

These were also the years in which Venetian-style financial and trading institutions began to appear in London. The year 1581 witnessed the creation of the first of the new joint-stock trading companies, the Turkey Company, co-founded by Cecil and Walsingham. In rapid succession, this was followed by the founding of the Venice Company, the Levant Company, and the East India Company.

Throughout this entire period, religious persecution became more and more acute, as the Church of England began to assume its role as a key institutional pillar of the new oligarchical state. In 1583, John Whitgift became the head of the Church of England, and began a relentless campaign against all non-conformists. In 1592, the separatist Ancient Brethren Church in London was shut down, and three of its principal leaders, Barrow, Greenwood, and Penry, were executed. In 1593, Queen Elizabeth issued Royal Statute 35, ordering suppression of all dissidents.

After the ascension of James I, and the Hampton Court Conference of 1604, the situation became even worse. All tolerance was abandoned, and religious non-conformity was brutally suppressed.

The New Paradigm in London

The 1603 coronation of James I brought the Venetian party more fully into power in London. Many leading English figures now travelled to Venice and consulted with Paolo Sarpi. Robert Cecil, who remained Secretary of State when James took the throne, had paid his visit in earlier years. Others in Sarpi’s orbit included Francis Bacon, William Cavendish, and Thomas Hobbes. Both Hobbes and Cavendish would later become major players in the Virginia Company.

The creation of a new Venice in London also required new theories of international law, trade, and economics, to justify the anti-Commonwealth practices of a new maritime/financial empire. At Oxford, the Aristotelian scholar Albericus Gentilis (Alberico Gentile), the leader of a pro-Venetian circle which included John Donne and Henry Wotton, provided that epistemological basis. Gentilis’s major work, *De Iuri Belli Libri Tres (Three Books on the Laws of War)*, which contains a strong defense of the practice of enslaving native populations, dismisses the idea of a society based on the Common Good, and instead argues for a theory of international law based on the primacy of private property rights (see box).

This idea, of the subjugation of the state to private property rights, also figured heavily in the work of Gentilis’s contemporary Edward Coke, the “father of English Common Law.” History books often portray Coke as the champion of the “rights of Parliament” and the supremacy of the “Common Law” against the absolutism of the Stuart monarchy. But the political allies of Coke, including Cavendish and others, were precisely the group intent on importing the Venetian system

Caesar in 1600 should have dissuaded Essex and Southampton from their suicidal coup attempt.

of a maritime/financial empire, and a legal system grounded in “private property rights,” into England. In his major work, *Institutes of the Laws of England*, Coke defends the 1618 establishment of slavery in the new Virginia colony, and justifies slavery, by saying, “An individual taken in battle should remain bound to his taker forever, and he to do with him, [and] all that should come of him, his will and pleasure, as with his beast or any other cattle, to give, or to sell, or to kill.”⁴

The Netherlands

In the Low Countries—the hoped-for haven of the Pilgrim Brethren—events were also taking a very bad turn. Earlier, in 1572, William of Orange (William the Silent) had raised

4. Black African slaves were brought into Jamestown by the Virginia Company as early as 1618, and the first public auction of slaves in Virginia occurred in 1638.

Property Rights vs. The Commonwealth

The creation of the Portuguese and Spanish maritime empires, and then, more emphatically, the Dutch and English trading companies, required that a new “philosophical” rationale, to justify their anti-human practices. What emerged was a modern, radically empiricist, notion of “Private Property Rights,” in direct opposition to the Renaissance ideal of the Commonwealth.

In 1526 the Dominican friar Francisco de Vitoria initiated a series of lectures at the Spanish University of Salamanca. Under his tutelage, a new school of international law and monetary theory was developed, both at the Dominican-run Salamanca and, later, at the Jesuit-run Coimbra University. Deeply Aristotelian, and beginning from the axioms of Roman Law, Vitoria and his followers created the first modern theories of free trade and property rights.

One of the central propositions of the Salamancans was the idea that individual private-property rights derive from natural law—i.e., that private property is an institution of the *jus gentium* (law of nations); it is not a creature of the *jus civile* (man-made civil law). Under this theory, private property *precedes* the existence of the (man-made) nation-state, and, therefore, the state exists primarily to protect the institution of private property. The state has a limited power of *dominium jurisdictiones* (the power to punish crime), but not *dominium proprietatis* (the right of ownership).

Among the Spanish and Portuguese epigones of Vito-

the banner of revolt against the horrific religious persecution and economic looting inflicted on the Netherlands by the Spanish Hapsburgs. The Dutch revolt was not a religious or Protestant rebellion; it was a war for national salvation.⁵ By 1579, the northern provinces had been liberated and the Union of Utrecht was proclaimed. In the treaty which formalized that Union, William insisted on the inclusion of a clause (Article 13) guaranteeing liberty of conscience in religious worship, and prohibiting the persecution of anyone for religious reasons. Two years earlier, William had issued an order to the Magistrates of Middleburg, stating, “We declare that you have no right to interfere with the conscience of anyone, so long as he has done nothing that works injury to another per-

5. See Friedrich Schiller, *History of Revolt of the Netherlands*.

son.” In 1581, the Magistrates of the University of Leyden, which had been founded by William in 1575, issued a declaration which said, “Liberty has always consisted in uttering our sentiments freely; and the contrary has always been considered the characteristic of tyranny. Reason, which is the adversary of all tyrants, teaches us that truth can be as little restrained as light.”

By the 1580s, hundreds of English men and women, seeking to escape persecution in their own land, began crossing over into the Netherlands.

But in 1584, William the Silent was murdered by a Jesuit assassin, and the Dutch situation immediately went off the track, albeit gradually at first. By 1600, the Netherlands was being transformed into the Venice of the north (see box, next page). Amsterdam, previously a second-tier city, was built up as the new financial center, with the direct financial backing of Venice, as well as Venetian-allied emigrés from Antwerp,

ria were Diego de Covarruvias, Fernando Vasquez de Menchaca, Domingo de Soto, Leonard de Leys (Lessius), and Martin de Azpilcueta Navarro (Navarrus). The writings of these authors had a pervasive influence on many in the Protestant north, including Grotius, Albericus Gentilis, Althusias, Puffendorf, and John Locke.

Grotius’s *Mare Liberum* (*The Freedom of the Seas*) was written to justify global looting by the Dutch East India Company. Albericus Gentilis was the Oxford Regius Professor of Civil Law from 1580 to 1608, during the exact period of the birth of the joint-stock trading companies, and his writings, such as *De Juri Belli Libri Ires*, were intended to provide the legal and philosophical justification for the new liberal imperial model. At Oxford, Gentilis was closely allied with Henry Wotton, the English ambassador to Venice and confidant of Paolo Sarpi.

John Locke

Locke’s collected works read like a hymn to Private Property. His warped idea of human freedom derives from the Roman Law concept that humanity originally existed in a perfect “state of nature,” i.e., that human freedom is indistinguishable from wild beasts: in nature all beasts are created free and equal. Man—as the beasts—has the right to defend his life, liberty, and possessions. According to Locke, this antagonistic state of nature still exists between individuals and between nations.

In the second book of Locke’s *Two Treatises on Government*, he bluntly states, “The great and chief end therefore, of Men’s uniting into Commonwealths, and putting themselves under Government, is the preservation of their property.” Private property rights existed before the creation of the state, and the role of the state is to protect

this property.

Locke’s argument entails a bizarre interpretation of the Book of Genesis: “At the beginning of mankind’s existence, ‘the Law man was under, was rather for *appropriating*. God Commanded, and his wants forced him to *labour*. That was his *property* which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion, we see are joined together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to *appropriate* ... [which] necessarily introduces *private possessions*.’ ”

In *Some Considerations of the Consequences of the Lowering of Interest and Raising the Value of Money*, Locke goes beyond simple property rights and raises the issue of money, itself, as a “special” kind of property, imbued with almost magical powers. This rabid monetarism is earlier found in Navarrus and several other of the Salamancans.

Slavery is, for Locke, merely the epitome of property rights: “There is another sort of Servants, which by a peculiar Name, we call *slaves*, who being Captives taken in a Just War, are by the Right of Nature subjugated to the Absolute Dominion and Arbitrary Power of their Masters. These Men having, as I say, forfeited their Lives, and with it their Liberties, and lost their Estates; and being in the *state of slavery*, not capable of any property, cannot in that state be considered as any part of *civil society*; the chief end whereof is the preservation of *property*.”

Grotius and Gentilis also are explicit in their defense of slavery and the global slave trade. Slavery, Free trade, Property Rights: the holy trinity of the Anglo-Dutch maritime paradigm.—Robert Ingraham