

Albion's Seed: Four British Folkways in America, David Hackett Fischer, Oxford University Press, 1989. pp. 199-205.

Massachusetts Freedom Ways:
The Puritan Idea of Ordered Liberty

The public life of New England was also shaped by an idea of liberty which was peculiar to the Puritan colonies. To understand its nature, one might begin with the word itself. From the generation of John Winthrop (1558-1649) to that of Samuel Adams (1722-1803), the noun "liberty" was used throughout New England in a least four ways which ring strangely in our modern ear.

First, "liberty" often described something which belonged not to an individual but to an entire community. For two centuries, the founders and leaders of Massachusetts wrote of the "liberty of New England," or the "liberty of Boston" or the "liberty of the Town." This usage continued from the great migration to the War of Independence and even beyond. Samuel Adams, for example, wrote more often about the "liberty of America" than about the liberty of individual Americans.

This idea of collective liberty, or "publick liberty" as it was sometimes called, was thought to be consistent with close restraints upon individuals. In Massachusetts these individual restrictions were numerous, and often very confining. During the first generation, nobody could live in the colony without approval of the General Court. Settlers even of the highest rank were sent prisoners to England for expressing "divers dangerous opinions," or merely because the Court judged them to be "persons unmeet to inhabit here." Others were not allowed to move within the colony except by special permission of the General Court. For a time, the inhabitants of Dedham, Sudbury and Concord were forbidden to move out of their towns, because the General Court believed that those frontier settlements were dangerously under-populated.

This idea of collective liberty also was expressed in many bizarre obligations which New England towns collectively imposed upon their members. Eastham's town meeting, for example, ordered that no single man could marry until he had killed six blackbirds or three crows. Every town book contained many such rules. The General Court also passed sweeping statutes which allowed the magistrates to suppress almost any act, by any means. One such law, for example, threatened that "if any man shall exceed the bounds of moderation, we shall punish him severely." The definition of "exceeding the bounds of moderation" was left to the magistrate.

New Englanders willingly accepted individual restraints, but insisted that they should be consistent with written laws which they called the "fundamentals of the commonwealth." Further they demanded the liberty to impose these restraints upon themselves in their own way. This was what they meant by the "public liberty" of New England. Interference by

outsiders met fierce and implacable resistance. “Publick liberty” was not merely a “theoretick idea,” as many a brave British soldier learned. New Englanders were not a warrior people, but many times from 1635 to 1775, they showed themselves willing to defend their “publick liberty,” even to the death.

New Englanders also used the word “liberty” in a second way which is foreign to our own time. When it referred to individuals it often became a plural noun-“liberties” rather than “liberty.” These plural liberties were understood as specific exemptions from a condition of prior restraint-an idea which had long existed in East Anglia and in many other parts of the western world. In the manor of Hengrave (Suffolk), for example, tenants were granted a specific “liberty” of fishing in the river Lark. Such a liberty was not universal or absolute; the river was closed to all other people. There were a great many of these liberties in East Anglian communities during the early seventeenth century. A person’s status was defined by the number and nature of liberties to which he was admitted.

The idea of plural liberties as specific exemptions from a condition of prior constraint was carried to Massachusetts. The General Court, for example, enacted laws which extended “liberties and privileges of fishing and fowling” to certain inhabitants, and thereby denied them to everyone else. One person’s “liberty” in this sense became another’s restraint. In Massachusetts, as in England, a person’s rank was defined by the liberties that he possessed, and vice versa.

The laws of the Bay Colony granted some liberties to all men, others to all free men, and a few only to gentlemen. For example, a “true gentleman” and “any man equal to a gentleman,” was granted the liberty not to be punished by whipping “unless his crime be very shameful, and his course of life vicious and profligate.” Other men had a lesser liberty, not to be whipped more than forty stripes. Other liberties were assigned not to individuals at all, but to churches and towns and other social groups.

This idea of liberty seems very narrow to modern Americans. We do not think of liberty as exemption from prior condition of restraint, but of restraint as an exemption from a prior condition of liberty. But the seventeenth-century idea of plural liberties, however restrictive and limited it may have been, was codified into “laws and liberties” which became what the founders called “the fundamentals of the Commonwealth.” The idea of written fundamental laws and liberties existed from the beginning of the Bay Colony.” Some of these fundamental “liberties” were specifically extended to everyone. Thus the Massachusetts Body of Liberties in 1641 established that:

Every man whether inhabitant or foreigner, free or not free shall

have liberty to come to any public Court, Council or Town meeting, and either by speech or writing to move any lawful, seasonable, and material question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper cognizance, so it be done in convenient time, due order and respective manner

Every man that findeth himself unfit to plead his own cause in any court shall have Liberty to employ any man against whom the court doth not except, to help him

These plural liberties persisted in Massachusetts for many generations. They appeared in the writings of Samuel Adams and his generation, just as they had done in the world of John Winthrop.”

New England Puritans also used the word “liberty” in a third meaning, which became urgently important to the founders of Massachusetts. This was the idea of “soul liberty,” or “Christian liberty,” an idea of high complexity. Soul liberty was freedom to serve God in the world. It was freedom to order one’s own acts in a godly way--but not in any other. It made Christian freedom into a form of obligation.

The founding generation in Massachusetts often wrote of “soul liberty,” “Christian liberty” or “liberty of conscience.” Many moved to the New World primarily in hopes of attaining it. What they meant was not a world of religious freedom in the modern sense, or even of religious toleration, but rather of freedom for the true faith. In their minds, this idea of religious liberty was thought to be consistent with the persecution of Quakers, Catholics, Baptists, Presbyterians, Anglicans and indeed virtually everyone except those within a very narrow spectrum of Calvinist orthodoxy. Soul liberty also was thought to be consistent with compulsory church attendance and rigorous Sabbath laws. Even the Indians were compelled to keep the Puritan Sabbath in Massachusetts. To the founders of that colony, soul freedom meant that they were free to persecute others in their own way. One New Englander wrote, “Solomon maketh it the joy of a Commonwealth when the righteous are in authority.” There was no freedom for “error” in Massachusetts. Even the saints themselves were kept on a short leash. In 1634, for example, Israel Stoughton wrote a book “which occasioned much trouble and offence to the court.” Stoughton was himself a deputy, and a staunch Puritan who later returned to England and became an officer in Rainborough’s regiment during the Civil War. His book suggested reforms in the government of the colony. The magistrates were so angered by criticism that they decreed not merely that the book should be suppressed, but also ordered that the manuscript should be burned. After heavy pressure from the authorities, the author himself was compelled to confess that he “did

desire of the court that the said book might be burnt.” To others of different persuasions, the Puritans’ paradoxical idea of “soul freedom” became a cruel and bloody contradiction. But to the Puritans themselves “soul liberty” was a genuinely libertarian principle which held that a Christian community should be free to serve God in the world. Here was an idea in which the people of Massachusetts deeply believed, and the reason why their colony was founded in the first place.

The words “liberty” and also “freedom” were used in yet a fourth way by the builders of the Bay Colony. Sometimes, the people of Massachusetts employed the word “freedom” to describe a collective obligation of the “body politicke,” to protect individual members from the tyranny of circumstance. This was conceived not in terms of collective welfare or social equality but of individual liberty. It was precisely the same idea that a descendant of the Massachusetts Puritans, Franklin Roosevelt, conceived as the Four Freedoms. That way of thinking was not his invention. It appeared in Massachusetts within a few years of its founding. The Massachusetts poor laws, however limited they may have been, recognized every individual should be guaranteed a freedom from want in the most fundamental sense. The General Court also explicitly recognized even a “freedom from fear.” Its language revealed a libertarian conception of social problems (and solutions) that was characteristic of English-speaking people as early as the seventeenth century.”

These four libertarian ideas-collective liberty, individual liberties, soul liberty and freedom from the tyranny of circumstance-all had a common denominator. They were aspects of a larger conception which might be called ordered liberty. This principle was deeply embedded in Puritan ideas and also in East Anglian realities. It came to be firmly established in Massachusetts even before the end of the great migration. For many years it continued to distinguish the culture of New England from other parts of British America. Even today, in much modified forms, it is still a living tradition in parts of the United States. But this principle of “ordered liberty” is also opposed by other libertarian ideas, which were planted in different parts of British America.

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