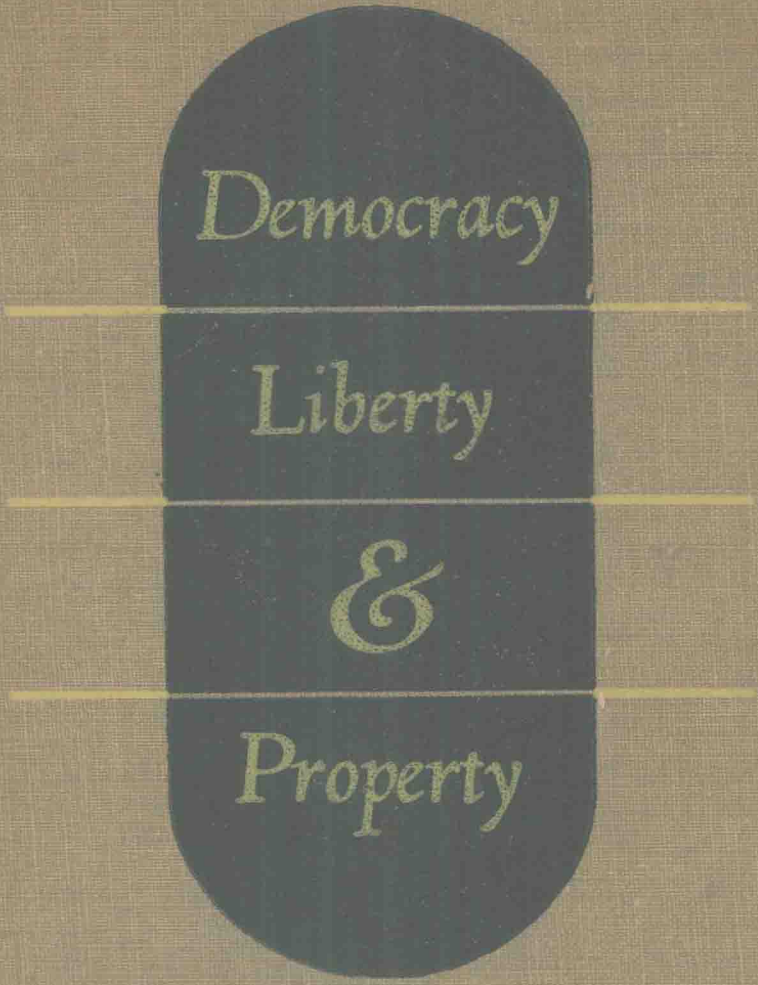
Democracy
Liberty
&
Property

DEMOCRACY, LIBERTY, AND PROPERTY

Readings in the American Political Tradition

Edited, with Introductions, by

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PREFACE

FREE speculation upon the nature and purpose of government has been an element of the American tradition from the days of the first settlements. Our writers have stood predominantly for government by consent, freedom in regard to belief and expression, and free economic enterprise. This is not to say that we have all been of one mind in these matters. The principles themselves have been challenged from time to time; and we have engaged in continual debate upon their quantitative and qualitative implications. What should be the form and extent of popular participation in government? What rightful limits are to be set upon the power of government over personal liberties or property rights? How may we determine the pace of political change, or preserve that responsiveness to emerging public demands which is the essence of democracy? These and kindred questions have provided the dynamic which has made our political speculation the vital thing it has always been.

The purpose of this collection is to indicate the main lines of our political tradition by means of representative excerpts from a variety of sources—essays and addresses, public documents, revolutionary pronouncements, formal treatises; and the attempt has been made to indicate typical attitudes on both sides of the fundamental questions at issue.

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F. W. C.

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I

FEW of the original European settlers of America were inspired by any intention of experimenting with novel ideas of government, liberty, or property. What Governor Bradford said of the founders of Plymouth was probably true as well of most of the other seventeenth-century immigrants. They came, he declared, "not out of any newfangledness, or other such like giddie humor, by which men are oftentimes transported to their great hurt & danger, but for sundrie weightie & solid reasons." Among those solid reasons, certain preoccupations with religion were conspicuous. Bradford's history of Plymouth, other contemporary narratives, and the early colonial charters all put the conversion of the Indians high among the purposes of the colonizing endeavor. Yet most of those who came over for religious reasons were more concerned with fortifying their own beliefs and keeping their fellow-settlers on the narrow path than with saving the souls of the natives. For the majority of these early settlers came from the religious minorities of their home countries, where they were denied the freedom to preach and practise their particular tenets. The move to America offered them the opportunity to worship, preach, and teach according to their own unorthodox convictions.

On the other hand, more worldly aims were predominant in the minds of most of the promoters and financial sponsors of the settlements; and solid economic reasons moved many of the migrants themselves. England had manifestly been lagging behind Portugal and Spain in the century-old race to build a colonial empire. Now, however, the circumstances seemed propitious for renewed efforts. An enterprising temper was spreading; and concerted efforts, both public and private, were being made to induce in Englishmen a realization of the rich resources of the New World, in materials and

markets for England's manufacturers and traders, supplies for her navy, and new opportunities for finding employment and getting rich. Captain John Smith, hardy explorer and soldier of fortune, reveals the realism of this expanding mood in his *Description of New England*, written in 1616. After discanting on the sublime joy of "discovering things unknowne," "erecting Townes, peopling Countries," and converting "the poore Salvadges," he added that he was "not so simple to thinke, that ever any other motive than wealth will ever erect there a Commonweale, or draw companie from their ease and humours at home." No less significant is a Puritan minister's pamphlet of the same decade wherein we find that a chapter entitled "New England is a fit Country for the Seating of an English Colony for the Propagation of Religion" is devoted mainly to descriptions of the fish, fowl, venison, furs, wines, and (particularly) the "Planks, Masts, Oares, Pitch, Tarre and Iron, and hereafter (by the aptnesse of the Soyle for Hempe) if the Colonie increase, Sailes and Cordage."

Much of this publicity describing the resources of the New World was put forth to promote imperial aims or to serve the interests of investors who had no thought of migrating to such remote regions themselves. Yet America did offer prospects of a better livelihood for ordinary craftsmen, laborers and others who were willing to endure the hazards of actual settlement; and such men were numerous. Inflation, war, and changes in fiscal policy had seriously upset certain industries during the preceding generation. And although at the time of the first settlements England was apparently emerging from this depression, many farmers, traders, and professional men were still finding it difficult to maintain their accustomed standards of living, or believed they were not sharing sufficiently in the recovery. Unemployment was still widespread; towns and parishes were overwhelmed by the task of taking care of beggars and vagabonds; and the belief was growing that England was overpopulated. "We are a great people," said a pamphleteer in 1609, "and the lande is too narrow for us."

Few colonial leaders looked upon these diverse religious and economic motives as incompatible. Indeed they were inclined to regard them as interdependent. Even the strongest conviction and the most resolute courage needed a vigorous body and some assurance of a secure place in society. Thus, said Bradford of the Pil-

grims, life was so hard in the country to which they had first gone, in their flight from religious trouble at home, that some of them preferred imprisonment in England "rather than this libertie in Holland with these afflictions"; and the leaders concluded that "an easier place of living . . . would draw many, and take away these discouragements." Their pastor, John Robinson, said that many now writing and preaching against the Pilgrim doctrine would adopt it "if they were in a place where they might have libertie and live comfortably." The Puritans were even more explicit in acknowledging the connection between spiritual strength and economic well-being. They frankly accepted what Rev. John Cotton called "a combination of virtues, strangely mixed." "We know that nothing sorts better with piety than competency," said Rev. John White, another Puritan divine.

The settlers came over during a period of unusually active discussion of civic affairs. Yet they were not utopians and the writers among them had drawn up no clear schemes for defining the location of public authority or the scope of private rights. Although the dissenting sects had arisen as adherents of a new, liberal, idea in religion—of spiritual regeneration through man's own inner experience—most of them clung to the belief that ordinary mortals needed instruction, guidance, perhaps even coercion, by their enlightened and duly designated leaders. The Puritans, who were the most intellectual and articulate of the seventeenth-century settlers, had no exalted opinion of human nature. For the most part they believed in the moral right and practical necessity of authority and rank, in both church and state. Men, according to the Puritan creed, were not by nature either reasonable or good and they were certainly not born equal. As for the financial promoters of the settlements, they were men of wealth, accustomed to the enjoyment of social and political privileges. It was therefore in accord with their convictions and generally in their interest to have familiar social distinctions recognized in the colonies. Among the actual settlers, it is true, there were very few men of aristocratic origins. Yet the resources of the new continent created new occasions for inequality as well as for equality. When the colonists set up their own governments, they merely followed tradition in requiring property and religious qualifications for voting and the holding of office; and the conflicts between privileged and unprivileged groups formed

the substance of political controversy throughout the colonial period.

There were difficulties in the way of a government of laws rather than of men in the colonies. Lawyers were rare among the early settlers. Early charters and codes repeated the traditional prescriptions to govern according to the law or to proceed only according to the "due course of law" in punishing criminals and adjudicating civil disputes; and colonial magistrates generally followed the traditional procedure of English courts. Both magistrates and lawmakers, however, had confused and vacillating ideas as to what (if any) system of laws limited their discretion. Sometimes they proclaimed the Bible to be the supreme law, binding on civil authority as well as the church. Sometimes they acted on the assumption that the substantive rules of common law must prevail in America as in England. Sometimes they appealed to rules of "natural law" —universally binding principles of reason and justice, understood by all normally reasonable men—as the final arbiter. Occasionally, legislators in enacting statutes and magistrates in deciding questions at issue in criminal and civil litigation claimed a right to act according to their own ideas of civic justice and expediency.

Very few of the colonial leaders desired to make America a home for religious freedom. Most of the colonies gave a privileged position to a particular religion and officially concerned themselves with the religious and moral behavior of their inhabitants. Thus the Puritans, although they opposed certain doctrines and rituals of the Church of England, were yet not opposed to the principle of religious uniformity, a uniformity sustained if need be by the force of the civil authority itself. They came to America in order to worship and teach as they pleased, but not to provide such freedom for others. The Fundamental Orders of Connecticut authorized the civil authorities to see that "the peace, ordinances, and rules of Christ be observed in every Church according to His Word," and the "blue" laws of that colony are famous. Civil authorities in Massachusetts dealt harshly with persons who advocated unorthodox beliefs, in however orderly a manner. This religious authoritarianism was not confined to the Puritan colonies. Most of the colonies maintained churches supported by public taxation; and many of them compelled church attendance and narrowly restricted Sabbath-day activities. The first Virginia charter, for example, prescribed that the