she cometh thither” (p. 421). He also claimed that “God hath consumed the Natives with a great plague in those parts soe as there be few in-habitants left” (p. 423). Winthrop took this as evidence that God had given the land to the Puritans as a refuge from the persecution which they were experiencing in England, and that therefore they had a right to the land.

This kind of religious justification went hand in hand with a second which was alluded to earlier. Inasmuch as the conversion of native Americans was thought to provide them with a benefit, namely eternal salvation, it followed that effecting the conversion by establishing an English presence in America was a morally good thing to do. This would only justify the establishment of Spanish style missions, however, and falls far short of establishing a right to colonize and appropriate land on a permanent basis. So many writers go on to note that more than simple conversion was wanted. As Roderick Nash argues, “The Puritans seldom forgot that civilizing the wilderness meant far more than profit, security, and worldly comfort. A manichean battle was being waged between ‘the clear sunshine of the Gospell’ on the one hand and the ‘thick antichristian darkness’ on the other.”<sup>14</sup> A permanent, large-scale presence was needed to solidify the civilizing effects of religion, and this would bring in its train the benefits of purportedly superior technology. Some apologists, such as George Peckham, apparently conceived of the taking and settling of native American land as a bargain in return for which native Americans were receiving something worth infinitely more, namely eternal salvation. Peckham details these spiritual benefits when he says,

in respect of the most happy and gladsome tydings of the most glorious Gospel of our Saviour Jesus Christ, whereby they [native Americans] may be brought from falsehood to trueth, from darknesse to light, from the hieway of death to the path of life, from superstitiqus idolatrie to sincere Christianity, from the devill to Christ, from hell to Heaven. And if in respect of all the commodities they can yeelde us (were they many moe) that they should but receive this onely benefite of Christianity, they were more than fully recompenced.<sup>15</sup>

Peckham goes on to note that native Americans will receive material benefits on top of these spiritual benefits, due to a one-way transmission of technology. Peckham says, “Yet [native Americans] being brought from brutish ignoraunce, to civility and knowledge, and made them to understand how the tenth part of their land may be so manured and employed, as it may yeeld more commodities to the necessary use of mans life, then the whole now doeth: What just cause of complaint may they have?” (p. 120). This same idea is echoed some forty years later by Winthrop, “We shall come in wth the good leave of the Natives, who find benefitt already by our neighbourhood and learne of us to improve put to more use, then before they could doe the whole, & by this meanes wee come in by valuable purchase: for they hav of us that wch will yeild them more benefitt then all the land wch wee have from them” (p. 423). Apparently the fact that

the survival of the Plymouth colony was largely due to native American knowledge did not disturb Winthrop's faith in the benefits and superiority of English technology.

A further justification dovetails with concerns over both the conversion of native Americans and the expansion of Spanish power. Some writers noted the cruel and brutal treatment which American Indians were undergoing at the hands of the Spanish, and argued that humanitarian concerns justified the establishment of an English presence in America. The English would be more humane in their treatment of native Americans, and this would ultimately encourage native Americans to rebel successfully against Spanish domination. The perception that the Spanish were responsible for horribly mistreating native Americans was common in Europe by the end of the sixteenth century, thanks largely to the appearance of Bartolome Las Casas's *Brief Account of the Destruction of the Indies*. As J. H. Eliot notes,

Las Casas appeared in French and Dutch translations, before being translated into English in 1583. By the early 1580's, therefore, the most lurid information about Spanish conduct in the Indies was circulating through the continent. It only needed the horrific illustrations of Theodore de Bry's new edition of Las Casas at the end of the century to stamp an indelible image of Spanish atrocities on the European consciousness. The Huguenots, the Dutch, and the English all seized on Benzoni and Las Casas with glee. (P. 95)

Raleigh, for example, recommends the colonization of Guiana because the result will be "that by this meanes infinite numbers of soules may be brought from theyr idolatry, bloody sacrifices, ignoraunce, and inciuiltie to the worshipping of the true God aright to ciuill conversation, and also theyr [native Americans] bodyes freed from the intollerable tירrany of the Spaniards whereunto they are already or likely in shORTE space to bee subjected . . ." (p. 135). He goes on to catalogue in gory detail the purported acts of Spanish cruelty against the natives, including, "branded with hot irons, roasted, dismembred, mangled, stabbed, whipped, racked, scalded with hott oyle, suet, and hogsgrease, put to tyhe strapado, ripped alive, beheaded in sport, drowned, dashd against the rocks, famished, deuoured by mastifes, burned and by infinite cruelties consumed . . ." (pp. 138–39).

Finally, some moral justifications were in circulation during this period, and since these anticipated Locke to one degree or another, it will be worth while to look at them for purposes of comparison. One might, for example, stitch together an argument based on material found in Thomas More's *Utopia*. More's view is that when a country is suffering from overpopulation, the inhabitants have a right to take land belonging to others if it is not being used. He approvingly says that "they [the Utopians] think it the justest reason for war when any nation refuses to others the use and possession of that land which it does not use itself, but owns in idle emptiness, when the others by the law of nature

ought to be nourished from it."<sup>16</sup> Here we have an explicitly moral argument that appeals to the natural law. A similar argument was advanced a century later by Samuel Purchas. He says,

But what right can England then challenge to Virginia . . .? First, as men, we have a naturall right to replenish the whole earth: so that if any Countrey be not possessed by other men, every man by Law of Nature and Humanitie hath right of Plantation, and may not by other after-commers be dispossessed, without wrong to human nature. And if a country be inhabited in some parts thereof, other parts remaining unpeopled, the same reason giveth liberty to other men which want convenient habitation to seat themselves where (without wrong to others) they may provide for themselves. . . . To question this right were . . . to disappoint also that Divine Ordinance of replenishing the Earth. . . .<sup>17</sup>

More's argument holds that a surplus population at home gives one nation the right to colonize the idle lands of another. On the one hand, Locke would agree that More's principle holds in the state of nature, inasmuch as a person cannot have a legitimate claim to land unless he cultivates and develops it, and consequently idle land is unowned. But on the other hand, More's claim goes much farther than Locke would be willing to go, for by Locke's lights once a system of private property is in place and governed by the positive law of a society, need is an insufficient justification for invading another's property rights, even if the land is not currently being put to any productive use. That is, neither More nor Purchas explains why possession may be taken of unused land in places like America but not in England. Furthermore, a crucial component of an overall theory of property is completely absent from both More and Purchas. Neither provides an account of how property rights are generated initially and why private property itself is justified. In spite of these differences, however, both of these accounts contain elements which Locke will incorporate into his defense of colonization.

It should not be surprising to find a moral justification of appropriation adumbrated in the work of John Winthrop and John Smith, since these early settlers were the ones involved in the actual taking of land. While it remained for Locke to offer a coherent and unified theory of property, and to present an essentially secularized argument for appropriation which did not appeal to revealed religious truths, Winthrop's and Smith's arguments anticipated Locke on some key points.

The issue of land rights was raised among the colonists by Roger Williams, and this provided the basis for one of the charges that was brought against him at his trial in 1635.

Governor John Winthrop (who personally cherished a warm affection for Williams) solemnly enumerated the four charges. . . . First, Williams had maintained that the colony could not hold its title to the land by a royal charter, for King Charles never

owned the soil in the first place, and so had no right or power to bestow it. The true owners were the Indians, and they should have been paid for the territory (as Williams scrupulously did in Rhode Island).<sup>18</sup>

Thus the challenge for the early settlers was to defend their claims to land against this kind of charge. In defending the colonists' right to appropriate land, Winthrop argued that

That wch lies comon and hath never been replenished or subdued is free to any that will possesse and improve it, for god hath given to the sonnes of men a double right to the earth, there is a naturall right & a Civill right the first right was naturall when men held the earth in common every man soweing, and feeding where he pleased: and then as men and the cattle increased they appropriated certaine parcells of ground by enclosing, and peculiar manurance, and this in tyme gave them a Civill right. (P. 422)

Many of these ideas are repeated in John Smith's "Advertisements for the Un-experienced Planters of New England, or Any Where":

for God did make the world to be inhabited with mankind, and to have his name knowne to all Nations, and from generation to generation: as the people increased they dispersed themselves into such Countries as they found most convenient. And here in Florida, Virginia, New-England, and Canada, is more land than all the people in Christendome can manure, and yet more to spare than all the natives of those Countries can use and culturaturate.<sup>19</sup>

These arguments advance three claims which are also critical components of Locke's theory of property and his defense of colonization. First, Winthrop holds that God originally gave the earth to all in common. Second, as Smith notes, much of the land that God gave to all in common is not being used productively; there is more land in America than could possibly be used or needed by native Americans. Third, Winthrop explicitly and Smith implicitly claim that property rights arise from labor; the acts of enclosing and improving the land give rise to a "naturall right" to property, which, once political institutions evolved and customs are enshrined in laws, becomes a "Civill right." Locke incorporates all these claims into his theory of property acquisition, and so his theory was neither without precedent nor completely discontinuous with past discussions. But as we will see in the next section, what in the hands of others amounted to little more than a sketch of a theory was turned by Locke into a sophisticated theory of property. Furthermore, Locke claims that the theses which provide the main support for his theory could be known to be true through reason. Thus, while appeals to Biblical passages and revealed religion generally may have been useful politically in creating a consensus favoring a policy of colonization and land appropriation, such appeals were ultimately

unnecessary for demonstrating the correctness of the main principles of Locke's theory of property.

LOCKE'S THEORY OF PROPERTY AND ITS APPLICATION  
TO AMERICAN COLONIZATION

Locke begins by noting, as Winthrop had, that initially everything was common property, belonging jointly to all of humanity. Unlike Winthrop, however, Locke thought that this could be known by reason, independently of any scriptural warrant. He writes, "Whether we consider natural Reason, which tells us that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence 'tis very clear, that God, as King David says, Psal. CXV. xvi. *has given the Earth to the Children of Men*, given it to mankind in common."<sup>20</sup> But this thesis immediately produces a puzzle: How could private property justifiably arise from property held in common? In contemporary instances of joint or common property, the permission of all the owners must be secured to transfer property rights from the group of owners to an individual. But Locke could not appeal to that kind of process to explain the origin of private property, since it would have required appropriators to secure the consent of all the owners, which, based on the principle of common ownership, would have been all of humanity. Locke knew that it was wildly implausible to suppose that such a process did occur historically, or even *could* have occurred, but there must be some means whereby private ownership can be secured legitimately, for common ownership of necessities such as food is useless. Food can only provide nourishment when it is consumed by an individual.

At this point Locke notes that at least one thing, namely one's body, is not thought to be held in common. And this entails that an individual owns all the movements of his body, including his labor. When a person labors on some object which is owned in common but which belongs to no one in particular (which Locke sometimes describes as the state of being unowned), his labor is mixed with the object. Locke then claims that since the person owns his labor and his labor is now in the object, he can be said to own the object, and it thereby becomes private property.

There are, however, two limitations on how much may be appropriated justifiably. The first is that one cannot appropriate so much that part of what is taken literally rots or goes to waste. God gave the world to humanity for its use, and that purpose is violated when something that could have been used goes to waste instead. The second limitation provides an additional explanation of why universal permission is not a necessary condition for justifiably removing something from the common stock. Locke claims that private appropriation does not make anyone any worse off than he was prior to the appropriation. Of course

this is true only where the common stock is large enough so that others may appropriate goods for themselves whenever they desire. Thus the second limitation is that mixing one's labor with something confers property rights to it only if there is "enough, and as good left" after the appropriation.<sup>21</sup> When this condition holds, the appropriator's actions are not prejudicial to anyone else; no one can complain about the distribution of property, since more is available.

Now generally this second condition will be met in the rudimentary stages of human society, as populations will be small and those resources that are necessary for life are self-renewing. Animals reproduce, food grows wild, trees and plants spread and grow. Even land, which is finite, is abundant in this stage. Furthermore, the no-waste principle limits the acquisition of land to only as much as will produce whatever a person and his or her family can use. Any excess that is grown will rot, and then the principle is violated. So given the no-waste principle and the vast though finite amount of land, Locke does not think that the "enough and as good" principle will place any additional restrictions on the acquisition of land in the early stages of human development.

Locke first introduces America into the discussion of property to illustrate these points. At section 36 Locke notes that in the "vast inland places of America" there is no trade or commerce, money has no value, and so there will be natural limits on how much land one may justifiably acquire. And because of these natural limits, it follows that if one were to stake out a claim to land in those parts of America, his acquisition does nothing to "prejudice the rest of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the small number [which] was at the beginning" (*Second Treatise*, sec. 36, p. 293). Appropriation of small tracts of idle land in America is thereby legitimated.

Locke reiterates these points at sections 46 and 48. In 46 Locke notes that the necessities of life generally rot unless used, and that this condition prevailed in America prior to and during the earliest period of English settlement. This illustrates how the no-waste principle places natural limits on the amount of property one can remove from the common stock, prior to the introduction of money. In 48 Locke notes that there is no use in having huge landholdings in the middle of America, where, since there would be no trade or commerce, it would be impossible to get money for the product of one's lands. Again, the absence of trade and a monetary system places a natural limit on what a person may rightfully acquire from the common stock. The upshot is that claims to large holdings of unused land in America cannot be justified, whether native Americans or European colonial powers are advancing those claims.

These conditions change, however, as humans settle into more stable, agrarian modes of life. There are larger concentrations of people, trade and barter develop, rules and laws are put in place to resolve disputes, and money is introduced. In societies in which this has occurred, Locke can no longer rely on

the no-waste principle to limit the amount of a person's holdings, because one crucial characteristic of money is that it doesn't rot. People can develop land, grow much more on it than they can use personally, and sell the excess, all without violating the no-waste principle. Thus the introduction of money provides the catalyst for the enclosure of large tracts of farmland and for the development of barren and empty wilderness. As this process accelerates it eventually leads to a situation where there is no longer any unowned land available with which to mix one's labor, and this seems prejudicial to the interests of those latecomers who did not originally mix their labor with any land and who consequently are landless. Since private appropriation of land naturally evolves to this state, it would seem that all such appropriation would violate Locke's proviso, because not only is there not as much land left over for others, there is none at all.

Locke nevertheless believes this state of affairs to be justifiable for two reasons. The first is that land has practically no value in itself; rather, labor is the source of almost all value. As long as people control their own labor, they will control what is most valuable in the labor exchange. The person who owns land but has no laborers really owns something of relatively little value, and so is at a disadvantage in bargaining with laborers. Thus the fact that there is no land left for laborers is not seriously prejudicial to their interests, since what they cannot now attain, namely land, has very little value in itself anyway.

The second reason starts out with the observation that land has only instrumental value; it is what grows on land rather than land itself which people really want. And land that is owned privately and hence cultivated produces a much more abundant yield than land on which people simply gather nature's spontaneous bounty, which to Locke's eye is not very bountiful. Thus a society which sanctions private ownership of land will be wealthier than one which prohibits such ownership, even though some people in the former will be landless. And so such people are better off, although there is no land available for their use, because they live in a society which produces more of what people really want, than those who live in a society which has no institution of private land ownership. Locke claims, "he, that incloses Land and has a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres to Mankind" (*Second Treatise*, sec. 37, p. 294). It is in this section that Locke compares America and Devonshire. Locke cites the "wild woods and uncultivated west of America left to nature," and compares its productivity to the productivity of ten acres of well-cultivated land in Devonshire. Here Locke introduces America to buttress his claim that cultivated land is much more productive than uncultivated land, and that what makes the difference in terms of productivity of land is simply the labor that is expended on the cultivated land.

Locke cites America twice more in the course of making this point. In section 41 Locke reiterates the claim that although America is rich in land, its

inhabitants are poor in terms of the conveniences offered by civilization. The unstated implication is that what accounts for the difference is labor. It also alludes to Locke's belief that the absence of unowned land does not violate the "enough and as good left over" proviso. It is not land itself, but rather agricultural labor on the land, in combination with trade and commerce, that provides the surplus in food which in turn enables the production of those additional material goods that people desire. Where there is no private appropriation, people lack the conveniences and "extras" of life. Thus people get more of what they really want under a regime of private appropriation and ownership of land.

Locke essentially repeats these points in section 43. Land in America would produce the same amount of wheat as it does in England, if it were cultivated. But since it is not, it is largely unproductive. Locke estimates that the value of what is produced spontaneously by nature is worth less than one one-thousandth of the value of what is produced on an equivalent tract of cultivated land. Once again labor is seen to be responsible for the different levels of productivity seen in cultivated as opposed to wild lands. And it is "mankind" which benefits from this productivity, since more of what is of use to people is produced on English farms than is produced in the wild and uninhabited lands of America.

Finally we come to the famous passage at section 49 in which Locke declares that all the world was America. But it will be worth while to include the full quotation here, "Thus in the beginning all the World was *America*, and more so than that is now; for no such thing as *Money* was any where known. Find out something that hath the *Use and Value of Money* amongst his Neighbours, you shall see the same Man will begin presently to *enlarge* his *Possessions*" (*Second Treatise*, sec. 49, p. 301). Locke could not discern anything that resembled a settled legal system governing property rights, or the widespread use of currency among native Americans, and so Locke's claim here is that America is in the state of nature *with respect to property*.<sup>22</sup> In the absence of these institutions, idle land in America, which was truly unowned, could not be compared with idle land in England, which though unused was nevertheless the legitimate property of whoever had title to it. Consequently, idle land could not be characterized as belonging to any individual native American, or as "property of the crown," that is, as belonging to a native American nation as a whole, so idle land in America could be appropriated justifiably by anyone who expended the time and effort to mix his labor with it. A subtext of Locke's general theory of property is that conditions in America at the time of colonization were such that the English appropriation of land through the creation of agricultural settlements was beyond moral reproach.

We might nevertheless wonder if this makes too much of Locke's relatively frequent references to America. Might not America have served a larger purpose in the *Treatise*, namely as an illustration of everything that Locke says

about the state of nature? Or at the other extreme, perhaps Locke's remarks were casual and off-handed, in which case nothing of significance should be read into them. I think the textual evidence argues against both of these views. Locke refers to America in fourteen separate passages in the *Treatise*, and exactly half of these occur in the one chapter of the nineteen in which he discusses property. Locke also refers to "Indians" or specific tribes six times, and three of these occur in the chapter on property. Locke's central concern in that chapter is to show how one justifiably acquires property rights to unowned objects. This tells against an interpretation of the *Treatise* which has Locke's allusions to America being accidental and without significance. If the problem of property acquisition in America was not on his mind, why does he refer to America so frequently in this chapter and so infrequently throughout the rest of the *Treatise*?

On the other hand, Locke is not committed to the view that there was something that existed at the time of the writing of the *Treatise* which corresponded point by point with his description of the state of nature, so there is no reason to think America was introduced to serve that more general function. Although Locke did think that the state of nature had a basis in historical fact and was not merely a heuristic device, neither his account of government nor that of property rights required there to be some contemporaneous society that existed in the state of nature. Of course there is the "in the beginning, all the world was America" passage, but as we have seen that turns out to be a fairly restricted claim about America and the ownership of land. On the basis of the textual evidence found in the *Treatise*, it is fair to say that the problem of how one justifiably acquires property and English colonizing efforts were associated with one another in Locke's thinking.

Locke offered a theory in which land is unowned until someone cultivates it; once that occurs, the land belongs to the person who developed it, and he gives his readers a picture of America in which land was in the state of nature and undeveloped. Native Americans owned only those parcels of land with which they had actually mixed their labor. Thus any undeveloped land in America would become the property of whoever was willing to enclose it and make it more productive, which is exactly what the English colonists were doing. Thus their claim to property in America was morally justifiable. Given this survey of Locke's theory of property and the references to America which occur in the course of his discussion of that theory, I think it is fair to conclude that America was much on Locke's mind when he wrote the chapter on property, more so than when he addressed any other issue in the *Treatise*.

Locke's theory in turn would suggest an overall policy to be pursued in the colonization of America. We should expect a policy which encourages the settlement of America on a permanent basis with the purpose of working the land. It will be population intensive; large-scale emigration to America will be encouraged for the purpose of developing permanent settlements which would

trade with one another. Commerce should be encouraged, and that will obviously bring in its wake the use of English currency. Once all this occurs, large areas of land can justifiably be claimed as property by those settlers who presumably remain English citizens, and England can then justifiably claim rightful authority to govern those areas.

#### THE INFLUENCE OF LOCKE AND THE TREATISE ON POLICY

When we look at Locke's actions while a member of various government boards and quasi-official organizations, and to the actions of those governmental institutions immediately after his tenure, during which time they would still have been somewhat subject to his influence, we find further evidence that Locke believed that the principles concerning property which he elaborated in the *Treatise* could become the basis for English colonial policy in America. The place to begin is with Locke's stint on the Board of Trade, which was officially known as The Lords Commissioners of Trade and Plantations. Its official function was "for promoting the Trade of the Kingdom, and inspecting and improving His [Majesty's] Plantation's in America and elsewhere."<sup>23</sup> The Board, "was the center of routine colonial administration from its founding in 1696. . . . [it] prepared the commissions and instructions for royal governors. . . . It corresponded with governors regularly and received additional information from royal officials, colonial councils and assemblies, as well as petitioners and lobbyists."<sup>24</sup> Locke was appointed as one of the original members of the Board of Trade in 1696 and served through 1700. When we try to determine the extent of Locke's influence on colonial policy, we must remember that it could not be any greater than the extent of the authority of the Board as a whole to direct colonial policy. Given that, we should not set our sights too high. As Laslett notes,

Government control [of the colonies and settlers] was incomplete, and it would be quite misleading to say that the American colonies were created by deliberate political action, but without government decisions they could not have come into being. When we ask who advised the government, who provided the intelligence, the suggestions, or the contacts with people outside politics with the necessary knowledge, we arrive at colonial committees and commissions. (P. 371)

Furthermore, the Board of Trade served in an advisory capacity to the Royal Council and had no direct authority to make or implement policy (p. 372).

Within those limitations, however, we see Locke having a significant influence on the Board during his tenure. According to Laslett, Locke "dominated its [the Board's] early history" (p. 372). Most of the issues which divided the Board related to colonial appointments. We can find at least one situation, however, in which Locke argues for a specific colonial policy. Economic problems

had emerged in the Virginia colonies, largely caused by a combination of insufficient financial support for towns and other population centers and too much engrossment of land that went uncultivated. The following extensive quotation sets out the issues

Among the colonial papers in the Lovelace Collection is a document of considerable length on the problems of Virginia together with recommendations for reform. The paper is partly in Locke's hand, partly that of an amanuensis. The information it contains resembles that of the report presented by Henry Hartwell, James Blair, and Edward Chilton to William Poppel in October 1697 and points to a clear liaison between these three witnesses and Locke in the preparation of their report.

Both documents drew attention to the contrast between the natural richness of Virginia, its vast potentialities, and the state of affairs which in fact prevailed. Virginia was the 'poorest, miserablest and worst country in America.' *The failure to settle the people in town was named as the root cause of economic disasters, and the compulsory resettlement of the people by royal prerogative was recommended.*

[emphasis added]

On the basis of this report the Board of Trade resolved to ask the King to appoint a new governor of Virginia.<sup>25</sup>

Both the diagnosis of the problem and the recommendation for its resolution were wholly in line with Locke's views that uncultivated land had no value and that policy should require land to be worked in order to be considered property. The Board's recommendation was acted on, and a new governor was appointed.

A brief marginal note added by Locke to the Christ's College copy of the *Treatise*, which Laslett suggests should be dated after 1698 and which belongs to the period of Locke's membership on the Board of Trade, sheds additional light on the foregoing incident. Laslett includes this note in the main text of his edition of the *Treatise*; the first sentence runs, "This shews, how much numbers of men are to be preferd to largeness of dominions, and that the increase of lands and the right employing of them is the great art of government" (*Second Treatise*, sec. 42, pp. 297–98). Laslett notes that the addition, "is very significant of his [Locke's] attitude to that institution [The Board of Trade] and his policy for it, and for King William III's government in its struggle with France, particularly the insistence on increased population as against territory as a source of power . . . (p. 297, Laslett's note for lines 21–28).

The ideas that land should be appropriated through its development and that population growth in the settlements should be encouraged formed the basis for a Board policy that persisted after Locke departed. Alison Olson notes, "After the war [of the Spanish Succession, 1701–13] the British Government aggressively encouraged immigration to the colonies, hoping particularly that settlers of non-English stock would take up residence in areas left undefined by the Treaty [of Utrecht]. . . . The Board of Trade often negotiated directly with ship

captains to transport the settlers. With their encouragement, nearly 100,000 Germans and nearly a quarter of a million Scots Irish went to the colonies, in addition to thousands of Scots, Irish, Huguenots, and Swiss. Once the settlers arrived in the colonies the Board of Trade worked with governors to get them land and then exemptions from paying taxes on it for seven to ten years."<sup>26</sup>

We might briefly consider the question of to what degree the *Treatise* influenced English policy apart from Locke's direct application of it during his stint on the Board of Trade. The *Treatise* provides fairly specific recommendations about how continued colonial expansion of the frontier and the settling of wilderness areas would have to be carried out if these were to be morally justifiable. The creation of permanent towns and settlements with the purpose of cultivating and improving the land, as well as emigration from England to help populate the frontier, would be required. We find that the English pattern of settlement conforms to these recommendations. This pattern of colonization and development might be compared with the French strategy, which relied more heavily on trade with native Americans, as well as excursions into the interior for the purposes of hunting and trapping. It might also be compared with the Spanish strategy, which involved a combination of the secular task of exploiting and exporting whatever resources were readily available alongside the religious mission of converting native Americans to Christianity. These of course are very broad generalizations; obviously both the French and Spanish built permanent settlements, and the British engaged in commerce with native Americans. And permanent communities were more practical in that they were more easily defended, apart from whether or not such settlements could be justified morally. They created what in contemporary parlance is often referred to as "facts on the ground." But it is undeniable that one can make out different approaches among the colonial powers with respect to the problem of how to develop the land and resources that were available in the New World. At a minimum we can say that Locke's views provided a theoretical framework for the English approach to this problem.

## NOTES

1. A notable exception is Barbara Arneil's *John Locke and America: the Defense of English Colonialism* (New York: Oxford University Press, 1996).

2. "Reasons to Be Considered for Justifieinge the Undertakers of the Intended Plantacon in New England & for Encouraging Such Whose Harts God Shall Move to Joyne wth Them in It," *Proceedings of the Massachusetts Historical Society* 8 (1864-65): 422.

3. *Trade, Plunder and Settlement: Maritime Enterprise and the Genesis of the British Empire, 1480-1630* (Cambridge: Cambridge University Press, 1984), p. 307.

4. Richard Hakluyt the Younger, "Discourse of Western Planting," Document 46 in *The Original Writings and Correspondence of the Two Richard Hakluyts*, issued by the Hakluyt Society, Second Series, no. 77 (1935), p. 314.

5. Sir Walter Raleigh, "Of the Voyage for Guiana," in Robert H. Schomburgk, ed., *The Discovery of the Large, Rich, and Beautiful Empire of Guiana* (New York: Burt Franklin, 1970), p. 136.

6. Sir Benjamin Rudyard in the House of Commons, 1624. Quoted in J. H. Elliott, *The Old World and the New, 1492–1650* (Cambridge: Cambridge University Press, 1970), pp. 90–91. Elliott offers an extended account of these geopolitical concerns in the fourth chapter of this book.

7. Richard Hakluyt the Elder, "Inducements to the Liking of the Voyage Intended towards Virginia in 40. and 42. Degrees Of Latitude," Document 47 in *The Original Writings and Correspondence of the Two Richard Hakluyts*, p. 327.

8. Introduction to *Envisioning America: English Plans for the Colonization of America, 1580–1640*, ed. Peter Mancall (Boston: Bedford Books, 1995), p. 8.

9. Essentially the same points concerning a new market for wool products and Spanish influence in the wool market can be found in the younger Richard Hakluyt's "Discourse of Western Planting," pp. 313–14.

10. *North America from Earliest Discovery to First Settlements* (New York: Harper and Row, 1977), p. 324.

11. E.A. Wrigley and R.S. Schofield, *The Population History of England, 1541–1871* (Cambridge: Cambridge University Press, 1981), pp. 531–32.

12. A further potential benefit of the dispersal of some segments of the population noted by both Hakluyt and French authors was the diminishing of theological and other sorts of factionalism which had the potential to bring about civil war. See G. V. Scammel, "The New Worlds and Europe in the Sixteenth Century," *The Historical Journal* 12 (1969): 407–8.

13. "Inducements to the Liking of the Voyage," p. 330. While poverty, depressions in agricultural and textile production, and the displacement that attended them may have been offered as a prominent justification for colonization, it may not actually have been a causal factor or motive for those Puritans who emigrated to New England, although it may have held true of other colonists. See Virginia DeJohn Anderson's "Migrants and Motives: Religion and the Settlement of New England, 1630–1640," *New England Quarterly* 58 (1985): 368–74. For the view that economic conditions were a major factor in English emigration see Karen Ordahl Kupperman, *Settling with the Indians: The Meeting of English and Indian Cultures in America, 1580–1640* (Totowa, NJ: Rowman & Littlefield, 1980), chap. 1.

14. *Wilderness and the American Mind* (New Haven: Yale University Press, 1967), p. 37.

15. "A True Reporte of the Late Discoveries and Possession, Taken in the Right of the Crown of Englande, of the Newfound Landes: by That Valiant and Worthy Gentleman, Sir Humphrey Gilbert," in Richard Hakluyt, *The Principal Navigations, Voyages, Traffiques & Discoveries of the English Nation* (New York: The Macmillan Company, 1904), vol. 7, p. 119.

16. Thomas More, *Utopia*, trans. Peter K. Marshall (New York: Washington Square Press, 1974), p. 58.

17. "A Discourse on Virginia," in Samuel Purchas, *Hakluytus Posthumus or Purchas His Pilgrimes* (New York: The Macmillan Company, 1906), vol. 19, pp. 222–23.

18. Perry Miller, Introduction to *The Complete Writings of Roger Williams*, Perry Miller, ed. (New York: Russell and Russell, 1963), vol. 7, p. 7.

19. "Advertisements for the Unexperienced Planters of New England, or Any Where," in Philip L. Barbour, ed., *The Complete Works of Captain John Smith* (Chapel Hill, NC: University of North Carolina Press, 1986), vol. 3, p. 276.

20. *Two Treatises of Government*, Peter Laslett, ed. (Cambridge: Cambridge University Press, 1988), sec. 25, pp. 285–86.

21. The "enough and as good" phrase is first used in section 33 of the *Treatise*.

22. Herman Lebovics argues that Locke was aware that native Americans employed a system of exchange using artifacts that were thought to represent value, but he did not think that these artifacts functioned as currency, because their use had primarily a symbolic or ceremonial function rather than a commercial one. See "The Uses of America in Locke's *Second Treatise of Government*," *Journal of The History of Ideas* 47 (1986): 573–74, 578.

23. Cited in Peter Laslett's "John Locke. The Great Recoinage and the Board of Trade, 1695–1698," *William and Mary Quarterly*, 3rd series, 14 (July, 1957): 370.

24. Ian K. Steele, "Metropolitan Administration of the Colonies, 1696–1775," *Blackwell Encyclopedia of the American Revolution*, Jack P. Greene and J. R. Pole. eds. (Cambridge, MA: Blackwell Reference, 1991), p. 10.

25. Maurice Cranston, *John Locke: A Biography* (New York: MacMillan, 1957), pp. 421–22.

26. "The Changing Socio-Economic and Strategic Importance of the Colonies to the Empire," in *Blackwell Encyclopedia of the American Revolution*, p. 19.