

Daines Barrington (1727–1800), *Observations upon the Statutes, Chiefly the more Ancient, from the Magna Charta to the 21st of James I\** (London, 1766); Francis Stoughton Sullivan (1719–76), *An Historical Treatise of the Feudal Law and the Constitution and Laws of England\** (London, 1772); and, above all, Sir William Blackstone's four-volume *Commentaries on the Laws of England\** (Oxford, 1765–69), gave authoritative support to the idea of an ancient constitution and emphasized the common law and Parliamentary government as barriers to any tendency toward the exercise of arbitrary power on the part of the Crown.

Attempting to provide the same kind of rational and coherent framework for the law that Newton had provided for the physical and Locke for the psychological and political worlds, Blackstone's *Commentaries* at once undertook to discover and explicate the underlying rationality of all the institutions of British society and to provide a synthesis of the entire English jurisprudential tradition as it had taken shape over the previous two centuries. As such it was widely regarded, in America as well as in Britain, as the ultimate expression of British constitutional thought and practice as they had come to Britons through the common law and the conflicts of previous generations. The second-most commonly cited work in the literature of the American Revolution, Blackstone's *Commentaries* was referred to between two and three times more frequently than Locke's *Two Treatises*. Revolutionary leaders used it first to justify resistance, which Blackstone, like Locke, saw as a last resort against arbitrary government, and then to provide themselves with a guide to the workings of the governmental processes it described in such detail.

Because it was rooted in an appeal to history and emphasized the importance of custom and tradition in the formation of the constitution, the jurisprudential tradition has sometimes been seen as incompatible with the cold rationalism of Lockean liberal individualism. From Coke's generation on, however, all the major contributors to this tradition equated custom with reason and natural law and emphasized the doctrines of natural law, consent, and the social contract as the basis for the ancient constitution. Because they similarly stressed the security of liberty and property as the principal ends of government, these features of the jurisprudential tradition ensured that, for contemporaries at least, tradition would fit together easily with, and be seen mutually to reinforce, the Lockean liberal tradition. This fusion of traditional jurisprudential emphases upon the security of life, liberty, and property with liberal natural rights theory was nowhere more evident than in Blackstone.

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### *The Literature of Political Economy and Improvement*

PRIOR TO the seventeenth century, most Western social and political thinkers regarded society as an organic entity in which the social order was structured in a series of separate ranks and statuses and authority flowed from the top downward through the hierarchy. If English jurisprudential thought was fully compatible with this traditional model of society, the doctrines associated with Lockean liberalism—with its emphasis upon the autonomous individual as the primary unit of social organization and the voluntaristic character of the social order—were ultimately subversive of it. Far more subversive were the economic changes associated with the spread of a market society in early modern England. Those changes, which to some extent were a stimulus to the formulations of Locke, also featured the development of two additional and closely interrelated streams of thought, one in political economy and the other in a proliferating literature of socio-economic improvement. By the early decades of the eighteenth century, these two streams were together providing a direct challenge to the old organic conception of the social order.

The literature of political economy was a direct product of the efforts of a number of writers, themselves mostly engaged in trade or other ventures associated with the emerging commercial society, to understand the workings of the market forces that governed the new social order in which they lived. Some of the most important works representative of this literature were Thomas Mun (1571–1641), *Englands Treasure by Foreign Trade*,\* published in London in 1664, over forty years after it was written in 1623; Sir William Petty (1623–86), *Five Essays in Political Arithmetic* (London, 1687), and