

**PURITANISM, GODLINESS, AND POLITICAL DEVELOPMENT**

**IN BOSTON & THE GENERAL COURT**

**(1630-1640)**

PETER J. MAZZACANO\*

The goal of this article is to examine the degree to which Puritanism influenced early American political culture. That is, how did Puritan values and practices facilitate the development of an exceptional political culture during the formative years of Massachusetts Bay? Utilizing a case-study method of analysis, this article examines the political developments in the General Court and the town of Boston during the decade 1630 to 1640. The research methods used are primarily the writings of leading Puritans, and concomitant town, church, and colonial records. The main finding is that the Puritans paid little heed to notions of democracy, theocracy, oligarchy, or British political traditions; instead, Puritan institutions and practices were based on the primary Puritan ideal of godliness. However, the formative influence of the godly ideal inadvertently reinforced democratic and republican ideals. The conclusion is that the focus on godliness provides a comprehensive and multiple explanations for the course of political developments in early Massachusetts Bay.

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\* Peter J. Mazzacano is an Adjunct Professor and Ph.D. Candidate at Osgoode Hall Law School, York University, in Toronto, Canada. He formerly served there as a Visiting Professor and Director of the Legal Process Program. Peter would like to thank his two Research Assistants for their invaluable work in helping to finalize this article: Natalia Falcomer, JD (*Osgoode*), located many of the original and secondary sources used in this article, and tweaked my references; and Anna V. Harris, JD (*Osgoode*), took the original hard-copy manuscript, and transformed it into its modern, electronic form. Without their dedicated help, this work would still be on a dusty shelf. Of course, Peter accepts any errors within as his own. Peter Mazzacano may be contacted at: [pmazzacano@osgoode.yorku.ca](mailto:pmazzacano@osgoode.yorku.ca).

## I. INTRODUCTION

Utilizing a case study method of analysis, this article examines the influence of the ideas, beliefs, and practices of the Puritans<sup>1</sup> in the General Court of Massachusetts Bay and in the town of Boston, in the decade 1630 to 1640, in an attempt to discern the extent to which such values and practices facilitated the development of an exceptional, that is, a democratic<sup>2</sup> and republican<sup>3</sup> political culture.<sup>4</sup>

The intent to study Puritanism<sup>5</sup> as a formative political influence reflects the conviction that, during the formulation of a new nation, there is incorporated into that nation's political culture, various systems of belief that can crystallize into a specific ideology and set of practices. In the founding of the American nation, it is

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<sup>1</sup> The 'Puritans' were originally English reforming Protestants who aimed for a simpler form of worship, expressly warranted by scripture, and for the abolition of clerical hierarchy. During their repression, many separated from the Church of England and emigrated to America. As used in this article, the term 'Puritans' will refer to the dissenting Church of England immigrants of Massachusetts Bay who were generally congregational members. It was this first generation of Puritans in New England who brought to America a sub-variety of English Puritanism known as the 'covenant theology'.

<sup>2</sup> 'Democratic' or 'democracy' used here means rule by the people as opposed to rule by any section, class, or interest. If any decision can be attributed to the people, either because they took part in making it or because it ultimately depended upon their consent, it will be termed 'democratic'.

<sup>3</sup> The term 'republican' denotes the form of government rule that is based on the principle that the authority to rule or lead is extended by the people (who hold franchise) to their representatives and officials.

<sup>4</sup> As defined in this study, 'political culture' means a historically transmitted set of implicit and explicit values, conceptions, and orientations that generally characterize a specific social or political group. Here, Puritan attitudes and action regarding popular participation, arbitrary power, and civic duty in the institutions of the town and the commonwealth will be addressed.

As already noted, however, this article will limit itself to early American political culture, specifically, to the period 1630 to 1640 in Massachusetts Bay. To emphasize certain points, occasional references beyond 1640 will be made. On this tangent, it should be noted that some scholars have traced the influence of Puritanism from the seventeenth century to the present day. See, eg, E Digby Battzell, *Puritan Boston and Quaker Philadelphia* (Beacon Press, 1982); Sacvan Bercovitch, *The Puritan Origins of the American Self* (Yale University Press, 1975); Clinton Rossiter, *The First American Revolution* (Harcourt Brace Jovanovich, 1984).

<sup>5</sup> 'Puritanism' refers to the body of beliefs that accompanied the Puritans to Massachusetts Bay. More specifically, the term as used in this article will refer to congregational members' devotion to their ideals and practices regarding civil and ecclesiastical life. While the essence of New England Puritanism is the covenant theology, their ideals and practices included a tenacious striving to achieve independence and antinomy in their community life, and the freedom to worship according to their own principles. Puritanism also stressed self-restraint, the sovereignty of the conscience, in addition to the moral conduct of the individual.

possible that Puritanism was one of those formative ideologies that contributed to the shaping of distinctive political and ecclesiastical institutions.

Because Puritanism is believed by certain academics to have contributed to the character of US political institutions, some studies on colonial America have tended to focus on the homogeneity of that American society.<sup>6</sup> Thus, Alexis de Tocqueville could write that ‘the whole destiny of America is contained in the first Puritan who landed on these shores,’ because ‘Puritanism was almost as much a political theory as a religious doctrine’.<sup>7</sup> He also noted that religious and political conflicts in England drove dissenters to America. It was from this ‘Puritan movement’ and the English ‘middle-classes’ from which most of the emigrants sprang, hence, ‘the colony came more and more to present the novel phenomenon of a society homogeneous in all its parts’.<sup>8</sup>

John Jay had enunciated a similar sentiment two generations before Tocqueville’s statement. In the *Federalist Papers*, Jay discussed the common heritage of American immigrants: ‘Providence has been pleased to give this one connected country to one united People—a People descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs’.<sup>9</sup>

More recently, Louis Hartz developed the controversial ‘fragment theory’. He believed that the colonial beginnings of America shaped its political culture well into the twentieth century. To Hartz there was a dissenting, liberal fragment that migrated to America: this fragment ‘detaches itself from the whole [...] and the part develops without inhibition’.<sup>10</sup> Detached, it became for the first time the ‘master of a whole region’.<sup>11</sup> Thus, ‘the fragmented British Puritan can make Calvin universal in New England, simply by virtue of his migration’.<sup>12</sup>

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<sup>6</sup> See, eg, T H Breen, *Puritans and Adventurers* (Oxford University Press, 1980) xi-xviii.

<sup>7</sup> Alexis De Tocqueville, *Democracy in America* (George Lawrence trans, Doubleday & Co, 1969) 38, 279 [trans of: *Le Démocratie en Amérique*, (first published, 1835-1840)].

<sup>8</sup> Ibid 39.

<sup>9</sup> Alexander Hamilton, James Madison and John Jay, *The Federalist Papers* (Bantam Books, 1982) Nos 2, 7.

<sup>10</sup> Louis Hartz et al, *The Founding of New Societies* (Harcourt Brace, 1964) 7.

<sup>11</sup> Ibid 5.

<sup>12</sup> Ibid 10, 11.

A variation of Hartz's fragment theory is Seymour Lipset's theory of formative events. To Lipset, 'Countries, like people, are not handed identities at birth' as Hartz's theory contended, 'but acquire them through the arduous process of 'growing up'.<sup>13</sup> Lipset essentially argued that early events favored certain outcomes over others: 'historical events establish values and predispositions, and these in turn determine later events'.<sup>14</sup> That is, certain historical 'formative' events served to fix certain values in the public mind, largely by embodying these values in institutions and patterns of behavior that would endure.

Although it may be difficult to quantify the theses expounded above by Tocqueville, Jay, Hartz and Lipset, it must be noted that Massachusetts Bay was only a part of New England, and by extension, the New England way, was not necessarily the American way.<sup>15</sup> Thus, it becomes necessary to turn from the analyses of general characteristics of the influence of Puritanism on American political culture and to focus attention on temporal local records in an effort to discover more particularized information concerning the affect Puritanism had on its more immediate surroundings.

A study of political participation<sup>16</sup> in the General Court of Massachusetts Bay, as well as the concomitant practices on a local level, in the town of Boston, will, hopefully, determine the extent to which the Puritans were homogeneous in thought and practice in the decade 1630 to 1640. More importantly, with such a focused study, an examination of the degree to which the Puritans laid a democratic and republican foundation in designing their institutions, should be evident. Contrarily, divisions, factionalism, authoritarian, and anti-republican components within the Puritan community, as well as transplanted British beliefs and practices, should be revealed through a study on Puritan political practices in Massachusetts Bay.

Such a narrow focus should also help to combat outdated, but still popular, generalizations concerning the impact of Puritanism on American political culture. For example, in the nineteenth century, historians tended to adopt a filiopietistic approach towards the New England Puritans. Representative of this trend was

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<sup>13</sup> Seymour M Lipset, *The First New Nation* (W W Norton, 1979), 16.

<sup>14</sup> Ibid 7.

<sup>15</sup> Richard P Gildrie, *Salem, Massachusetts, 1626-1683* (University Press of Virginia, 1975) ix.

<sup>16</sup> 'Political participation' is not as broad as the notion of 'democracy', which implies the right to vote. Political participation denotes taking part in church and community decisions through a formal or informal meeting or vote.

John Gorham Palfrey who uncritically praised his Puritan ‘ancestors’ for their unique contribution towards the rise of American democracy.<sup>17</sup> Similarly, Herbert L. Osgood, writing in 1891 on the political theory of the Puritans, noted that both the church and the state were organized to maximize political participation, and that both institutions ‘were pure democracies,’<sup>18</sup> largely in the lands of the people.<sup>19</sup>

In the early twentieth century arose the ‘antifiliopietist’ school that opposed the basic tenants of the Puritan democratic hypothesis. The best-known members of this school were Charles Francis Adams, Jr., and his brother Brooks. To the Adams’, Puritan Massachusetts was a theocracy, whereby ministers and their churches tyrannically controlled the governing institutions.<sup>20</sup> Unlike Palfrey, the central theme of Massachusetts history was its gradual emancipation from the authority of the ministers and their officials.

The Adams’ influence on subsequent historians, such as Vernon L. Parrington, writing in 1927, is evident. Parrington introduced the new dimension of social conflict. He saw in early Massachusetts history not only a struggle for freedom from the control of the theocracy, but also class conflict over civil and ecclesiastical power.<sup>21</sup> Like the Adams’, Parrington believed Puritanism meant intolerance, repression, and authoritarianism, which was inspired by church officials and enforced by the magistrates. Thus, the rise of American democracy, far from being an outgrowth of Puritanism, was won by overcoming its effects.

Since the 1930s, scholars have raised new questions and suggested new approaches to Puritan history. The result has revealed the complexity and diversity of seventeenth century New England Puritanism, making the use of grandiose generalizations hazardous. Placing the two-camp, democratic or

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<sup>17</sup> See David D Hall (ed), *Puritanism in Seventeenth-Century Massachusetts* (Holt, Rinehart, and Winston, 1968) 1-2; Herbert L Osgood, ‘The Political Ideas of the Puritans II’ (1981) 6 (2) *Political Science Quarterly* 201 (describing the influence of the New England Puritans on the development of American democracy).

<sup>18</sup> See Osgood, *ibid* 16.

<sup>19</sup> ‘The people’ as defined here includes all those subject to the governing civil and ecclesiastical institutions of Boston and Massachusetts Bay, irrespective of status, class, or actual wealth and power.

<sup>20</sup> Brooks Adams, ‘The Rule of the Priesthood’ in David D Hall (ed), *Puritanism/Massachusetts* (Holt, Rinehart, and Winston, 1968), 71-75; See also Hall (ed), *Puritanism in Seventeenth-Century Massachusetts* above n 17, 2.

<sup>21</sup> Vernon L Parrington, ‘Puritanism as an Antidemocratic Ideology’ in Hall (ed), *Puritanism/Massachusetts*, above n 20, 49-54; Hall (ed), *Puritanism in Seventeenth-Century Massachusetts* above n 17, 2.

theocratic/oligarchic polemic to one side, some scholars have focused their attention less on the ideological components of Puritanism, and more on the development of its institutional forms.

A prominent figure in this group was George L. Haskins who showed the effects of non-Puritan English law and traditions in the shaping of the colony's governmental institutions.<sup>22</sup> Similarly, T. H. Breen argued that the local origins of the English colonists influenced their attitudes and institutional focus in colonial America.<sup>23</sup> According to these scholars, it was the Puritans' determination to maintain the local English church and the self-contained towns that largely determined the character Massachusetts' social and governmental institutions.

### **A. The Godliness Hypothesis**

To Perry Miller, 'about ninety percent of the intellectual life, scientific knowledge, morality, manners and customs, notions and prejudices' of the New England Puritans, were held in common with all Englishmen.<sup>24</sup> To him, therefore, the hypothesis of the transplantation of British traditions to New England was superfluous. In order to discover the essence of Puritanism it becomes necessary to analyze the other 'ten percent' that made the difference between the New England Puritans and their British brethren. Also paramount among those who have sought to understand the essence of Puritanism was Samuel Eliot Morison.<sup>25</sup> Together, Miller and Morison attempted to rebut those scholars who had found the Puritans repressive, anti-intellectual, and altogether an adverse influence on later America.

What Miller and Morison shared in common with all Puritan historians was the belief that the colonists' religious ideas played a leading role in shaping the political development of Massachusetts. But whether the Puritans were narrow-minded theocrats and oligarchs, Renaissance humanists, or British traditionalists, is a question that again leads directly to the central enigma concerning the Puritans of Massachusetts Bay. Were the seeds of democracy evident in the governing

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<sup>22</sup> George Lee Haskins, *Law and Authority in Early Massachusetts* (Macmillan, 1960), 2.

<sup>23</sup> Breen, above n 6, xi-xviii, 3-24.

<sup>24</sup> Perry Miller and Thomas H. Johnson (eds), *The Puritans: A Sourcebook of Their Writings* (Harper and Row, 1963) vol 1, 7. See generally Perry Miller, *The New England Mind, The Seventeenth Century* (Harvard University Press, 1954) 64-108.

<sup>25</sup> See generally Samuel Eliot Morison, *Builders of the Bay Colony* (Northeastern University Press, 1981).

institutions, or was it an authoritarian society run by elite theocrats? If it was neither completely democratic nor authoritarian, what was the relationship between the people and their government?

What Miller and Morison discovered was that the Puritans' character, ethics, and dedication to their ideals dominated early Massachusetts.<sup>26</sup> With the support of the populace, the Puritans shaped their institutions according to their religious principles. While Morison and Miller were vague or elusive in defining the Puritans' specific guiding principle, this article will hypothesize that the erection of a truly godly community by a participant religious—that is, a congregational-sect was the Puritans' primary guiding ethic, and it unintentionally facilitated the development of a participant or democratic political culture, and reinforced republican ideals. Thus, a participatory democracy became the logical outgrowth of the Puritan attempt to create a community of 'visible saints'.<sup>27</sup>

If the Puritan attempt to create, as John Winthrop stated, 'a city upon a hill'<sup>28</sup> fostered democratic and participatory values, the study of church and state institutions and practices will reveal that the creation or maintenance of a godly community led to an understanding of political participation that transcended class lines, and admitted the common people into the structure of government. For the Puritan community in relying upon the criterion of individual godliness—i.e., covenantal church members—in determining the extent of political participation in governmental affairs, seemed to aim to ensure that the majority of political and religious decisions were acceptable to those most affected by them. This article anticipates, therefore, that in designing the institutions in a new society, the Puritans shaped a system that satisfied their own desire to control the colony for godly purposes, as well as meet the wishes of colonists in their desire to participate in governmental affairs.

More specifically, in attempting to gauge the extent to which the Puritan ideal of godliness helped (or hindered) the development of democracy and republicanism in Massachusetts Bay, motives for the Puritan migration from England will be surveyed. Economic considerations for the migration should be secondary to the primary Puritan motive of emigrating in order to attempt to erect a model godly

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<sup>26</sup> The domination of such ideals spanned between 1630 and 1720.

<sup>27</sup> Edmund S Morgan coined the phrase 'visible saints'. See Edmund S Morgan, *Visible Saints: The History of a Puritan Idea* (Cornell University Press, 1987).

<sup>28</sup> John Winthrop, 'A Modell of Christian Charity' (Speech delivered at the *Arbella*, on the voyage to New England, 1630), in Miller and Johnson (eds), *The Puritans*, above n 24, 195, 199.

community.

If the Puritans settled Massachusetts Bay largely for religious reasons, the Puritan religious creed will then be examined in an effort to extract a residual political theory. The Puritan creed should be in either direct or indirect harmony with democratic and republican ideals, and a review of political participation in the General Court should document the utilization of such political ideals. Similarly, the Puritan experience with godliness in the town of Boston also anticipates the fostering of political participation in the democratic direction.

The creation and maintenance of a godly community, however, is to be distinguished from a theocracy. The term theocracy denotes government by ministers or government in which the priestly class controls and imposes its values on the subordinate governing institutions. In a godly community, the ministers do not necessarily control the government, although they may have significant influence in political affairs. Instead, the godly community is organic in the sense that there is a unity of purpose among the majority of members in the community. In the case of the Massachusetts Bay Puritans, their aim was to create a political society in which both the electors and the elected were in covenant with God. Thus, while the ministers and governmental rulers occupied a particular status, their society was not so much an aggregation of individuals as it was a holistic organism, functioning for a definite religious purpose, attempting to unite men's spiritual lives with their communal lives.

Consider that in England, the energy released by the Puritan movement led to a civil war, the overthrow of the royal government, and social disorder. In Massachusetts Bay, this same energy was channeled into the creation of a model community, where there was to be a powerful unity between the state, church, and the individual community members.

If there were differences among these individuals, this was to be for the glory of God and for the common good. An organic community with societal ranks led logically to the requirement that the community remain orderly. It was in part the disorder of early seventeenth century English society that prompted so many Puritans to emigrate elsewhere. Thus, not only were individuals to maintain strict control over their lives, but the entire community of 'saints' was to remain orderly in an attempt to achieve their godly ideals. Because weak individuals exposed the entire community either to incursions of the Devil or the angry chastisements of

God, how individuals behaved became the concern of the entire community.

Thus, the godly community hypothesis is not to suggest that the creation of such a godly community be equated with the erection of governing institutions based on strictly theocratic principles, or imply that the people and leaders of Massachusetts Bay were thoroughly democratic. Furthermore, in many of its essential features, political practices in Boston and the General Court should not simply imitate British practices.

The godly community hypothesis, however, has the potential to incorporate and synthesize elements of democracy, theocracy, and authoritarianism. Its democratic component can stem from the latent individualistic Puritan conviction that all men are ultimately responsible for their own behavior. Even the most rigidly orthodox Puritans betrayed egalitarian suspicions that salvation was open to all men without reference to political, economic, or social standing. By stressing the competence of the individual, therefore, the Puritans inadvertently dismantled barriers to religious, and subsequently, political equality. The belief in the competence of the congregation most likely helped to democratize political participation.

Any movement towards individualism and democracy, however, was not only unintentional, but also limited, being subordinate to communal values. According to God's will, men were to live in a social environment. In a world of sinful men seeking salvation, a compact society had the advantage of quick discipline by those in authority. It was the duty of these men in political power, being limited agents of God, to goad the individual conscience and insist on communal responsibility before individual freedom, hierarchy before democracy, and order before liberty. Thus, leaders, once selected by the community, were to scourge the morally indolent, for their own good, for the welfare of the community, and for the glory of God.

However, the authority exercised by Puritan leaders depended entirely upon the consent of the inhabitants. Here lay the latent democratic component within Puritan communities. Discipline was the responsibility of the elders of the community, and not the minister. But all leaders were held accountable to those they led.

If the godly community hypothesis is correct, therefore, an analysis of political participation in the General Court and in the town of Boston will reveal practices

which were governed neither exclusively by democratic ideals nor by oligarchic, theocratic or authoritarian principles, but by a set of guidelines which attempted to foster or preserve godliness within the community. These included acts, laws, and statements whose objective was to promote moral behavior, and ultimately, salvation. Hierarchy would not be negated, but the pattern of subordination would most likely be based not on wealth or class, but on church membership, it being the primary criterion for salvation. Church membership, in turn, should help in the evolution of a political order that became centered around democratic precepts, albeit a largely unintentional development.

The anticipated results also include the probability that the unregenerate, that is, the unenlightened community members, remained outside the parameters of formal political power. The exclusion of any group from the political process may appear to be an anti-democratic tendency. However, individual godliness as a franchise requirement can be considered democratic—especially by seventeenth century English standards—to the extent that it helped to assimilate the bulk of the lower social ranks into the community by giving them the prerequisite for full political rights. Thus, the franchise should include the poor, if they met the religious requirement, as well as exclude unregenerate men of wealth. And narrow as it may have been in Massachusetts Bay it should cut through the populace vertically, and not horizontally as in England. In this way, the Puritans were to become familiar with the practice of including all types of men in political affairs. But before actual political practices are analyzed, the primary motive and guiding principle that lead to the Puritan migration to Massachusetts Bay requires further examination.

## **II. MOTIVES FOR THE MIGRATION**

The first step in answering the question concerning how Puritanism influenced the political development of Massachusetts Bay is to examine the motives that prompted the Puritans to migrate from England and settle in the new world. With this evaluation of motives and the corresponding ideas pertaining to the type of society the Massachusetts Bay Puritans wished to construct, an initial determination of the godliness hypothesis described in the previous section can be made. In addition, a familiarity with the events surrounding the migration and the nature of the emigrants in the 1630s is necessary for an understanding of New England Puritanism. However, before motives for the migration are examined, it would be useful to characterize the type of people most likely to settle in Massachusetts Bay in the first decade.

It has been estimated that between 1630 and 1642, some fifteen to twenty thousand people moved to New England.<sup>29</sup> In the first year of the wave, 1630, nearly 1,000 men, women, and children followed John Winthrop to Massachusetts Bay.<sup>30</sup> Initially, the movement was strongly East Anglian in character. Part of the strength of Winthrop and his circle was their skill as recruiting agents, arising from their intimate contacts among the Puritan gentry and clergy of the region. Certainly, contemporaries were well aware that the middle-class in the coastal areas of East Anglia made good Puritans, and that middle-class Puritans were especially likely to become New England colonists.<sup>31</sup>

In general, the New England settlers were staid and orderly, some migrating in groups from the same parish or community, and included a high proportion of the clergy.<sup>32</sup> Not surprisingly, the emigrants were also grouped into relatively small nuclear families, occasionally accompanied by servants and grandparents or in-laws.<sup>33</sup> The heads of these families were aged, typically in their thirties or forties and were mainly craftsmen or farmers; few really poor people left for New England.<sup>34</sup> The absence of large numbers of single unattached males in early New England probably contributed to social stability and helped Massachusetts Bay to avoid the type of recurring internal conflict that plagued colonies like Virginia.

Although full documentation is lacking, evidence that does exist suggests that the majority of settlers in Massachusetts Bay to 1642 were Puritans. After 1642, the political climate in England was more favorable to the Puritans and their emigration diminished substantially. Such homogeneity in migration patterns helps to account for the firm structure of government and society that was so quick to emerge. And though it may be difficult to prove that all of the emigrants to Massachusetts Bay were inclined to congregationalism before their departure, it is clear they found the congregational way appealing once they arrived.

Despite admission procedures that had grown increasingly more restrictive since 1630, about half, and possibly more of the adult males in the migration became church members in Massachusetts Bay, usually within a few years of their arrival.<sup>35</sup>

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<sup>29</sup> Everett Emerson, *Puritanism in America 1620-1750* (Wayne Publishers, 1977) 37; Breen, above n 6, 46-67.

<sup>30</sup> Richard C Simmons, *The American Colonies, From Settlement to Independence* (W W Norton, 1981) 28.

<sup>31</sup> Breen, above n 6, 56.

<sup>32</sup> Simmons, above n 30, 28.

<sup>33</sup> Breen, above n 6, 49.

<sup>34</sup> Emerson, *Puritanism in America*, above n 29, 37.

<sup>35</sup> Breen, above n 6, 57.

In one study of a group of 1637 migrants, thirty-eight of eighty-one adult males joined a church.<sup>36</sup> Of the remaining forty-three, twenty persons were so obscure that nothing was known of them, several died soon after their arrival, and several more moved to towns like Ipswich, where the early church records have been lost.<sup>37</sup> Another study of Roxbury adult males for the period 1638 to 1640 showed that fifty-eight out of sixty-nine men were church members.<sup>38</sup> To understand why migrants decided to exchange their settled English vocations for life in a pioneer community of uncertain prospects, the circumstances surrounding the migration needs further elaboration.

### **A. The English Background**

The New England Puritans were part of a group that had its origins in sixteenth century England during the reign of Elizabeth I. This group was a reform movement within English Protestantism that sought to purify the Church of England and invigorate the daily practice of religion. As put forward by the Puritan leader Thomas Cartwright in the 1570s, reformation was to include the abolition of bishops, stricter enforcement of church discipline, elimination of most ceremonies and rituals, and higher standards for the clergy.<sup>39</sup>

At this time, it was not their intention to establish their own church. The reform was to be conducted within the Church of England. But with Elizabeth preventing reform, some Puritans chose a more radical alternative. Claiming that their salvation was threatened because the Church of England was not a true church, they established their own purified congregations. While these Separatists, who established the Plymouth colony in 1620, had little impact on the Church of England, it revealed that the Puritans generally suffered from frustration at being unable to practice their religious beliefs in their own country.

In 1603, Elizabeth I was succeeded by James I, whose son, Charles I, became King in 1625. The Stuart kings disliked Puritanism as intensely as had Elizabeth, and refused to satisfy Puritan requests for reform. The Independents or Congregationalists, who comprised the nonconforming clergy and laity, hoped that reform would come from within the Church of England. Leaving England for

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<sup>36</sup> Ibid 219 nn 48.

<sup>37</sup> Ibid.

<sup>38</sup> Morison, above n 25, 381.

<sup>39</sup> Emerson, *Puritanism in America*, above n 29, 20-21.

Massachusetts Bay at a time when Charles I and his Archbishop seemed in control, the Puritans believed that the only remedy lay in the establishment of a model or godly community. By setting an example for the unification of spiritual and communal lives in the new world, they would 'raise a bulwark against the kingdom of Antichrist' in the old world.<sup>40</sup> As Edward Johnson, who emigrated to Boston in 1630 also noted, '[w]hen England began to decline in religion' and the 'multitude of irreligious lascivious and popish affected persons spread the whole land like grasshoppers [...] Christ created a New England to muster up the first of his forces'.<sup>41</sup> The 'oppressed, imprisoned and scurrilously derided' of England, Johnson continued, were to be gathered together and 'shipped for his service, in the Western World, and more especially for the planting' of the colonies of New England.<sup>42</sup>

Edward Johnson and his migrating brethren were mainly of East Anglian origin and formed a close body of relatives and friends.<sup>43</sup> They were convinced that great calamities were about to fall upon England and sought to avoid this irreligious chaos by leaving their native country and erecting a truly godly community. Writing in England in 1629, John Winthrop noted how in his mother country '[t]his land grows weary of her inhabitants' and 'the Lord begins already to frown upon us, to threaten us fearfully'.<sup>44</sup> The new world is to be 'a refuge for many whom he means to save out of the general calamity' for 'the church hath no place left to fly into but the wilderness'.<sup>45</sup> Winthrop then appealed to other countrymen 'who are known to be godly' to forsake the corruptions so evident in England and 'join themselves to this church' which would be 'an example of great use both for removing the scandal of worldly and sinister respects which is cast upon the adventurers [...] and to encourage other[s] to join the more willing in it'.<sup>46</sup> Similarly, writing to his wife in 1629, Winthrop echoed these same sentiments. He stated: 'I am very persuaded God will bring some heavy affliction upon this land,' but in the new world, God 'will provide a shelter and a hiding place for us and

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<sup>40</sup> John Winthrop, 'Reasons to be Considered for the ... Intended Plantation in New England [1629]' in Alan Heimert and Andrew Delbanco (eds), *The Puritans in America*, (Harvard University Press, 1985) 70, 71.

<sup>41</sup> Edward Johnson, 'Wonder-Working Providence of Sions Saviour,' in Miller and Johnson (eds), *The Puritans*, above n 24, 143-144.

<sup>42</sup> *Ibid* 144.

<sup>43</sup> Breen, above n 6, 48-49.

<sup>44</sup> Winthrop, 'Reasons to be Considered for the ... Intended Plantation in New England [1629]', above n 40, 71.

<sup>45</sup> *Ibid* 71.

<sup>46</sup> *Ibid* 71 (emphasis added).

others [...] he will not forsake us'.<sup>47</sup>

As these passages suggest, in the new world the Puritans felt they could carry out what they conceived to be God's will, as discerned from a study of the Bible as well as from the convictions of their own inner consciousness. With men so closely knit in their ideas and purposes, it seemed possible for the Puritans to implement a program for the erection of a model godly community in the new world.

### **B. Non-Religious Motives**

However, secular-minded historians, in particular, Vernon Farrington, are wont to argue that Puritanism had little to do with the beginnings of New England. Just as there were non-religious reasons for being a Puritan, there were non-religious reasons for leaving England. Of key importance in this argument is the notion of economic crisis and political conflict.

Consider that at the beginning of the seventeenth century in England, the old agrarian society began the transformation to an industrial society that initially suffered from severe dislocations. For example, the primary industry in the strongly Puritan areas of East Anglia and Kent was badly hit by the disruption of continental markets and poor government policy, resulting in economic depressions for the years 1619-1624, 1629-1631, and 1637-1640.<sup>48</sup> In addition, there were also years of plague and bad harvests in East Anglia, where economic conditions reached a crisis level in 1629.<sup>49</sup> Possibly associated with such conditions were millenarian expectations. The economic blight led many English Puritans to believe that human history had now entered a final phase, and that great and portentous events connected with the second coming of Christ were underway. Thus, thousands of Englishmen left the mother country and sailed to the scattered English colonies in search of salvation.

Associated with this crisis was the political situation in England in the 1620s and 1630s, and this provides another reason that may have prompted the English migration. Just after being crowned, Charles I issued, in 1626, a decree to religious

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<sup>47</sup> Justin Winsor (ed), *The Memorial History of Boston* (James R Osgood & Co, 1885) vol 1, 105.

<sup>48</sup> Emerson, *Puritanism in America*, above n 29, 32; Breen, above n 6, 52.

<sup>49</sup> Emerson, *Puritanism in America*, above n 29, 32.

and secular leaders ‘to require and collect a loan for the King’s use from Persons able to lend’.<sup>50</sup> Issued for what Charles called reasons of state, this act infringed upon the prerogatives of Parliament, and many men refused to furnish the money demanded. Among those who resisted the so-called benevolence, and were consequently imprisoned, were the Earl of Lincoln, a key figure in the creation of the Massachusetts Bay Company; Samuel Vassal and William Spurstow, who were original members of the Company, and William Coddington, who came to Massachusetts in 1630.<sup>51</sup> This incident was only one of many which persuaded Englishmen, especially those sympathetic to Parliament and the Puritans, that the King was exceeding the proper limits of royal power and was precipitating a political crisis.

### C. Religious Motives

Non-religious and religious reasons for the migration were not mutually exclusive, and many of the settlers probably had mixed motives for emigrating to the new world. But for most, the religious consideration was not incidental. There is no doubt that these conditions helped in the creation of the Massachusetts Bay Company. The leaders, John Winthrop, Thomas Dudley, Isaac Johnson, Sir Richard Saltonstall and Enunaniel Dewing, ardent Puritans all, as well as others, believed that a model church and community, in which both polity and worship would be determined in the Puritan fashion, would be an example to their brethren and the mother church as to how the proper religious community ought to live.<sup>52</sup> Specifically, a Puritan church and state within which God’s will would be made effective, would furnish an opportunity to apply Puritan ideas as to how life was to be lived, worship conducted, government administered, God venerated, and His law obeyed.<sup>53</sup> Such a community was to have only one supreme ruler, God. ‘Power of civil rule, by men orderly chosen, is God’s ordinance,’ stated John Davenport, even if ‘it is from the light and law of nature’ because ‘the law of nature is God’s law’.<sup>54</sup>

For this reason, those who wrote back to England from Massachusetts Bay argued

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<sup>50</sup> Ibid 32.

<sup>51</sup> Ibid.

<sup>52</sup> Charles M Andrews, *Our Earliest Colonial Settlements* (Cornell University Press, 1984) 73.

<sup>53</sup> See, eg, Roger Williams, ‘The Bloody Tenent of Persecution’, in Miller and Johnson (eds), *The Puritans*, above n 24, 216.

<sup>54</sup> John Davenport, *A Sermon Preach’d at the Election...May 19th 1669* (np, 1670) in Publications of the Colonial Society of Massachusetts, X, 4, quoted in Miller and Johnson (eds), *The Puritans*, above n 24, 191.

that the primary reason for migrating to New England was religion, and the establishment of Puritan churches was emphasized as a major motivating factor.<sup>55</sup> Religious circumstances, as opposed to economic and political contentions, had provided the New England Puritans with what their ministers later called ‘an open door of liberty’ to establish their own religious community.<sup>56</sup> The Puritan ministers in England urged their congregations to migrate to a place where they could practice their religion in a pure church.<sup>57</sup>

One typical migrant was Michael Metcalfe. Unlike most of his fellow settlers, Metcalfe left a detailed account of his reasons for leaving England. A master weaver from the East Anglian town of Norwich, Metcalfe was a parishioner of the suspended Thomas Allen and found himself in trouble with the ecclesiastical courts in 1633, and again in 1636, for failing to bow at the name of Jesus.<sup>58</sup> Metcalfe defended himself with such asperity that a church official threatened him: ‘Blockhead, old heretic, the Devil made you, I will send you to the Devil’.<sup>59</sup> Following this exchange, Metcalfe prudently departed England, after which he listed his reasons, all religious, in a pamphlet addressed ‘to all the true professors of Christ’s gospel within the city of Norwich’.<sup>60</sup> ‘Therefore, seeing what the Lord hath done unto thee’ he stated, ‘Norwich: prepare to meet thy God’.<sup>61</sup>

Religious refugees like Metcalfe suggested to T.H. Breen that the Puritans departed England because the King and his Archbishop sought to interfere with the church and religious practices within the local communities.<sup>62</sup> The Puritans, therefore, erected in New England the form of church polity that had been denied in the mother country. In other words, the Puritans, in reacting to the religious oppression in England, created a new form of religious worship, the congregational way. Therefore, they could not have, as Breen suggests, transplanted the threatened English institutions onto American soil. Instead, they

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<sup>55</sup> See John Winthrop’s (letter dated May 15, 1629), Justin Winsor (ed), *The Memorial History of Boston* (James R. Osgood & Co, 1885) vol 1, 99, 105; See also Winthrop, ‘Reasons to Be Considered for...the Intended Plantation in New England,’ above n 40, 71-74; John Cotton, ‘Forward to John Norton, The Answer to...Mr. William Apollonius (1648)’ in Alan Heimert and Andrew Delbanco (eds), above n 40, 109-111.

<sup>56</sup> Emerson, *Puritanism in America*, above n 29, 32.

<sup>57</sup> Ibid 32-33. See also Everett Emerson (ed), *Letters from New England, 1629-1638: The Massachusetts Bay Colony* (University of Massachusetts Press, 1976) vol 2.

<sup>58</sup> Breen, above n 6, 54.

<sup>59</sup> Ibid 54.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

responded to Stuart centralism by creating in their new environment the type of institutions that would restore the Protestant faith and preserve true religion from worldly corruptions.

Anticipating the formation of the congregational way, John Winthrop noted, '[w]hat can be a better work and more honorable and worthy a Christian than to help raise and support a particular church while it is in its infancy and to join our forces with such a company of faithful People?'<sup>63</sup> Thus, the New England venture offered the possibility for like-minded Puritans to establish, not transplant, institutions beyond the corruptions that were so threatening to Winthrop and others in England.

Indeed, the congregational system was virtually unknown to the Puritans of England. The first appearance of congregationalism came in 1580 when Robert Browne formed a Separatist congregation in Norwich.<sup>64</sup> This group was then persecuted and exulted, yet their ideas anticipated those found later within the Puritan communities of New England. The Puritans were not as concerned with the congregational aspects of their religion prior to the exodus to America.<sup>65</sup> In New England, the congregational system was not fully established until 1640, and it is most likely that it did not exist in 1629.<sup>66</sup> However, virtually all Puritans agreed on certain principles of church organization and on the basic nature of church doctrine. They most likely would have accepted the theoretical expression of the true church as first stated by John Field in 1572. Perhaps the foremost early Puritan leader, Field defined a church as,

[A] company or congregation of the faithful called and gathered out of the world by the preaching of the Gospel, who following and embracing true religion, do in one unite of Spirit strengthen and comfort one another, daily growing and increasing in true faith, framing their lives, government, orders and ceremonies according to the word of God.<sup>67</sup>

Having been denied the establishment of this type of church, community, and concomitant governmental structure, the settlers sought to create in New England these institutions. They had chafed under Episcopal and royal control and had been coerced into working within the parish system, with its mix of the elect and

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<sup>63</sup> Alexander Young (ed), *Chronicles of the First Planters of the Colony of Massachusetts Bay* (Charles C Little and James Brown, 1846), 272; Winthrop, *The Winthrop Papers*, Allyn B Forbes et al (eds) (Merrymount Press, 1931) vol 2, 114-115.

<sup>64</sup> Morgan, *Visible Saints*, above n 27, 37.

<sup>65</sup> *Ibid* 13.

<sup>66</sup> *Ibid* 93.

<sup>67</sup> *Ibid* 14.

the profane. In reaction, the Puritans carried to Massachusetts Bay, not their traditional institutional forms, but a vision of a reformed church placed within the realm of a godly community. But before examining the actual political practices within their newly-founded godly community, it would be useful to gain some familiarity with the Puritan thought embodied in these formative institutions of Massachusetts Bay.

### III. THE POLITICAL THOUGHT OF THE PURITANS

Winthrop's *A Model of Christian Charity*, delivered aboard the *Arbella*, the flagship of the 1630 migration, just prior to its landfall in Massachusetts Bay, is perhaps, the most eloquent exposition of the motives and ideals of the Puritans of New England.<sup>68</sup> As for Winthrop, so important a figure was he in the migration that the 'Chief undertakers' of the new settlement would not depart without him, as 'the welfare of the plantation' depended 'upon his going'.<sup>69</sup>

Anticipating the thoughts of Winthrop, John Cotton, who was to migrate to Boston in 1633, preached to the departing party in 1630 on a text from II Samuel 7:10: 'Moreover I will appoint a place for my people Israel, and will plant them, that they may dwell in a place of their own, and move no more; neither shall the children of wickedness afflict them anymore, as beforetime'.<sup>70</sup> To Cotton, it was clear that a special providence was guiding the migrants to create a new community. Later, Thomas Shepard, another clerical leader in the commonwealth, saw their efforts in the perspective of world history, and believed the founders had realized their dream. To Shepard, the plantation in the new world was the new Israel that enjoyed '[t]he help of all the former ages and other nations as well as our own, godly and learned divines in them, to take pattern and example from, in the laying of our first foundation both of religion and righteousness doctrine and discipline, church and commonwealth'.<sup>71</sup>

The organic society envisioned by Winthrop and the early migrants to Massachusetts Bay indicated a desire to recapture a traditional way of life. Most

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<sup>68</sup> John Winthrop 'A Model of Christian Charity' in Heimert and Delbanco (eds), above n 40, 82. See also Alan Heimert and Andrew Delbanco (eds), above n 40, 81.

<sup>69</sup> Allyn B Forbes et al (eds) 'Particular Considerations on the Case of J:W' in Winthrop, *The Winthrop Papers*, vol 2, above n 63, 295.

<sup>70</sup> John Cotton, 'God's Promise to His Plantations (1630)' in Heimert and Delbanco (eds), above n 40, 76.

<sup>71</sup> Miller, *The New England Mind*, above n 24, 471.

likely, however, the Puritans were interested in leaving behind the interfering Stuart officials and troublesome Anglican bishops. Winthrop listed some causes of his own dissatisfaction: ‘the daily increase of the multitudes of papists,’ ‘scandalous and dumb ministers,’ and ‘suspension and silencing of many painful learned ministers for not conform[ing] in some points of ceremonies’.<sup>72</sup>

In New England, each group of immigrants would have the opportunity to create an independent community, a village or town in which local institutions would be safe from outside interference. Elections, for example, would be open to men who would have normally been excluded from the vote in almost every English borough and town. The settlers also realized that within an organic community, broad participation in civil and ecclesiastical affairs would help secure local independence from central authority.

This reactionary origin of the Puritan community was to provide each group with a sense of local identity, a rationale for excluding outsiders, and a means for achieving continuity between generations. But more importantly, by promoting internal harmony and preserving homogeneity, the strong sense of community would help to ward off the kind of external interference that had caused so much trouble in England. Screening potential inhabitants would help many towns avoid the types of problems that conflicting backgrounds and traditions might have bred. And some towns were to go so far as to accept only those people who had emigrated from a particular English district.<sup>73</sup>

### **A. The Nature of the Godly Community**

In delivering his lay sermon to his fellow passengers aboard the *Arbella*, Winthrop, in a single phrase, summarized his thoughts concerning the type of community he, as a Puritan, wished to establish: ‘we shall be as a city upon a hill’.<sup>74</sup> The Puritan community was to be much more than that depicted in the Gospel of Matthew, from which the phrase was borrowed.<sup>75</sup> In Matthew 5:14 the regenerate ‘are the light of the world. A city that is set on a hill cannot be hid’. But to Winthrop, the phrase in his peroration reflected the core of his thinking concerning the type of

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<sup>72</sup> Darrett B Rutman, *Winthrop’s Boston: A Portrait of a Puritan Town, 1630-1649* (W W Norton and Company, 1972) 5.

<sup>73</sup> Breen, above n 6, 18.

<sup>74</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 295.

<sup>75</sup> From the King James edition. Rutman, *Winthrop’s Boston*, above n 72, 4.

society that he and his fellow passengers sought to establish. It would be a city in the literal sense, for the leaders of the Winthrop fleet—eleven ships carrying about seven hundred passengers—planned to settle in one, centralized community.<sup>76</sup> The community itself would be an urban center, the place of church and government.

It would also be a city in the biblical sense, as God's city. Like Saint Augustine's medieval notion of the organic town, as depicted in his *The City of God*, Winthrop's image of the city was highly metaphorical, the term denoting more a community of saints than a physical city. The basis of the city was moral values or metaphysical ideas. While the foundation of a physical city was selfishness, the city Winthrop envisioned was based on the love of God. Here men would save God in the ways that He demanded. In the church, men would worship God and His word in its purest form, which would be heard by all. But most importantly, men would fit into a society in such a way that would contribute to the glory of God and His son, Jesus Christ. Thus, using spiritual bodily imagery to represent the societal body, Winthrop stated:

Christ and His church make one body. The several parts of this body, considered apart before they were united, were as disproportionate and as much disordering as so many contrary qualities or elements. But when Christ comes and by his spirit and love knits all these parts to himself and each other, it is become the most perfect and best proportioned body in the world.<sup>77</sup>

This notion of a godly society dominated Winthrop's thoughts to such an extent that in his discourse it received the greatest attention. The new Puritan community was to be so godly that God would 'delight to dwell among us as his own people, and will command a blessing upon us in all our ways, so that we shall see much more of his wisdom, power, goodness, and truth, than formerly we have been acquainted with'.<sup>78</sup> With such an omnipotent force residing in this community, 'ten of us shall be able to resist a thousand of our enemies'.<sup>79</sup>

In this tract, Winthrop also envisioned a social order in New England in which there would be a well-defined place for all, with clearly understood and easily fulfilled obligations within the social hierarchy. While his societal conception was clearly one of a godly, organic community, Winthrop was cognizant of the God-ordained nature of social stratification: 'God Almighty in His most holy and wise providence hath so disposed of the condition of mankind, as in all times some must be rich, some poor, some high and eminent in power and dignity, others

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<sup>76</sup> Ibid.

<sup>77</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 286.

<sup>78</sup> Ibid 294.

<sup>79</sup> Ibid.

mean and in subjection'.<sup>80</sup> This God had done in order to make his glory manifest in the creation of variety. But there was a political utility to such an arrangement: 'first upon the wicked in moderating and restraining them, so that the rich and mightily should not eat up the poor, nor the poor and despised rise up against their superiors'.<sup>81</sup> These godly gifts, given for God's purposes, were also a means for social order within the Christian community, allowing for the enhancement of individual mutual dependence. But Winthrop also believed that natural disparities should not be allowed to advance untempered. Authority was not the right of the powerful; it was a godly duty to deal with subordinates in 'love, mercy, gentleness, temperance'.<sup>82</sup>

The idea of laissez-faire would have, therefore, struck Winthrop and his fellow Puritans with horror. This Puritan attitude was most likely medieval in origin, its fullest expression given by St. Augustine. In viewing the worldly community as a consequence of the fall, it was government as a counsel of desperation.

The Puritans also viewed their state as an incarnation of their collective will. Government was not necessarily a natural social virtue, but was a necessity created to curb men's depravity. Without Government 'there would be no living together for Mankind, but Human Societie must disband; Murder, Adulteries, Rapine, and all manner of Oppressions would rage; and there would be less of Order in the Habitable World, then in Hell it self'.<sup>83</sup>

The other intellectual heritage so clearly evident in Winthrop's speech is the one which regarded the community as an organism. In this case, man was a natural political animal and government was perceived not only as an indispensable and perpetual necessity, but also as part of the law of nature. This view most likely emerged in Puritan thought less because they had studied it in Aristotle's *Politics*, than because they were just emerging from feudalism and were still possessed by a deep, ingrained sense of community.<sup>84</sup> However, there is little doubt that the godly quest to and in New England helped to accentuate this tribal proclivity, and buttressed the analogy with the people of Israel, encouraging each member to think of the whole community, rather than of its individual parts.

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<sup>80</sup> Ibid 282.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid 285.

<sup>83</sup> Miller, *The New England Mind*, above n 24, 417. Where possible, quotations are with the original spelling.

<sup>84</sup> Ibid 416.

The Puritan organic community also led each member to believe that in this body ‘each parte soe contiguous to [the] other[s] as thereby they do mutually participate with eache other, both in strengthe and infirmity[,] in pleasure and in paine’.<sup>85</sup> Arising out of this organicism was contractual theory. Contractualism would eventually develop towards liberalism and individualism, permitting differences in power and wealth to different abilities and opportunities, with little regard to the welfare of the whole community.

This contribution to liberalism was inadvertent. English Puritans first turned to the theory of contract to protect their rights against royal absolutism. It was later used by the New England Puritans to justify their actions in subordinating individuals to the community once the ideals of the community had been rightly conceived, and power placed in approved hands.

Thus, it was neither an authoritarian nor ardent theocratic propensity that inspired Winthrop and other Puritans. Nor was his conception of the godly community centered upon democratic precepts. Rather, Winthrop envisioned an organic community where a godly growth in grace might be possible amid worldly corruptions, and if a spiritual success, their community would be emulated by ‘succeeding plantations’.<sup>86</sup> In order for godly grace to flourish among the settlers, however, Winthrop realized the necessity for social unity and stability. This ideal could be realized, Winthrop believed, because the settlers were infused with the Christian regenerating principle. ‘We are a company professing ourselves fellow members of Christ,’ and having embarked on this voyage ‘we ought to account ourselves knit together by this bond of love, and live in the exercise of it’.<sup>87</sup>

Without Christian love, the godly community would never be perfect. In its absence, selfish individualism would replace the communal spirit. Such an individualistic community would be no more than an aggregation of independent objects as disproportionate and as much disordering as so many contrary qualities or elements.<sup>88</sup> Contrarily, Christian love in a godly community would serve as ‘a bond or ligament,’ binding the individual members into a single body.<sup>89</sup> Individualism would be preserved, but ‘all of the parts of this body being thus

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<sup>85</sup> Ibid.

<sup>86</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 294.

<sup>87</sup> Ibid 291.

<sup>88</sup> Ibid 287.

<sup>89</sup> Ibid.

united are made so contiguous in a special relation as they must needs partake of each other's strength and infirmity; joy and sorrow, weal and woe'.<sup>90</sup>

But, the anti-individualistic component within Puritanism would never surrender completely to the belief that certain men deserve to be more honorable or wealthy than others 'out of any particular and singular respect to himself but for the glory of his Creator and the Common good of the Creature, Man'.<sup>91</sup> One consequence of this ideal within an organic community was that the Puritans could advance ideas of contractual limitation and the protection of individual rights, but would never phrase these rights so loosely as to lose sight of God's glory and the common good of the community.

Clearly, the Puritan creed was aware of individual differences, and certainly, salvation was each man's own responsibility. However, the anti-individualistic nature of the godly community usually demanded that the regenerate act and be treated alike. The lone, heroic frontiersman was not a figure of Puritan communities. 'Society in all sort of human affaires is better than Solitariness'.<sup>92</sup> Instead, the nature of the community required it to move and settle in groups and towns, and there was to be maintained a firm government over all its units. The Puritan community, therefore, was corporate in the sense that it was autonomous, having control over its members and often acting on their behalf.

By implication, each member of the body would have a specific function within the total structure; but each individual would contribute in his own way for the benefit of all. As John Cotton exhorted to the settlers in his farewell sermon, 'go forth every man that goeth, with a public spirit, looking not on your own things only, but also on the things of others'.<sup>93</sup> Winthrop, describing the individuals' duty in the model godly community, echoed Cotton: 'the care of the public must oversway all private respects'.<sup>94</sup> Private good is to give way to the general welfare because this is the imperative of the thriving spiritual community. Men return God's favour by committing themselves to the best interests of the community. This is not only God's will, but is also a matter of practical necessity. In

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<sup>90</sup> Ibid 287-288.

<sup>91</sup> Miller, *The New England Mind*, above n 24, 416.

<sup>92</sup> Ibid.

<sup>93</sup> John Cotton, 'God's Promise to His Plantations (1630)' in Heimert and Delbanco (eds), above n 40, 80.

<sup>94</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 287.

journeying to a strange, foreign land, dangers and difficulties will constantly beset the settlers. Winthrop therefore stated:

For this end, we must be knit together in this work as one man. We must entertain each other in brotherly affection, we must be willing to abridge ourselves of our superfluities, for the supply of others' necessities. We must uphold a familiar commerce together in all meekness, gentleness, patience, and liberality. We must delight in each other, make others' condition our own, rejoice together, mourn together, labour and suffer together, always having before our eyes our commission and community in the work, our community as members of the same body.<sup>95</sup>

The settlers were not to be coerced into labouring for communal ends, with the authority of the magistrate or minister threatening the individual to act. Instead, individuals were to be motivated by the virtue of the godly nature of the community they wished to create and which had joined them together in this united purpose. The will to act, therefore, was a gift from God. As one minister, Peter Bulkeley, was to later phrase it:

Where the Lord sets himself over a people, he frames them unto a willing and voluntary subjection unto him, that they desire nothing more then to be under his government...When the Lord is in Covenant with a people, they follow him not forcedly, but as farre as they are sanctified by grace, they submit willingly to his regiment.<sup>96</sup>

## **B. The Covenant**

One of the unique features of New England Puritanism was its highly developed notion of the covenant, a cornerstone of the model community. This Puritan concept, which was to eventually swell into the popular idea of the social contract in the eighteenth century, was an obsession with the Puritans. They found the covenant throughout the Old Testament. Abraham had entered into a covenant with God in order to be the 'father of many nations'.<sup>97</sup> In turn, Abraham's family

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<sup>95</sup> Ibid 294-295.

<sup>96</sup> Perry Miller, *Errand Into The Wilderness* (Harvard University Press, 1984) 149, quoting Peter Bulkeley, *The Gospel-Covenant* (London, 1651) 219-220. See also Peter Bulkeley, 'The Gospel-Covenant' in Heimert and Delbanco (eds), above n 40, 117; Miller, *The New England Mind*, above n 24, 420.

<sup>97</sup> Gen. 17:4 (KJ).

had entered into a 'church estate' by a covenant with Abraham; and Moses led a 'church in the wilderness' which was founded by a covenant.<sup>98</sup>

With these biblical precedents in mind, Winthrop was to later write, '[i]t is of the nature and essence of every society to be knit together by some covenant, either expressed or implied'.<sup>99</sup> Similarly, Cotton stated, '[i]t is evident by the light of nature that all civil relations are founded in covenant'.<sup>100</sup> Apparently, the Puritans of New England read their bibles in light of man's covenant with God and derived therefrom a pervasive political philosophy:

When Jehovah made a covenant between the King and the people, that covenant was but a branch of the Lord's covenant with them all, both King and people: for the King promised but to rule the people righteously, according to the will of God: and the people to be subject to the King so ruling. Now these duties of the King to them, and of them to the King, were such as God required in his covenant, both of him and them.<sup>101</sup>

This unification of theology and political theory also had its origins in England when the Puritans were becoming more deeply entangled in the constitutional struggle with the King. This belief in a higher law, which could be appealed to against the arbitrariness of rulers, led irresistibly, into a developing political creed. With increasing earnestness, the Puritans advanced the thesis that government originated in a compact of the People and was to be limited by the terms of the agreement. As Cotton noted: 'Look what a King requires of his people, or the people of a king, the very same doth God require of his people, and the People of God [...] this is, a governor, a provider for, and a protector of his people'.<sup>102</sup> To Cotton and other Puritans, limiting the rulers' power by a higher law was a divine ordinance to restrain the innate sinfulness of man. However, it also served a second function: it was a device to avoid oppression and despotism.

On their way to the new world, Winthrop could thus preach to the settlers that they were obliged to act in godly ways because they had established a covenant with God. Having accepted the obligation to live in a Christian way, their new community was to be relatively free from the corruptions of the world. Winthrop thus spoke of the settlers as having 'entered into a covenant with Him for this work'.<sup>103</sup> By virtue of their having committed themselves to God's protection on

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<sup>98</sup> Emerson, *Puritanism in America*, above n 29, 49.

<sup>99</sup> *Ibid* 52.

<sup>100</sup> *Ibid* 49.

<sup>101</sup> Miller, *The New England Mind*, above n 24, 415.

<sup>102</sup> *Ibid* 413.

<sup>103</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 292.

the voyage and in the new world, He had ‘ratified this covenant and sealed our commission [and] will expect a strict performance of the articles contained in it’.<sup>104</sup>

Having agreed to be God’s people and to live in a godly fashion, Winthrop said little about government, except that providence had provided them with an opportunity ‘to seek out a place of cohabitation and consortship under a due form of government both civil and ecclesiastical’.<sup>105</sup> Although Winthrop did not define these terms, their meaning was already implicit. In the godly city, the natural leaders were to rule in the best interests of the community, seeking ‘their welfare in all things’.<sup>106</sup> In turn, the people were to accept the government because of their God-ordained duty to ‘faith, patience, obedience’.<sup>107</sup>

It was not until 1637 that Winthrop elaborated on the political aspects of the covenantal relationship between the rulers and the ruled.<sup>108</sup> Before the General Court, Winthrop set forth the unified theory of the Puritan community. As Winthrop explained it, the political theory, upon which the community was based, was part of Puritan theological doctrine, and the binding idea was the notion of the covenant: ‘The essential form of the commonweal[th] or body politic such as this is [...] I take to be this—the consent of a certain company of people to cohabit together under one government for their mutual safety and welfare’.<sup>109</sup> The Puritan belief that the covenant was the central instrument that allowed men to live together harmoniously, even though the relationship occasionally caused problems, led Winthrop to reach the following conclusions:

1. No commonweal[th] can be founded but by free consent.
2. The persons so incorporating have a public and relative interest each in other, and in the place of their cohabitation and goods and laws, etc., and in all means of their welfare so as none can claim privilege with them but by free consent.

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<sup>104</sup> Ibid 292.

<sup>105</sup> Ibid 290.

<sup>106</sup> Rutman, *Winthrop’s Boston*, above n 72, 12.

<sup>107</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 282.

<sup>108</sup> The idea of the covenant in Puritan thought pervades their writings. Other examples which echo those below can be found in John Cotton’s farewell sermon to the departing fleet in 1630 and Thomas Hooker’s address before his flight from England in 1633. Winthrop not only expounded the notion of the covenant aboard the *Arbella* in 1630 but also in 1637, while replying to the Antinomians, and in 1645 to the General Court. See Miller, *The New England Mind*, above n 24, 415.

<sup>109</sup> John Winthrop, *The Winthrop Papers*, Allyn B Forbes (ed) (Merrymount Press, 1943) vol 3, 422-423.

3. The nature of such an incorporation ties every member thereof to seek out and entertain all means that may conduce to the welfare of the body and to keep off whatsoever doth appear to tend to their damage.
4. The welfare of the whole is not to be put to hazard for the advantage of any particular members.<sup>110</sup>

To Winthrop, individuals, in a natural, graceless state, were at liberty to do as they please. However, when these same individuals became infused with the godly spirit, they were then at liberty to do only what God commanded. The regenerate, therefore, came together and formed churches and a state upon explicit agreements, in which they all promised to live with one another according to the laws and for the purposes of God. The government was created by an act of the people.

But this was not any type of government; it was to be a government that God had circumscribed, as discerned from the Bible. The rulers were not self-appointed, therefore, but were God-appointed through the people and elected to an office that had been established by God. As Winthrop stated: 'It is yourselves who have called us to this office, and being called by you, we have our authority from God, in a way of ordinance'.<sup>111</sup> Other Puritans also echoed such beliefs. John Cotton stated to Roger Williams that no magistrate had power over the bodies or property of the people, except by their free consent.<sup>112</sup> However, because regenerate men were only 'stewards' of their bodies and property, in order to improve them for God's glory, 'they may not give their free consents to any Magistrate to dispose of their bodies, goods, lands, liberties at large as themselves please, but as God (the sovereign Lord of all) alone [pleases]'.<sup>113</sup>

Similarly, John Eliot noted that in both church and state, the godly willingly submitted to His regiment. The regenerate were eager to 'enter into covenant with the Lord to become His people, even in their Civil Society, as well as their Church Society'.<sup>114</sup>

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<sup>110</sup> Ibid 423.

<sup>111</sup> John Winthrop, *The History of New England from 1630 to 1649*, James Savage (ed) (Little Brown and Co, 1853) vol 2, 280.

<sup>112</sup> Miller, *The New England Mind*, above n 24, 420.

<sup>113</sup> Ibid 420.

<sup>114</sup> Ibid.

In the godly Puritan community, therefore, men thrice committed themselves to the rule of law and the control of authority: first with God, then with each other in the church, and again in the state. With such regulated relationships, Winthrop could insist that though the government of Massachusetts Bay was bound by law and received its authority through God and the people's elected officials, the people were nevertheless at 'liberty to that only which is good, just and honest'.<sup>115</sup> By entering into a covenant with God, and then with each other, the citizens were to renounce their natural lusts, and retain only the freedom that 'is maintained and exercised in a way of subjection to authority'.<sup>116</sup>

Thus far, it is evident from this analysis of the theoretical basis of the Puritan state that the notion of the covenant was one outcome of the Puritan attempt to create a godly community. In Puritan thought, this state was an authoritarian theocracy only insofar as God was the absolute sovereign, whereby His fiats were law, and the magistrates and ministers were His officials, but were chosen by the people. Although both church and state were conceived to have derived their authority from God, and both sought to do God's will, their functions were separated. However, this division was not always absolute. The functions of church and state differed and their powers were distinct, but both were a part of an organic community whose goal was to serve God. The state's primary concern was to be the rule of law; men's souls were the responsibility of the church. While church and state were committed to the welfare of the entire community, the church was to guide it in the way of God's truth; the state, in turn, was to preserve order in the community. The 'ultimate and supreme' goal of both was that 'the common Good of the Society, State or Kingdom' be preserved and '*God in all things [...] glorified*'.<sup>117</sup>

As described by the Puritan theorists, the state was not a theocracy or even an oligarchy, as officials were ultimately responsible to the people and were compelled to rule in the best interests of the community. John Cotton, for example, who displayed certain aristocratic proclivities, could still proclaim that the people 'in whom fundamentally all power lyes' should only give as much power to their officials as God allowed, and the magistrates 'should desire to know the utmost bounds of their own power'.<sup>118</sup>

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<sup>115</sup> Miller, *Errand Into The Wilderness*, above n 96, 149.

<sup>116</sup> *Ibid.*

<sup>117</sup> Darrett B Rutman, 'The Mirror of Puritan Authority,' in George M Waller (ed), *Puritanism in Early America* (D C Heath and Co, 1973) 79, 81.

<sup>118</sup> Miller, *The New England Mind*, above n 24, 409.

Indeed, by the terms of the covenant, there was to be a limitation on the power of all officials, as based on the rule of law. As Cotton stated, neither magistrates nor ministers should ‘affect more liberty and authority then will do them good, and the people good,’ so it became necessary ‘that all power that is on earth be limited’.<sup>119</sup> Although the people were not to rebel at every minor injustice, when they discovered that their rulers ‘have broken the fundamental Articles of thier Covenant,’ they were released from their oaths of obedience.<sup>120</sup> Anticipating Locke and the ideas that were to become so popular in the eighteenth century, one Puritan leader went so far as to assert the then novel and revolutionary idea that when rulers violate ‘the way of justice and happinesse, which they are sworn to maintain [...] it is lawful to take up armes of defence’.<sup>121</sup>

When the Massachusetts Bay Puritans planned to create their state, the influence of their English experience came to the fore. In reaction to this experience, they developed a number of novel and innovative institutional features. The new state was English, but only in a negative respect: it was created in order to limit the King’s prerogative by migrating beyond his reach and by establishing covenantal rights as a protection against absolutism and arbitrariness. On a more local level, the congregational format of church polity in New England was based somewhat on the English model of the Parish. Indeed, many of thee first settlers were drawn from country villages and had participated in local government by serving on the vestries which controlled parish activity.<sup>122</sup> However, the numbers of those participating had been extremely limited as local government in England had been relatively oligarchic.<sup>123</sup>

In contrast to English traditions, the Puritan state was constructed upon a foundation of reason and democratic godliness in which men came together to form churches and a state with an explicit agreement. Together they promised to live with one another according to the laws and for the purposes of God. Thus, the government of the godly community was democratic in that it was brought into being by an act of the people. In turn, God guided the society by acting through the people. The collective will of the godly, bound together by the covenant, projected and continued the will of God into the state. As John Davenport expressed it: ‘In regular actings of the creature, God is the first Agent; there are not two several and distinct actings, one of God, another of the People:

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<sup>119</sup> Ibid.

<sup>120</sup> Ibid 410.

<sup>121</sup> Ibid.

<sup>122</sup> Rutman, *Winthrop’s Boston*, above n 72, 59.

<sup>123</sup> Ibid 59.

but in one and the same action, God, by the People suffrages, makes such an one Governour, or Magistrate, and not another'.<sup>124</sup>

As Davenport suggested, actions were not disjointed in a godly community. All outcomes were part of a coherent divine plan. This resulted from the terms of the agreement between the people and God, where they had compacted to form a godly state in which His ordinances were to be practiced.

Thus, in Puritan thought, the holy society to be erected was extremely voluntaristic and here lay the potential for fostering democratic and republican values. The godly community was to be created by men through their own free choice. Church and state institutions were to be made up of 'visible saints,' drawn from all ranks of society who migrated because of a desire to participate in the creation and direction of a godly community, and not because they were of noble birth or were forced to participate in community affairs. The leaders, therefore, were not to be of a specific economic class, but were drawn from the holy and regenerate, which, in theory, transcended class lines. One example, noted by Winthrop, revealed that a black servant woman was admitted to the Dorchester church because of her 'sound knowledge and true godliness'.<sup>125</sup>

Though every resident in the community was obliged to attend and pay taxes for the support of the church, no one became a member unless she or he signified this strong desire. The visible saints were expected to act positively because they had in them a spirit of God that made them capable of every exertion. When persecuted in one state, for example, they imitated the apostle and fled, not to escape government, but to establish a better government. They maintained, however, that any government into which men did not voluntarily enter was not worthy of the name.

Paradoxically, in a world with limits on social action, Puritan theory relied heavily upon voluntarism. This was possible because when a man received the spirit of God, he availed himself of his liberty to enter a compact with God, promising to abide by His laws. In return, God guaranteed redemption. A regenerate man was thus committed to God's cause not only in his personal life, but also in church and community affairs. In other words, when a man became regenerate, he was to volunteer his liberty, and do only what God commanded. And God commanded

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<sup>124</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 190.

<sup>125</sup> Baltzell, above n 4, 124-125.

certain acts from the entire community of saints as well as from each individual saint.

Consequently, voluntarism within the social theory of Puritanism was based upon the law of God and it required the willing submission of citizens. As men exist in nature, stated Thomas Hooker, no one person had any power over another: 'there must of necessity be a mutuall ingagement, each of the other, by their free consent, before by any rule of God they have any right or power, or can exercise either, each towards the other'.<sup>126</sup> He continued: 'All relations which are neither naturall nor violent, but voluntary, are by virtue of some covenant'.<sup>127</sup> But the fact that social relations originated with 'free' consent did not compromise the order God had ordained; it indicated only that this order was not to be one of caste.

However, as already noted, the quest for a godly community did not translate into a theocratic polity for the towns of Massachusetts Bay. There was to be a division of labour between magistrates and ministers, so Massachusetts was not a theocracy in the sense of rule by the clergy. Yet, in the organic Puritan community, both church and state believed in their duties to govern for godly ends. It now remains to be seen to what extent these Puritan ideals were realized by the earliest settlers in the institutions and practices of colony and town.

#### **IV. PARTICIPATION IN COLONIAL GOVERNMENT**

As noted above, Puritan religious and political beliefs were intimately connected. In particular, their ideas concerning the covenant, as well as their notion of an organic godly community, led them inextricably on a course of religious and political action, which, theoretically, should have fostered political participation. Having explicated their values, it is now necessary to analyze the extent to which the Puritans embodied these religious and political ideals in their institutions and practices during the formative years of Massachusetts Bay.

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<sup>126</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 188.

<sup>127</sup> Edmund S Morgan, *The Puritan Family* (Harper and Row, 1966) 26.  
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## A. Background to Representative Government

When the first group of approximately 200<sup>128</sup> Puritans first arrived on Shawmut<sup>129</sup> in the summer and fall of 1630, they had no formal plan of political organization. While the congregational church polity would eventually be of great influence in moulding town government, their only immediate guide was the provisions contained in the Charter of the Massachusetts Bay Company<sup>130</sup>. At this early period, limits between the powers of the colonial government, and those of the town, as well as the church, were not well-defined or carefully observed.

Originally established under the guise of a commercial enterprise in March of 1629, the Charter of the Massachusetts Bay Company was empowered to regulate itself and its possessions through a relatively simple government. By this instrument, the stockholders, or freemen, in this open, joint-stock corporation, were to meet together four times a year as ‘one great, general, and solemn assembly,’ to admit additional freemen and to ‘make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions, and instructions’ for the colony, provided only that such were ‘not contrary to the laws’ of England.<sup>131</sup>

The management of the corporation was to be in the hands of a governor, a deputy governor, and eighteen assistants (or ‘magistrates’), all of whom were to be chosen each spring by and from the freemen of the Company. In utilizing this participatory procedure, the freemen expected these elected officials to conform to the terms of the Charter and ‘take care for the best disposing and ordering of the general business and affairs of [...] the said lands and premises [...] and the government of the people there’.<sup>132</sup>

Initially, it was assumed by royal officials that the governing body of the Massachusetts Bay Company would reside in England. But the failure of the

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<sup>128</sup> Rutman, *Winthrop’s Boston*, above n 72, 57.

<sup>129</sup> The name ‘Shawmut’ came from the native Indians. The inhabitants of Charlestown called the peninsula ‘Trimountain’. By an order of the General Court, dated September 7, 1630, the name of the settlement was to be ‘Boston’. Nathaniel B Shurtleff (ed), *Records of the Governor and Company of the Massachusetts Bay in New England* (Williams White, 1853-54) vol 5 (I), 75.

<sup>130</sup> ‘The Charter of the Colony of Massachusetts Bay in New England’, in Shurtleff (ed), *Colony Records*, vol 5, above n 129, 3-20.

<sup>131</sup> Shurtleff (ed), *Colony Records*, vol 5, above n 129, 16.

<sup>132</sup> *Ibid* 12.

Charter to specify the meeting place of the Company allowed the Puritans to take the Charter with them and establish a quasi-independent state. That this was a premeditated manoeuvre in order to provide a stable basis for the planned Puritan godly community is evident in an agreement dated August 26, 1629. Known as 'The Agreement of Cambridge' and signed by twelve prominent Puritans,<sup>133</sup> it stated:

[H]aving weighed the greatness of the work [...and] God's glory [...] we will so really endeavour the prosecution of this work, as by God's assistance [...] (under God's protection,) to inhabit and continue in New England: Provided always, that before the last of September next, the whole government, together with the patent for the said Plantation, be first, by an order of Court, legally transferred and established to remain with us and others which shall inhabit upon the said Plantations.<sup>134</sup>

In addition to the Cambridge agreement was a technical procedure in the Charter which effectively limited control over the Company to the godly who were willing to venture to the new world. The Company officials were to be elected annually at each General Court out of the stockholders. However, only those stockholders who could attend the General Courts could vote, so they alone possessed all effective power in the Company as well as in the colony. But once in the new world, political participation could be provided to those worthy inhabitants who were not stockholders. Growth was provided for by the Charter's giving the Governor, acting with at least six assistants, 'full power and authority to chose, nominate and appoint such and so many others as they shall be willing to accept the same to be free of the said Company and Body, and them into the same to admit'.<sup>135</sup>

### ***B. Godly Ideals and Political Participation***

Legally, the stockholders were not obliged to share their power. If they abided by the terms of the Charter and did not violate divine law, there would be no foreseeable problem in ruling the inhabitants. However, the settlers had departed from England for essentially the same reason: to escape the corruptions of the old world in order to plant a pure, godly community. If unity of action and purpose was so coherent among the departing Puritans, there would be little reason for the

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<sup>133</sup> Richard Saltonstall, Thomas Dudley, William Vassall, Nicholas West, Isaac Johnson, John Humfrey, Thomas Sharpe, Increase Nowell, John Winthrop, William Pinchon, Kellam Browne, and William Colbron.

<sup>134</sup> Alexander Young (ed), above n 63, 281-282.

<sup>135</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 11-12.

stockholders to deprive like-minded community members of the franchise. Indeed, according to Winthrop, without the right to vote, men would be ruled by arbitrary government, a relic they sought to escape under King Charles. As he was to later define it, arbitrary government was ‘where a people have men set over them without their choice, or allowance: who have power to govern them, and judge their causes without a rule’.<sup>136</sup>

Any threat of arbitrary rule was put aside on October 19, 1630, when the General Court assembled in Boston for the first time in the new colony.<sup>137</sup> The meeting was open to all residents of the colony who wished to attend. Apparently, broadening political participation was not feared, as the rulers and the ruled had an impassioned unity of purpose. By no means at that time a representative body, but a gathering at which all those who were freemen were expected to be present, it was decided that the electoral base of the governor, deputy governor, and the assistants, would be broadened. In turn, the executive, legislative, and judicial powers were to be limited to those elected to rule. This was to be accomplished by having the freemen elect the assistants, who would subsequently elect the governor and deputy governor from among themselves, as opposed to having them elected directly by the freemen.

At this same meeting, the freemen also voted to grant the magistrates the power to make laws, a power that under the Charter had resided in the freemen. This procedure was adopted, in part, because it was also decided to admit others to the franchise in order to give them a voice in selecting their rulers. Freemanship was thus conferred upon 109 settlers who petitioned the Court to grant these rights even though some had not yet become members of a church. At the next session of the General Court in May of 1631, 116 men, that probably comprised a majority of the male population of the colony,<sup>138</sup> were also admitted to freemanship. But to safeguard the future from potential rule by the ungodly—‘to the end the body of the commons may be preserved of honest and good men’—it was also decided that ‘no man shall be admitted to the freedom of this body politic but as such as are members of some of the churches within the limits of the same’.<sup>139</sup>

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<sup>136</sup> Nathaniel B Shurtleff (ed), *Records of the Governor and Company of the Massachusetts Bay in New England* (Williams White, 1853-54) vol 4 (I), 468.

<sup>137</sup> Shurtleff (ed), *Colony Records*, vol 5 (I), above n 129, 79 .

<sup>138</sup> Robert Emmet Wall, *Massachusetts Bay: The Crucial Decade, 1640-1650* (Yale University Press, 1972) 6.

<sup>139</sup> Shurtleff (ed), *Colony Records*, vol 5 (I), above n 129, 87.

Some historians have claimed that the religious requirement in this statute was the basis of the ‘religious oligarchy,’ effectively restricting the franchise.<sup>140</sup> These advocates have used this law as the prime example of Puritan antidemocratic authoritarianism. For example, George H. Haynes believed that ‘no statute of the colony’s first half-century struck so severe a blow at popular government, and none has brought upon the fathers of the colony so much reproach’.<sup>141</sup> Another historian went so far as to claim that this law ‘actually disfranchised some who had hitherto enjoyed the rights of citizenship’.<sup>142</sup> One other has stressed that it was instituted on the people by a few aristocratic leaders who were more interested in retaining their position.<sup>143</sup> The extent to which this law limited the number of freemen, and therefore restricted democracy in the context of the time, needs to be addressed.

Evidence on the exact number of church members at this time is scarce, but there is some indication that the first settlers were mostly orthodox Puritans and would probably have approved of a law restricting freemanship to church members. A Massachusetts Bay Company letter dated April 17, 1629, described how thoroughly all those in the Company’s service were screened in religious beliefs. Should unorthodox persons, or ‘libertines’ not be removed, colony officials were warned, those responsible were to be corrected and punished or be returned to England.<sup>144</sup>

If the 1631 law was undemocratic in nature, it might be helpful to determine its contemporary unpopularity (or popularity) as well as discover who was responsible for instituting the franchise requirement. Evidence indicates that although the religious requirement was not intended to serve democratic ends, it was popular.<sup>145</sup> As noted above, records show that in October of 1630, 109 men ‘desired’ to be made freemen.<sup>146</sup> At the next Court meeting in May, the records list those who were ‘made’ freemen, many of whom were on the October list.<sup>147</sup> The question

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<sup>140</sup> George H Haynes, *Representation and Suffrage in Massachusetts, 1620-1691* (Johnson Reprint Corp, 1973) 15.

<sup>141</sup> Ibid 15.

<sup>142</sup> Haynes, above n 140, 15, referencing John Andrew Doyle, *English Colonies in America* (Henry Holt and Co) vol 1, 259.

<sup>143</sup> Morison, above n 25, 85.

<sup>144</sup> Shurtleff (ed), *Colony Records*, vol 5 (I), above n 129, 393.

<sup>145</sup> Katherine B Brown, ‘Freemanship in Puritan Massachusetts’ (1954) 59 *American Historical Review* 865, 865-883.

<sup>146</sup> Shurtleff (ed), *Colony Records*, vol 5 (I), above n 129, 79.

<sup>147</sup> Ibid 79-80, 366-367.

then is whether these men were admitted before the franchise legislation was passed, or was the law imposed on the people by a few leaders?

Edward Johnson, who was made a freeman in May of 1631, stated clearly that the first group of men were made freemen before the law was passed restricting freemanship to church members. ‘At this Court, he wrote, many of the first Planters came and were made free, yet afterward none were admitted to this fellowship, or freedome, but such as were first joyned in fellowship with some one of the Churches of Christ’.<sup>148</sup>

Other evidence that the 1631 law was instituted *by* and not imposed *on* the people is found in the wording of the early records. The environment depicted at the first General Court meeting indicated a democratic and not a ‘patriarchal undertaking’ as described by Parrington.<sup>149</sup> For example, in the first General Court of October 1630, the proposal that the ‘freemen’ should have the power of choosing the assistants was ‘fully assented unto by the general vote of the people, and erection of hands’.<sup>150</sup>

At the next court in May, the law was explained and elaborated on, the religious requirement receiving ‘the full consent of all the commons’ present.<sup>151</sup> The ‘commons’ obviously meant the people in general, for Winthrop noted in his journal on May 17th that ‘all the freemen of the commons were sworn to this government’.<sup>152</sup> There is no evidence of a struggle regarding the adoption of an order restricting the franchise at this or subsequent meetings. It must be concluded, therefore, that the franchise legislation was not only acceptable to a population of largely orthodox Puritans, but also that they were involved in its making, becoming freemen before its passage and voting in its favour.

In addition, the ‘people’ referred to in the October meeting also meant more than the eight company members. As already noted, Winthrop had thrown open the first meeting of the General Court to the entire body of settlers. And by a vote of the people who attended this meeting, the magistrates were transformed from a type of executive council into a legislative assembly.

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<sup>148</sup> Brown, ‘Freemanship in Puritan Massachusetts’, above n 145, 869.

<sup>149</sup> Ibid.

<sup>150</sup> Shurtleff (ed), *Colony Records*, vol 5 (I), above n 129, 79.

<sup>151</sup> Ibid 79.

<sup>152</sup> John Winthrop, *The History of New England from 1630 to 1649*, James Savage (ed) (Phelps and Farnham, 1825) vol 1, 55.

The term 'freeman' was likewise transformed from a designation for the members of a commercial company, exercising full political control over the company and its property, into a designation for the citizens of a state, with a right to vote and hold office. For it was also decided that annual elections were to be held which unintentionally acted to increase the peoples' political power. Each May the people had the opportunity to judge the performance of all major officeholders. And under the Charter, no person could acquire ruling authority except at the polls.

This transformation of the Company's Charter into a constitution for government of the colony would have been neither necessary nor desirable had the original members of the Company intended to keep power in their own hands. The reduction of the freemen's direct role in governing, and the securing of popular consent to this change presaged the admission to freemanship a large portion of settlers, men who had little to contribute to the joint stock of the company save godliness.

More importantly for the development of democracy, since the people technically had no political rights under the Charter, they were given a role to which they had no legal claim. Seen in this context, the religious requirement was not so much a limitation, but an invitation to every future church member to exercise the privileges of freemanship, allowing the godly settlers to select those who would make the laws and govern their model community. As 1 Corinthians vi, 2, stated, 'Do ye not know that the saints shall judge the world?'

This serendipitous step towards democracy clearly stemmed from the Puritan notion of the covenant and their reading of the Bible. The covenant was not only the basis of the individual's salvation, but was also the foundation of every true church and state. The religious requirement simply constituted an explicit acceptance of these covenants.

The religious requirement might also have been designed to help attract other Puritan emigrants to Massachusetts Bay. But so as not to allow later immigration of potentially ungodly men to undermine their Christian community through the selection of sinful rulers, it was determined that only church members were to become freemen. The subsequent franchise limitation, therefore, must be seen as a concession to the colony's divine mission, intended as a guarantee of godly rule.

But the religious qualification had definite democratic consequences. By limiting freemanship to church members, political rights were extended to a larger portion of the people than enjoyed such rights in England—and to people who were not mere possessors of a forty shilling freehold, an aristocratic requirement in English political tradition dating back to 1430.<sup>153</sup> Indeed, at this time, the decision to first open the franchise to willing inhabitants was a near revolutionary procedure for political participation and the fostering of democracy. Consider that in the seventeenth century, the vote was not a right of Englishmen, or even of all propertied Englishmen.<sup>154</sup>

However, Winthrop and the Puritan leaders of Massachusetts Bay did not intend to create a democracy. Their foremost duty was to ensure that the colony's covenant with God would be enforced. In carrying out this duty, Winthrop believed that the people, or a qualified portion of them, were entitled to determine the form of government to be established and to select the persons that should run that government.

If a ruler failed in his duty to enforce the laws of God, the people were obliged to eject him from office. But if he faithfully carried out his duty, his authority was absolute, and, regardless of any errors in judgment, the people were obliged to submit. Indeed, anything less than submission would be considered a rebellion against the authority of God.

Puritan thought seen in this context indicates that there was no perceived reduction in the authority of the government by the extension of the franchise to church members. They were simply to select men who were to direct governmental affairs largely towards religious ends. This gave the government a practical strength as well, for the leaders of Massachusetts Bay were probably aware that the people would more readily submit to a ruler if they had a voice in choosing him, regardless of any divine authority the ruler might claim.

For some Puritans, the powers of the freemen were still great. As John Cotton was to state, '[n]one are so fit to be trusted with the liberties of the Commonwealth as church membership for the liberties of the freemen of this Commonwealth are such as require, men of faithful integrity to God and the state

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<sup>153</sup> J R Pole, *Political Representation in England and the Origins of the American Republic* (St Martin's Press, 1966) 397-398.

<sup>154</sup> Francis J Bremer, *The Puritan Experiment* (St Martin's Press, 1976) 61.

to preserve the same'.<sup>155</sup> The two principal liberties of the freemen he stated, were the election of magistrates and, in a later political development, the choice of deputies. 'Now both these liberties are such as carry along much power with them, either to establish or subvert the Commonwealth'.<sup>156</sup>

Cotton's views as well as Winthrop's actions in the General Court indicate the extent to which the earliest New England Puritans based political decisions—and ultimately the shaping of civil and ecclesiastical institutions—on their entrenched notion of godliness. The primary purpose of the connection between church membership and the franchise was not to foster democracy but to construct a political society whereby the godly would rule. More importantly, godly rule would ensure the protection and preservation of the Puritan model community from encroachments by corrupt, worldly men.

Such a state was not antithetical to democratic concepts. As Roger Williams noted, the Bible provided enumerable arguments for the godly community, and '[w]hen the Righteous rule, the people rejoyce'.<sup>157</sup> Typical of Puritan writings, the emphasis was on the necessity, not for theocratic or democratic rule, but a godly magistracy. For this reason, godly rulers were to be chosen by the 'honest and good men' on whom the 1631 franchise law had conferred this liberty.<sup>158</sup> Contrarily, worldly men, as electors, stated John Cotton,

would as readily set over us magistrates like themselves, such as might hate us according to the curse, Levit. xxvi.17. and turn the edge of all authority and laws against the church and the members thereof, the maintenance of whose peace is the chief end which God aimed at in the institution of Magistracy.<sup>159</sup>

### C. The Rise of Representative Government

While political participation and representation based on the criterion of godliness seemed to be acceptable to a majority of the populace, a group of Watertown

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<sup>155</sup> Albert E McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America* (Burt Franklin, 1969) 305, quoting Cotton, *Winsor, Boston I*, 150.

<sup>156</sup> *Ibid.*

<sup>157</sup> Richard C Simmons, 'Godliness, Property, and the Franchise in Puritan Massachusetts: An Interpretation' (1968-69) 55 *Journal of American History* 495, 496.

<sup>158</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 87.

<sup>159</sup> Simmons, above n 157, 497.

residents challenged the settlement of 1630-31. When, in 1632, the General Court levied a tax<sup>160</sup> on the inhabitants of each town, George Phillips, a minister, and Richard Brown, the town's ruling elder, advised the townsmen against paying the tax.<sup>161</sup> They asserted that it was contrary to their rights to pay a tax upon which the people or their representatives had not voted.

This protest has led some historians to view the early years of Puritan rule as authoritarian or oligarchic. George H. Haynes, for example, noted of this incident that 'the freemen were at last thoroughly aroused. An oligarchic spirit had been steadily growing which was all the more dangerous from the very fact that the conspicuous merit of the leaders bade fair to disguise their gradual usurpation of power'.<sup>162</sup> Haynes was correct in suggesting that the Watertown residents were not adequately represented in the General Court. However, this was due, not to the ruling 'oligarchy' and their accretion of power, for the Puritan creed, so often expounded by the rulers, recognized the injustice of arbitrary rule. Instead, the Watertown residents reacted so sensitively to the tax issue primarily because it was the only large town without a resident among the lawmakers.<sup>163</sup> Sir Richard Saltonstall, the founder of Watertown, had been a member of the body of assistants and would have represented the town's interest on the General Court, but he had recently sailed back to England, never to return.<sup>164</sup>

The Watertown Protestants were summoned before the General Court in the spring of 1632. In front of Winthrop and the assistants, they challenged that 'this government was no other but as of a mayor and aldermen, who have not power to make laws or raise taxations without the people'.<sup>165</sup> The influence of their English background is clear in this remonstrance. Winthrop, likewise, replied to this concern with an allusion to English governmental procedure. However, he suggested the representative and responsible nature of Puritan civil rule: 'this government was rather in the nature of a parliament, and that no assistants could

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<sup>160</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 93.

<sup>161</sup> They declared to the assembled people, 'that is not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage'. Morison, above n 25, 88.

<sup>162</sup> Haynes, above n 140, 18.

<sup>163</sup> Wall, above n 138, n 7.

<sup>164</sup> Ibid.

<sup>165</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 70.

be chosen but by the freemen, who had power likewise to remove the assistants and put in others'.<sup>166</sup>

#### **D. Representation Entrenched**

With the freemen demanding more input in the affairs of the General Court, it appeared as though the representation issue had been settled. Said Winthrop: 'they were fully satisfied; and so their submission was accepted and their offence pardoned'.<sup>167</sup> But within two months, because of this sensitivity over representation and the limits of governmental rule, the General Court passed an act that formally defined the governor's powers.<sup>168</sup> One month later, in May of 1632, at the next Court of Election, the freemen voted that the governor, deputy governor, and assistants, should all be chosen every year by the General Court, an act which effectively abolished the practically life tenure of the assistants.<sup>169</sup> More importantly for the evolution of democracy and representative government, was the enactment that every town chose two men 'to advise with the Governor and assistants about the raising of a public stock, so as what they should agree upon should bind all'.<sup>170</sup> Taxation would no longer be determined by a select few; the people, through their own town representatives, would now tax themselves.

More importantly, it was implicitly recognized that in a community of visible saints—where both electors and the elected were in covenant with each other and with God—no godly member was to impose his will on the others without their free consent. Recall Winthrop's Puritan dictum that no body politic 'can be founded but by free consent'.<sup>171</sup> Furthermore, 'the persons so incorporating [themselves] have a public and relative interest each in other, and in the place of their cohabitation and goods, and laws, etc., and in all the means of their welfare so as none other can claim privilege with them but by free consent'.<sup>172</sup> As this statement and the action of the General Court make clear, it was recognized that the rulers were not self-appointed, but were God-appointed through the free actions of the people. For this reason, the freemen of Massachusetts Bay insisted

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<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid 70-71.

<sup>169</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 95.

<sup>170</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 95.

<sup>171</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 423.

<sup>172</sup> Ibid.

that legislative powers—even in a godly society—ought to be limited by the terms of the original compact.

The following year little of importance is recorded concerning the political development of the colony. In May of 1634, however, the deputed freemen of the towns went to the General Court and claimed they ‘desired a sight of the patent’.<sup>173</sup> Their concern was to ensure that their rulers on the General Court were abiding by the strict provisions enumerated in the Charter. Apparently, the Puritan creed dictated that no divergence from a covenant was to be tolerated. Upon their reading of the Charter, these deputies of the freemen discovered that according to the Charter, all laws were to be made by freemen and the officers on the General Court. Taking counsel with Winthrop, the deputies protested that the freemen had been denied their legislative rights.

Winthrop countered that the broadening of the franchise in 1630 and 1631 rendered the assemblage of freemen for legislating impractical.<sup>174</sup> He noted that when the Charter was granted, the number of freemen was no greater than could conveniently meet and pass laws.<sup>175</sup> Now the franchise had been so extended that the making and executing of laws should be effected by a delegation of representatives.

However, the Charter was explicit regarding the form of government and the election of officials: the governor, deputy governor and eighteen assistants were to be annually elected by the General Court, consisting of all freemen, who had supreme legislative power. Ignorant of a direct violation of the Charter, at the first meeting of the General Court in 1630, the newly enfranchised freemen agreed to have the governor and deputy governor elected by and out of the assistants. In this process, the assistants had arrogated executive, legislative, and judicial power, and ruled in this way for four years.

Concerned for the will of the godly electorate, the deputies of the freemen argued before the General Court that it return to the original provisions of the Charter. Winthrop finally agreed that the freemen should directly choose the governor and deputy governor, and not merely the assistants. That both Winthrop and the General Court acquiesced is a measure of their acceptance, however limited, of

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<sup>173</sup> Ibid. 152.

<sup>174</sup> Winthrop, *The History of New England*, vol 1, above n 152, 153.

<sup>175</sup> Ibid.

popular or democratic rule. The deputies of the freemen thus took their seats in the General Court, sitting as one house with the assistants. Together, this body allowed a number of resolutions to be passed on which lay the basis for popular representative government in Massachusetts Bay:

That none but the General Court hath power to chose and admit Freemen.

That none but the General Court hath power to make and establish laws, nor to elect and appoint officers.

That none but the General Court hath power to raise monies and taxes and to dispose of lands.<sup>176</sup>

It was also decided that a new freeman's oath was to be formulated. From this time forward, each candidate swore allegiance, under pain of punishment and banishment, not to the Crown, but to the godly community: 'by the great and dreadful name of the ever living god' to be 'true and faithful' to the commonwealth, giving it 'assistance and support' with both their '[p]erson and estate' and submitting 'to the wholesome laws made and established by the same'.<sup>177</sup> Those men not eligible for freemanship were required to take the inhabitants oath of fidelity, the only difference being the lack of reference to voting.<sup>178</sup>

After these enactments, the freemen were ready to proceed with the election of the officers of the General Court. Most probably, the annual election of officers was not entirely agreeable to Winthrop and the assistants. It was, however, a necessity under the terms of the Charter, and now, clearly the wish of the freemen. John Cotton shared Winthrop's notion of government rule as a sacred stewardship, and preached an election sermon to the effect that assistants, once elected, should not be turned out of office, except for a reasonable cause.<sup>179</sup> The freemen quickly repudiated this notion by, for the first time, passing over Winthrop as the choice of governor.<sup>180</sup> Thomas Dudley thus became the first governor to preside over the colonial legislature that contained elected representatives of the freemen, and not merely assistants.

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<sup>176</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 117.

<sup>177</sup> Ibid 117.

<sup>178</sup> Ibid.

<sup>179</sup> Morison, above n 25, 87.

<sup>180</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 117.

The freemen, having renewed their Charter rights and expanded their powers, having supplanted the Governor and indirectly rebuked the assistants, now sought to establish a representative colonial legislature on a permanent basis. It was also enacted that four General Courts were to be held annually, as summoned by the governor, and were not to be dissolved without the consent of the majority of members.<sup>181</sup> In the General Court of election, every freeman was to ‘give his own voice’.<sup>182</sup> In the three other courts, it was ordered:

[I]t shall be lawful for the freemen of every plantation to choose two or three<sup>183</sup> [representatives] of each town before every General Court, to confer and prepare such public business as by them shall be thought to consider of at the next General Court, and that such persons as shall be hereafter so deputed by the freemen of the several plantations to deal in their behalf in the public affairs of the commonwealth, shall have full power and voices of all said freemen derived to them for the making and establishing of laws, granting of lands, etc., and to deal in all other affairs of the commonwealth wherein the freemen have to do, the matter of election of magistrates and other officers only excepted.<sup>184</sup>

### ***E. The Democratic Component***

The action of the freemen in 1634 providing for the election of deputies to represent them in the General Court has been called ‘revolutionary,’ the Massachusetts Bay Company having finally freed itself from a ruling oligarchy to ‘become a representative democracy’.<sup>185</sup> Of these momentous events, Winthrop noted merely that ‘all things were carried very peaceably’.<sup>186</sup> His lack of emotion, perhaps, suggests that the step towards a ‘representative democracy’ was not a great one. As his and other Puritan writings have already suggested, democracy was a component already accounted for in the Puritan theory of the state. That the democratic component grew, however slowly, does not underscore the fact that in the godly community, democracy was a constituent working part of the commonwealth.

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<sup>181</sup> Ibid 117-120.

<sup>182</sup> Ibid 119.

<sup>183</sup> Perhaps because of its population or importance, the town of Boston was later allowed three representatives on the General Court.

<sup>184</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 118-119.

<sup>185</sup> Haynes, above n 140, 22.

<sup>186</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 132.

Yet Parrington maintained that the election of deputies was another illustration of the ‘persistent hostility of the leaders to every democratic tendency’.<sup>187</sup> Similarly, John D. Hicks wrote that ‘[e]arly Massachusetts was not a democracy; it was an aristocratic theocracy’.<sup>188</sup> And Thomas J. Wertenbaker went to great lengths to describe the colony as a government of the many by the few.<sup>189</sup> But as B. Katherine Brown has shown, modern historians have misunderstood the problematical definitions such as ‘democracy’ and ‘aristocracy’ as used by the Puritans of the seventeenth century.<sup>190</sup>

Parrington and other like-minded historians have frequently cited the statement of John Cotton that condemned democracy as the worst form of government. Writing to Lord Say and Seal in 1636, Cotton stated, ‘[d]emocracy, I do not conceyve that ever God did ordeyne as a fitt government eyther for church or commonwealth’.<sup>191</sup> ‘As for monarchy and aristocracy,’ he continued, ‘they are both of them clearely approved, and directed in scripture’.<sup>192</sup> It would appear as though in a godly community, Cotton approved of rule by the few and disapproved of democracy. What some historians have chosen to emphasize, if not expound, was that Cotton meant ‘the people’ were to be denied participation in government.

Cotton, however, used the term ‘aristocracy’ in a context that suggested that the people were to delegate authority to their elected officials who, in turn, were to make laws and govern in a responsible fashion. Such a scheme was, in fact, borne out by the events of the General Court indicated above. Thus, Cotton had already factored-in the democratic component in his theory of government in the godly community. However, at the same time, he sought to emphasize the aristocratic component in order to reassure Lord Say and Seal. He was contemplating emigration, but was worried about rumors of political practices in Massachusetts Bay that seemed to run counter to English tradition.<sup>193</sup> In particular, he was concerned that where men were given the franchise on the requirement of

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<sup>187</sup> Vernon L Parrington, *Main Currents in American Thought* (New York, 1927) vol 1, 21, 52-53, quoted in Katherine B Brown, ‘A Note on the Puritan Concept of Aristocracy’ (1954) 41 *Mississippi Valley Historical Review* 105, 105.

<sup>188</sup> *Ibid* 106.

<sup>189</sup> Thomas Jefferson Wertenbaker, *The Puritan Oligarchy* (Charles Scribner’s Sons, 1947) vii.

<sup>190</sup> Brown, ‘A Note on the Puritan Concept of Aristocracy’ above n 187, 105-112. The discussion contained in the following three paragraphs is attributable to the work of Ms. Brown, specifically her discussion of the Puritan concepts of aristocracy and democracy.

<sup>191</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 209.

<sup>192</sup> *Ibid* 210.

<sup>193</sup> *Ibid* 211.

godliness and not social position, he and some of his friends might be excluded.<sup>194</sup> With this in mind, Cotton used conciliatory terms to explain the colony's form of government:

Nor neede your Lordship feare (which yet I speake with submission to your Lordships better judgment) that this corse will lay such a foundation, as nothing but a mere democracy can be built upon it. [Jean] Bodin<sup>195</sup> confesseth, that though it be *status popularis*, where a people choose their owne governors; yet the government is not a democracy, if it be administred, not by the people, but by the governors, whether one (for then it is a monarchy, though elective) or by many, for then (as you know) it is aristocracy. In which respect it is, that church government is [j]ustly denied (even by Mr. [John] Robinson<sup>196</sup>) to be democratical, though the people choose their owne officers and rulers.<sup>197</sup>

To Cotton, therefore, it seemed as though the people might participate in government using their franchise rights, regardless of whether or not the form of government was democracy, monarchy, or aristocracy. Even in his seventeenth-century terms, Cotton defined aristocracy by how many ruled and not by how those rulers came to power.<sup>198</sup> If the entire populace assembled to govern, it was a 'democracy;' if the people instead chose delegates to represent them, it was an 'aristocracy'. Hence, Cotton's conciliatory allusion to the principles of, firstly, the secular theorist, Bodin, that congregational theory was not necessarily democratic, and secondly, to those of its most radical exponent, Robinson, that congregational theory did not necessarily translate into popular government.

Cotton's view of popular political participation is also documented elsewhere. In every instance, he was unambiguous in his thoughts, strongly believing in the liberties of the people and their right to elect their own rulers. John Winthrop, for example, noted in his journal that Cotton, in a sermon delivered in 1634, preached that the strength of the assistants was their authority, the strength of the people was their liberty, and the strength of the ministry was their purity.<sup>199</sup> Cotton believed that each body should provide a check on the powers of the other bodies, but the ultimate power was in the whole body of the people.<sup>200</sup> In another sermon on the limitation of government in church and commonwealth, Cotton emphasized that a balance of power in government was best, and he declared the

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<sup>194</sup> Ibid.

<sup>195</sup> The French political philosopher.

<sup>196</sup> John Robinson, was a separatist and pastor of the Scrooby congregation in England.

<sup>197</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 211.

<sup>198</sup> Brown, 'A Note on the Puritan Concept of Aristocracy' above n 187, 107.

<sup>199</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 133-134.

<sup>200</sup> Ibid.

right to elect their officials as the first power of the people, ‘in whom fundamentally all power lies’.<sup>201</sup>

Like Cotton, Winthrop ascribed to the notion that civil (and ecclesiastical) rule in the Puritan community contained a significant democratic component. While Winthrop called the commonwealth a ‘mixed aristocracy,’ he believed the people, by their power of election, were the democratic part of the government.<sup>202</sup> Of this democratic element he wrote: ‘Where the chief ordinary power and administration [...] is in the people there is a democracy’ and added that ‘the deputies are the democratical part of our government,’ because if the power ‘be in the deputies it is in the people’.<sup>203</sup>

However, having delegated authority to others, Winthrop believed that the people were bound by oath to submit to the laws made by their representatives. As he was later to declare:

It is yourselves who have called us to this office, and being called by you, we have our authority from God, in way of an ordinance [...] I entreat you to consider, that when you choose magistrates, you take them from among yourselves, men subject to like passions as you are [...]. We account him a good servant, who breaks not his covenant. The covenant between you and us is the oath you have taken of us, which is to this purpose, that we shall govern you and judge your causes by the rules of God’s laws and our own, according to our best skill.<sup>204</sup>

Thus, Winthrop did not question the right of the people to elect their rulers, but held that those godly members with the franchise had the right to select rulers from among themselves, who were then to be obeyed once in office. Moreover, these officials were not to be viewed as potential oligarchs, but were an integral part of a unified holy community, the guardians of its ideals and purposes. As members of the church, as freemen, and by their oath of office—a covenant between the rulers and the people—officials were ‘regulated by their relation to the people, to seeke their welfare in all things’ stated Winthrop.<sup>205</sup>

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<sup>201</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 212-214, quoting John Cotton, ‘Limitation of Government’. See also Brown, ‘A Note on the Puritan Concept of Aristocracy’ above n 187, 107.

<sup>202</sup> Brown, ‘A Note on the Puritan Concept of Aristocracy’ above n 187, 108-107.

<sup>203</sup> Ibid 109.

<sup>204</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 205-207, quoting John Winthrop, ‘Speech to the General Court, July 3, 1965’.

<sup>205</sup> Miller, *The New England Mind*, above n 24, 424.

## *F.* The Culmination of Political Participation

### *I.* The ‘Negative Voice’

For the next ten years, the ‘mixed aristocracy’ was instituted, with both deputies and assistants sitting together in one house, over which the Governor presided.<sup>206</sup> This action on the part of the freemen in 1634, in providing for the election of deputies to represent them in the General Court, laid the basis for a unicameral legislature, which was electoral accountable and a more representative chamber. It was more representative because the freemen were represented twice: by the assistants, who stood for the commonwealth as a whole, and by the deputies who represented the interests of each town. However, a new problem arose for the assistants. The large number of deputies could consistently outvote the assistants. It seemed that those who believed they were destined by God to rule, were now in a minority, being overwhelmed by the democratic component in the ‘mixed aristocracy’. While there was a general belief in popular participation among the godly in the electoral process, the assistants resisted the idea of total popular rule.

It was now the assistants’ turn to invoke the Charter for support and insist that the people’s role in the elections was strictly confined to choosing a ruling class. In September of 1634, the settlers of Newtown (Cambridge) petitioned the General Court for permission to leave their town and settle in Connecticut. A majority of deputies approved of the move, but a majority of the assistants disapproved. The assistants immediately asserted that the Charter granted them the power of the ‘negative voice’ or veto, but the deputies refused to acquiesce.<sup>207</sup>

Finally, in a compromise, the assistants and deputies agreed to a recourse that was a Puritan panacea for all moral and political ills, a day of fasting, humiliation, and prayer.<sup>208</sup> John Cotton was called upon to preach. In his sermon he upheld the authority of the assistants, subject to an ultimate appeal to the people. According to Winthrop, Cotton sought to achieve a compromise and placated both sides by

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<sup>206</sup> In 1644, to settle the issue over the ‘negative voice’ or veto, the General Court would sit and vote in two chambers. Bills could originate with either the assistants or the deputies, but the approval of a majority in each chamber was necessary to the passage of an act. For the next forty years, this procedure was to remain unchanged. See Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 58-59.

<sup>207</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 141-143.

<sup>208</sup> *Ibid.*

showing ‘how all of these had a negative voice’.<sup>209</sup> Cotton’s suggestions were so successful that ‘it pleased the Lord so to assist him, and to bless his own ordinance, that the affairs of the court went on cheerfully; and although all were not satisfied about the negative voice to be left to the magistrates, yet no man moved aught about it’.<sup>210</sup>

Without conceding the principle in question, both sides eventually reached a compromise that was, in the following year, codified into law. The law required that in the case of a deadlock, a joint committee composed of an equal number of deputies and assistants, might be chosen, who, with an umpire selected jointly, would decide the contentious issue.<sup>211</sup>

The issue over the negative voice reveals the extent to which the rulers believed that voting rights were to be used by the godly to bind them to the government, rather than to encourage the expression of a variety of views. Political Participation by those with the franchise was seen by the Puritans as a means to promote consensus.

Their theory demanded that members of the community unite. There was, therefore, no room for the lone dissenter, who was sometimes persecuted. This was despite the fact that the Puritan migration occurred for the very reason that their beliefs differed from that of their bishops. In New England, they moved in communal groups, and maintained firm control over this united entity. They believed they were establishing a community in which the one and only truth would reign forever, and for that reason, unanimous acceptance of the majority consensus was essential. Relatively broad political participation, therefore, was not to facilitate the expression of divergent viewpoints, but to provide the broadest base possible for community consensus. And having participated in the political process, the freemen usually felt obliged to accept the results.

But although they were united in the creation of a godly community, the Puritans were not always in agreement on every issue. However, in the issue over the veto, while the assistants fought what they perceived to be encroachments on their authority, as based on their more stringent views of a well-functioning godly

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<sup>209</sup> Ibid.

<sup>210</sup> Ibid 168-169.

<sup>211</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 161.

community, they eventually capitulated to the majority wishes of the freemen and their deputies. Ultimately, the assistants, however grudgingly, did their best to ensure that political decisions were acceptable to those most affected by them: the freemen who represented the community. In this way, political participation was used for forming a consensus and allowed the community to march together towards the ‘one truth’ desired by all.

This did not mean that the assistants, when pressed, based their decisions on exclusively democratic ideals; nor does it mean that they were oligarchic, authoritarian, or theocratic. The assistants were concerned with the Puritan ideal of maintaining community cohesiveness, and preserving their, and the people’s covenant with God. Equally, the freemen were concerned with the Puritan ideal of upsetting any possibility of arbitrary government. So while each group focused and emphasized different aspects of Puritan thought, both freemen and assistants had the best interests of the godly community placed at the fore.

This was always most apparent when the colony seemed on the verge of a political crisis: during the Pequot war, the Roger Williams case, and the Antinomian debate. In each instance, the freemen, through their deputies, relied upon the experienced leadership of the assistants and deferred to their judgement at almost every suggestion.<sup>212</sup> The assistants, in turn were, as a group, essentially united in their outlook and purpose, and energetic in their leadership. Although composed of men with strong personalities and differing temperaments, there was remarkably little dissension among them concerning the policies to be pursued.<sup>213</sup> In addition, the freemen, and their deputies who came to share power with the assistants, were essentially in agreement with them as to the basic mission of the colony, the erection of a godly society.

With this goal in common, the assistants and freemen could agree on limiting an aspect of pure democracy: universal suffrage. Neither side disturbed a single provision of the settlement of 1630-31: freemen would be selected only from among church members. Going a step further, the General Court in 1635 passed an act in which only freemen (and therefore church members) would be allowed to vote in local elections.<sup>214</sup> Freemen, deputies, and assistants, while placing various emphases on the dangers of rule by the few, were in agreement with the principle

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<sup>212</sup> Wall, above n 138, 13.

<sup>213</sup> Ibid.

<sup>214</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 161.

that their experiment—their attempt to create a godly community—would have to be protected from the ungodly.

## 2. Rights Entrenched in Law

The non-arbitrary, participatory, godly conception of government was the Puritan cornerstone upon which the political institutions of the commonwealth were built. Religious beliefs had united with political theory and provided the main strands that held together the social fabric of the colony. In particular, the Puritan conception of a godly community led to a course of political action that limited the franchise to church members. To this end the freemen and assistants were in agreement, wanting to keep the colony in the hands of the godly. But while the Puritan experiment led to a panoply of political innovations in the new world, it did some borrowing, with adaptations, from what the colonists had known in England.

Specifically, when the freemen began to participate more directly in the government of the colony, they worked to ensure that their elected rulers abided by established and published laws. As early as 1635, Winthrop recorded in his journal:

The deputies having conceived great danger to our state, in regard that our magistrates, for want of positive laws, in many cases, might proceed according to their discretions, it was agreed, that some men should be appointed to frame a body of grounds of laws, in resemblance to a Magna Carta, which, being allowed by some of the ministers, and the general court should be received for fundamental laws.<sup>215</sup>

While the visible saints were to have a technical monopoly on the franchise, codified political rights for all inhabitants were to be established in order to destroy any lingering vestige of arbitrary government.

To this time, the assistants used the Bible as a guide in order to dispense punishments. This was a logic the freemen could not deny. There was a consensus that the fundamental law in a godly community should be the law of God, as found in the Bible. However, the freemen came to believe that the Bible left too much to the assistants' discretion. The assistants, for their part, were not as eager to proceed with the adoption of a body of laws. This was not because they were a power-hungry oligarchic clique. Rather, as Winthrop noted in detail, he and others wished to delay for two reasons, which relate to English tradition:

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<sup>215</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 323.

1. One was, want of sufficient experience of the nature and disposition of the people, considered with the condition of the country and other circumstances, which made them conceive, that such laws would be fittest for us, which should arise pro re nata upon occasion, [etc.,] and so the laws of England and other states grew, and therefore the fundamental laws of England are called customs, consuetudines.

2. For that it would professedly transgress the limits of our charter, which provide, we shall make no laws repugnant to the laws of England, and that we are assured we must do. But to raise up laws by practice and custom had been no transgression; as in our church discipline, and in matters of marriage, to make a law, that marriages, would not be solemnized by ministers, is repugnant to the laws of England; but to bring it to a custom by practice for the magistrates to perform it, is no law made repugnant, [etc].<sup>216</sup>

As George Lee Haskins has noted, and as the above passage illustrates, in the area of *law*, the Puritans relied heavily upon the English model.<sup>217</sup> However, such emphasis should not obscure the elements of Puritan thought also evident in the desire to establish a body of laws. Recall that the Puritan movement was founded in reaction to repression and sensitivity to arbitrariness. In addition, a body of laws would crystallize the Puritans' ideal of the covenant by embodying in contract-form clear rules of social justice.

With mounting pressure, therefore, a committee, headed by John Cotton, was appointed to frame a body of laws in 1636. Composed of assistants and ministers, it was 'to make a draught of laws agreeable to the word of God, which may be the Fundamentals of the commonwealth, and to present the same to the next General Court'.<sup>218</sup> In the meantime, the assistants were to mete out justice 'according to the laws now established; and where there is no law, then as near the law of God as they can'.<sup>219</sup>

In the following year, Cotton finished his code of fundamental laws, entitled, *A Model of Moses, His Judicials*. He presented it to the General Court, which

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<sup>216</sup> Ibid 388-389.

<sup>217</sup> See above n 22.

<sup>218</sup> Morison, above n 25, 227.

<sup>219</sup> Ibid.

respectfully received the work, but did not find it entirely acceptable.<sup>220</sup> There is no record of the discussion on it or why the General Court refused to accept it. However, it seems possible that the General Court rejected the document because it smacked of theocratic rule. Drawing directly from the Bible, Cotton made certain that the code's provisions were supported by scripture in order to prove that the government would rule in harmony with God's law.<sup>221</sup> But perhaps most objectionable to the deputies was a provision which provided that the assistants 'be chosen for life'.<sup>222</sup> Here Cotton put forward his idea of life tenure for assistants, which the freemen had already repudiated.

During 1637, the General Court was so busy with the Pequot war and the Hutchinson controversy that the matter of the body of laws was allowed to rest. By the spring of 1638, the General Court asked the freemen to assemble in their respective towns and draw up a list of 'such necessary and fundamentall lawes as may bee sutable to the times and places whear God by his providence hath cast us'.<sup>223</sup> Evidently, the freemen were to have direct participation in the establishment of a set of fundamental laws. While not all towns acted upon this grass-roots suggestion, eventually a large committee was established by the General Court to make 'a compendious abridgment' of the laws considered.<sup>224</sup> While little is known about this committee's workings, it is known that Nathaniel Ward, a committee member, compiled a set of laws drawing on the towns' contributions. Together with Cotton's code, both drafts were submitted to the General Court in November of 1639 for consideration.

Instead of rejecting one code and accepting the other, the General Court ordered that a new committee be established to combine both codes into one. Winthrop, a member of the committee, stated that the two codes were

digested with divers alteration and additions, and abbreviated and sent to every town, to be considered of first by the magistrates and elders, and then to be published by the constable to all the people, that if any man should think fit, that any thing therein ought to be altered, he might acquaint some of the deputies therewith against the next court.<sup>225</sup>

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<sup>220</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 240-241.

<sup>221</sup> Morison, above n 25, 226-229.

<sup>222</sup> Ibid 228-229.

<sup>223</sup> Ibid 229.

<sup>224</sup> Ibid.

<sup>225</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 389.

Like elsewhere in the godly community, democracy and theocracy were to be synthesized. The freemen would have their legal code and the assistants and ministers would be moved to compromise their authority ‘to satisfy the people’.<sup>226</sup> The resulting compendium, the *Body of Liberties*, did its best to balance religious orthodoxy with popular rights.<sup>227</sup> While it recognized that all law originates with God, and contained elements of *Moses, His Judicials*, the selection was carefully based on universal morality, rather than on the harsh ordinances of the Bible.<sup>228</sup> Moreover, as Winthrop noted, the real basis for the final product was Ward’s code, and his point of departure was not so much the Bible, but English common law.<sup>229</sup> This was evident in the preamble to the *Body of Liberties*, which illustrated the blending of liberty and authority in an organic godly community:

The free fruition of such liberties, Immunities, and priveleges as humanitie, Civilitie, and Christianitie call for as due to every man in his place and proportion without impeachment and infringement hath ever bene and ever will be the tranquillitie and Stabilitie of Churches and Commonwealths. And the deniall or deprivall thereof, the disturbance if not the ruine of both.

We hold it therefore our dutie and safetie whilst we are about the further establishing of this Government to collect and expresse all such freedoms as for present we foresee may concerne us, and our posteritie after us, And to ratify them with our sollemne consent.

Wee doe therefore this day religiously and unanimously decree and confirme these following Rites, liberties and priveleges concerning our Churches and Civill State to be respectively impartiallie and inviolably enjoyed and observed throughout our Jurisdiction for ever.

1. No mans life shall be taken away, no mans honour or good name shall be stayned, no mans person shall be arested, restryained, banished, dismembered, nor any wayes punished, no man shall be deprived of his

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<sup>226</sup> Ibid.

<sup>227</sup> The *Body of Liberties* was not adopted by the General Court until 1641. Morison, above n 25, 230.

<sup>228</sup> Although Cotton’s *Moses, His Judicials* was not adopted in Massachusetts Bay, John Davenport, a friend of Cotton, took a copy of the code with him to New Haven where it served as the colony’s constitution in the first quarter-century of its existence. See Morison, above n 25, 229.

<sup>229</sup> John Winthrop, *The History of New England*, vol 2, above n 111, 66.

wife or children, no mans goods or estaite shall be taken away from him, nor any way indammaged under color of law or Countenance of Authoritue, unlesse it be by vertue of equitie of some expresse law of the Country waranting the same, established by a generall Court and sufficiently published, or in case of the defect of a law in any particuler case by the word of God.<sup>230</sup>

With the *Body of Liberties* came the culmination of the establishment of fundamental rights for the inhabitants of Massachusetts Bay. With its passage, the freemen put an end to their fear of arbitrary government. The rulers, for their part, had reduced the possibility of the formation of a pure democracy or rule by the ‘mob’.

Just as importantly, the *Body of Liberties* was a departure from the relative limits placed on authority in England during this same period. It constituted a truly democratic innovation primarily by championing civil rights and limited the assistants’ judicial powers through a written constitution. For example, in general, many of the provisions in the *Body of Liberties* were more humane than those in English common law. The rights of servants were humanitarian in character; lashes inflicted for punishment were limited to forty; and the capital laws were more lenient than the contemporary practice in England.<sup>231</sup>

Furthermore, theft was not punishable by death, although in England robbery, burglary, and larceny over the value of one shilling were capital felonies.<sup>232</sup> Cruel and barbarous punishments were forbidden, as was torture, except on a convict for a capital offense to discover accomplices, in which case the torture was not to be ‘barbarous and inhumane’.<sup>233</sup>

Feudal dues were also prohibited, complete testamentary liberty was guaranteed, and foreigners were assured the equal protection of the laws. Indeed, the *Body of Liberties* provided that ‘everie man shall have libertie to complaine to the Generall Court of any Injustice done him in any Court of Assistants or other’.<sup>234</sup> Whether a man be ‘[i]nhabitant or foreigner, free or not free,’ he was allowed to attend any

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<sup>230</sup> Morison, above n 25, 231.

<sup>231</sup> Ibid 232.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid.

<sup>234</sup> Rutman, *Winthrop’s Boston*, above n 72, 236.

court, council or town meeting and propose consideration of his case ‘in convenient time, due order, and respectful manner’.<sup>235</sup> In all such cases, the defendant was given the privilege ‘to put himself on the court’ to avoid a jury verdict.<sup>236</sup>

Penalties were not fixed except for capital laws; indeed, penalties were very rare in the early statutes of Massachusetts Bay. This was in accordance with Winthrop’s and the assistants’ belief that justice could best be secured by considering each case on its own merits, as well as on the grounds that the Bible prescribed few fixed penalties except for capital crimes.<sup>237</sup>

Other features of the *Body of Liberties* were also peculiar to the Puritans of Massachusetts Bay. Payments for legal defense were forbidden; crops or vegetables in the field or garden could not be taken from someone in distress; and taxes could not be levied on a man for property that ‘he hath in England, or in any foreign partes’.<sup>238</sup>

Monopolies, which the Puritans were striving against in England, were prohibited. But the greatest limit on authority came with the right of the freemen to elect any of their body to the magistracy and refuse to re-elect them without cause.<sup>239</sup> This limit on a ruling authority was also carried over into the religious sphere where the congregational way and church government was protected against the encroaching jurisdiction of church councils and synods.<sup>240</sup>

The *Body of Liberties* was also well ahead of its time in the area of women and animal rights. While the common law authorized a man to chastise his wife with a ‘reasonable instrument,’ the *Body of Liberties* declared that ‘[e]verie married woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his own defense upon her assault’.<sup>241</sup> And, although animals received no protection under English law, ‘The Brute Creature’ was given a section of its own in the *Body*

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<sup>235</sup> Ibid 160.

<sup>236</sup> Morison, above n 25, 233.

<sup>237</sup> George Lee Haskins, ‘The Government of the Massachusetts Bay Colony, 1630-1650’ in Sydney V James, (ed), *The New England Puritans* (Harper and Row, 1968) 73, 82.

<sup>238</sup> Morison, above n 25, 233.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid 234.

of *Liberties*. Clearly, the Puritan compilation of fundamental laws was enlightened, and it would have done credit to any Commonwealth in the seventeenth century.

As for theocracy, the *Body of Liberties* clarified what had already been practiced.<sup>242</sup> Massachusetts Bay was established as a model godly community and not as a theocracy. On this point, the *Body of Liberties* was emphatic. Law 58 stated that '[c]ivill Authoritie hath power and libertie to see the peace, ordinances and Rules of Christ observed in every church according to his word, so it be done in a Civill and not in an Ecclesiastical way'.<sup>243</sup> A subsequent section limited church authority by decreeing: 'All churches have liberty to deal with any of their members in a church way,' but the church had no power to 'retard or hinder' the course of civil authority.<sup>244</sup> To ensure this absence of ecclesiastical interference, the *Body of Liberties* also boldly stated that '[n]o church censure shall degrade or depose any man from any Civill dignitie, office or Authoritie he shall have in the Commonwealth'.<sup>245</sup> In the case of a jurisdictional dispute, the General Court would have the sole power to interpret the matter.

Thus, by the end of the first decade, a fine balance had been struck between the ruling authorities, the ministers, and a godly democracy. In this model community, the line between church and state had been drawn to the extent that the freemen selected rulers and shared in the making of laws, while the officials usually retained power through entrenched concepts relating to Puritan theology. For these reasons, the freemen never sought to overturn the power of their assistants, for it was their destiny to rule. But this rule was to be limited, and the rights of the ruled, now codified in law, were not to be threatened.

By 1640 the freemen, as well as the inhabitants, enjoyed unprecedented political rights, especially for the freemen in the area of direct political participation. More importantly to the Puritans, by living up to godly ideals in their communal lives,

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<sup>242</sup> John Cotton, for example, recognized that Massachusetts Bay was not a theocracy in his letter to Lord Say and Seal. He stated: 'that magistrates are nether chosen to office in church, nor doe governe by directions from the church, but by civill lawes'. Miller and Johnson (eds), *The Puritans*, above n 24, 210. Evidence of this separation between church and state is also contained in Winthrop's 'Model of Christian Charity' where the settlers sought 'to seek out a place of cohabitation and consortship under a due form of government *both civil and ecclesiastical*' (emphasis added). Heimert and Delbanco (eds), above n 40, 89.

<sup>243</sup> Aaron B Seidman, 'Church and State in the Early Years of the Massachusetts Bay Colony' (1945) 18 *New England Quarterly* 211, 216.

<sup>244</sup> Seidman, above n 243, 216.

<sup>245</sup> Ibid 216-217.

God's covenant with these members was upheld. It is now necessary to examine the affairs of Boston, to determine the extent to which the members of that town, in the first decade, satisfied these same Puritan ideals.

## **V. POLITICAL PARTICIPATION IN BOSTON**

The political developments during the first decade in the history of the General Court have shown how the Puritan ideal of godliness accommodated itself to democracy. An examination of political practices in the town of Boston during this same period should reveal similar developments. The town and the colony should essentially mirror one another with popular innovations stemming from the Puritan quest for the erection of a holy community.

### **A. Town and Church Established**

The founders of Massachusetts Bay were also, for the most part, the founders of the town of Boston. Primarily for this reason there was initially no sharply defined line separating the powers which the town or colony might exercise. In addition, the distinction between town and church organization in the early years of Boston was essentially nonexistent. The limitations of each developed by slow degrees, formal separation seeming to be a natural development rather than a premeditated effort. But this correspondence of church and community was part of the Puritan ideal of godly unity reflected in Winthrop's speech aboard the *Arbella*.

In order to retain communal unity, one of the first acts of the General Court was to prevent dispersal. On September 7, 1630, it ordered that 'noe p[er]son shall plant in any place within the lymitts of this Pattent, without leave from the [Governor] and Assistants, or the major [part] of them'.<sup>246</sup> This order came after a small succession of groups moved across the river from the Charlestown encampment and settled on Shawmut. When Winthrop moved to Shawmut in September of 1630, this attracted even more people from Charlestown, and by mid-October the town had a population of approximately 150.<sup>247</sup>

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<sup>246</sup> John F Cronin and John Noble (eds), *Records of the Court of Assistants of the Colony of the Massachusetts Bay 1630-1692* (County of Suffolk, 1901-1928) vol 2, 4.

<sup>247</sup> Rutman, *Winthrop's Boston*, above n 72, 29.

During these initial months, the emerging towns were governed by local leaders, like Winthrop, who were accepted as superiors in the community and respected for their offices in the Company structure. Acting as justices of the peace, together with the body of assistants, they tried civil and criminal suits and generally regulated town life.<sup>248</sup> While this group assumed leadership roles in the new towns by virtue of their status, their authority was, nevertheless, soon challenged. In the case of Boston, the inhabitants were to form a parallel locus of power to serve as the local arbiter. This group was organized first as the religious congregation, but soon evolved into the corporate town itself.

As noted earlier, the exact form of church polity the Puritans were to establish in New England was not yet determined when the first fleet set sail from England in 1629. While most Puritans seemed disposed towards congregationalism, this form of church government was not fully developed in England. They had, however, taken care to obtain ministers to serve the spiritual needs of the settlers. Under the peculiar Puritan proclivity to contract, two ministers, George Phillips and John Wilson, sailed under a written agreement with the Winthrop fleet. Both were to be consummate Puritans in New England. Phillips was familiar with congregational theory in England, and Wilson had been a student of Paul Baynes, a minister who had preached against hierarchy and the mixture of the godly and ungodly in the churches.<sup>249</sup>

The Court of Assistants, meeting on August 23, 1630, ordered that houses be built for the ministers 'at the public charge' and that they receive an annual salary.<sup>250</sup> On this same date, the assistants also established communal support for William Gager, a man of 'godliness and abilities in the art of Churchery'.<sup>251</sup>

The attempt to establish a church in the new town of Boston has the potential to reveal the political biases of the community leaders. If there was an oligarchic propensity in this group, a hierarchical design of church polity would be anticipated, with power and control of the church in the hands of a few. Theocratic propensities would be revealed by a church organization that allowed for the control of civil affairs by church officials. English traditions would be

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<sup>248</sup> Ibid 43-44.

<sup>249</sup> Ibid 52.

<sup>250</sup> Cronin and Noble, above n 246, 1-2.

<sup>251</sup> Winthrop, *The Winthrop Papers*, vol 2, above n 63, 199. See also Cronin and Noble, above n 246, 2.

evident by practices that imitated the old-world parish. Finally, a democratic church would have all members direct its affairs.

As its history indicates, the establishment of the church in Boston illustrates a process of political organization that paid little heed to oligarchy, theocracy, British traditions, and democracy. Instead, the leaders and community members sought to erect a model church that would be maintained by the godly. While their fundamental criterion for political organization was godliness, in the process of attempting to achieve this end, they often synthesized divergent political concepts and inadvertently reinforced democratic ideals. For example, the inhabitants relied upon English tradition when it came time to decide on the institutional form of church polity, leaving this decision with their leaders. In England, the villager tended to accept the form of worship used ‘from his landlord,’ the gentry.<sup>252</sup> To the advantage of the inhabitants, the leaders of New England came to choose a form of church organization that would admit the godly, regardless of socio-economic status, an unintentional democratic measure that cut vertically through class ranks.

### **B. The Covenant**

In 1630, when the community leaders were left to discuss the question of church organization on behalf of the settlers, they were heavily influenced by the unique features of the congregational churches recently established in Salem and Plymouth. Winthrop, and others, were already familiar with the Biblical notion of the covenant between God and His people. Winthrop, having spoken of the covenant in his *Arbella* speech, was also to write, ‘[i]t is the nature and essence of every society to be knitt together by some Covenant, either expressed or implied’.<sup>253</sup> As John Cotton would write, covenants could be utilized for a variety of purposes. They were not,

peculiar to the Paedagogy of the Old Testament, for it is evident by the light of nature, that all civill Relations are founded in Covenant... There is no other way given whereby a people... free from naturall and compulsory engagements, can be united or combined together into one visible body ... but only by mutual Covenant; as appeareth between husband and wife in

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<sup>252</sup> Rutman, *Winthrop’s Boston*, above n 72, 49.

<sup>253</sup> Rutman, *Winthrop’s Boston*, above n 72, 50, quoting Winthrop to Henry Paynter, 1640, Winthrop Papers, IV, 170.

the family, Magistrates and subjects in the Commonwealth, fellow Citizens in the same Citie.<sup>254</sup>

The leaders, therefore, had little difficulty in applying the idea of the covenant, with its inadvertent democratic proclivities, to the formation of a church polity. Under covenant the congregation would have the power to determine its own affairs, especially in its election of officers and in the control of church property. However, the admission of the incorrigible into the church would put it in danger. But a covenant church would have inherent control if ‘such godly persons that are amongst them and known each to other’ were to form the initial congregation, entering ‘into covenant with the Lord to walk in his ways’.<sup>255</sup>

On August 27, 1630, the Boston church covenant was drafted, which also established general rules for town affairs. Essentially, it was to be an agreement among the godly inhabitants to abide by certain rules and was to be signed by all members of the First Church. The first rule seemed the most important to the town, expressing the desire for unity in religion. It is quoted in full:

In the name of our Lord Jesus Christ & in Obedience to His holy will & Divine Ordinance.

Wee whose names are herevnder written, being by His most wise, & good Providence brought together into this part of America in the Bay of Massachusetts, & desirous to vnite our selves into one Congregation, or Church, vnder the Lord Jesus Christ our Head, in such sort as becometh all those whom He hath Redeemed, & Sanctified to Himself, do hereby solemnly, & religiously (as in His most holy Proesence) Promise, & bind o’selves, to walke in all our wayes according to the Rule of the Gospell, & in all sincere Conformity to His holy Ordinaunces, and in mutuall love, & respect each to other, so near as God shall give vs grace.<sup>256</sup>

The covenant was immediately signed by the leaders of the community<sup>257</sup> and others were admitted in quick succession. Its intention seems to have been to admit all but the most incorrigible into church membership, so there would be a

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<sup>254</sup> Rutman, *Winthrop’s Boston*, above n 72, 50, quoting John Cotton, *The Way of the Churches of Christ in New-England* (London, 1645), 4.

<sup>255</sup> Rutman, *Winthrop’s Boston*, above n 72, 53, quoting Fuller and Winslow to Bradford and others, July 26, 1630, Mass Hist Soc, *Collections*, 1st Ser, 3 (1794), 75-76.

<sup>256</sup> George E Ellis, *History of the First Church in Boston, 1630-1880* (University Press: John Wilson and Son, 1881) 3.

<sup>257</sup> This included John Winthrop, Issac Johnson, John Wilson, and Thomas Dudley.

correspondence between church and community. This was part of Winthrop's ideal of town unity. For this reason, the covenant did not imply the creation of a religious elite removed from the generality. Instead, the covenanters wrote that they were 'desirous' of forming a church, promising to bind themselves to walk in godly ways. In the formation of the church, the covenanters promised the inhabitants of the town that they would admit anyone 'as shall appear to be fitly qualified'.<sup>258</sup> The prospective member would be evaluated on the basis of conduct and religious faith. Conduct and faith being products of instruction, the covenant had the potential to bring all community members into the church, fulfilling the Puritan ideal of creating a godly and organic society, with each individual part nurturing and contributing to the whole.

### C. The Franchise

An important feature implicit in the covenant was that church membership was to be a prerequisite for full political rights, which included no reference to property. In this way, the political practices traditional in seventeenth century England seem to have been overturned. As a result, men without property, or with less property than required for the franchise in England, were legally entitled to vote and hold office, since they were of the godly class. While the existence of a franchise based on a religious rather than a property test inadvertently led to a levelling tendency, the religious qualification initially was not regarded as a device to create a wide suffrage. While it indirectly reinforced democratic ideals, its main purpose was to keep political control of the town in the hands of the godly.

The Puritan notion of godliness was, however, extensive enough to transcend social ranks, so privileges and duties associated with residence within the community were conferred to all men. Every adult male participated in communal affairs and held office when called upon. As heads of families, they all shared in the distribution of town land, and let their livestock graze on those lands that the town held in common. The community also extended protection and care for the sick and all contributed to the support of the town, church, and commonwealth.

That initially the Puritan notion of godliness led to a levelling tendency in Boston was exemplified by the proportion of church membership to the total populace. While the exact ratio is difficult to determine due to poor records, an

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<sup>258</sup> Rutman, *Winthrop's Boston*, above n 72, 56, quoting the covenant in First Church Records, and Fuller and Winslow to Bradford and others, Mass Hist Soc, *Collections*, 1st Ser, 3 (1794), 75.

approximation can be made. From 1630 to 1635 the population of the town grew from 175 to 575.<sup>259</sup> Excluding children, of the identifiable 131 men and women who came and remained in the town in 1630, 71 were listed as members of the First Church before September, 1633.<sup>260</sup> By 1633, therefore, approximately 54 percent of the adult residents of the town were church members.

Perhaps more important than the ratio of church members to town population was family representation in the church. Of the 45 families arriving and remaining in the town in 1630, 42, or 93 percent were represented in the church by at least one adult member.<sup>261</sup> Indeed, church membership was initially so important in the community that in the first decade, no major officeholder or prominent community member remained outside the church, with the exception of the merchant John Coggan, and even he was represented in the church by his wife, daughter, and nephew.<sup>262</sup> As for the less prominent town members, they too were represented in the church, coming from all levels on the social hierarchy, including merchants, coopers, farmers, and laborers; even Blacks and Indians were not expressly excluded.<sup>263</sup> Bound servants and apprentices were also assimilated into the community through the church, and in the first decade, 61 servants were admitted to church membership.<sup>264</sup>

A further indication of the variety on the social hierarchy represented in the town and church can be made by noting the occupations listed by the incoming settlers. The most common occupational designations in mid-decade were 'mercier,' 'draper,' 'carpenter,' 'joiner,' 'tailor,' 'glover,' 'miller,' 'shoemaker,' and 'tanner'.<sup>265</sup> While not all incoming settlers became church members and freemen, this preponderance of laborers in the town is further evidence that participation in the political affairs of the town was open to all 'good, just and honest' men.<sup>266</sup>

In the years following 1635, the proportion of church members to total adult population, and the family/church ratio decreased slightly until the Hutchinsonian controversy in 1637. This crisis caused the expulsion of many church members and the delay of new communicants at a time when the town's population began

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<sup>259</sup> Rutman, *Winthrop's Boston*, above n 72, 57-58, 147-148.

<sup>260</sup> *Ibid* 145, nn 21.

<sup>261</sup> *Ibid* 58.

<sup>262</sup> *Ibid* 146.

<sup>263</sup> *Ibid* 139.

<sup>264</sup> *Ibid* 139. See also Morgan, *The Puritan Family*, above n 127, 123.

<sup>265</sup> *Ibid* 140.

<sup>266</sup> Miller, *Errand Into The Wilderness*, above n 96, 149.

to surge. From 1637 to 1640 the town's population shot upwards, doubling from 1000 to 2000 in the course of four years. During this same period, only 76 members were added to the church membership list, an increase that was essentially nullified by the exiled Hutchinsonians. It would be at least a decade before the churches in Boston would be able to absorb into membership the town's swelling population. But by the 1650s, about half of the male population in Boston were church members.<sup>267</sup> In the interim, innovative procedures would be implemented to accommodate those worthy town residents, who were not church members, but who sought to participate in the town's political affairs.

#### **D. Political Adaptation**

After 1637, the population explosion helped lead to a divergence between community and church. With this rapid growth, the homogeneity of the town began to give way to heterogeneity. In recognition of this transformation, the town sought to maintain communal unity. As early as 1635, town citizenship was made contingent upon membership in the church, as commonwealth citizenship had been earlier. This was an action on the part of the General Court, which placed conditions upon participating in town affairs for the first time by ordering that 'none but freemen shall have any vote in any towne, in any action of authority ... as receiveing inhabitants, and laying out of lotts'.<sup>268</sup>

Also in 1635, there was a large segment of the town absenting themselves from the Church on the Sabbath. Acting on behalf of Boston and other towns, the General Court made attendance mandatory upon pain of a fine or imprisonment.<sup>269</sup> Furthermore, in this year the town had been proceeding on the assumption that only freemen were involved in land distribution, but now it resolved that only those 'likely to be received members of the Congregation' were to be granted town land.<sup>270</sup>

The main purpose of these regulations was not to keep power in the hands of an oligarchic few, but to help restore the earlier godly homogeneity of the town in the face of growing diversity. Even more than an attempt to return to a bygone

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<sup>267</sup> Rutman, *Winthrop's Boston*, above n 72, 145, nn 21 and 147.

<sup>268</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 140.

<sup>269</sup> Ibid.

<sup>270</sup> Ibid. See also John Winthrop, *The History of New England*, vol 1, above n 152, 122.

religious age was the desire to foster godliness within the existing community. By 1635, the church was not an exclusive body, for the idea of conversion was strong, reinforcing egalitarian values by attempting to entice all types of men into membership. But after the Hutchisonian affair in 1637 and the simultaneous population explosion, the ready acceptance of new members into the church became a relic of the past.

As always, membership was based, not on social rank, but on godliness. However, the definition of godliness became narrower in scope, and now excluded those with pious enthusiasm of the Hutchisonian brand. ‘Be very careful in admission of members’, Winthrop wrote to his son at Ipswich, ‘[t]here be some of these newe opinions that will simulare and dissimulare beyond expectation, to gett into our churches’.<sup>271</sup> In Boston, potential members were required to speak extensively of their ‘knowledge in the principles of religion, and of their experience in the wayes of grace, and of their godly conversation amongst men’; those found ‘ignorant, and graceless, or scandalous’ were refused.<sup>272</sup>

An indication of the shift to a narrower conception of godliness is also evident in the renewed First Church covenant of 1636. The first covenant had expressed the hope of following God’s will; the renewed covenant, while expressing a ‘deep acknowledgment of our great unworthiness’ was quick to establish that the congregational members were God’s ‘Covenant people’ bound together to walk ‘as a right ordered Congregation, and church of Christ, in all ways of His worship according to the holy rules of the word of God’.<sup>273</sup>

As a result of this growing discrepancy between church and town, the Church turned inward and began to shun its social function. In the process, it is likely that the secular components of Puritan congregational theory began to separate from this religious body of thought. Before 1635, the Church screened men for the community. After this date, it gradually became an esoteric unit within the larger community and became less inclined to consider itself the guardian of public morality.

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<sup>271</sup> Rutman, *Winthrop’s Boston*, above n 72, quoting Winthrop to John Winthrop, Jr, *Winthrop Papers* (Jan 31 1637/38) IV, 10-11.

<sup>272</sup> Rutman, *Winthrop’s Boston*, above n 72, 144.

<sup>273</sup> Winthrop, *The Winthrop Papers*, vol 3, above n 109, 223-225.

In the second half of the decade, the Church ended the disciplining of town offenders and stopped advising magistrates and others in community affairs. When Winthrop and his group first settled Shawmut, the Church and town were essentially two facets of the same community, and a crime against one was a moral offense within the jurisdiction of the other. Often, disputes between town residents were settled by arbitration within the Church, without recourse to the assistants. It was with this type of organic community in mind that at a general meeting in 1635 the town ordered that ‘none of the members of this congregation or inhabitants among us shall sue one another at law before that Mr. Henry Vane and the two Elders [...] have had the hearing and desyding of the cause if they cann’.<sup>274</sup>

After 1635, the Church still gave advice on public affairs, but the demarcation between religious and secular spheres was becoming increasingly distinct. By 1640 Cotton could write that ‘[t]he government of the church is as the Kingdom of Christ is, not of this world, but spiritual and heavenly [...] the power of the keys is far distant from the power of the sword’.<sup>275</sup>

As originally conceived, the Puritan organic community had a common goal: ‘The Establishment of pure Religion, in doctrine, worship, and government, according to the word of God: As also in the reformation of all corruptions in any of these’.<sup>276</sup> Thus, the Church insisted upon ‘sweet and wholesom laws’ and ‘civil punishments upon the wilful opposers and disturbers’ of the community.<sup>277</sup> To a disinterested observer, it would appear as though ‘Moyses and Aaron ...magistrate and minister, in church and common[wealth]’ were walking ‘hand in hand, discountenancing and punishinge sin in whomsoever, and standinge for the praise of them that doe well’.<sup>278</sup> But for public affairs like ‘the disposing of mens goods or lands, lives or liberties, tributes, customes, worldly honors, and inheritances’— ‘in these the Church submitteth, and referreth it self to the civill state’.<sup>279</sup>

The First Church’s inward movement towards ‘tribalism’<sup>280</sup> was inevitable considering that eventually, the number of unregenerate who came to settle in Massachusetts Bay with the godly eventually became too great a number to deprive

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<sup>274</sup> Rutman, *Winthrop’s Boston*, above n 72, 154.

<sup>275</sup> Ibid, quoting John Cotton, *Way of the Churches of Christ in New England* (1640-1641).

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid 155, quoting John Cotton, *Way of the Churches of Christ in New England* (1640-1641).

<sup>279</sup> Ibid.

<sup>280</sup> This term was coined by Morgan, *Puritan Family*, above n 127, 168-186.

of community rights. Indeed, the eligible voters, it is estimated, amounted to about twenty to twenty-five percent of the total population by the end of the first decade.<sup>281</sup> While this figure has been challenged,<sup>282</sup> it seems clear that by mid-decade, the godly in the town of Boston were in a minority. Consequently, the godly founders of the town decided that they should retain formal control of the government, as they had failed to do in England. In the new world, if they had not escaped from the company of worldly men, they at least gained formal political power over them. Again, the guiding principle in politics was not to establish a democracy, theocracy, oligarchy, or a derivative from English tradition; godliness was the primary organizational factor in the development of the political institutions of the Puritans.

While godliness directed the governing institutional focus in Boston, it also inadvertently reinforced democratic and republican ideals. If godliness cut through class distinctions to enable all qualified men to participate directly in the political process, it also led to the indirect political involvement of the ungodly. Even the most rigidly orthodox Puritans betrayed suspicions that all men were somehow competent, responsible, and potentially salvageable, so the way to salvation was open to all without regard to political, economic, or social standing. By its very nature, this Puritan logic put individual judgement in place where previously more traditional modes of thought had put the judgment of authority. In this way, the Puritans stressed the competence of the individual and this, in turn, opened the door to political equality.

Environmental factors also contributed to the fostering of political participation among the less-than-godly. Though by no means the intent of the Puritan enterprise, a democratic spirit evolved in the town because of the essential equality of condition to which all men were reduced in the wilderness settlement. Both gentlemen and servants were forced out of necessity to labor in the fields and build and provide for a home. This process not only helped to level distinctions, but also compelled familiarity in social intercourse. In addition, the atmosphere of exile and the decay of the sense of loyalty to the English monarch, were indirect contributions to the growth of common interests among all inhabitants, which helped to offset the disparity between the godly and the unregenerate.

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<sup>281</sup> Ibid 171. See also Miller and Johnson (eds), *The Puritans*, above n 24,191; See also Morison, above n 25, 379-386. Katherine Brown notes, however, that after the church requirement for the vote was dropped in 1664, the number of freemen amounted to about 61 percent of all adult men in Boston by 1679. See Brown, 'Freemanship in Puritan Massachusetts', above n 145, 881-883.

<sup>282</sup> See especially Morison, above n 25, 379.

### ***E.* Growth of Political Participation**

Towards the end of the first decade, the town decided it had to establish a new framework by which it could deal with those new settlers and non-church members who sought political rights. While the godly would retain formal control over the affairs of the town, worthy inhabitants were to be granted limited political privileges. But in order to retain control over the residents, the town assumed the right to judge the character of potential townsmen and refused to allow a newcomer 'to take up his dwelling in the vill, without the express permission of the community'.<sup>283</sup> While only a portion of the town was to be occupied by the godly, at least the incorrigible would be kept outside the community. As a further measure, in 1635 the town passed an ordinance requiring the approval of the town's authorities for the sale of any town land by a settler to a 'stranger'.<sup>284</sup> The following year, the town empowered the newly created selectmen, who were elected by the community to run mundane town affairs, to oversee 'all comers in unto us' and they subsequently prescribed that 'no Townsman shall entertain any strangers into their houses for above 14 days, without leave' from the selectmen.<sup>285</sup>

### ***F.* Inhabitants and Political Participation**

In order to provide the rights and privileges of town citizenship to worthy residents who were not necessarily church members or freemen, a new status of 'inhabitant' was established. Occupying a subordinate position, inhabitant status theoretically allowed the individual, as Cotton stated, the rights of 'freedome of commerce and inheritance of such land as the generall courte or the severall townes wherein they dwell shall allot unto them'.<sup>286</sup> However, in practice, the right to own land in the town was conferred with inhabitantship. Along with this status came the privilege of using the town land or 'commonage' for the grazing of cattle: all 'those who are admitted ... to be inhabitants ... have equall Right of Commonage in the towne'.<sup>287</sup>

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<sup>283</sup> Haskins, *Law and Authority in Early Massachusetts*, above n 22, 78.

<sup>284</sup> Rutman, *Winthrop's Boston*, above n 72, 156.

<sup>285</sup> Shurtleff (ed), *Colony Records*, vol 5, above n 129, 88; 'The Charter of the Colony of Massachusetts Bay in New England', in Nathaniel B Shurtleff (ed), *Records of the Governor and Company of the Massachusetts Bay in New England* (Williams White, 1853-54) vol 5 (II) 177-178.

<sup>286</sup> Rutman, *Winthrop's Boston*, above n 72, 158.

<sup>287</sup> *Ibid* 159.

More importantly, participation in town government became associated with inhabitantship. While the criterion of godliness was required for the right to vote, it appeared that the inhabitant was allowed a voice in public affairs at the town level. Although salvation might evade the bulk of the inhabitants in the eyes of the godly, they were deemed worthy enough community members and, hence, were allowed certain political privileges.

For example, throughout this period, Boston's town meetings appear to have been an open body. The usual notice for the meeting was stated in the following terms: 'a Generall meeting upon Publique notice or Warning,' a phrase that suggests that it included more than the visible saints.<sup>288</sup> In another example, the record of May 13, 1639 states: 'Att a Generall Meeting upon a particular or private Generall notice giveing from house to house'.<sup>289</sup> At this meeting both deputies to the General Court and selectmen were elected. If the number of townsmen participating in these town meetings were limited to freemen, the notice would probably not have been given from house to house. Furthermore, it was the townsmen who calculated the town's tax rates and divided the land, privileges that were technically reserved for only freemen.<sup>290</sup> These practices were not limited only to Boston. The records of Salem, Woburn, Watertown, and Dorchester reveal similar practices.<sup>291</sup>

There are also indications that political participation by non-freemen was a common occurrence at these meetings. For example, occasional entries in the town records, such as that in 1636, indicate that decisions affecting the town were not always made solely by the freemen, but were carried out with 'the consent of this Towne's inhabitants'.<sup>292</sup>

Not only did non-freemen participate in town elections, they were also elected to office. For example, William Hibbens was admitted an inhabitant in 1639 and elected a selectman to the General Court of that same year, even though he did not become a freeman until a year later.<sup>293</sup> Another selectman, Thomas Fowle,

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<sup>288</sup> Ibid 161.

<sup>289</sup> Brown, 'Freemanship in Puritan Massachusetts', above n 145, 870.

<sup>290</sup> Ibid.

<sup>291</sup> Brown, 'Freemanship in Puritan Massachusetts', above n 145, 865-883.

<sup>292</sup> Rutman, *Winthrop's Boston*, above n 72, 161.

<sup>293</sup> Registry Department of the City of Boston, *A Volume of Records Relating to the Early History of Boston, Contains Miscellaneous Papers*, vol 29 (Municipal Printing Office, 1900) 140. See also Rutman, *Winthrop's Boston*, above n 72, 161.

admitted to inhabitantship in 1639, was never recorded as a freeman.<sup>294</sup> Boston also elected William Tynge deputy in 1639 and later a selectman, but he cannot be found on the official list of freemen.<sup>295</sup> Similar practices are found in other town records.<sup>296</sup> Thus, it must be concluded that these inhabitants were regarded as active, worthy, and competent individuals in public affairs, even though they were not church members.

### G. Freemanship and Political Participation

A means to discover the limitations of freemanship is to discern the social classes represented by this group. It appears that freemen were representative of all rungs on the social ladder. Of special note is that the step from servant to church member and freeman seems to have been short and without difficulty, testifying to the broad social representation in political affairs. For example, Francis Dowse in 1639, ‘servant to our brother George Burdon,’ became an inhabitant of the town and a freeman a year later.<sup>297</sup> Another example is Thomas Joanes, ‘servant to Will[iam] Richardson’ who was given liberty to dispose of himself and was then made a freeman.<sup>298</sup> Finally, in October of 1639, John Robinson, ‘late servant to our brother Mr. Newgate’ was granted a house plot and became a freeman within two years.<sup>299</sup>

There is other evidence to suggest that freemanship was not restricted to a single social or economic class. John Martin, a ship-carpenter, and John Palmer, another town carpenter, became freemen soon after becoming inhabitants of the town.<sup>300</sup> Nor was carpentry considered a prestigious occupation in Puritan Boston. Contrarily, Winthrop noted in his journal that one gentleman from Watertown, ‘a rich man, a tanner,’ lost 200 pounds worth of goods when his barn burned

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<sup>294</sup> Boston Records, *supra* note 293, 140. See also Rutman, *Winthrop's Boston*, above n 72, 161.

<sup>295</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 366-79; Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (II), above n 285, 291-295.

<sup>296</sup> Brown, ‘Freemanship in Puritan Massachusetts’, above n 145, 871-872.

<sup>297</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 366-79.

<sup>298</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (II), above n 285, 127, 294.

<sup>299</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (I), above n 130, 378.

<sup>300</sup> *Ibid* 376, 378.

down.<sup>301</sup> This gentleman was neither a church member nor a freeman, and wrote a pamphlet objecting to the support of ministers by taxation.<sup>302</sup> Thus, the fact that servants and carpenters could become freemen, while a rich gentleman was excluded from such privileges, suggests that freemanship was not socially restrictive.

That freemanship had a large democratic component was noted in a famous letter by Nathaniel Ward, author of the *Body of Liberties*, to Winthrop. Believing the freemen to be too numerous and powerful, Ward, in 1639 asked:

That you would please to advise thoroughly with the counsel, whether it will not be of ill consequence to send the Court business to the common consideration of the freemen. I fear it will too much excoriate the power of that Court to prostrate matters in that manner. I suspect both Commonwealth and Churches have descended to low already; I see the spirits of people run high and what they get they hold. They may not be denied their proper and lawful liberties, but I question whether it be of God to interest the inferior sort in that which should be reserved *inter optimates penes quo est sancire leges*.<sup>303</sup>

Ward's primary concern was the great power and relatively low social status of the freemen, not the non-freemen. In addition, the fact that he uses the term 'people' synonymously with 'freemen,' suggests a broad suffrage. The General Court seemed to agree with Ward when, two years later, it contemplated a new order in elections because the freemen had grown 'to so great a multitude as will be over-burdensome to the country'.<sup>304</sup>

Perhaps the General Court, as well as others, had become increasingly sensitive to greater political participation by the populace because of the growing hazy distinction between the rights and privileges of town inhabitants as distinguished from *bona fide* freemen. This failure to demarcate the free from the non-free was illustrated by the General Courts' penalizing of townsmen for illegally participating in elections. While there was no record of Boston being fined, even though the town appears to have violated the division between free and non-free, Newbury's freemen were fined in 1636 'for choosing and sending to this Court a deputy which was no freeman'.<sup>305</sup> Concord was likewise fined in 1638 and the General

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<sup>301</sup> John Winthrop, *The History of New England*, vol 2, above n 111, 88-91.

<sup>302</sup> *Ibid* 88-91.

<sup>303</sup> Brown, 'Freemanship in Puritan Massachusetts', above n 145, 874.

<sup>304</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 333.

<sup>305</sup> *Ibid* 174.

Court eventually established a law to impose a standard fine upon ‘any man that is not free, putting in any vote’ for ‘the choice of any officer’.<sup>306</sup>

It seems that being closer to the inhabitants, the godly freemen would deem most non-freemen as worthy town members entitled to participate in the direction of town affairs, even insofar as the election of deputies to the General Court. However, the commonwealth government, for the time being, clung to the narrower definition of citizenship in terms of the church and attempted to enforce the laws which limited the franchise and political office to the freemen.

The tide and the practices with the inhabitants of the towns in the commonwealth were clearly flowing against the wishes of the General Court. This was illustrated by the case of George Bowers. This resident of Cambridge was hailed before the General Court ‘for putting in a vote on the day of election for Governor (he being no freeman),’ and was quick to admit his guilt, but added that he had been allowed to vote ‘every year since he came into these parts’.<sup>307</sup> It was for reasons such as these that Boston social critic at the turn of the decade, Thomas Lechford, an opponent of a democratic electorate, lashed out against the ‘electoral courses’ of the commonwealth, lauding the possibilities of the privileged ‘if that poplar elections destroy us not’.<sup>308</sup>

Unable to control this trend, the General Court gradually codified into law the democratic practices of the towns. The *Body of Liberties*, although not altering the franchise, indicated a shift in attitude on the part of the General Court, favoring the political participation of the non-freemen. Where the Court had declared its exclusive jurisdiction in admitting freemen, it now gave this right to local courts. More importantly, the law stated that anyone ‘whether inhabitant or foreigner, free or not free’ was allowed to attend any court, council, or public meeting and propose measures ‘in a convenient time, due order, and respective manner’.<sup>309</sup>

Finally, in 1647, the General Court formally recognized, and even praised, the political activity of the town inhabitant. Law inevitably came to match the reality of the preceding decade: ‘[t]aking into consideration the useful abilities of divers

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<sup>306</sup> Ibid 221; Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (II), above n 285, 48.

<sup>307</sup> Shurtleff (ed), ‘The Charter of the Colony of Massachusetts Bay in New England’ (II), above n 285, 279.

<sup>308</sup> Brown, ‘Freemanship in Puritan Massachusetts’, above n 145, 874.

<sup>309</sup> Ibid 870.

inhabitants amongst us, which are not freemen, which, if improved to public use, the affairs of the commonwealth may be easier carried on end, in the several towns [sic],’ the Court declared that the freemen would now be allowed to ‘make choice of such inhabitants [...] to have their vote in the choice of the selectmen for town affairs, assessment of rates, and other prudential proper,’ and to hold certain town offices, including that of selectman, with the caveat that the majority of selectmen were to be freemen.<sup>310</sup>

Limited though the franchise may appear in theory, in practice, worthy town inhabitants were given the means to participate politically in town and even commonwealth affairs. Had the letter of the law been enforced before 1647, none but the church members in full communion who had become freemen would have been given this right. While the number of godly members of the community declined in proportion to total population, however, by mid-decade the Puritan creed was in harmony with democratic precepts to allow for new, innovative means to be utilized to include the worthy or less-than-godly in the direction of political affairs. Although this development was to lead some to complain that ‘scotch servants, Irish negers and Persons under one and twenty years’ were voting, the incorporation of worthy but less-than-godly inhabitants into the political process helped to maintain that fundamental communal unity which Winthrop envisioned aboard the *Arbella*.<sup>311</sup> These political developments in the face of growing diversity came as an attempt by the godly to retain some semblance of that organic community which they believed all belonged ‘as members of the same body’.<sup>312</sup>

#### **H. Puritanism and the Suffrage Franchise**

The values the Puritans transferred to the town of Boston and to Massachusetts Bay help to explain the relationship between culture and political behavior in the region in the 1630s. Their religion, perhaps more than anything else, structured their daily lives and shaped their institutions. No doubt, Puritans had in common certain general ideas, attitudes, and norms with other English migrants to early America. But it would be expected that their operative values were different from those that shaped social and institutional behaviour in other American colonies.

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<sup>310</sup> Nathaniel B Shurtleff, *Massachusetts Bay in New England* (Press of William White, 1853) vol II, 197; John Winthrop, *The History of New England*, vol 2, above n 111, 163-164, 271-272.

<sup>311</sup> Rutman, *Winthrop’s Boston*, above n 72,162.

<sup>312</sup> Winthrop, ‘Reasons to be Considered for the ... Intended Plantation in New England [1629]’ above n 40, 91.

Specifically, the democracy that flourished in Boston and Massachusetts Bay in the 1630s found its source in Puritanism. A comparison of democracy in other American colonies, both Puritan and non-Puritan, therefore, should reveal the general difference that Puritanism made towards the development of democracy vis-à-vis the suffrage franchise.

According to one survey of the franchise in early colonial America, the religious qualification was peculiar to New England.<sup>313</sup> Primarily because of this reason, democracy developed differently there than in the non-Puritan colonies. In Massachusetts, from 1631 to 1664, it was required that all freemen be church members. After 1664, while membership in the church was not required, freemen were compelled to bring certificates from the ministers of their towns stating that they were orthodox in religious belief.

This pattern was mirrored in other Puritan colonies in New England. In New Haven, freemen were required to be members of an approved church; Plymouth disfranchised those who established churches without governmental approval; and Connecticut, in practice, if not in law, appeared to have enforced religious conformity.<sup>314</sup>

In colonies outside New England, the religious requirement was nonexistent, the franchise being based on a narrower conception of political democracy. The middle and southern colonies not only required certain property qualifications for the vote, but also occasionally excluded particular religious sects from the franchise. In the mid-seventeenth century, the Quakers were outlawed in all the colonies from Virginia to Massachusetts, with the exception of Rhode Island.<sup>315</sup> The Baptists were treated with a little more leniency, but Jews and Catholics were disfranchised in most American colonies, in some cases, until the nineteenth century.

A variation of the religious requirement was the 'good character' qualification. Again, this peculiar Puritan requirement was most common in New England. Connecticut required candidates for freemanship to be of 'peaceable and honest conversation'. Massachusetts, in 1664, and later, New Hampshire, required non-church members applying for the franchise to be 'not vicious in life'; Plymouth

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<sup>313</sup> McKinley, above n 155, 475.

<sup>314</sup> Ibid 475.

<sup>315</sup> Ibid.

disfranchised 'liars, drunkards, swearers,' and those refusing to take the oath of fidelity to the government; and Rhode Island required 'obedience to the civil magistrate' as well as 'civil conversation' of potential freemen.<sup>316</sup> Outside Puritan New England, the good character provisions were nonexistent, except for laws in Pennsylvania and Virginia that explicitly excluded convicts from the vote.<sup>317</sup>

The franchise in American colonies was also based on a period of residence. Again, the area of Puritan New England differed in this regard. Here, owing to the homogeneity of the towns, there was rarely any formal term of residence required for the franchise. All one had to do to establish residency was gain the consent of the town and this only required that one be relatively orthodox in religious beliefs. In contrast, in the colonies to the south of New England, where persons were more transitory and the societal composition more heterogeneous, it was more necessary that a term of residence be established before one was allowed the vote.<sup>318</sup>

The franchise in the militia of Massachusetts Bay also reveals their proclivity towards democracy. Not only did they make no attempt to exclude persons from service because they were poor or because they were servants, but the Puritan militia represented a broader cross section of society than did their English counterparts.<sup>319</sup> And like their churches and the political structure of Massachusetts Bay, the militia was a covenanted organization based on voluntarism. As Thomas Hooker insisted, a man who desired to enter a group had to 'willingly bind and engage himself to each member of that society [...] or else a member actually he is not'.<sup>320</sup>

Within a few years after the original settlement, the colonists aspired neither to create a professional officer corps nor copy the system they had known in England. Instead, they advocated a new kind of militia that allowed for popular participation in the selection of leaders. As Winthrop declared in 1632, '[a] proposition was made by the people, that every company of trained men might choose their own captain and officers'.<sup>321</sup> Freemen, and eventually non-freemen who had taken the residents' oath, were allowed to participate in trainband

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<sup>316</sup> Ibid 476.

<sup>317</sup> Ibid 477.

<sup>318</sup> Ibid.

<sup>319</sup> Breen, above n 6, 34.

<sup>320</sup> Ibid 34.

<sup>321</sup> John Winthrop, *The History of New England*, vol 1, above n 152, 79.

nominations. The only qualification to this rule was that the nominees had to be members of a church.<sup>322</sup>

In this unprecedented way, the Puritans of Massachusetts Bay again broke with tradition because of their fear of arbitrary power. The freemen of Charlestown thus declared that the free choice of leaders in civil, religious, and military affairs, 'hath rendered us the most happy people that we know of in the world'.<sup>323</sup> Indeed, all the Puritan colonies, with the exception of New Haven, soon granted wide privileges in the choice of militia officers. However, this tradition did not begin to seep into the southern colonies until the last quarter of the seventeenth century.<sup>324</sup>

As for property qualifications, during the seventeenth century this was implied, if not stated, in the laws of every colony, except for the territory dominated by Massachusetts Bay until 1664.<sup>325</sup> At that date, Stuart commissioners were sent to New England in an attempt to uniformly limit the franchise to property owners. A subsequent letter by the King to the New England colonies required all freemen to be persons of 'competent estates'.<sup>326</sup> Other colonies were likewise warned by the Crown to 'take care that the members of the assembly be elected only by freeholders, as being more agreeable to the custome of England'.<sup>327</sup>

Clearly, towards the end of the seventeenth century Puritanism in Massachusetts had begun to decline. Perhaps it was this eventual transformation that led remaining Puritans, such as Increase Mather, to declare in his jeremiad of 1676 that he was witnessing 'a great and visible decay of the power of Godliness' in Massachusetts.<sup>328</sup> By the eighteenth century, a franchise based on a narrower property qualification, was universal in America. At this late date the Puritan ideal of an organic godly community with a place for all men, had been superseded by a society based on property-holding and non-property-holding classes.

## CONCLUSION

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<sup>322</sup> Shurtleff (ed), 'The Charter of the Colony of Massachusetts Bay in New England' (I), above n 130, 187-188.

<sup>323</sup> Breen, above n 6, 35.

<sup>324</sup> McKinley, above n 155, 33, 201, 204, 365.

<sup>325</sup> Ibid 478.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid 34.

<sup>328</sup> Perry Miller, 'Declension in a Bible Commonwealth', in Sydney V James, (ed), *The New England Puritans* (Harper and Row, 1968) 130, 140.

This examination of the historical record reveals that the Puritans of Massachusetts Bay and Boston had godliness as their primary guiding ethic, and this inadvertently fostered democratic and republican values. This was achieved principally by the use of the franchise in which property and social status were excluded as qualifications. This allowed for the admission of the lower social ranks into the political affairs of the town and commonwealth, broadening political participation. It also introduced a levelling tendency in the colony, for it accustomed the godly to participate in religious and political spheres with men from different social classes.

Because the franchise requirement did not depend on economic or social criteria, the right to vote became linked to individual worth. To the Puritans, a godly or virtuous person might be borne by either a poor or rich family. This godly ideal of the equality of souls had imparted to the Puritans a deep moral fibre that became evident in the political affairs of Massachusetts Bay. In such an environment, even a certain degree of imposed authority did not breed subservience, nor was it ever incompatible with a large degree of essential equality and individual self-respect.

Perhaps it was this Puritan humanism that lay at the heart of their godly ideal. From their recorded statements it seems clear that they had a tendency to accentuate the element of rationalism, and to enlarge the sphere of competence of natural reason even to those not inspired by God's special grace. As John Cotton noted, man learns much by experience and education, 'yet there is also an essential wisdom in us, namely, our Reason which is natural'.<sup>329</sup>

Like Cotton, most Puritans believed that man, however depraved by sin and passion, was essentially a rational and responsible being, capable of learning, and requiring only godliness to bring him to ultimate salvation. Every man, regardless of his material worth, was, therefore, considered competent to judge on the basis of his innate reason, free to choose between good and evil, and naturally imbued with at least a semblance of some higher principles. Translated into the political sphere, such a conception of man lent itself easily to democratic ideals.

However, if the Puritans have been hailed as the forerunners of American democracy because of their attitudes towards religion and political participation, this was not their intention. To interpret an event by what it ultimately became is a dangerous reading of history. Preconceptions about Puritanism that have been

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<sup>329</sup> Miller and Johnson (eds), *The Puritans*, above n 24, 25.

established in later times must be discarded, and Puritanism must be approached with a view to its own context.

While an understanding of New England Puritanism may be conceded to have some significance for the understanding of American political culture, the unqualified use of such terms as ‘democratic,’ ‘oligarchic,’ or ‘theocratic’ is inadequate. If the Puritans were ‘democratic,’ there is a failure to explain why only the godly were allowed the suffrage franchise, to the exclusion of others. If Massachusetts Bay was a ‘theocracy,’ why was there a division between the functions of church and state as well as between magistrate and minister? As for Puritan Massachusetts being an ‘oligarchy,’ this fails to account for the electoral responsibility of the Commonwealths’ ruling officials and the limitations placed on their possessing broad, discretionary, powers. Finally, if Puritan Massachusetts simply imitated English precedents, it does not explain the rise of unique political and ecclesiastical institutions in New England, especially the revolutionary Puritan conception of the franchise, based, not on property, but on godliness.

The focus on godliness has, hopefully, helped to extricate one from interpretations that have been read into Puritanism from hypotheses that appear to be inherently enigmatic. In contrast, the godliness hypothesis places emphasis on explication instead of on prevailing or traditional conceptions regarding Puritanism. This use of an explicative hypothesis thus becomes akin to the use of multiple hypotheses, for it introduces, in the words of Clifford Geertz, a cultural anthropologist, ‘a multiplicity of complex conceptual structures, many of them superimposed upon or knotted into one another,’ which *prima facie* seem ‘at once strange, irregular, and inexplicit’.<sup>330</sup> The advantage with this approach is that one can strive for a meaningful level of generality that will illuminate but not oversimplify.

The godliness hypothesis, therefore, is not only a theoretical proposition, but is a methodological tool of analysis to the extent that it reveals an underlying multiplicity of complex structures within Puritanism. This multidisciplinary approach and the parallel use of multiple sources of evidence allows for the addressing of a broader range of historical, attitudinal, and observational issues. However, the most important advantage presented with this hypothesis and the concomitant technique, is the development of converging lines of inquiry.

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<sup>330</sup> Clifford Geertz, *The Interpretation of Cultures* (Basic Books Inc, 1973) 10.  
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Specifically, the godliness hypothesis synthesizes traditional webs of interpretation, which have equated Puritanism with democracy, theocracy, oligarchy, or English traditions. In this way, the godliness hypothesis provides a comprehensive and multiple explanation of the political events that took place in Massachusetts Bay. It does this by following a corroboratory mode, integrating various facts and previous interpretations in an attempt to provide a meaningful explanation as to how a religious ideal played a role in shaping political institutions and practices in Massachusetts Bay.

One primary finding with this approach is that the political character of the godly community cannot be so easily labelled. The Puritan desire to create a holy polis did not immediately translate into a democracy any more than it translated into a theocracy, or oligarchy; nor did it simply mirror English political institutions and practices. All that can be stated with any degree of certainty is that soon after the arrival of the Puritans, their community of visible saints quickly evolved into a cohesive political unit and centered itself around democratic precepts.

For this reason, the godliness hypothesis is closest to the view that equates Puritanism with democracy. But there is an essential difference. The godly ideal led to the acceptance and development of certain democratic and republican practices within the context of a relatively closed, corporate, religious community, where deference to authority was usually tolerated. Godliness explains the emergence of democracy, therefore, only as an indirect or secondary product of Puritanism, needing time to develop.

### *I. Speculations*

If specific political attitudes and practices were derived from the ideal of godliness, the unanswered question is to what extent were these values propagated for the use of future Americans? That is, what is the relationship between Puritanism and the larger American culture? While a definitive answer to this question is beyond the scope of this paper, one can speculate that Puritanism and its component parts amounted to a formative ideology in the new world. Because their convictions had consequences in an ideologically-free environment, Puritan ideals and practices must have been of primary importance in the shaping and perpetuation of a coherent set of political ideas and practices. Consider that scholars have documented how established value systems can persist for generations, even

through revolutionary change.<sup>331</sup> Indeed, that Puritan values may have been transmitted, to some extent, is plausible when note is taken, for example, that all Founding Fathers of the United States were reared either in Massachusetts or Virginia.<sup>332</sup>

One scholar, Bernard Bailyn, noted that Puritan thought provided ‘the Revolutionary generation’ with a ‘major source of ideas and attitudes,’ in particular, the ideas associated with the covenant.<sup>333</sup> To Bailyn, the elaborate system of Puritan thought erected in New England beginning in 1630, had been ‘consolidated and amplified’ by numerous writers throughout the seventeenth century, and was ‘channelled into the main stream of eighteenth-century political and social thinking’.<sup>334</sup> In this sense, it is possible that Americans became products of their history, where ideology and institutions were neither entirely lost nor entirely new. In the words of Samuel Eliot Morison, ‘the institutions that the Puritans founded, Church, Commonwealth, Town, College, were so firmly established as to outlast the purposes for which they were intended. Church and College and Commonwealth have been patched and altered again and again, without losing all their original character’.<sup>335</sup>

To Bailyn and Morison, as well as others, Puritanism was clearly a formative ideology that was perpetuated for generations, if not centuries. However, the importance of Puritanism lies not in generalizations drawn from a broad historical situation, but in the comprehension of the complex practices, ideals, and institutions of Puritan society, as elucidated through a narrow focus. For it is only with a micro perspective that one can begin to discover the very essence of Puritanism as it affected the political culture of early Massachusetts Bay.

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<sup>331</sup> Breen, above n 6, xvi.

<sup>332</sup> Baltzell, above n 4, 7.

<sup>333</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Harvard University Press, 1980) 32-33.

<sup>334</sup> *Ibid* 32.

<sup>335</sup> Quoted in Baltzell, above n 4, 7.