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What Was the Point of Equality?

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Abstract: *Political theorists often turn to seventeenth-century England and the Levellers as sources of egalitarian insight. Yet by the time the Levellers were active, the claim that human beings were "equal" by nature was commonplace. Why, in Leveller hands, did a long-standing piety consistent with social hierarchy became suddenly effectual? Inspired by Elizabeth Anderson, this article explores what equality—and the related concept of parity—meant for the Levellers, and what "the point," as* they *saw it, was. I argue that the Levellers' key achievement was subsuming a highly controversial premise of natural parity within the existing language of natural equality. This suggests that modern basic equality is the product of two, potentially contradictory, principles. This, in turn, has important normative, as well as historical and conceptual, implications for how theorists understand "the point" of equality for egalitarian movements today.*

As a defining commitment of modern political philosophy, equality often commands more allegiance than investigation. According to Waldron (2017, cf. 2002), the idea that human beings are "one another's equals" has operated as an "underlying major premise" of political argument since the seventeenth century. So formulated, our "basic equality" functions as a properly *egalitarian* premise: those who are equals, with equal dignity and worth, are entitled to be treated as such. For critics, however, the claim that every person is equally worthy is not only empirically false, but empty (e.g., Steinhoff 2015). If all modern political ideologies—from socialism to libertarianism—occupy the "egalitarian plateau" with respect to their premises (Kymlicka 1990, 5; cf. Dworkin 1983), a belief in basic equality evidently determines little about one's substantive commitments.

In her influential essay, "What is the Point of Equality?" (1999), Elizabeth Anderson argued that ostensibly "egalitarian" political theory had become fatally unmoored from authentically egalitarian practice. "The point" of equality for social movements, she insisted, was not to demand an arithmetically equal distribution of rights and resources, but to resist hierarchical oppression and relate to one another "as equals" (288–89, 308). Anderson (2017) has since joined Waldron in turning to seventeenth-century England for inspiration. Both identify the Levellers—a group of London-based political radicals active during the English Civil War—as "early modern egalitarians" from whom modern egalitarians might learn how better to put their theories into practice (Anderson 2017, 7–17; Waldron 2017, 94n).

Led loosely by John Lilburne, the Levellers are remembered today mainly as proto-democrats committed to individual rights, popular sovereignty, and an expanded franchise (e.g., Galligan 2014). As evidence of their egalitarianism, Waldron quotes Col. Thomas Rainborough's declaration at Putney in 1647: "Really, I think that the poorest he that is in England hath a life to live as the greatest he" (2017, 122). Anderson (2017, 12) favors Lilburne's "Postscript Containing a General Proposition" (1646):

> "Every…individual man and woman, that ever breathed into the world…are, and were by nature all equal and alike in power, dignity, authority, and majesty, none having (by nature) any authority, dominion or majesteriall power, one over [or] above another" (Lilburne 1646, 11–2).

For Waldron and Anderson, these statements reflect a first-person, practical grasp of "the point" of equality as they see it: to create a society of equals. To this end, Lilburne's inclusion of women would seem to preclude sexist subjection in a way that Jefferson's epochal "All

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men are created equal" (1776) did not. That the Levellers themselves did not propose to treat the "poorest she" as politically equal to men does not matter (cf. Crawford 2001). Following Waldron (2002), Anderson insists that "the feminist implication of Lilburne's view is clear," even if he and his followers did not see it themselves (2017, 13, 176n).

Anderson and Waldron would not be the first political theorists to dismiss the hierarchically ordered exclusion of women (as well as servants and slaves) that has dogged supposed societies of equals from democratic Athens to the French Revolution as historical baggage or "blind spots" (e.g., Rosanvallon 2013, 71). Still, the widespread view that these exclusions represent nothing more than philosophically uninteresting failures of reasoning or nerve reflects a broader failure among historians of political thought to historicize the concept of equality itself. But surely, if one is to understand "the point" of equality for the Levellers—or indeed, how the modern idea of basic equality developed—one cannot simply assume that they meant what we do, or ignore when their conclusions deviate from modern expectations.

And so, inspired by Anderson (1999), this article explores not only what equality meant for the Levellers, but what "the point" as *they* saw it was. I begin by examining the consistent appeal of Leveller theory and practice for modern egalitarians, before turning to the myriad meanings of equality in seventeenth-century England with and against which Leveller ideas developed. Contra Waldron, by the time the Levellers became active in the late 1640s, the idea that human beings were "equal" by nature had been a religious and juridical commonplace for centuries. *Why*, in Leveller hands, did this longstanding piety—one seen as consistent with hierarchies of all sorts—suddenly became socially and politically effectual?

Before the seventeenth century, the concept of equality as applied to human beings expressed primarily a principle of their *indifference* in God's eyes and under natural law. The idea that one might enjoy a distinctive status or dignity entitled to respect was conveyed by another concept. Whereas equality applied to relations of quantity or quality, *parity* operated in the domain of value to describe a relation of equivalence between things that might, despite their differences, be treated "on a par." In early modern English, parity was primarily a social concept closely associated with the division of society into two classes: Peers, who were "accounted" as worthy by birth, and Commoners, who were not.

That the Levellers and their contemporaries had two terms where modern egalitarians have one helps explain why we struggle to make sense of what these "early egalitarians" were up to. I argue that Lilburne and his colleagues, under pressure from critics, subsumed a highly controversial idea of *natural* (as opposed to *social*) parity under the altogether less controversial premise of natural equality. They thereby transformed a benignly formal observation of species (e.g., "all men are equally human") into an assertion of shared worthiness ("all men should be treated on a par"). The "point" of equality for the Levellers was thus that it provided a less controversial language with which to claim parity with their erstwhile "betters."

Still, even as the Leveller premise of natural parity rejected the existence of any natural *distinctions* of inferiority and superiority between human beings, it nevertheless accepted the existence of natural *differences* between them—including the difference between the sexes—on the basis of which they justified the differential (i.e., unequal) distributions of rights. As critics like Cromwell pointed out, natural equality-as-parity thus tacitly preserved a hierarchical-ordering between different kinds of person that continued to make "superior" rank worth having—as in the Levellers' implicit distinction between those who would be treated as high-status "peers" in their society of *pares* (born free, English, and male), and those who would remain low-status "equals" (bondsmen, "strangers," and women).

Although the concept of parity has largely disappeared from political theory, I conclude that its recovery has important normative, as well as historical and conceptual, implications. Firstly, it suggests that what theorists and philosophers call "basic equality" is actually the product of two, potentially contradictory principles: *indifference*, which is presumptively universal, impartial, and inclusive, and *parity*, which is potentially particular, partial, and exclusionary. Understanding the historical process by which the term "equality" became attached to both ideas in early modern English explains some of the conceptual confusions pressed by critics of the claim that all humans are "equals" of equal worth today. Moreover, it moves us beyond the egalitarian plateau to distinguish broadly between at least two types of egalitarian political theory: those oriented towards parity, like the Levellers', which seek to "level up" by treating everyone like aristocrats, and those oriented towards indifference that "level down" by treating everyone merely as equals.

The Levellers

Today, the Levellers (fl. 1645–51) enjoy an outsized reputation compared with their brief time on the

historical stage. While the Libertarian Right credits them with inventing classical liberalism, the British Left celebrates them as founders of the English radical tradition (Foxley 2013, 1–2). Anderson and Waldron are hardly the first theorists to appeal to the Levellers; even analytic political philosophers like to lend their arguments historical texture by quoting Col. Rainborough (e.g., Christiano 2002, 32).

Still, the "Leveller" label by which this ragtag group of radicals became known began as a pejorative; Lilburne and his colleagues would consistently deny that economic "levelling" was their aim (Sharp 1998, 161). Rather, the group led by him, Richard Overton, and William Walwyn—three men of the "middling sort" with ties to London's radical Protestant congregations—coalesced around Lilburne's preexisting celebrity as a Puritan martyr. In the previous decade, Lilburne had been flogged, pilloried, and imprisoned by the court of Star Chamber for unlicensed printing critical of the Anglican Church (Foxley 2013, 93). When civil war broke out in 1642, so-called "Free-born John" joined the Parliamentary army to fight against the King, but he soon turned his zeal for the "rights of freeborn Englishmen" against his erstwhile allies.

In defence of their rights, Levellers campaigned in print against a series of targets. While Parliament fought against the Crown, Levellers attacked the Presbyterians in Parliament. They subsequently took aim at the House of Lords, the House of Commons, and finally the republican Council of State led by Cromwell that ruled England after Charles I's execution. Generally, their targets coincided with whomever had Lilburne and his colleagues (and often their wives) imprisoned at the time. Between 1645 and his death in 1657, Lilburne would himself be twice tried and twice acquitted for high treason by a "jury of his peers"—a principle, as we shall see, that he and his supporters pioneered.

If economic levelling was not their aim, what was? Broadly speaking, the Levellers were dedicated to political and legal reform based on the idea that the benefits of liberty and law were the "common birth-right" of the English people. Increasingly disillusioned by the Long Parliament—so called due to its refusal to call an election—Levellers stressed that all men have "a voice" by nature with which they must consent to government and hold their governors to account (cf. Maloy 2008, 43–4). These theoretical commitments expressed themselves practically in voluminous pamphlets, popular protests, and petitions in which Leveller women also played a key role.

As they gained support within the New Model Army, the Levellers crafted three successive *Agreements of the People* (1647–49) as a platform for popular constitutional reform. The Putney Debates—in which Army "Agitators" (and supporters like Rainborough) and "Grandees" (including Cromwell and Henry Ireton) debated the merits of the first *Agreement*—offer unparalleled insight into early modern political theory in grassroots practice, on the rare occasion when common soldiers were given a voice. In 1647, those voices defended the supremacy of the House of Commons as the people's "Representative," while also calling for regular elections, "equal representation," and "equal law" as the English people's "native rights" (Sharp 1998, 92–5).

Since the rediscovery of the Putney transcripts in 1890, generations of scholars have credited the Levellers with anticipating Locke's social contract theory and inventing modern democracy (e.g., Brailsford 1961). Modern egalitarians have likewise read Leveller calls for "equal representation" as a demand for equal rights and universal suffrage. This progressive narrative stumbled slightly in 1962 under criticism from C.B. Macpherson (2010), who labeled the Levellers as "possessive individualists." Since then, historians have challenged Macpherson's designation while continuing to focus on the franchise, its extent, and the grounds of exclusion in Leveller thought (e.g., Thomas 1972).

Throughout, scholars have consistently portrayed Ireton and Cromwell as *rejecting* equality at Putney in favor of a propertied franchise. And yet all sides at Putney agreed that a "more equal" representation was necessary—they simply disagreed on what, exactly, the principle of reapportionment of seats should be (Sharp 1998, 112). Should it be "to all persons equally," "equally amongst those that have the interest of England in them," or "equally distributed amongst…the same persons that are the electors now?" (107, 121). While the Grandees proposed the "equality of interest," the Agitators preferred population. In the end, both sides agreed that servants and other "dependents" should be excluded from the franchise, over Rainborough's objection. While these exclusions targeted men, they also implicitly included women, who were seen as likewise lacking in the legal and economic independence necessary for the exercise of political liberty (Skinner 2006).

That all sides could lay claim to equality at Putney confirms that the concept was more complicated than its veneer of mathematical self-evidence suggests. To grasp what "the point" was for the Levellers—and better trace the connection between their ostensibly "egalitarian" premises and conclusions—we must first attend more closely to the many meanings of equality at the time.

Equality before Egalitarianism

Balance

Modern egalitarians like to describe basic equality in the language of Euclidean geometry as "axiomatic" (e.g., Dworkin 1978, 12). In Euclid's *Elements*, equality described a relationship of identity or exact correspondence between objects sharing a unit of measure or magnitude, such as number, length, or weight (I.Prop.35-6). On this definition, the opposite of equality was *difference*; things were "unequal" when they were quantitatively different, either more or less. When Aristotle (1996) reported that "justice is a kind of equality," the sense evoked was similarly that of "the equal" as "even" or "level," the operative image being that of a scale evenly balanced between two equal weights (1280a).

In classical Latin, this quantitative sense of equality (*aequalitas*) informed its common sense, too, in its close association with equity and the scales of justice. Kaye (2014) identifies *equality-as-balance* as the primary sense of equality in Europe throughout the Middle Ages. In English, as in Latin, "equal" could be a synonym for "just," while the verbs "to equalize" or "level" were plausible synonyms for restoring a just distribution. Early modern commentators followed Aristotle in noting that equality-as-balance did not dictate arithmetic identity, but rather what he called "geometric" equality or *proportionality* in delivering "equal shares to equals" and "unequal shares to unequals." Even in attacking Aristotle's account of justice, Hobbes (1998) would concede the truth of the saying that "justice is some kind of equality" (47).

Hobbes's nod to common usage confirms that in early modern English, as in Latin and Greek, the mathematical sense of equality-as-balance and its connection with distributive justice remained primary. This suggests that the quest for a "more equal" representative at Putney was primarily a search for balance and explains, in turn, why the debate hinged ultimately on different standards of proportionality. The theoretical ideal most immediately in play was not that of natural equality at all, but rather that of "equal"–or balanced–"government."

On this view, the Civil War was itself a conflict over the most "equal" constitutional arrangement. While Charles I (1642) praised England's "ancient, equall, happy, well-poised, and never-enough commended Constitution" as a perfect balance between Crown, Lords, and Commons, the Long Parliament disagreed. Later, during Cromwell's Protectorate, James Harrington's republican vision of "equal commonwealth" reflected a similar preoccupation with balance—not of men, but of property and power. Equality, for Harrington, thus did not entail treating all citizens, let alone all people, "as equals"; rather, it meant balancing the citizenry through differential rights and representation on the basis of age, sex, wealth, and marital status, while excluding "servants" or slaves ([1655] 1992, 36–7; cf. Davis 1998).

Equality-as-balance also informed the pejorative "Leveller" bestowed upon Lilburne and his colleagues by their critics. Not only did it link them with earlier uprisings, in which commoners had protested enclosure by "levelling" hedges (Foxley 2013, 152); it also evoked the evident folly of equalizing holdings among those who were not, in fact, equals. Spenser's *Faerie Queene* (1596) had featured "a mighty Gyant" standing upon a rock and holding a massive set of scales. This "Levelling" giant promised to restore "ballaunce" to the world, "and all things…reduce unto equality" (Spenser 1979, 742). For one royalist observer during the Civil War, the similarities were too hard to resist. The anonymous *The Faerie Leveller* reprinted Spenser's verse, identifying Cromwell himself as "the Gyant Leveller" (Anonymous 1648, 4).

Indifference

But what of natural equality? Justinian's *Digest* had attributed the claim that humans were "equals" (*aequales*) under natural law to the first-century jurist Sabinus. Still, this was not the assertion of shared dignity or worth that modern egalitarians expect. Rather, it was an observation of particular humans' fundamental *indifference*. Whatever characteristics might distinguish them as individuals, every one belonged "equally" to the same natural species. For Sabinus, their shared nature meant that all humans were obligated equally under natural law—in contrast with civil law, which distinguished between freemen and slaves (50.17.32).[1]

The distinction between natural and civil law helps explain why mankind's equality "by nature" had so little in the way of this-worldly consequences. In Gregory the Great's commentary on the Book of Job (1844, written c. 595), it functioned chiefly as a counsel to humility for those inclined to the sin of pride. Job had demonstrated his humility by submitting to God's judgment on an "equal footing" with his servants:

> *Let Him weigh me in an even balance…* For all of us men are *equal by nature*, but it has been added by a distributive arrangement, that we should appear as set over particular persons…but [that] very diversity which has been added from

[1] For example, every human might be obligated to preserve himself; yet masters had the right to beat their slaves, not vice versa.

> defect, is *rightly ordered* by the judgments of God. (II.4.xxi, my emphasis)

Here, we see equality-as-indifference working in tandem with equality-as-balance: He to whom all are "equally" (indifferently) subject would apply His "equal" (balanced) judgment to them, in turn. Gregory was *not* suggesting that Job degrade himself to equal status with his servants in this world, but rather that their natural indifference would be the basis upon which God would make just distinctions of merit between them in the next.

Anderson explains the Christian reconciliation of natural equality with hierarchy primarily through Original Sin (2017, 10–2). But Aquinas (2002), among others, argued that natural equality was fully consistent with *natural*, as well as civil, subordination; after all, if angels had hierarchy in their state of innocence, why shouldn't human beings (1–3)? The social orders and distinctions imposed on earth were necessarily imperfect reflections of the divine order. Still "the point" of natural equality for Aquinas, as for Gregory, was that human beings were *not* equal with respect to their value or worth; rather, their indifference with respect to natural species enabled God (and other "equal" judges) to compare and *rightly* order them, in turn. Here, a key biblical proof text, Acts 10:34, described God (in the 1560 Geneva translation) as "no acceptor of persons." Despite individuals' many differences of external "person"—their age, sex, wealth, social status, etc.—God would see through these to our true value and balance the scales hereafter.

This deflationary reading of natural equality is at odds with the familiar narrative tracing the high road of human dignity from mankind's creation in God's "image and likeness" in Genesis to the philosophy of Immanuel Kant (e.g., Waldron 2012). Still, it is consistent with the only explicit reference to *imago Dei* in the New Testament, "Render unto Caesar…" (Matt. 22:19–21). There, the image of God in man was likened to the sovereign imprint on a coin as a sign of his equal subjection to the Creator. Accordingly, Christian commentators explicated creation in terms of minting and coinage: like coins of a common currency, all humans bore the same stamp and yet were not of equal value.

Parity

Natural equality-as-indifference was a far cry from modern basic equality, which entitles all persons to "equal concern and respect" (Dworkin 1978). On this view, human beings might be *aequales* by nature, but they were also *disparata*—that is, evaluatively distinct, some better and some worse. Thus, equality by nature was not only compatible with, but fundamental to, the hierarchically ordered distinctions governing heaven and earth, by which "superiors" rightly presided over "inferiors."

In Latin, the concept of parity (from *par*, *paris*) described things that were sufficiently similar in ability or worth to be treated as equivalent or matching. This sense of rough equivalence in the domain of value persists today in the "par" of exchange. Conceptually, parity *simpliciter* operated as a "range property"—that is, a binary property (things were "on a par" or they were not), contingent on a quantitative or scalar one.[2] For example, persons were *pares* or "peers" when they possessed some (usually positive) trait above a certain threshold. Beyond this, their relative merits would not affect their shared status. Unlike equality, parity was thus compatible with difference, both in quantity and quality. For example, Cicero distinguished between those who were *aequales* in age and those who were *pares* in rank or virtue who "congregat[e] most easily with their peers [*pares cum paribus*]" (2014, III.7).

Conceptually, parity often has positive connotations of some shared virtue or value. Socially, however, the status conferred was ambiguous: it could be either high or low, "better" or "worse." In England, *Magna Carta*'s (1215) influential grant of punishment to free men "*per legale judicium parium suorum*"—that is, by the legal judgement of one's *pares*—was long interpreted restrictively, as applying only to barons and other aristocrats. But an earlier charter (1201) entitled Jews accused by Christians to judgment "*per pares Judei*," suggesting that social parity obtained among those deemed alike enough, in the relevant respects, whatever their relative status.[3]

In early modern England, parity would become increasingly associated with the division of society into two chief classes—"Peers" (from the Latin *pares*, via French) and "Commoners." As the jurist Sir Edward Coke (1642) explained in his *Institutes*: "Every of the Nobles is a Peer to each other, though they have severall names of Dignity, as *Dukes…Earles…and Barons*; so…each Commoner is a Peer or Equall to another, though they be of severall Degrees, as *Knights, Esquires, Citizens, Gentlemen, Yeomen*, and *Burgesses*" (19). "Peer" or "Equall" could thus be synonyms; but where both terms were in use, the former conveyed a definite sense of superior rank, while "Equals" were equally inferior. As *De Republica Anglorum*

[2]Waldron cites as an example "being in Scotland." If a place falls within a fixed range of coordinates, it counts equally as "being in Scotland," despite its relative distance from the border (2017, 117–20).

[3]I am grateful to Kinch Hoekstra for drawing my attention to this reference.

(1583, repr. 1635) explained, the majority of free men in England thus "have *no voice* or authorit[y] in our common wealth, and *no account* is made of them but onelie to be ruled" (quoted in Wrightson 1987, 64–77, my emphasis). Peers, by contrast, had a political voice that counted corresponding to their social value—as did "gentle" commoners with sufficient landed property to be treated on a par.

Respecting one's peers or equals "equally"—that is, proportionally—could thus involve complex social accounting. Wrightson (1987) argues that the quantitative language of "degree" increased in early modern English in order to render the subtle, evaluative distinctions between different social "sorts" more precise. Failure to discriminate appropriately threatened to overturn the social order by undermining the evaluative distinctions constitutive of a truly "equal," or balanced, society.

Natural Parity

Accordingly, before the seventeenth century, natural equality had few social and political consequences. Because men were *aequales*, but not *pares* by nature, hierarchical distinctions between them were justified by the manifest disparities in their social and spiritual worth. Civil governments should emulate divine *aequalitas* in the administration of justice in particular cases; still, they must do so while respecting the social disparities of kind and class recognized by positive law.

Still, natural equality was never absent from premodern theology or jurisprudence, and it grew in prominence in the sixteenth century as Catholic natural lawyers began to stress the salience of this "indifference principle" to the creation of sovereignty. For Robert Bellarmine (1542–1621), for example, natural *indifference* meant that there was no criterion on the basis of which a God of equal justice would elevate one man as master of the rest. For, "in the absence of positive law, there is *no good reason* why, in a multitude of equals, one rather than another should dominate," and "therefore power belongs to the collect[ive] body" of the people, who then confer it on their sovereign (1928, 25–6, my emphasis).

That these arguments would become popular among Protestants seeking to constrain and, *in extremis*, resist their (often Catholic) sovereigns is well known (e.g., Tuck 1979). By 1631, they had become so ubiquitous that Filmer could begin *Patriarcha* (1991) by complaining that the "supposed natural equality…of mankind" had achieved the status of a "truth unquestionable": hence "equity require[d] that an ear be reserved a little for the negative" (3). Much like Anderson (1999), Filmer viewed the surfeit of equality talk among the theorists of his day as woefully out of touch with practice. Only for him, the relevant practices were hierarchical, and they governed all aspects of English life.

Still, Anderson and Waldron are right to draw attention to Leveller statements of natural equality as distinctive. Lilburne's "Postscript" claimed that because God created Adam and Eve "after his own image" and gave them "the sovereignty (under Himself)," therefore every "individual man and woman…*are*, and *were* by nature *all equall and alike* in power, dignity, authority, and majesty" (1646, 11, my emphasis).[4] Overton reaffirmed this principle in *An Arrow Against All Tyrants* (1646a): "By natural birth *all men are equally and alike born* to like propriety, liberty and freedom…everyone *equally and alike* to enjoy his birthright and privilege" (55, my emphasis). Far from asserting their indifference, both statements claimed for human beings a natural and shared distinction, one bearing the tell-tale characteristics of social parity among English Peers.

While historians often assimilate the Levellers to the natural law tradition, we can now see that Lilburne and Overton's formulations of the egalitarian premise differ markedly from Bellarmine's (cf. Foxley 2013, 27–34). Where Lilburne and Overton saw a state of nature brimming with sovereign individuals, Bellarmine and others saw a power vacuum leading to a theory of *collective* natural right, wherein sovereignty belonged to the people as a whole until it could be transferred to a sovereign representative (Tuck 1979, 147–51). The idea that sovereignty might revert to the people as *individuals*—let alone remain present in them, as Lilburne and Overton's striking use of the present tense suggests—remained anathema to Catholic theorists, as well as to the Protestants they inspired (Maloy 2008, 33–6; cf. Foxley 2013, 24–5).

This was certainly true of Parliamentarian polemicists like Henry Parker and John Milton, for whom Parliament (not the king) remained the rightful representative of popular sovereignty (Foxley 2013, 34). Much like Aquinas, Parker's theory also insisted that natural equality was fully consistent with natural disparity and subordination, starting with the sexes. In *Jus Populi* (1644), Parker compared the distinction between kings and subjects to the natural "disparity" between men and women. Just as the marriage contract turned women's natural superiors into lawful husbands, bound by oaths to serve

[4]Rainborough made no such theoretical statements, but he spent two hours visiting Lilburne in the Tower during the Putney Debates (Holstun 2000, 155).

and protect them, the social contract created a "kind of parity in the disparity" between a King and the body of the People (1–3).

Contrast Parker's statement with Lilburne's language in describing the natural gifts belonging to individuals of both sexes: not only "power" and "authority," but "dignity" and "majesty" in comparable measure. The Levellers' crucial innovation, it seems, was not their reimagining of men's natural state as one of equality, or even equal freedom, but of *natural parity*, too. That this innovation was deliberate is evidenced by the consistent stress placed by Lilburne and Overton on individuals' creation not only as "equal," but "*alike*." In other words, all men (and women) were sufficiently similar by nature to be "accounted" as *pares*, and thus to count for something, not nothing, under civil, as well as natural, law. Moreover, Leveller allusions to the trappings of social superiority indicated that humans' status as natural *pares* was a high one.

Needless to say, natural parity was an altogether more controversial premise than the traditionally indifferent observation of species or subjection with which we are familiar. The idea that every human being was naturally "alike" in value, none better nor worse, flew in the face of the traditional picture of English society, in which aristocrats and landed gentry alone were "accounted" as worthy. The significance of Leveller word choice, as we shall see, would not be lost on their opponents.

Levelling

The preceding discussion suggests that Waldron and Anderson are right, up to a point: Levellers like Lilburne did ground the natural status of individuals as "equals" in their intrinsic dignity and worth as human beings. Still, this apparent similarity to modern theories of basic equality obscures important practical differences. "The point" for the Levellers was not to assert the *equality* of humans' natural worth, but their *parity*. It remains to be seen what "levelling" on the basis of natural parity really looked like.

Consider first the Leveller protests, processions, and petitions, which—in keeping with natural parity—gave poor commoners a voice. Countless petitions were presented to Parliament by Leveller women and apprentices, as well as "many thousand citizens," often in protest of their leaders' mistreatment. Processions and public funerals likewise drew huge crowds, with Leveller supporters identifiable by their "sea-green" ribbons (Hughes 1995, 167–68). The public voice and presence claimed by Leveller women, especially, reflected the newfound sense that they, too, were sufficiently worthy to be taken into account by their Parliamentary representative.

But to say that women were natural *pares* entitled to a public hearing did not mean that this hearing would—or should—be granted to them on equal terms with men. As Hughes reminds us, petitions were always "humble," as a concession of a petitioners' inferior status (1995, 176). The Women's Petition presented to Parliament in May 1649 addressed their inequality explicitly:

> That since we are assured of our creation in the image of God, and an interest in Christ, *equal* unto men, as also of a *proportionable* share in the freedoms of this Commonwealth, we cannot but wonder and grieve that we should appear so despicable in your eyes, as to be thought unworthy to petition or represent our grievances to this honourable House. (quoted in Crawford 2001, 210, my emphasis)

Here is a clear assertion of natural parity. Yet these Leveller women explicitly contrasted their "equal interest" with men in Christ with their "proportionable share" in political liberty. This is not the "feminist" demand for equal rights that Anderson (2017) and others expect. Rather it suggests that natural parity was seen by women themselves as consistent with *inequality* in the differential distribution of rights. Women would thus be "accounted"; nonetheless, they would still count for less.

To understand why, one must look with more precision to Leveller theory and practice. While scholars tend to focus on their political demands—and their failure to make economic ones—the primary target of Leveller reforms was the law. The first *Agreement of the People* (1647) presented its demand for "equal law" as follows: "In all laws made or to be made, every person [must] be alike, and that no tenure, estate, charter, degree, birth, or place do confer any exemption from the ordinary course of legal proceedings whereunto others are subjected" (Sharp 1998, 95).

At first blush, this looks like a traditional appeal to equality-as-balance and indifference: the law should be administered to all persons equally, irrespective of their social position. In support, Lilburne and Overton appealed to the traditional proof text of divine impartiality, Acts 10:34, in its King James Version (1611): "God is no respecter of persons." On this basis, Overton made the case for "equal law" to Parliament directly:

> Be no respecter of persons. Let not the greatest peers in the land be more respected with you than so many old bellows-menders,

> broom-men, cobblers, tinkers, or chimney-sweepers, who are all equally freeborn with the hugest men and loftiest Anakims in the land. (1646, 60)[5]

As Overton's statement demonstrates, the Levellers' idea of "equal law" was not simply balance or impartiality in the administration of justice. After all, "respect of persons," legally and otherwise, had long been fundamental to the English constitution. Rather Overton was calling for nothing less than the abolition of hierarchical legal distinctions—above all, that between Peers and Commoners—as a reflection of their natural parity.

This aspect of the Levellers' radical campaign was largely *negative*; it focused on the removal of the accreted privileges (literally, "private laws") that rendered legislation in England on their view, as well as justice, so unequal. Not only did they push to abolish the House of Lords (accomplished in 1649) and break the Church of England's monopoly, Levellers also targeted the economic privileges enjoyed by merchant guilds and corporations (Foxley 2013, 94). That no man should feel himself to be above the law also motivated their calls for rotation in office: rulers must "tast[e] of subjection…for they must equally suffer with you under any common burdens…when the lawes shall bind all alike without privilege or exemption" (Sharp 1998, 44; cf. Maloy 2008, 47–48).

Still, one cannot infer a principled opposition to economic hierarchy on the basis of the Levellers' antimonopolistic demand for equal law (cf. Anderson 2017, 7). Neither Lilburne nor Overton—nor, for that matter, Rainborough—suggested that there should cease to be "poor he's" in England. Instead, they claimed that differential birth, wealth, or social condition should no longer give rise to legal distinctions. Members of each class might still differ in wealth, degree, or (as we shall see) political rights. But when it came to the law and the courts, the greatest peer and the lowliest tinker should be treated on a par.

The "point" of parity, then, as opposed to equality, becomes clearer still when we turn to the positive side of Leveller reforms. While Lilburne's "Postscript" has been widely reprinted and anthologized, the pamphlet to which it was attached has been forgotten. *The Free-Mans Freedom Vindicated* (1646) was one of countless pamphlets devoted to Lilburne's amateur exegeses of Magna Carta and the Common Law. Foxley (2013) argues that it was "freeborn John's" understanding of the law as the "birthright of free-borne Englishmen," rather than his appeals to natural law, that explained his radicalism and that of the movement he inspired (92, 102).

Traditionally in English, to be a "Free-man" could mean that one was a member of a guild or corporation (such as the City of London), but more generally it referred to anyone not in a state of bonded labor or "villeinage," including most Commoners (Thomas 1972). While Magna Carta's grants to "*liber homo*" had traditionally been read restrictively, as applying only to Peers of the realm, Coke had centered the latter expanded sense of "free man" in his *Institutes*—the second part of which was first published in 1642 by a rogue Parliament in need of legal justification. Coke also popularized the idea, as the Long Parliament's *Book of Declarations* (1643) put it, "that the law, and the ordinary course of justice, is the common birth-right of every subject of England." Lilburne and his associates made it their business to hold Parliament to its word.

Not only did Lilburne push for a radically inclusive reading of "*liber homo*" to include every English man and woman (Foxley 2013, 94); in his hands, the freeman's "birth-right" to due process of law also transformed into an ever-expanding list of specifically enumerated legal rights (Halliday 2017). These included, above all, the right of every Englishman to trial by a jury "of his peers." Indeed, Lilburne's "point" in the *Freeman's Freedom Vindicated*, as in other pamphlets, was that his current persecutor, the House of Lords, lacked standing to try him for treason because, as a Commoner, the Peers were not in fact *his peers*.

Lilburne's argument alerts us, once more, to the centrality of the existing categories of social parity in Leveller thought. The anonymous *Vox Plebis* (1646) likewise argued that, as the "*Freemens Birth-right,*" the rights of Magna Carta belonged not only to the better sort, but to "the whole English Nation." "This word, *liber Homo*, or free man, extends to all manner of *English* people"—that is, to "every man born in the Realm" (1646, 10). Crucially, their shared inheritance therefore included the "priviledge" of a trial *per legale judicium Parium suorum*—that is by his "Peers or Equals." For, the authors insisted, "the word *Peers* [universally] signifies both" (18). This gloss is significant. The Leveller language of "birth-right" deliberately and systematically conflated any distinction between high-status "Peers" and low-status "Equals." Lilburne thus claimed not only that the "fundamentall Lawes," but all of the "Liberties, Franchises and Priviledges" previously reserved to Peers (or guildsmen and citizens), belonged to "freeborn Englishmen"—including Commoners—by right (1646b, 1).

[5]The Anakim were a race of giants described in Genesis.

For Lilburne and his associates, their "equal" birth evidently entitled all Englishmen to parity of respect, as well. They extended this demand beyond legal rights to the extralegal privileges enjoyed by Peers in the courtroom. These included not swearing oaths, for example, and keeping their hats on (Sharp 1998, 3–8). Indeed, jurors should "be rightly informed of their places and authority…and therefore…not to stand bare any longer, but to put on their hats, as became them" (Walwyn 1651, 3). Commoners would thus enjoy not only the benefits of natural parity as "Equals," but the privileges of Peerage, as well.

The Limits of Likeness

That the Leveller theory of natural parity was put into practice within the existing conventions of social parity confirms Anderson's observation: Lilburne and his colleagues were concerned with the equal distribution not of stuff, but standing—including, literally, how one *stands* in relation to others (2017, 3; cf. 1999, 299–309). "The point" of natural parity for the Levellers was thus twofold: first, to erase the hierarchical distinction between Peers and Commoners that rendered the former superior and the latter inferior; and second, to claim the rights and privileges of Peerage for themselves.

The effect in both cases was what Waldron (2012) describes as "levelling up"—that is, to elevate Commoners to the higher status enjoyed previously by aristocrats. And yet, whereas Waldron and Anderson place emphasis on the adjective "equal" in early modern statements, the Levellers' egalitarian premise hinged on the adjective, "alike." It was our natural likeness—to God and to each other—that rendered every man and woman *worthy* enough to have a voice in politics, and for that voice to be heard.

None of this was lost on contemporary critics, who saw immediately that Leveller claims to dignity, authority, majesty, etc.—however "equal and alike"—went well beyond natural equality-as-indifference. As an anagram from the hostile author of the *Faerie Leveller* put it: "Parliaments Army. *Paritie mar's al men*" (1648, 1). Later, Cromwell (1871) himself would blame Leveller mutinies within the army on those "who drive at levelling and parity" and so destroy "the ranks and orders of men,—whereby England hath been known for hundreds of years" (IV.23). The dogma of disparity would survive the English revolution intact. Shortly after the Regicide, one judge observed that: "All men in their Originall Creation are all of one and the same Substance, Mould and Stamp, yet…they finde a fitnesse in Subordinations and Degrees among them, for the better ordering of their affairs" (quoted in Kelsey 1997, 121).

Accordingly, Parliamentarians like Cromwell and Parker viewed natural parity as a kind of category mistake. Men and women of all social ranks might well be *equal* in virtue of their shared humanity. Yet that did not make them *alike* enough in worth or quality to be acknowledged as political equals, let alone peers to be treated on a par with their betters. Such an indiscriminate understanding of natural equality struck its critics as a synonym for "popularitie," "Democracie," or even "Anarchie": "making all alike, confounding of all rancks and orders, reducing all to Adams time and condition and devolving all power upon the state Universall and promiscuous multitude" (Edwards 1646, 149).

While Marxists like Macpherson (2010) lamented the Levellers' unwillingness to push for economic equality, Parker (1649) saw something revolutionary enough in their claims to parity of respect before the law. "We perceive hereby plainly the substance of your Levelling philosophy": "The Judges because they understand the law, are to be degraded…but the Jurors, because they understand no Law, are to be mounted aloft" (21). As a lawyer, Parker did not worry simply about the fate of legal expertize; rather, he regarded the denial of hat honor to judges as a form of disrespect, meant to "degrade" them and bring them into contempt. "The pretence of levelling," he wrote, "is to put all men upon an equall floore…But the intention of our Levellers…leaves an inequalitie amongst men as great as ever…and so makes that the Head which was the Foot; and that the foot…the Head" (21). Leveller demands for parity of respect, he thought, would turn the world upside down (cf. Hill 1991).

In the face of such criticism, it is striking that even as Lilburne and Overton strenuously denied that economic levelling was their aim, they never denied that natural parity was their principle. Instead, they avoided the term by couching their claims in the long-standing language of natural equality. That this created tensions in their program, we have seen already. Whereas the latter principle was universal and inclusive ("all men are equally human"), Leveller assertions of parity appeared as partial and exclusionary. Not only did their proposals deny the franchise alternatively to "servants," "almstakers," and "royalists," with the most restrictive *Agreement* restricting it to "House-keepers" (Foxley 2013, 111–12, 232). The biblical language of birth-right evoked a sense of England and the English as a chosen nation, enjoying their peculiar "Nationall" as well as "natural" rights (Overton 1646).

Critics were quick to exploit these contradictions. At Putney, Cromwell and Ireton fixated on the issue of foreigners or "strangers," to highlight the arbitrariness (as they saw it) whereby *English* men should be elevated over their natural *pares* by their birth. How should only the "he's" that were "in England" have the franchise, when according to Rainborough "*every man* has a voice by right of nature" (Sharp 1998, 108–9, 117–18, my emphasis)? While Foxley (2013) argues that Lilburne's claims on behalf of "freeborn Englishmen" were not only inclusive, but universalist, in intent (93–4), this reading neglects the extent to which the Leveller language of birthright was necessarily particular and partial, as an entitlement conferred, not by nature, but by *birth* in its particular order, place, and time.

We are now in a better position to understand the Levellers' most notorious exclusion. Royalist critics seized on the conspicuous absence of women from seventeenth-century social contract theory immediately (Skinner 2006, 160). Filmer savaged this lack of fit between political theory and practice in an infamous *reductio*: "Where there is an equality of nature there can be no superior power…[and] women, especially virgins, who by birth have as much natural freedom as any other…therefore ought not to lose their liberty without their own consent" (1991, 142). And yet, as we have seen, while protest and petitioning gave them a voice within the movement consistent with their status as natural *pares*, not even Leveller women claimed that voice on quantitatively equal terms. Elizabeth Lilburne and Mary Overton, who acted as spokespersons for their households while their husbands were in prison, cooperated in presenting themselves as the "weaker vessel." Levellers even ordered their public processions of "sea-green" supporters by gender and age, with male citizens followed by women, and "youths and maids" in the rear (Hughes 1995, 170, 167–68).

Few historians would thus go as far as Anderson (2017) in proclaiming "the feminist implication" of Leveller arguments (13; cf. Brailsford, 316–17). Nevertheless, some have still been tempted to describe Leveller demands as only parenthetically male (e.g., Foxley 2013, 108; Holstun 2000, 237). Far from being an unfortunate "blind spot," however, the inequality of women in Leveller practice was seen at the time as fully consistent with their theoretical claim to natural parity. To say that men and women were created "equal and alike" in dignity was—as Waldron (2012) points out—to claim for them a shared rank or distinction in the order of creation. Yet as we have seen, in early modern England social parity relations (unlike equality-as-indifference) still permitted of in-rank *differences of degree*.

On the Leveller theory, women were no longer naturally *disparata*, as in Parker; they were merely "different." But those natural differences or inequalities (of strength, for example) could still be—and were—deemed relevant to the distribution of political and legal rights.[6] When it came to the "freedoms of th[e] Commonwealth," Levellers could argue that, although women were not *inferior* to men by nature, the sexes were still insufficiently "alike" in their abilities to be equally entitled under civil law, leaving women—in the words of the Women's Petition (1649)—with only a "proportionable share."

Pace Foxley and Anderson, then, "the point" of levelling was not simply to relate to one another "as equals" by challenging existing hierarchical distinctions. Despite their individualism, "levelling up" for the Levellers remained a corporate, class-based affair. Commoners' status as natural *pares* entitled them to be treated "on a par" with their aristocratic counterparts; this meant that commoner wives would be treated like ladies, and their husbands like lords (cf. Overton 1646b). Accordingly, although they too had a voice by nature, women would remain effectively low-status equals in a society where even the noblest women lacked equal rights. By contrast, even "the meanest man in *England*" could become a high-status peer, "as much *entitled* and *entailed*…as the greatest subject" (Lilburne 1648, 50). His presumptively high status stemmed, according to the Levellers, from his salient similarities to the eldest sons of English aristocrats, who enjoyed the rights of primogeniture. The happy conditions of his birth made every Englishman, in effect, the elder brother of mankind, while creating a new class of female inferiors.

Keeping this in mind, one could argue that the continued exclusion of women saved the Levellers from some of the most obvious paradoxes of their legal and political program. Take the claim to universal "privilege" among freeborn Englishmen, or Overton's imputation of universal distinction and "sovereign lords[hip]" indifferently to all individuals—each of whom was "by nature a King, Priest and Prophet in his owne natural circuite and compasse" (1646, 4; cf. Foxley 2013, 99). While the idea that human beings were *equally free* had long been standard natural law fare, the translation of equal freedom into equal lordship was more controversial. Lordship, along with the many other positional goods (e.g., authority, majesty, etc.) with which Lilburne and Overton endowed mankind—implied superiority, and hence the existence of *inferiors*. Yet as Suarez (2013) pointed out,

[6]Women were not entitled to trial by a jury of their (female) peers, for example, and the law of coverture, by which wives lost their legal personality after marriage, remained in place (Crawford 2001).

"it is not"—and cannot be—"true that every individual man is the superior of the rest" (429). Practically, if not conceptually, women came to fill the inferior role for seventeenth-century natural rights theorists, as the so-called "first English feminist," Mary Astell, pointed out (cf. Pateman 1988).[7]

Those most sensitive to this paradox at the time were often those most sympathetic to the Leveller cause. The fair-weather republican (and possible author of *Vox Plebis*) Marchamont Nedham (1650) tarred his former comrades as "a certain Sort of men, of busie parts, and that have a mind to seem Som[e]body" (77–79). A truly "free" commonwealth would ensure "not an equality (which were irrational and odious) but an *equability* of condition among all the Members" (quoted in Foxley 2013, 214). The most perspicuous criticism, however, came from Hobbes. When he began writing *Leviathan* (1651), the Levellers were still an uncomfortably recent memory as mutineers and accused traitors to the new regime. Contemporaries would have recognized in its famous description of the "naturall condition of Mankinde" a satire on Lilburne and Overton's original position. In Hobbes's state of nature, individuals were as little lordlings engaged in a suicidal status competition to vindicate their natural superiority.

Yet Hobbes (2012) himself embraced the image of levelling in *Leviathan*—both in his chosen title and in its striking cover image of a giant towering over a plain and comprising countless individuals, every man with *his hat still on*! For Hobbes, however, "levelling up" was not an option; only the securely low status of "equal subjection" would suffice. Accordingly, in the ninth law of nature (against pride), one finds the egalitarian premise in something like its modern form: "*that every man acknowledge other as his Equall by Nature*" (234; cf. Hoekstra 2013).

Conclusion

What *was* the point of equality? For the Levellers, at least, the point was parity. Whereas natural equality had, for centuries, stressed the essential *indifference* of human beings with respect to species, natural parity claimed for them a shared *distinction*. The former offered no fixed prescription as to how those who were equally human should be treated; the latter prescribed respectful treatment "on a par," while leaving natural differences intact. This article suggests that both principles were essential—not only for Leveller theory and practice, but for the emergence of what political theorists today call "basic equality," with its assertion both of intrinsic and strictly equal human worth.

Compared with their political failures, the Levellers' success in subsuming parity under the principle of natural equality appears as their most lasting achievement. Today, the language of parity (if not the concept) has largely disappeared from our political vocabulary; we prefer to speak of *dis*-parities—of treatment, wealth, power, etc.[8] Chang (2002) has recently sought to revive parity in the ethics of decision-making but has thus far resisted applying the concept to human beings as such. I suspect that this resistance is due partly to parity's continued association with social hierarchy in at least two respects: (1) hierarchies of *rank*: that is, the ordering of statuses within which *pares* have their distinctive social value (high or low), and (2), hierarchies of *degree*: that is, the persistence of differential dignity within each rank. It may be possible today, as well as desirable, to develop a theory of natural parity without these implicit hierarchies. Still, the role of women in Leveller theory and practice reminds us how—in the interplay between theories of natural parity and the existing practices of social parity in any given time or place—mere "differences" easily harden into new distinctions.

While proportional standing in a society of *pares* will not satisfy modern egalitarians for whom "the point" is to respect our equal worth, I believe that parity is nonetheless worthy of recovery on normative, as well as historical and conceptual, grounds. An important implication of my analysis has been that basic equality—that ever-present "axiom" of political philosophy—operates much like the Levellers' premise of natural parity did—as a "range property" with respect to our intrinsic worth as human beings. And yet, unlike equality, parity is resistant to one of the most vexing theoretical challenges pressed by modern egalitarianism's critics. As Pojman (1997) points out, it is theoretically implausible—and empirically false—to claim that every person is exactly equal with respect to their innate abilities or characteristics (e.g., moral worth, dignity, reason, etc.). But if individuals differ in degree, as we must, with regard to our valuable traits, it follows that we should also be either "more" or "less"—that is, superior or inferior—with respect to our moral status, too. To deny this, as modern egalitarians do, seems arbitrary (293).

[7]Critics note a similar "supremacist" dynamic with respect to animals in human dignity discourse today (e.g., Kymlicka 2018).

[8]An important exception here is Fraser (2008), who appeals to "participatory parity" as a principle of justice.

While Waldron (2017) follows Rawls in resorting to the technical language of range properties to mitigate this challenge (113–14), notice that the problem arises in the first place due to the doubling-up of "equality" language, which produces a tension between our status as "equals" and our "unequal" degree. Accordingly, reintroducing parity as a distinct concept dissolves the problem: people can clearly be peers despite their individual differences in dignity, moral worth, ability, etc. And yet, Waldron consistently avoids the language of parity in discussing basic equality, even where Rawls used it himself ([1971] 2009, 506).

This is not the only place in normative theory where a surfeit of equality talk confuses rather than clarifies. As we have seen, the Levellers took advantage of an ambivalence in early modern English—in which "peer" status could be either high or low—in order to make natural parity more palatable to their contemporaries. Today, the same ambivalence exists in modern English with respect to those who are "equals."[9] Recovering parity allows us to make this *altitudinal* distinction explicit and thus to identify at least two kinds of egalitarianism occupying Dworkin's "egalitarian plateau"—one positive that seeks to "level up" by claiming parity of respect between the least privileged and the most, and one negative, that "levels down" by reducing everyone to low-but-equal status (cf. Whitman 2005). Historically, we can see the former represented by the Levellers and the latter by Hobbes.[10] One can detect a similar difference in orientation among modern egalitarians—including those who look to the Levellers for inspiration—between those for whom "the point" of equality is to dismantle privilege (e.g., Anderson 1999) and those who want to universalize it (e.g., Waldron 2012).

Finally, and in keeping with Anderson's original essay, recovering parity as "the point" for the Levellers allows us to recognize and appreciate when social movements make similar claims today. The major egalitarian movements of our moment—Black Lives Matter and #MeToo—display a striking *absence* of equality-talk in favor of recognizably "paritarian" demands. Like the Levellers before them, "the point" for these activists is not that Black Americans or women lack equal rights, but rather that they continually encounter *disparate* treatment and their voices are *discounted* when compared with the high-status "Peers" of our society, namely educated white men. While political theorists prefer the God's-eye view and mathematical precision of equality assertions of natural parity occupy an inevitably partial and human perspective, rooted in the institutional structures and practices of social parity within particular communities. Activists want to "level up"; the actually existing societies to which they belong set the level.

Anderson (1999) is clearly right that theorists have a lot to learn from egalitarian movements, past and present. But to do so, we must first take them seriously, on their own terms, not excuse or explain away when their theories and practices deviate from modern expectations. Otherwise, instead of learning from the past, political theorists will continue to miss the point.

[9]Modern English translations render the Latin *pares* routinely as "equals," as in the phrase *primus inter pares* ("first among equals") used to describe the Roman Emperor.

[10]One might read Hobbes as representing a third possibility of levelling to "the middle," but this reading neglects the altitudinal aspect of Hobbes's theory of equal subjection.

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