DEBATING EMPIRES, INVENTING EMPIRES: British Territorial Claims Against the Spaniards in America, 1670–1714

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ABSTRACT

This essay analyzes the Spanish-British political debate over the right to fell logwood and for the dominion of the Yucatan. It contextualizes archival material as well as printed treatises written by Britons who were engaged in the debate and who gave origin to the ideology of the British Empire before the Union (1707). These writers were members of the Council of Trade and Plantations and of the Royal Society, and they had not only domestic interests but also direct private interests either in the West or the East Indies. John Locke is the main figure in this debate and his concept of property is revised within this new context. Locke and other fellows of the Royal Society and King’s counselors argued in favor of British possession of American lands claimed by Spain. Using natural law and political and theological arguments to claim that Spain was unable to improve nature, they described the Spanish as a declining and backward empire and created a successful imperial ideology to bring domestic homogeneity and stability in turbulent times.

Mr. Carteret, their secretary, will answer all their expectations, for the Spanish proverb says, “Que la buena diligencia es la madre de la Buena ventura.”

(CSP, CA. 5, 302–07)

In 1674, facing the threat of war with Spain, England’s Charles II assembled his Council for Foreign Plantations. The council’s secretary, who happened to be one of history’s most famous political philosophers, John Locke, was asked to solve the problems posed by a relatively obscure tree—the logwood tree. The English monarch ordered Locke to deliver to him immediately “all papers belonging to this Councill concerning Cutting Logwood”
(Great Britain 71–72). The issue of cutting logwood had been debated in the council before without a definitive resolution, as the question concerned not simply English rights to cut the tree, but also English sovereignty over the lands where the tree grew, lands that were claimed by Spain as well. The problem was far from settled in 1674. These complex and contentious issues would be resolved only in 1798, when the British Empire obtained British Honduras and achieved recognition of both their avowed right to cut logwood and of their territorial claim to these lands.

In the debate over the right to cut down the logwood tree and over ownership of the lands where it grew, the Spanish crown claimed its sovereignty by proving not only its discovery and settlement, but also its actual use, by planting and clearing, of these lands. Nonetheless, the crown of England alleged that these lands were “in a manner” waste, deserted, desolate, or uninhabited, and claimed sovereignty over them by proving that some English subjects commissioned by the crown had improved them—by cutting the trees and farming the land. The res nullius argument that these lands were empty before their settlement was not intended to justify English overseas expansion into Amerindian territory. Instead, as this essay shows, the English crown deployed an imperial argument based on English improvement of nature against Spanish spoilage of nature. In fact, the English crown implied that, even if the Spaniards had cleared and planted these lands, they would have spoiled them because the Spaniards were incapable of improving nature as God commanded.²

**THE NATURAL LAW CONCEPT OF RES NULLIUS REDEFINED: ENGLISH PLANS FOR THE “IMPROVEMENT” OF NATURE IN THE YUCATAN**

The imperial argument was formulated by councilors and fellows of the Royal Society, who had personal interests in the Americas. These men, some of whom later became the founding fathers of the “Scientific Revolution,” declared that the “Monarquía de España” was a tyrannical empire with a weak and sinful commercial society promoting greed and laziness. They claimed, in sharp contrast, that the “British Empire” improved nature, increasing its value through the industrious labor of the virtuous and rational members of a profitable English commercial society. Although this argument concerning the improvement of nature was not applied exclusively to Spain, it was part of a British imperial ideology that depicted the Monarchy of Spain as plunged into unavoidable decline.³

During the 1670s, the logwood of the Yucatan warranted the English king’s immediate attention because it was especially suitable for dying English cloth. The matter was placed in the carefully chosen hands of Locke, who was capable of transmuting bureaucratic papers into high philosophy
and powerful ideology." The English crown had permitted the free importation of logwood since 1662. In 1666 the Council of Jamaica “resolved that it is to the interest of the island to have letters of marque granted against the Spaniard. 1. Because it furnishes the island with many necessary commodities at easy rates...with coin, bullion, cocoa, logwood, hides, tallow, indigo, cochineal, and many other commodities” (CSP, CA. 5 (Feb. 22, 1666), 358–59). In 1669 the governor of Jamaica informed one of the Lord Proprietors of Carolina that most former illegal pirates, now legal privateers, had become logwood merchants ready to fight for the English crown in case of war (CSP, CA. 7 (Nov. 30, 1669), 46).

On 18 July 1670, Spain and England signed the Treaty of Peace of Madrid. Article VII recognized that the king of Great Britain had the “Right of Soveraignty, Dominion, Possession and Propriety [of] all those Lands, Regions, Islands, Colonies, and Places whatsoever being situated in the WEST-INDIES, or in any Part of AMERICA, which the said King of Great Britain and His subjects do at present hold and possess” (A Treaty 5). The article appears to guarantee merely that the English were allowed to keep their current dominions. Neither the English nor the Spanish read it thus, however, as there was an empire to gain by stretching the interpretation. Therefore, Article VII was reinterpreted in every Spanish-British colonial quarrel before the nineteenth century. The Spaniards argued that the English could not own any territory in America without Spanish recognition; of course, the Spaniards did not consider the English to be holding and possessing territories where the Spanish claimed jurisdiction. The English contested the lands over which Spain claimed jurisdiction by arguing that these lands were not actually settled, planted, and improved by the Spaniards; the English claimed them by proving they were already settled, planted, and improved by the English themselves.

Between June and November of 1670, Sir Thomas Modyford, the governor of Jamaica, wrote extensively to the Council of Plantations about the logwood tree. If the logwood cutters were “encouraged,” Modyford wrote, “the whole logwood trade will be English” with twenty percent of profit per ton for the king, and more than half the privateers-turned-logwood-merchants would become men of war in case of an open conflict with Spain. By December 1670, most former privateering vessels were trading logwood. According to the governor, the tree grew in “Cape Gracia Dios, Darien, Mosquito, Campeachy, Cuba, and Hispaniola,” and it was cut without trespassing “at all upon the Spaniard,” but in “deserted places,” that were “either inhabited by Indians or void” (CSP, CA. 7, 120–22). The argument that these lands were not part of the Monarchy of Spain was essential in making the claim for England’s sovereignty over them. Consequently, this argument was repeated to the point of tedium.
On Christmas Day, 1671, Thomas Lynch, the new governor of Jamaica, again asked the council for advice. Spain sought to undermine English claims to the right to cut logwood, and in rebuttal Lynch raised two arguments related to dominion over the land. The governor argued first that the English cut it in “uninhabited places” and, second, that they had cut logwood there before the signing of the Madrid Treaty. As a result, the Spaniards should recognize English possession of these lands. The Lords of the Committee were considering Lynch’s arguments when a letter from the previous governor of Jamaica arrived explaining “how meanly the Spanish towns on the foresaid tract of land were peopled” in contrast to “the places frequented by the English” (CSP, CA. 30, 38–45). Given this difference, the governors of Jamaica argued that English sovereignty could be claimed, stating: “This possession . . . in the West Indies, is held the strongest that can be, vizt. falling of wood, building of houses and clearing and planting the ground” (CSP, CA. 7 (May 10/20, 1672), 358). By this point, the English cutting of logwood was compromising the treaty. Moreover, by 15 June 1672, the Councillors for Foreign Plantations had read several letters copied by Locke, some of which intended to prove that in 1671 the coast of the Yucatan had been uninhabited—one of the requirements for settling, planting, and claiming dominion according to the law of nations (i.e., *ius gentium*).

The law of nations permitted a sovereign country to occupy an uninhabited land that did not belong to another sovereign political body based on the *res nullius* argument, which asserts that the land had no owner because it was a “vacuum,” empty and vacant. According to Ken MacMillan, the English and the Spanish used similar arguments to colonize the Americas, a continent considered to belong to no one (32). In order to justify their titles to American lands, both the English and Spanish crowns used arguments based on Roman law: both argued their intention to establish dominion (known as the “preemptive method”) and their achievement of factual dominion (called the “dominative method”). The English, like the Spanish, based their claims to sovereignty on their original discovery and their long and undisputed use of the land, thus gaining sovereignty by “prescription” according to Roman law. The Europeans demonstrated their intent to establish dominion (“preemptive method”) by supplying evidence of their previous knowledge of the region—employing descriptions, travel books, and maps—and by demonstrating their effective control of the territory (“dominative method”) through their settlement on it—peopling and building. As the Spanish crown had sent the earliest expeditions to many American lands and settled missions there, they usually argued their first discovery, their possession, and consequently, their jurisdiction over those lands. The English crown, knowing the Spanish claims, twisted the *res nullius* argument in order to claim English sovereignty over the desired and already settled lands: a
land under the claimed jurisdiction of another country might look like “waste”—meaning either empty or just spoiled—to the English, who could then occupy it. Yet sovereign countries could have communal and waste lands under their jurisdiction, and an incursion into them by another country was considered an invasion. This was precisely the argument deployed by Spain against England in relation to the lands where the logwood grew. A letter from Madrid warned the council about the risks of using the *res nullius* argument in order to claim English possession against the Spanish. The English Catholic ambassador to Spain, Sir William Godolphin, explained why Spain would not accept the English felling of the Yucatan’s supposedly uninhabited woods. The Yucatan belonged to New Spain, which was “sufficiently peopled, having several great towns,” and was consequently under the jurisdiction of the Kingdom of New Spain. In conclusion, the Spanish argued that if the English considered that these woods were not Spanish, the Spanish could also claim that the English commons were not English. The English Catholic ambassador to Spain, Sir William Godolphin, explained why Spain would not accept the English felling of the Yucatan’s supposedly uninhabited woods. The Yucatan belonged to New Spain, which was “sufficiently peopled, having several great towns,” and was consequently under the jurisdiction of the Kingdom of New Spain. In conclusion, the Spanish argued that if the English considered that these woods were not Spanish, the Spanish could also claim that the English commons were not English. Inhabiting and possessing were different things and the latter might not require the former, the ambassador said. Godolphin explained that the Spanish opposition to the English felling of logwood was due, not to the English exploitation of a valuable resource, but primarily to the English intention of establishing dominion. The Spanish argued that the Monarch of Spain had *dominium directum* over these lands, and that his vassals, settled there, had the *dominium utile*; moreover, they had already made these lands profitable by clearing, planting, and raising cattle. The Spanish and the English deployed similar arguments in their attempts to justify their possession of these lands. Feeling invaded, on 22 June 1672, “the Queen Regent of Spain had publishe’d [sic.] a Royal cedula . . . which orders, that such as shou’d make invasion, or trade without license in the ports of the Indies, should be proceeded against as pirates” (CSP, CA. 30, 38–45). As a result, the Spaniards confiscated English ships with logwood on board (Esquivel). The Lords of the Committee allowed logwood cutting despite Godolphin’s warnings, and in 1674, the new governor of Jamaica asked the council to formally declare English rights to these lands. For Locke’s patron, the Earl of Shaftesbury, however, even when the lands were obviously waste, the argument based on settling and planting them was not strong enough to claim English sovereignty. For Shaftesbury, the law of nations mandated that colonizing was the legitimate imperial activity of a sovereign country, which could be legally defended against the claims of other sovereign countries as well as against the eventual colonists’ own claims for an independent state. Therefore, he considered that the logwood cutters should show their official commission to settle in these lands of the Yucatan; and Locke asked the previous governor of Jamaica for his royal commission to take possession of them.
The logwood trade became a priority by express order of the king, so at the beginning of March 1674, all the papers relating to the logwood trade having been read in council, the secretary of state wrote to the English ambassador in Madrid: “you must endeavour by all the skill you have, to procure some liberty for the cutting of logwood in those remote parts where the Spaniards have none [no liberties, i.e. privileges, rights], and H.M. subjects have had long abode and residence” (CSP, CA. 30 (Sept. 25, 1717), 42). In spite of Godolphin’s efforts, the Spaniards applied the cédula, branding the logwood cutters as pirates who had invaded Spanish jurisdiction. By the autumn of 1675 it was clear to some English that “The Treaty of America does require a further adjustment, for it appears by the Queen’s judgments about the Campeachy wood and other matters, that in Spain they affix a new interpretation upon the Treaty” (CSP, CA. 9 (Oct. 8, 1675), 296).

Meanwhile, the Spanish settlers in the Yucatan complained about the English cutting and stealing their logwood, and the Spanish council considered new measures designed to expel the English from the contested land. The English, argued Spanish intelligence, found the Yucatan not only an ideal place for logwood, but also a strategic point for capturing ships, encouraging English trade, and taking provisions—mostly fish and stolen cattle. To the English, the Yucatan was “like a larder and a garden” (Apuntes sobre 439–40). As a result, in 1677 the Spanish council decided to send the Armada de Barlovento to expel the English (Esquivel). In 1679, unwilling to risk breaking the peace, the English forbade the logwood trade in these lands, as it was “part of the King of Spains Dominions” (CSP, CA. 10 (May 22, 1679), 364–66). But in 1717, the British councillors declared that “the Spaniards posses’d San Francisco de Campechy . . . but it had been taken thrice by the English, and besides they have two other inland towns, Merida and Valladolid, of no great importance having few inhabitants, but the rest of the Province[,] before the logwood cutters were settled, was in a manner wholly desolate and uninhabited”; moreover, “your Majesty’s subjects did actually hold and possess the Laguna de Terminos and the parts adjacent at the time of the conclusion of the American Treaty” (CSP, CA. 30 (Sept. 25, 1717), 38–45).

The English deployed the Roman law concept of res nullius and modified it to mean not just empty, but “waste” (or spoiled) land. The English had to prove first that the land they claimed was “waste” and second that they had subsequently established dominion over it. Yet each proof and argument was debatable and subject to several interpretations. The biggest problem arose in relation to the definitions of “waste,” “uninhabited” or “desolate.” In their arguments regarding their claimed rights to log, trade, and settle on Campeche, the English deployed a vocabulary from two different political languages: Roman law, present in almost every English claim of imperium and dominium over American territories, and a theological language alluding
to Biblical passages, like Jeremiah 6.8: “Be thou instructed O Jerusalem, lest my soul depart from thee, lest I make thee desolate, a land not inhabited.” Legally, the adjectives “uninhabited,” “desolate,” and “waste” meant that a place neither inhabited nor farmed by anybody was considered free for the taking and improvement. Theologically, “desolate” and “uninhabited” lands were the result of the wrath of God against the sins of humankind, sins that included a neglect of the duty to “be fruitful, and multiply, and replenish the Earth, and subdue it” (Gen. 1.28). According to this logic, when a land was considered to be “waste,” there was a theological mandate and, for this reason, a legal opportunity, to take possession of it in order to “improve” it. When the English used these words to claim lands, they increasingly connoted both the natural law and the Christian justification.  

Richard Drayton argues that in England, especially from the second half of the seventeenth century, the perceived sacred task of improving the land (as urged in Gen. 1.28) gave rise to the imperial ideology of “agricultural improvement” supported by both the experimental science of the Royal Society and the “rational religion” of the Anglican Church (3–25, 50–82). Indeed, David Armitage shows that during these years the British Empire was theoretically defined (in contrast to its description of the Spanish empire) as Protestant, commercial, maritime, and free (Ideological 1–23). Yet both the theological-legal arguments—for “agricultural improvement” and for a free, Anglo-Protestant commercial empire of the seas—were mutually reinforcing aspects of British imperial ideology.

According to the ideology of agricultural improvement, lands inhabited by “barbarians” were not part of Christian-civil society. “Uncivilized” peoples did not know how to improve their lands, and thus they left them “waste”—*res nullius*. The English crown colonized Ireland, for example, with the declared aim of improving its “waste” lands—“unoccupied or not efficiently used”—because Irish “barbarism” had allegedly made the country decline (Drayton 50–82). In the Americas, the English argued that the Native Americans had spoiled the land and its fruits, and that it was consequently void or waste and thus free for the English taking. According to the colonizers, the Irish and the Indians were not following God’s command to be “fruitful, multiply and replenish the Earth.”

Although “uncivilized” peoples left lands waste, some “civilized” societies also had waste lands. In England, there were domestic disputes over the “improvement” (that is, cultivation or technological amelioration, such as drainage) of the commons—defined as “waste lands”—and thus, about their conversion into private property (*The Earl of Exeter* 1). Despite these thorny domestic disputes, usually resolved in favor of the common law and of the commoners (Neeson 18–19), the English increasingly made use of this argument in colonizing overseas. In Campeche, England used the concept of
waste lands to claim the right to settle where the Spanish Monarch had claimed sovereignty—Spain being a “civilized,” Christian society. As the Spanish contended, the first lands affected by the English argument were part of the Monarchy of Spain: they were the domestic lands of a civilized country. To rebut the Spanish argument, the English needed to deny that the Spaniards could improve their lands. The fellows of the Royal Society, a major English imperial institution founded during the 1660s, would argue that although the Spaniards were civilized, they were spoiling nature against God’s will and thus did not deserve to keep their dominions.

The English imperial ideology of improvement was not just related to agriculture, but to nature in general, according to the Royal Society’s declared ultimate aim. Thomas Sprat, the author of *The History of the Royal Society* (1667), claimed that its ecumenical aims resembled those of the Church of England. The Anglican Church through religion, and the Royal Society through philosophy, were understood to be uncovering God’s work, as the following passage makes clear: “the Law of Reason intends the happiness and security of mankind in this life; and the Christian Religion pursues the same ends, both in this and a future life” (368). British science was “called” to understand and improve nature—starting with human nature—and to dominate it. Whereas Catholicism was said to be decaying, “rational religion” with its improvement of nature was on the rise, and “the Church of England would provide to have the chief share in its first adventure . . . to encourage Experiments . . . which will be to our Church as the British Oak is to our Empire, an ornament, and defence to the soil wherein it is planted” (Sprat 366). The Royal Society’s imperial rhetoric was not mere metaphor, as imperialism was among its express aims. The Royal Society saw the Spanish empire in dismal contrast to England’s, arguing that even though America had been discovered two hundred years earlier, it still remained unknown, due to what was considered as the obscurantism of Spanish domination:

The chief design of the Spaniards thither, has bin the transportation of Bullion: which being so profitable, they may well be thought to have overseen many other of its Native Riches. But above all let us reflect on the temper of the Spaniards themselves. They suffer no strangers to arrive there: they permit not the Natives . . . to know more than becomes their slaves. And how unfit the Spanish humor is, to improve Manufactures, in a Country so distant as the West-Indies; we may learn by their practice in Spain itself: where they commonly disdain to exercise any Manual Crafts, and permit the profit of them, to be carry’d away by strangers. (Sprat 383)

The Americas had being spoiled by the Spaniards, the continent was a waste land, and therefore it might be rediscovered and improved by “a free Trade, or
by *Conquest*, or by any other Revolution in its Civil affairs” (383). Spaniards, the present masters of the Americas, deprived humankind of natural knowledge, and therefore America was “as if it had still remain’d a Part of the unknown World” (Sprat 384). As Sprat’s account suggests, the Royal Society would consider lands already discovered (and even settled and planted) by “civilized” Europeans to be completely “unknown” and waste, and therefore awaiting improvement and domination.

In sum, the logwood trade and the settlement in Campeche were crucial for English expansion in the Americas at the time. To achieve recognition of England’s claimed rights, the English crown argued that the lands on which the tree grew and over which Spain’s crown claimed jurisdiction were “in a manner” waste, deserted, desolate, and uninhabited. Therefore the English might claim sovereignty over them by proving that English subjects commissioned by the crown had improved them. To argue that America was still a waste land despite the Spanish occupation, the Royal Society as an imperial institution claimed that Spaniards, though civilized, were unable to improve nature. Some of the Royal Society’s fellows created a specific imperial ideology for which these arguments would be central. The British Empire was supposedly a Protestant, commercial, maritime, and free empire destined to improve the world. They portrayed the Monarchy of Spain as an imperial counter-model, spoiling nature instead of improving it, to give support to British imperial aims.

The English crown and the Royal Society were not impersonal agencies performing and justifying the enlargement of the English empire for England’s sake. These arguments were made by “public” men with “private” interests in the Americas. Half of the twelve men who attended the meetings concerning the logwood trade between February and March 1674 were not only members of the Council for Foreign Plantations but also fellows of the Royal Society. All had clear interests in furthering English trade and dominion: four of them were members of the Royal African Company (Shaftesbury, Titus Silas, Locke, and the Earl of Arlington); one of the East India Company (John Evelyn); three of the Royal Fishing Company (Arlington, Shaftesbury and Titus Silas); one of the Hudson’s Bay Company (Arlington); two of them were Lord Proprietors of Carolina (Shaftesbury and Sir George Carteret) and another Landgrave of Carolina (Locke); one was a landowner in the Bahamas (Shaftesbury), one in St. Lucia (Edmund Waller), and one in Virginia (Lord Culpepper). In their political, economic, or scientific treatises, and even in their poetry, these men wrote about Spain in a derogatory way.
THE IMPROVEMENT OF NATURE: THE ROYAL SOCIETY´S IMPERIALISM AND JOHN LOCKE´S CONCEPTION OF PROPERTY

Between 1658 and 1659, Edmund Waller, one of the Royal Society’s fellows and a Councillor of Plantations who would later witness the logwood trade discussion during the spring of 1674, wrote, “For divers Ages had the pride of Spain/ Made the Sun Shine on half the world in vain” (206). These lines belonged to his “Upon the Present War with Spain, and the First Victory Obtained at Sea,” a poem about England’s 1656 naval victory. Although written in support of Cromwell’s imperial Western Design, the poem was published several times, and it was included in a book entitled The English Empire in America, printed in 1685, 1692 and 1698. Waller argued in his poem that America’s nature had been laid waste: since the Spaniards pursued only gold, their “whole world’s Monarchy design” (206) must decline. One might say that Waller’s poem is very similar to William Davenant’s American operas: in both cases, literature and imperialism went hand in hand. After all, both men had interests in the Americas. In 1663, Waller received a fifty-seven-year land grant for his eponymous son in one of the Caribbean islands, St. Lucia, which had long ago been claimed by the Spaniards. The grant described the island as “uninhabited save only by Cannibals or Indians” and gave Waller powers “for the governing and improving of the island” (CSP, CA. 5 (Nov. 1663) 170–71).

Again, these Englishmen’s vision of England as a Protestant, commercial, maritime, and free empire called to improve nature depends on descriptions of the Spanish empire as in decline and not improving—and therefore, spoiling—nature.

Waller’s friend, John Evelyn, Lord of the Council of Foreign Plantations, a member of the Royal Society, and witness to the logwood trade discussions in 1674, published his Navigation and Commerce in the same year. This work held that God made the world for the common use of men who by their “industry” would defend and enlarge their dominions while protecting the oppressed. The spirit of commerce and strength at sea were “the most certain marks of the Greatness of Empire” (15)—a British Empire that, Evelyn added, was extended by establishing colonies as well, “to People, Cultivate, and Civilize uninhabited, and Barbarous Regions” (4). Yet “it is not the vastness of Territory, but the Convenience of Situation; nor the Multitude of men, but their Address and Industry which improve a Nation” (15–16), so that even if “the Spaniard treble his Wealth, he could neither be Rich, nor Safe with his prodigious Sloth; since, whilst he has been sitting still; We, and other Nations have driven the Trade of the East-Indies, with his Treasure of the West, and, uniting, as it were, Extreams, made the Poles to kiss” (15). According to Evelyn’s forecast, the British Empire would rise, in contrast to the Monarchy of Spain, which would decline due to its
The most elaborate argument for enlarging the British Empire at the expense of the Monarchy of Spain’s claimed dominions came from Locke, in the fifth chapter of the *Second Treatise of Government, Of Property* (1682). Among his aims were both the encouragement of potential immigrants to Carolina and the securing of a good title to the lands inhabited by Native Americans (claimed also by the Spaniards). Locke’s starting point was Genesis 1.28, from which he developed the imperial argument of the improvement of nature. After Adam’s Fall, God commanded men to preserve and increase mankind by subduing and improving the Earth through labor. For Locke “subduing or cultivating the earth, and having dominion . . . are joined together” (*Two Treatises* 252–53). God’s command favored mankind’s preservation; therefore, being industrious was virtuous and rational (Parker 132). Men should have as much property as they could produce through their labor because “Nothing was made by God for Man to spoil or destroy” (Locke, *Two Treatises* 249). As God gave the Earth “to the use of the industrious and rational” and not to the “quarrelsome and contentious” (251), those who were not industrious enough should not complain of being dispossessed, because “different degrees of Industry were apt to give Men Possessions in different Proportions” (266–67). Moreover, the spoilage of nature offended the law of nature. By the spoilage of nature, Locke meant the pretended ownership of nature without its highest improvement for the sake of mankind. The spoilage of this private property returned that property to nature (common to mankind) because the land looked like “waste, and might be the Possession of any other” (256). The spoilage of nature meant, against the benefit of humanity, to invade that portion of the commons belonging to one’s industrious neighbor. In brief, Locke concluded that land was of no value without labor, that God gave land to the industrious and rational, that spoilage was against the law of nature, and that there were waste lands in America.

Locke’s argument contains in a nutshell the Enlightenment’s “four stages theory” of human societies’ “civilization process”—hunting-gathering, shepherding, agriculture, and commerce—and entails as well a distribution of the Earth according to various degrees of improvement—and
thus, stages of civilization (Hont). As J.G.A. Pocock argues, Locke “erected a developmental rather than a static account of the State of Nature, in which humans were in the first instance hunters, roaming the wilderness in search of food” (Barbarism and Religion 168). From this stage humans might become civilized by “improving Nature”—human nature through virtues, and the Earth through industry—that is: creating property, institutions, money, and commerce (169–70). The uncivilized left the Earth waste while others obtained a higher degree of civilization through commerce. In principle it seems that Locke’s proposal was to occupy lands belonging to what he conceived as uncivilized peoples (like the Native Americans) with no recognized or positive law to protect property, money, and commerce.²⁰

Yet Locke’s developmental theory of humankind, of improving nature and enlarging dominions, led to a new and wider imperialist theory encompassing the colonization of part of what he called “civilized” countries as well. Locke stated two crucial distinctions. First, he defined the concept of “uncivilized” by drawing a distinction between the “civilized” and “uncivilized” communities of humankind (Two Treatises 248). Civilized countries had “plenty of people under government, who have the money and commerce” (Two Treatises 252) and positive laws to protect property, and by this definition America was uncivilized. Second, he distinguished between commons belonging to mankind—lying waste, like the Americas—and commons by agreement belonging to some civilized people—like the English. Since property was defined through the theological mandate for a land’s improvement, there were attempts to privatize English commons—which were nonetheless protected by law—generating a clash between the moral and religious duty to improve nature and the positive agreements that ruled English property rights. Locke faced the challenge of this conundrum when he read the letter from the ambassador to Spain about the logwood tree in 1672 (the Spanish argument that apparently uninhabited lands under the claimed jurisdiction of one sovereign country were like the English commons). To give an appropriate answer, Locke moved from the commons to the topic of the establishment of boundaries within and between the territories of the “civilized part of Mankind.” In principle, among “civilized” countries property was created through labor-improvement, and thus boundaries between countries were built. But there were exceptions to this rule: Locke claimed that, through agreements between “several states and kingdoms,” states could resign “their natural common Right” to appropriate what the others spoiled (Two Treatises 264). By this he referred also to the spoilage of nature by those “civilized parts of Mankind” who had violated the law of nature, and by doing so brought this private property back to nature.

Locke argued, first, that there were some waste places among the “civilized part of Mankind” (his example was Spain) and plenty of them among
the “uncivilized”; second, that international agreements ruled boundaries between civilized countries; and third, that these international agreements were occasionally against the law of nature and God’s will. Although Locke supported these international agreements, he left the door open to apply the argument of the “improvement of nature” to some cases in which “civilized countries” spoiled nature, leaving their former lands waste because they were not improving them enough.

According to Locke’s theory, a place might be considered waste if it was uninhabited, unplanted, partially inhabited, wrongly planted, or simply if its nature was not improved enough, even when the territory in question lay under the claimed jurisdiction of a “civilized” country. Humankind’s divine duty was to effect the utmost improvement of god-given nature: a place was “spoiled” if it might have been better improved by another “civilized” country. When nature’s potential was greater than had been realized, then nature could be considered spoiled. One civilized country might improve nature more than another through the additional value of the labor of all the industrious, virtuous, and rational men of this more civilized society. Nature turned into a commodity would increase its value in a more developed commercial society. This is Locke’s fundamental argument, by which a territory inhabited by subjects from a “civilized” sovereign country (which claimed rights to it) might be considered waste, and eventually taken for its improvement (its proper development). Eventually the argument might affect all the dominions of that country because it was the country’s lack of improvement and weak commercial society that made them “waste.” From Locke’s argument it was easy to conclude in the eighteenth-century claim of tutelage for backward countries, such as those composing the Monarchy of Spain: Spanish sloth provoked Spain’s spoilage, a process reversible through the Spanish dominions’ tutelage by a developed country (Fernández Albaladejo, “Entre la gravedad y la religión”). The equation between not improving and spoiling was a theological or moral gambit to be applied at England’s convenience. If God gave the Earth “to the use of the industrious and rational,” then some countries deserved to enlarge their imperial dominions and some deserved to decline. Moreover, theology and politics would help to support and refine such an argument by suggesting that, actually, the English social context was the best for developing human rationality to its highest potential, in contrast to that of Spain.

When Locke and other members of the Royal Society promoted the improvement of nature, they also meant “human nature.” Unlike traditional Calvinists and like most Catholics, some seventeenth-century Anglicans—John Locke among them—believed that after the Fall, humans were potentially rational and able to follow the law of nature. Locke stated that, for some people, the law of nature was knowable through reason and sense experience
and, by following it, human nature could be improved. Ignorance resulted in evil and therefore education might improve reason.21

Not all of Locke’s ideas about reason and nature were acceptable to the English establishment. His extreme position of denying the existence of innate ideas and leaving ethics to sense experience seriously compromised the established Church and found critics also in the Royal Society. The idea that God had enabled man to recognize natural law without the help of the Church posed a threat to the Anglican hierarchy. Some Anglicans identified him as a Socinian, probably not because Socinians interpreted the Bible only by the light of reason, but because they denied original sin and the divine character of Christ, and thus the sacred character of his body (the Church). But despite Locke’s radical theology, the fifth chapter of his Second Treatise of Government was to be interpreted in a more conservative way and consequently deployed for imperial purposes. Locke distinguished degrees of rationality in humans according to the social context: the context of the education they received and their willingness to follow it; and the context of the country in which they lived, which might either facilitate or make it impossible for them to be rational, to improve, and to be virtuous. The most civilized social context would allow a person to achieve the highest degree of rationality, industry, improvement, and virtue. On this the Royal Society, the Anglican Church and Locke were in agreement.22

According to Locke and the Royal Society, God made man naturally rational and free, but he had to maintain his freedom in order to develop his reason, which in turn enabled him to recognize and follow God’s commandments, beginning with the very first duty of improving nature. These Englishmen linked reason to freedom, and freedom to a particular set of religious beliefs and to a concrete political system. Opposed to freedom was slavery or tyranny. “Tyranny” was applied to both religious and political situations. Free countries would rise, and tyrannical countries would decline. Free peoples should be intolerant of Catholicism—even in the opinion of John Locke—because it constituted a religious tyranny that was especially dangerous for liberty. From this English Protestant perspective, Catholics were not free to improve their nature, as their reason was constrained. Catholicism enslaved reason, making it dependent on the pope’s will.23 Philipp van Limborch’s History of the Inquisition was composed at Locke’s instigation. In the eyes of van Limborch, the Inquisition was an inhuman tyranny in many senses; this was especially true of the Spanish Inquisition. According to van Limborch, it was established for greater peace and security “or, as some believe, because they affected the universal Monarchy of Europe, and therefore, by some notable Undertaking to shew their great Zeal for the Roman Religion, endeavor’d to secure the Good-Will and Favour of the Pope” (Limborch 1: 119). The index of forbidden books was the archetype of
intellectual intolerance, not allowing Christians to develop their reason and promoting ignorance. To Locke, Evelyn, and other members of the Royal Society, Catholics were not entirely rational.\textsuperscript{24}

The lack of political freedom was also linked to the lack of improvement and to political decline. Arneil argues that “for Child, Davenant and Locke, liberty and industry, protected and preserved by established law, should be the foundation of both English colonial rule and civil society” (“Trade” 608). The Monarchy of Spain was Catholic, and many English writers described its form of government as absolute and tyrannical; therefore it would be doubly destined to decline. Among these writers was one of Locke’s favorite authors, Josiah Child, who was the biggest shareholder in the East India Company, a landowner in Jamaica, and councilor of trade and plantations. Locke also contrasted “lawful government” and “elections and consent” with a “tyranny and usurpation” (Ashcraft 751) that frustrated the growth of population, trade, wealth, and power. Arbitrary or absolute government and Catholicism were associated with lack of freedom and consequently a low level of rationality, which meant a Catholic country under a government, considered “absolute” (as Spain was described) would be characterized by feeble industry, depopulation, and decline.\textsuperscript{25}

Locke’s theory that dominions should be enlarged according to a country’s ability to improve nature placed England at the pinnacle of civilization, Spain at its depths, and America outside it. In the fifth chapter of the \textit{Second Treatise of Government}, Locke explained that an acre of land in England and in America was “of the same intrinsic value,” “yet the benefit mankind receives” from the acre of land in England was five times higher, because the “Indian” did not make the American acre of land valuable through his labor (\textit{Two Treatises} 261). What made the difference was not the character of Native Americans, but their society, whose lack of development did not allow the value of goods to increase. While profitable English commercial society’s industry and trade added value to the product of the English acre of land for the sake of humankind—and to every commodity produced within the Empire—some peoples, like Native Americans, did not share with humankind the places they inhabited by improving them. Thus, for instance, the bread made of the wheat from the English acre of land had the added value not only of all the products involved in its production and the mere labor of the English backer, but also of all the labor and production of the English imperial commercial society (Locke, \textit{Two Treatises} 262). In this case, Locke contrasted “civilized” with “uncivilized” peoples; yet, once again, the argument could be applied as well to “civilized” countries. When the English wrote that some lands under claimed Spanish jurisdiction were “in a manner” desolate, they were following this line of argument. Eventually, Locke and his colleagues considered that, in fact, the piratical English woodcutters harvesting the
logwood improved nature as much as it was possible and, therefore, they better fulfilled God’s will than the Spanish woodcutters doing the same job. The value of the logwood tree logged by the English would be higher than that of the Spaniards’ because English logwood products had the added value of English commercial society. In contrast, the supposedly declining Spanish empire and its alleged weak commercial society would be spoiling nature by their mere presence in Campeche. Since the Spanish empire did not improve nature to its full potential, increasing the value of its goods by a prosperous commercial society, sinful and vicious Spaniards left their dominions to waste. God gave the Earth to the use of the industrious and rational. According to this principle, some countries (like England) would therefore enlarge their dominions and some (like Spain) would decline.

According to Locke, Spain was poor in large part because it was underpopulated. In 1693 he wrote, in a manuscript entitled *For a General Naturalization*, in support of the English naturalization of foreigners: “Tis the number of people that make the riches of any country.” Locke’s examples were Holland and Spain. Spain “having all the advantages of situation & the yearly afflux of wealth out of its own dominions yet is for want of hands the poorest country in Europe,” while Holland was “ill situated but being graced with people abounding in riches” (Locke, *For a General Naturalization* w.f.). A year before, Locke had published a book in which, writing about the balance of trade, and dealing with his constant worry about Spanish bullion, he explained that “tis death in Spain to export Money: And yet they, who furnish all the World with Gold and Silver, have least of it amongst themselves. Trade fetches it away from that lazy and indigent People, notwithstanding all their artificial and forced contrivances to keep it there. It follows Trade against the rigour of their Laws; and their want of Foreign Commodities makes it openly be carried out at Noon-day” (Locke, *Some considerations* 116). English expansion at the expense of the Monarchy of Spain would happen in two ways, according to Locke and other Royal Society fellows: through balance of trade and through land expansion—the latter being desirable because Spanish lands might be considered waste. After describing Spanish laziness, Locke added that “Nature has bestow’d Mines on several parts of the World: But their Riches are only for the industrious and frugal” (Locke, *Some considerations* 116). He was reminding his reader of his interpretation of Genesis 1.28: God gave the Earth “to the use of the industrious and rational”—not to the contentious and quarrelsome.

Although this English description of Spain was a political argument and thus far from describing Spain and its dominions accurately, its creators claimed that their argument was scientific. By the 1670s many writers had already pointed to the supposed Spanish lack of industry or manual crafts and to Iberian alleged depopulation, but during these last years of the
seventeenth century the English created a new discipline to fulfill the biblical command and to support their imperial goals: political arithmetic. If higher degrees of improvement legitimized land expansion at the expense of countries with lower degrees of improvement, there was a need for a discipline to quantify improvement, and to add scientific weight to the case for Spain’s alleged backwardness. The goals of political arithmetic were to measure the wealth of a country for the purpose of taxation, and to compare a country’s national wealth with that of its competitors. Political arithmeticians such as William Petty, Edward Chamberlayne, Charles Davenant, and Gregory King used averages, ratios, and multipliers to calculate national and international wealth. Their numbers were highly conjectural, and changed from writer to writer according to their political goals. Moreover, they used biblical chronologies and projected their contemporary population data backward and forward in time. This frequently involved, as in the case of King, deploying Bishop Usher’s apocalyptical calculations and mystical mathematics (Taylor 37–41, 45–47, 69–72). Political arithmeticians and the Royal Society itself gave much credit to this numerical rhetoric. Petty, father of the new discipline, a former fellow of the Royal Society, and architect of the redistribution of Irish land after the Cromwellian conquest of Ireland, wrote a 1671 treatise on the state of Ireland in which he calculated the Irish population and concluded that after twenty-five years of English rule it would double. The Irish would overcome their laziness with the help of the English. The assumptions underlying Petty’s arguments were very similar to those of Locke. The man who charged Petty with the task of writing about Ireland was Chamberlayne, another member of the Royal Society. In Chamberlayne’s successful book about the state of England’s population, the counter-example was Spain, depopulated due to clerical celibacy, the expulsion of the Moors, and emigration to colonies gained by conquest and not through planting. In contrast, good government and a politics of encouraging improvement (not spoilage) led to population increases and riches. According to these analysts, Spain’s model was not only politically wrong, but also immoral and sinful, as it contravened God’s commandment in Genesis. Sir Peter Pett, a member of the Royal Society, the advocate-general for Ireland, and a political arithmetician as well, claimed that “the Spanish Acquests of America... were so fatal to the diminution of the strength of Spain, and fortunate to the encrease [sic] of that of England” (109–11). Roger Coke, one of Locke’s favorite authors, maintained that the riches of a country were founded on the number of its inhabitants—as plenty of people encouraged conversation, commerce, and trade—and his counter-example was, once again, Spain, where “People are thin, or few, they are poor, lazy, rude, and of little use to the Publick,” and consequently Spain was “tenfold more populated and one hundred fold greater than the
Netherlands, but fivefold less formidable by sea and land” (14–15). Sir Josiah Child, another of Locke’s authorities, also invented numbers to assert that “what the Spaniard hath done in the West-Indies, hath been ten times more by Conquest then by Planting” (*A discourse* 189), concluding that this wrongful politics led to Spain’s depopulation and ruin. Even when these numbers seem to come from nowhere, numerical rhetoric proved to be a powerful imperial weapon in the long term. Under pretense of improvement some influential men would create and apply political arithmetic’s outrageous numbers in order to reform and justify empire-building, both domestically and abroad. This science invented numbers, and with them, the character of countries, not only in the Americas, but also in Europe (including Spain and England).29

In 1798 the debate over the right to cut down the logwood tree and over the ownership of the lands where it grew ended in favor of the British Empire. During the long century from 1670 to 1798, the logwood tree lifted up some men, such as William Dampier, who went from pirate to serving as land-carriage man for the London Customs House; and it made some men fall, such as the Marquis of Ensenada, who went from minister to a private person. The Spanish crown defended its claims, arguing not only on the grounds of its previous discovery, settlement, and jurisdiction, but also its actual use of these lands. Yet the crown of England alleged that these lands were “in a manner” waste, deserted, desolate, or uninhabited, and claimed sovereignty over them. Apologists for the English crown argued that the Yucatan was spoiled by Spain, a backward country, a tyranny promoting greed and laziness, and therefore unable to improve nature as God commanded. The envisaged outcome of England’s civilized, Protestant, and free commercial society in the Yucatan would be the maximum improvement of these lands. The mere settlement of the English would ameliorate nature there, turning it into English commodities and thus increasing its value to the utmost. Some councilors and fellows of the Royal Society with personal interests in the Americas, such as Locke, designed this imperial ideology. Locke developed a new argument to rank civilized societies’ rights to expand: the more civilized the society, the larger the empire it should have. A whole new science, political arithmetic, was founded in order to support an imperialist theory about development and the progress of human societies. These English councilors and theorists presented themselves as the apostles of an expansive and creative Enlightenment, while depicting the world in colors dictated by the interests of a few men.
NOTES

This article is the outcome of two years of research thanks to the Real Colegio Complutense Fellowship at Harvard University from May 2006 to July 2007 and to the Ramón y Cajal Tenure-track Position at the Universidad Autónoma de Madrid (RCF-2007-01121). Previous versions benefited from the invaluable comments of the members of The Early Modern Workshop of the History Department at Harvard University (2006–07); The Folger Shakespeare Library’s Spring Seminar, “The Spanish Connection,” directed by Barbara Fuchs (2007); the workshop Cultures of Political Counsel, directed by Harald Braun, at the University of Liverpool (2007); and the International Seminar for the History of the Atlantic World, the Annual Seminar, “The Struggle for the Americas, 1500–1763,” directed by Bernard Bailyn (2007). I must thank all the colleagues who helped me to improve it, and especially Julián Viejo Yharrassarry, Pablo Fernández Albaladejo, José María Portillo Valdés, Antonio Terrasa Lozano, Domingo Centenero del Arce, Barbara Fuchs, Jorge Cañizares-Esguerra, and Eliga H. Gould. All my gratitude to David Armitage, who, generously, gave me his priceless comments at every stage of the process.

1. “America and West Indies: June 1665,” Calendar of State Papers Colonial, America and West Indies (later: CSP, CA.), Volume 5: 1661–1668 (1880), Item 1005, 30205. Letter from Thomas Woodward to Sir John Colleton. When Woodward wrote the letter, he was talking about Mr. Carteret, his Secretary when Woodward was Governor of Albemarle County. The letter was endorsed by John Locke, who would become himself Secretary of the Lords Proprietors of the Carolinas from 1671 to 1675.

2. Despite the fact that most of the documents’ dates are previous to 1707, I deploy “British Empire” instead of “English empire” because I am dealing with the origins of a long-term ideology that became really powerful after The Union. I follow David Armitage’s phrase—“British Empire”—when I refer to this ideology. Otherwise, on the debate about the conceptualization of writing British history instead of English history, and about the shape of these different histories, now ten years old, see the 1999 April issue of The American Historical Review: Armitage, “Greater Britain”; Ohlmeyer; Landsman; Gould “A Virtual Nation”; and Pocock, “The New British History”; see likewise Fernández Albaladejo, “De Hispania a Britannia.” On the ecumenism of British intended improvement, see Drayton passim; as for the improvement of the Irish and Native Americans’ nature, see 3–25, 50–82, and of peoples themselves, see 93–94, 104–05, 228–29. Although Drayton defends British intended improvement of Nature consisted in agricultural activities, this essay claims it was legitimized throughout the commercial activities of the British Empire. I use the name “Monarchy of Spain” following early modern’s name of the Spanish composite monarchy, see Botella Ordinas passim.

3. For proofs of Locke’s assignation, see Great Britain 71–72; 24–25; 9. I would like to thank David Armitage for giving me the reference. For the council’s debate, see CSP, CA. 30 (Sept 25, 1717), 38–45; CSP, CA. 7 (Jan 1, 1673), 459–60.

4. In December 1670 twenty vessels owned by former pirates turned privateers were trading logwood. A month earlier, the governor of Jamaica had asked the
council for permission to continue this trade, because if the logwood cutters were “encouraged, the whole logwood trade will be English” with a twenty percent of profit per ton for the king, and more than a half of the “privateers” becoming logwood merchants. They sold it at 25 to 30£ (pounds sterling) per ton, which, compared to the 90 to 110£ of the Spanish monopoly, was not much. The English prices were only decreasing from this point and became so cheap that the trade was unprofitable by the time that British Honduras achieved official recognition (Wilson 3, 13–14).

6. On the logwood discussion, see CSP, CA. 7 (Sept. 28, 1670, endorsed by John Locke), 108; (Dec. 18, 1670), 142; Wilson 3 and 13–14; MacMillan 188. On the diverse names of the Boards of Trade, see footnote 15.

7. See CSP, CA. 7, 310: “[B]esides here they think they may do it, being in uninhabited places, and where they cut in July 12 months and June last.”

8. See CSP, CA. 7 (May 10/20, 1672), 357: “So that Spain has as well too much right as advantage not to assert the propriety of these woods; for though not all inhabited, these people may as justly pretend to make use of our rivers, mountains, and commons, as we can to enjoy any benefit of those woods.”

9. CSP, CA. 7 (May 10/20, 1672), 357–59: “what renders the pretension to a freedom of cutting this wood more odious to the Spaniards is, that for the same reason we may infer a liberty to inhabit there; and it may easily be judged how they . . . will endure to have the propriety of their lands called in question.”

10. CSP, CA. 7 (Nov 3–5, 1672), 425–28, all endorsed by John Locke; (Jan 1, 1673), 459–60; Great Britain 68–69: In Shaftesbury’s own words, by the “Civil Law, no Country is interpreted to bee in any Princes Possession, But what hath been taken Possession off by somebody comissionated by him & not barely by y residence & Planting of His subjects upon y place.”


12. See Wilson 5, 13; Gould 772–73.

13. See Seed 16–68; Harrison, “Subduing the Earth” 86–109; Drayton 50–82; Carr xii–xviii, xxviii; Macmillan 31–44, 106–15; John Smith, 214; Tillotson 221, 235; Poole 5, 17, 37. On Genesis 1.28 and 13 related to the juridical argument to appropriate Native American lands, see Arneil, John Locke ch. 4 and 6.


15. See Andrews passim; Bieber; Root; on the Fellows of the Royal Society (Shaftesbury, Waller, Slingsby, Titus Silus, Evelyn, Halifax, and Locke), see Lists of Royal Society Fellows 1660-2007.

16. See Frohock 323–33; Armitage, “The Cromwellian Protectorate” 531–32; Armitage, “Literature and Empire” 101–03, 120. On Waller, see Chernau 111; Lloyd 162–65; Riske. In 1605–06 the Spaniards—who occupied St. Lucy at least since 1511—refused to approve an English presence in the island and planned to built a fortress against them (Archivo General de Indias, Santo Domingo 37v-39r). On the early

17. See Evelyn, *Numismata* 160. Evelyn owed his power, his son’s employment in Ireland, and his cousin’s membership in the Council of Virginia (1694) to the Earl of Godolphin. Daniel Parker, Evelyn’s cousin, became governor of the Caribbean Islands in the West Indies before Evelyn’s death (Bourne 3–33; Phineas Stearns 178–246). In 1670, while Evelyn was writing these words, he was probably presenting to the Royal Society a Spanish invention to improve agriculture, to convince its members to import it (Grice-Hutchinson 123–32). On the improvement of sciences in Spain, see Cañizares-Esguerra passim. On Spanish claims to Virginia, see MacMillan 123–47 and footnote 15.


19. See Locke, Two Treatises 249: When God “gave the world in common to all mankind, commanded man also to labour, and the penury of his condition required it of him . . . [to] improve it for the benefit of life.” In support of the American context of Locke’s Chapter V, see Arneil, John Locke passim; Tully passim.

20. See Locke, Two Treatises: “this can scarce happen amongst that part of Mankind that have consented to the Use of Money” (264), “different degrees of Industry were apt to give Men Possessions in different Proportions, so this Invention of Money gave them the opportunity to continue and enlarge them” (266–67), and “What would a Man value Ten thousand, or an Hundred thousand Acres of excellent Land, ready cultivated, and well stocked too with Cattle, in the middle of the in-land Parts of America, where he had no hopes of Commerce with other parts of the World, to draw Money to him, by the Sale of the Product” (267–68).


22. See Parker 50–57; Spurr passim; Hill passim; Pocock, “Il Linguaggio” passim. Locke explained that the “Indians” were less rational than the Englishmen only as a consequence of their backward society, not of their nature, as he wrote: “This I think to be the reason, why some Americans I have spoken with, (who were otherwise of quick and rational parts enough) could not, as we do, by any means count to one thousand; nor had any distinct idea of that number, though they could reckon very well to twenty. Because their language being scanty and accommodated only to the few necessaries of a needy simple life, unacquainted either with trade or mathematics, had no words in it to stand for one thousand; so that when they were discoursed with of those great numbers, they would show the hairs of their head, to express a great multitude which they could not number: which inability, I suppose, proceeded from their want of names” (*An essay* 2, XVI, § 6, 99). I am extremely grateful to David Armitage for this quotation.

23. See Parker 37–66; Forde; Fatovic.


25. See Child, A Discourse: “Plantations may have drained Spain of People, it does not follow that they have or will drain England or Holland, because where Liberty and Property are not so well preserved . . . and where there is little Manufacturing,
and as little Husbandry of Lands, the profit of Plantations . . . will not redound to the Mother-Kingdom” (177–78), because “Propriety, Freedom and Inheritance being the most effectual Spurs to Industry” (188–89). See Ashcraft, quoting the First Treatise 72, 81, 148 and the Second Treatise 143, 159.

26. I would like to thank David Armitage for the reference to the manuscript of Locke. For its context see Robbins; Ashcraft. The debate on English population and the naturalization of foreigners was linked to the debate on the consequences of colonization, as colonization was considered a possible cause of English depopulation. See also Resnick; Arneil “Trade” passim; Armitage, “The Scottish Vision of Empire” 103.

27. See Lein; Slack; Taylor 67–74; Thomas; Hoppit, according to whom “political economy” did not enter common use in English until 1767 (80).

28. See McCormick passim; Petty, The Political 98–102; Petty, Political Arithmetic ch. 1, 1–2; Lein; Chamberlayne, The Present State 254–59. Chamberlayne had family in Virginia (Bozman Kerr 5–7); Pett based his numbers on Heylin’s Cosmography, and Spain was less populated than England; see Laughton passim.

29. On the myth of Spanish depopulation, see Ojeda Nieto; and multiple examples of numerical rhetoric in Henige (passim).

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