

tant eighteenth-century contributions to natural-law theory. These included *The Principles of Natural Law** (London, 1748) by the Genevan professor Jean Jacques Burlamaqui (1694–1748); *Institutes of Natural Law** (Cambridge, 1754) by the Cambridge professor Thomas Rutherforth (1712–71); and *The Law of Nations** (London, 1759–60), by Burlamaqui's pupil Emmerich de Vattel (1714–67). The works of Burlamaqui and Vattel were particularly well-known in America. Each was frequently cited in the polemical literature of the Revolution and was represented in more than a quarter of the sample of American libraries referred to previously. Though broadly influential, its abstract character long prevented the *Two Treatises* itself from being widely and intensively studied in either Britain or America, and it never attained the popularity of Locke's *Essay Concerning Human Understanding*.

Indeed, the *Two Treatises* did not assume a prominent role in contemporary political discussion until the last four decades of the eighteenth century, when the theory of politics it contained turned out to be very useful for both American and British advocates of political reform. For Americans, Locke's theories provided one of the key ideological foundations for opposing British intervention in their affairs before 1776 and provided a rationale for independence and for the process of constitution-making they engaged in thereafter. Crucial sections of the language of the Declaration of Independence came directly from the *Two Treatises*. For British reformers, Locke became a critical authority supporting their demand for reform of Parliamentary representation. For both groups, and especially for members of the highly individualistic society that had grown up in colonial British America between 1607 and 1776, Locke's liberal individualism struck deep social resonances. In the United States, it provided the primary intellectual bases for the republican vision of the American political order articulated by Thomas Jefferson, James Madison, and their followers in the 1790s.

3

The English Jurisprudential Tradition

LOCKE'S radical individualism with its emphasis upon the concepts of consent and limited government was powerfully reinforced by a much older tradition arising out of English jurisprudence. This tradition emphasized the role of law as a restraint upon the power of the Crown. By law, the exponents of this tradition meant not only statutory law as formulated by Parliament but, more especially, the common law, that complex bundle of customs and judicial decisions that was the result of centuries of workings of the English legal system. Presumably embodying the collective wisdom of the ages, the common law was thought to be the chief guarantor of the Englishman's proud right to security of life, liberty, and property through devices such as trial by jury, habeas corpus, and representative government. Rooted in such older writings as Sir John Fortescue (1394?–1476?), *De Laudibus Legum Angliae* (London, 1616) (Logan), this tradition was fully elaborated during the early seventeenth century in a series of works by several of the most prominent judges and legal thinkers of the era.

The most important figure in this effort was Chief Justice Sir Edward Coke (1552–1634), whose *Institutes of the Laws of England*,* published in four parts in London between 1628 and 1644 and frequently reissued thereafter, became the principal foundation for the English jurisprudential tradition as it reached Americans of the Revolutionary generation. Several other judges among Coke's contemporaries also made important contributions, among them Sir John Davies (1569–1626) in *Report of Cases and Matters in Law, Resolved and Adjudged in the King's Court in Ireland* (London, 1615); and Nathaniel