William Penn's Religious Background

The situation of William Penn in his own day was unlike that of any other worldly statesman and equally unlike that of any other Quaker of his time. He would likely have been a worldly statesman of mark, had he not become a Quaker at the age of twenty-three; or he might have been a more strict and uncompromising Quaker, had he not been the leader in the most significant colonization project ever initiated by an Englishman. To be a strict Quaker and at the same time the Proprietor of a great colony with responsibilities to the Crown was in a final test to prove impossible. Accordingly, Penn's successors as Governors ceased to be Quakers.

The moral incompatibility for Penn himself involved in this double allegiance to the Society of Friends and to the Crown may well arouse our sympathy. The subsequent failure of the Quakers to maintain permanently a commonwealth in the New World, founded as it was upon the peace principles of the Society of Friends, is one of the tragedies of history. For if the "exhibit" which Penn conceived had survived in time of war as well as in time of peace, it might by this time have served as a model to the entire Christian world. The "exhibit" survived with only minor setbacks under Penn's successors until 1756, when the strictly Quaker control of the Assembly ceased under the pressure of the Anglican and Presbyterian war party in Pennsylvania. For their failure the Friends must bear a part of the responsibility. But given the circumstances and the conditions in the eighteenth-century Proprietary government of the colony, it is difficult to conceive of any other outcome. So far as Pennsylvania's military responsibility was concerned, it became during the second half of the century just like that of any of the other colonies, and finally Penn's province shared in the break with the mother country.

When we consider the social history of Pennsylvania, however, and its frames, constitutions and laws affecting the welfare of its inhabitants, the story is very different. In this field of human progress, Penn and his Quaker associates were able to set a new standard of
ideal and of attainment which has served as a model of toleration in the western world. It is his plan for assuring freedom of conscience and individual liberty under beneficent laws that has made Penn one of the great men in modern history. To show how he came by his advanced ideas and how he carried them over into his generous provisions for his colonists is the purpose of this paper. For the very existence of Pennsylvania as we know it was due to the earlier sufferings of the English Quakers, and the nature of its early constitutions and laws is to be explained by the principles of seventeenth-century Quakerism.

By his immediate ancestry Penn was well born, though not technically of the aristocracy. His grandfather Penn was a seafaring man and his father, Admiral Sir William Penn, was knighted by Charles II for his stalwart Stuart sympathies and his great services in the British navy. The man who was born in London three centuries ago this year was well educated as became a gentleman commoner, and after the Admiral's death in 1670 he inherited as the eldest of three children an estate which yielded £1,500 a year. With the income from landed estates in Ireland and from his future wife's property in England, Penn would have been able to maintain a considerable country house and raise his large family without inconvenience. In fact, he always lived on the scale of a country gentleman and would never have known financial stress, had he not become involved in the heavy expenses of colonization and government.

His secular preparation for a useful life included study at Oxford, a foreign tour on the Continent, some study of law, practice in administering the family estates near Cork in Ireland, and a brief contact with military service during which he is supposed to have sat for the portrait in armor which is so familiar. The breadth of these experiences superimposed upon a high degree of natural intelligence, of physical vigor and of financial solidity gave promise of a distinguished career. His birth was such that he was always able to reach upward rather than downward in the social scale for his associates. Throughout his manhood he was a familiar of the highest personages in the realm.

However, his dissatisfaction with the frivolity of life and his disapproval of the social immorality of the Restoration under which he grew up made him ripe for a stricter regime at the age of twenty-
three. Quakerism, then twenty years old as a renewal under George Fox's preaching of primitive Christianity, had reached perhaps sixty thousand people in London, Bristol, Norwich, and in the rural districts of England beginning with the northern counties. Like some other dissenting religious movements of the seventeenth century, it depended for its spread upon a lay and unpaid itinerant ministry. It was not a Church, but a Society of people who were disgusted with the hypocrisy, insincerity and worldliness of the more formal varieties of current Protestantism, and who were eager for spiritual reality and power in simple lives. The Quakers as they were called by others, or Friends of the Light or Truth as they called themselves, had some unshakable convictions or "testimonies": they refused to take judicial oaths because of Christ's denunciation of a double standard of truth; they claimed to live in the virtue of a power which did away with the occasion of all wars, so they were dedicated to peace; they refused to be baptized, married or buried by paid priests of the authorized churches; they declined to attend the fixed services in the steeple houses and to pay tithes for religious privileges in whose efficacy they no longer trusted; they ceased the outward observance of water baptism and of the Eucharist. For their refusal to do what was then conventional, they were persecuted by both Church and State. Fines and imprisonments were visited upon them from 1647 until 1689 throughout the British Isles. For their preachers went everywhere and everywhere won some adherents. The "sufferings" of the Quakers in the British Isles and in certain of the early American colonies were long and terrible, and they can be verified in authentic contemporary documents. Persecution was based partly upon alleged heresy and partly upon refusal to cooperate with vested interests in the Church and State. This persecution was facilitated by the testimony of despicable informers who shared in the spoils. The important thing to note is that the sufferings and the death under persecution of the Quakers marked the end of grand-scale persecution for conscience' sake in the English-speaking world. Once again it was proved that conscience, if firmly grounded upon spiritual convictions, cannot be put down. In such cases persecution is futile. As Castellio had said in 1554 of the death of Servetus: "To kill a man is not to defend a doctrine, it is to kill a man" (Contra Libellum Calvini).
At the time, however, to secure liberty of conscience and freedom of worship through passive submission to persecution seemed a slow process. Unable to fight with carnal weapons, the Friends fought for their cause fearlessly by the spoken and written word. Penn no sooner associated himself with the despised and oppressed Quakers in Ireland, where he was at the time, than he took up the weapon which he was well qualified by training to wield. Returning to England and the unconcealed wrath of his father, he poured out for about twelve years a series of polemical pamphlets in which he defended the theological orthodoxy of his Society and belabored the religious insincerity and the moral insufficiency of his antagonists with a truly fervid zeal. In fact, he became in a very short time one of the most prolific and authoritative of the Quaker pamphleteers. The twenty-year reign of Charles II was a hard time for Penn’s coreligionists, and Penn himself made three sojourns in Newgate and the Tower for his printed statements and his spoken words. He was not afraid of what he considered unwarranted trials of his faith, giving judges and juries fearless rebuttals and discomfiting them by his ready reference to the Common Law which since Magna Charta had been intended to safeguard the ancient civil rights of Englishmen.

But if Penn as a Quaker could be mocked and derided, Penn the son of the late Admiral could not be altogether slighted. Both Charles II and his younger brother James II are believed to have promised their favorite Admiral before his death that they would care for the son as they had esteemed the father. And so it happened that Penn was able on many occasions to secure the liberty of Quakers in whose hard fate he had reason to concern himself. The solicitation at Court for those in prison for conscience’ sake, whether Quakers or other Dissenters, was carried on sporadically for years, but especially during the brief reign of James between 1685 and 1688, when the personal relations of the King and William Penn were so close and frequent as to lead some intelligent people to believe Penn a Jesuit.

After about twelve years of constant pamphlet wars Penn could note in 1680 no improvement in the status of the Quakers under the provisions of the Conventicle Act and the Penal Laws, nor had there been any progress made in breaking down the disastrous alignment of a reactionary Church and State against liberty of worship and
freedom of conscience. It was at this point that Penn was able to take a step that no other Quaker could have taken: he had the opportunity to found beyond the seas an asylum for those in England and Europe who were oppressed for conscience’ sake, and to win the title of the most effective apostle of religious toleration in the modern world. The coincidence in this man of what Taine called “time, race and circumstances” is almost without parallel. Lacking this coincidence, no one could have attempted what Penn actually undertook.

In a letter of 1681 to one of his friends Penn states that he had “an opening of joy as to these parts [Pennsylvania] in the year 1661 at Oxford, twenty years since.” Since that time boyhood dreams had been further nourished by accounts of the American colonies already settled, and by the reports of Quaker preachers who had visited those distant shores. He would certainly be familiar with the Utopian commonwealths conceived by Plato, Bacon, More, Hobbes and Harrington. As early as 1676 Penn, already wealthy and enterprising as a man of affairs, became associated with other Quakers in the proprietorship of West New Jersey and a little later also of East New Jersey. The territory between the Delaware and Connecticut rivers had fallen to the English through their defeat of the Dutch in 1675, and the present state of New Jersey was held by a group of proprietors between 1676 and 1702, in which latter year it became a Crown colony. Of these proprietors the majority were Quakers, and it was in West New Jersey that Penn’s plans for a Quaker refuge in America first took effect. It looked for a time as though New Jersey would be the scene of his “Holy Experiment” in the New World. For we have a letter of 1676 signed by six proprietors, but of whom Penn was plainly the mouthpiece, in which it is stated that “there [in West New Jersey] we lay a foundation for after ages to understand their liberty as men and Christians, that they may not be brought in bondage, but by their own consent; for we put the power in the people.” There we have already, expressed with admirable clearness, the statement of Penn’s purpose in colonization. It is such words that prompted Bancroft to write in his well-known eulogy: “Penn did not despair of humanity, and although all history and experience denied the sovereignty of the people, dared to cherish the noble idea of man’s capacity for self-government.”

Penn might have been content with his participation in the Quaker
enterprise in West Jersey, had not circumstances provided him with another and better opportunity to realize his dreams. Charles II owed £16,000 to the estate of Sir William Penn for unpaid salary, loans and interest due to the Admiral at the time of his death in 1670. Ten years had elapsed with no prospect of a cash payment of the debt. There was less ready cash than western wilderness within Charles’ bestowal at the time. So Penn asked for the territory west of the Delaware River lying between what are now the states of New York and Maryland. It is strange that this territory had not already been more effectively taken up, for it turned out to be the last and richest plum to be picked near the eastern seaboard. The Duke of York, who was interested, urged his brother to grant Penn’s request and thus discharge the debt. After long discussions with the Committee of the Privy Council for the affairs of trade and plantations regarding boundaries and other preliminaries, the charter of Pennsylvania was granted on March 4, 1681. Penn’s modesty dictated the name of New Wales or Sylvania, but the King insisted upon the name as it is, as an honor to the Admiral. For the charter states specifically that the King favored the petition of William Penn “having regard to the memory and merits of his late father in divers services, and particularly to his conduct, courage, and discretion under our dearest Brother James Duke of York, in that signal battle and victory fought and obtained against the Dutch fleet etc.”

Penn’s realization of his serious responsibility is evidently expressed in his own words. Elated with the receipt of the charter, he wrote in 1681: “My God that has given it me through many difficulties [sic], will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at first.” The seed of a nation! These words were indeed prophetic of the influence his ideas touching democratic government and freedom of conscience were to have in the later United States. Not that Penn was the first in date to provide for religious toleration in America, for we recall both Roger Williams and the first Lord Baltimore in this connection. But Destiny gave Penn in 1681 a chance to incorporate effectively in America the Quaker testimony which he had already stated in 1673: “Because it is most reasonable for a man to believe according to his own conscience and not according to another man’s conscience, therefore it is unrighteous to persecute a man for not
maintaining that religion which in his conscience he believes to be false” (Wisdom Justified of her Children). This principle later embodied in Pennsylvania law precluded the imposition of tithes for the support of the Church of England in Penn's provinces.

But such clear and fearless statements as those made in Penn's earlier writings had exerted little effect in England at a time when the Anglicans in power were in fear lest any toleration would be regarded by the Catholics and the Dissenters as a sign of weakness. The hegemony of the Anglican majority in Parliament was to be maintained at all costs against the designs of the royal party on the one hand, and the pretensions of the Dissenters on the other. The Conventicle Act and the Oaths of Allegiance and Supremacy were arbitrarily invoked to enforce conformity with the Church and loyalty to the State. The Quakers had no quarrel with the State except as it lent itself to the monopolistic claims of the Church to support and patronage. But concerning these claims of the Church the Quakers were intransigent. There could be for them no unholy alliance with intolerance. Thus from 1676 until 1701, for a quarter of a century, Penn was occupied with establishing and insuring in the New World the principles of toleration and freedom of worship. Above all, the part of America in which he was concerned was to be a refuge for those living in the Old World under persecution, whether subjects of the Stuarts, the Bourbons or reactionary German princes. "I went thither," he wrote in 1705, "to lay the foundation of a free colony for all mankind, that should go thither, more especially those of my own profession; not that I would lessen the civil liberties of others because of their persuasion, but screen and defend our own from any infringement on that account."

It may well be true that Penn would have been in any case, like his friend Locke, an apostle of religious toleration. But as a Quaker he was bound to be tolerant of the conscience of others. What George Fox called "that of God in every man" meant that every man had something of God in him—something divine, sacred and immune against any attempt of mere man to kill it, or crush it, or do it violence. A Quaker is as loath to compel another's religious conscience as he is to allow interference with his own. Truth, he believes, will prevail in the end against mere "notions," temporary panaceas and man-made substitutes for spiritual reality. There is, Penn admitted,
a place in government for temporary laws, makeshifts to serve for a season; but these temporary laws are not to be confused with eternal religious and moral principles which underlie all mere legislation. The broad principles of Penn will be found in the early frames, but their importance was forecast in 1671 when he distinguished between what he called "fundamental" and "superficial" laws. The passage is worth quoting in view of its later application: "By the first we understand the determinations of right reason regarding moral and just living, with certain privileges that in the first constitution are agreed upon as essentials in government: as meers, bounds, and landmarks of truth, equity and righteousness, that as well confine rulers as people. By the second we understand certain temporary laws, proclamations or customs, that relate to more trivial matters, and that receive alterations, with the reason of them, according to that maxim cessante ratione cessat lex, of which the people and rulers are judges" (A Serious Apology for the Principles and Practices of the People called Quakers, 1671). The later authors of the Declaration of Independence included such general principles in their Preamble, and so did the French Revolutionists with their intention to secure liberty, equality and fraternity for the French people. It need only be noted here that Penn preceded them both by a century.

The sacred rights of the individual conscience formed the central pillar upon which Penn was to build his state. Again and again in his earlier writings he reverts to the fatal partnership of Church and State in their attempt to coerce the individual conscience. To the Prince Elector Palatine of Heidelberg he had written on the subject after his second trip to Holland and western Germany. He warned the Elector that he must not allow himself to be "governed or clogged with the power of his clergy, which in most countries is not only a coordinate power, a kind of Duumvirateship in government, Imperium in Imperio, at least an eclipse to monarchy, but a superior power, and rideth the prince to their designs, holding the helm of the government, and steering not by the laws of civil freedom, but certain ecclesiastical maxims of their own, to the maintenance and enlargement of their worldly empire in their church" (Travels in Holland and Germany). Similarly in a short letter on Christian Liberty which he addressed to the Protestant States of Germany in 1674, he took the highest ground for the inviolability of
conscience: "Conscience is God's throne in man, and the power of it his prerogative."

It was this ineradicable conviction of the Quakers that Penn effectively translated into laws so different from those of some of the older colonies. The fundamental laws of West New Jersey agreed upon in 1676 declared "that no person . . . shall be any ways upon any pretence whatsoever, called in question . . . for the sake of his opinion, judgment, faith or worship towards God, in matters of religion." Five years later it was provided that "liberty of conscience in matters of faith and worship towards God, shall be granted to all . . . and that none of the free people of the said Province shall be rendered uncapable of office in respect of their faith and worship." Perhaps it was the influence of other than Quaker proprietors that resulted in a somewhat more restrictive statement on this subject in the Fundamental Constitutions for the Province of East New Jersey in 1683: "All persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and hold themselves obliged in conscience to live peaceably and quietly in a civil society, shall in no way be molested or prejudiced for their religious persuasions and exercise in matters of faith and worship; nor shall they be compelled to frequent and maintain any religious worship, place or ministry whatsoever." The Laws agreed upon in England for Pennsylvania in 1682 stipulated that all officeholders and those who have the right to vote for the same "shall be such as profess faith in Jesus Christ." But "all persons living in this province, who confess and acknowledge the one Almighty and eternal God to be the Creator, Upholder and Ruler of the world . . . shall in no ways, be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship, nor shall they be compelled, at any time, to frequent or maintain any religious worship, place or ministry whatever." It is not strange that at that time full participation in government was reserved for those who were called Christians; Jews and confessed atheists would be excluded from the suffrage under these laws, but were not disturbed as members of the community. The laws of the time were of course made with distressed and oppressed Christians in mind. These laws based upon Quaker experience in contemporary England and Continental countries with the oppressive partnership of Church and State did away forever with the possibility of any religious intolerance in Penn's provinces.
We have seen now how and why Penn provided first for religious toleration in the Jerseys and Pennsylvania. That was his first consideration—the primary cause for his undertaking the colonization of a region three thousand miles away. We may examine now a little more closely how other peculiar Quaker beliefs and convictions were worked out in Penn's territories. The four cardinal principles of Quakerism from the beginning, and from which it has evolved as a way of life, are the following: the belief in something of divine origin—"that of God" as George Fox called it—in every man; the belief in universal grace, that is, the God-given ability freely granted to all to recognize and do the right if they will, and to turn away from the evil; the belief in the call to spiritual and moral perfection; and the belief in a continuing and progressive revelation of God's will through the ages. We may notice how these cardinal principles are reflected in the only human governments which ever attempted to incorporate them and all their consequences.

First, the important thing for the Quaker is to establish harmony between the human and divine elements in him. He conceives this to be his personal business which can be furthered only as he seeks to hear God's voice and give it effect in his daily life. The inevitable result of this personal responsibility was to make him distrust the claims of all religious organizations like the contemporary churches that they alone held the keys to salvation. George Fox had found that it was Jesus Christ alone who spoke to his forlorn condition, and not the elaborate creeds, rituals and human "notions" of churchmen trained at Oxford or Cambridge. The Quakers felt that the Christian church had been in apostasy ever since apostolic times, and had been drifting farther and farther from the simplicity of primitive Christianity. The Protestant movement of the sixteenth century had stopped far short of its logical destiny and had become as bigoted and intolerant as the church it had pretended to reform. So the Friends formed a Society of people who were ready to dispense with all ecclesiastical organizations and paraphernalia and trust only to meeting God in the quiet of their meetings. It need not be pointed out that such belief and such action met with no sympathy from those who looked either to Rome or to Geneva for their direction. For reasons that derive from their independence of human authority in religion the Quakers were unmercifully persecuted. They were determined that this persecution should not be repeated in
their new country. In Penn's woods their meetings in their meeting-houses have had immunity from 1682 to the present day.

Growing out of the sacred character of man's nature, Penn also provided against the activity of any war party so long as the Assembly should include a Quaker majority. This was done by requiring a vote of the members in favor of any taxation for war purposes. The end of this dispensation came in 1756 when the make-up of the Assembly changed. It is to be noted also that whereas there were two hundred crimes in contemporary England punishable with death, Penn's consideration for the sacredness of human life limited capital punishment to murder and treason. Finally, growing out of the belief in the inherent dignity of man are Penn's provisions that an affirmative should be held to be the legal equivalent of an oath, and that Quaker marriages solemnized without the intervention of a priest or of a justice of the peace should be valid. These two innovations have both been legalized throughout the United States.

The second principle to be observed is the belief that every man, whatever his race or language, has a natural religion or standard of right and wrong to which he can live faithful if he wishes to do so. When the Friends used this principle in their dealings with the Indians and later with the Negroes, they were doing what we call today "appealing to their better nature." Quaker travel literature and journals are full of the satisfaction derived from speaking to the witness of God in members of these races with whom the Friends came into contact. They were delighted to find that the Indians could feel and act upon their sense of right, and this sense could be appealed to by the Quakers. Put in plain language, this means that it was found that the Indians would act decently if they were treated justly. Wherever Quakers met with Indians—in Rhode Island, the Carolinas, the Jerseys and Pennsylvania—they proceeded upon this theory and were justified by the happy results. Penn, before he had seen any Indians, wrote to them from England in friendly terms, in accordance with his broad belief in St. Paul's dictum that "the grace of God which bringeth salvation hath appeared to all men." Later he discovered experimentally their belief in a Great Spirit, their standard of fair play, their response to trust and kindness, and their belief in a future state. Penn's entire treatment of the Indians was based on his conception of them as fellow-sons of God, to be treated by him as brothers. This treatment continued and insured
the safety of the province until the middle of the eighteenth century brought into power a party which did not share this philosophy. The whole Calvinistic theory of grace was based on the belief that it was "limited," and not universal as the Quakers with the Arminians believed. The Scots-Irish Presbyterians were inhibited from believing that there was any grace in the Indians, and as a result they did not find any. In their eyes the only good Indian was a dead Indian. In such cases one usually finds what one is looking for.

To the Quakers there are no races which are inherently inferior. There are races which are backward and undeveloped, just as there are individuals in the same underprivileged state, but they all have a capacity as sons of God to be raised up. The Quakers have heeded the call to minister to such through education, medical care and humane treatment, whether they be Indians, Negroes, Orientals, prisoners or insane. Philadelphia for two centuries has been appropriately a center for the expression of a solicitude which finds its origin in Penn's and the Quakers' sense of responsibility for the welfare of other men.

A further expression of the belief that there is something to appeal to in every man is found in the Act of 1683 providing for the appointment of three peacemakers at every county court who should serve as arbitrators in civil causes and strive to settle them out of court. This has always been felt by Friends to be desirable, as discovered in their own bitter experience with courts in England, and as being consonant with the advice in Matthew, V, 23–25 and I Corinthians, VI, 1.

The belief that man is called to be perfect was peculiarly obnoxious to those who preferred a standard of conduct limited by their appetites and human frailty. The Puritans of the Commonwealth held this doctrine of perfection, but the Anglicans of the Restoration had no use for it. The search for perfection was a constant reminder of the latters' shortcomings and a criticism of their easy-going conformity with the world. The Anglicans in power hated the remaining traces of Puritanism among Dissenters, as in France the Jesuits hated the Jansenists for similar reasons. William Penn's best known religious work, No Cross, No Crown, gives eloquent evidence of his belief in his early days after conversion that we must live in the world, but not be of it. Practically this means that a great number of diversions and frivolities countenanced by the world must be renounced by the true Christian because they interfere with the soul's welfare. To his old worldly associates he
wrote: "O that you would be wise! O that the just One in yourselves
were heard! O that eternity had time to plead a little with you!" It is
not surprising, then, to find that in Pennsylvania as early as 1682 not
only the grosser forms of immorality were condemned, but also "all
prizes, stage-plays, cards, dice, May-games, gamesters, masques, re-
vels, bull-baitings, cock-fightings, bear-baitings, and the like" were to
be punished. These sports and diversions of Stuart England were pro-
scribed alike in New England by the Puritans and in Pennsylvania by
the Quakers, where Christians were trying to be perfect by the negative
way which is so unpopular today. Self-denial and self-discipline are
practiced chiefly by those who have suffered for their faith. Penn would
have said: "no cross, no crown."

The belief in a continuing revelation of God's will to those who
gladly inquire and seek for it leads to a belief in evolution in the affairs
of men. It holds the Christian to the truths of the Bible so far as they
are verified in human experience, but it does not stop with the Bible as
if it alone marked the permanent revelation of the divine purposes. In
other words, the belief leads one to look forward, to expect further
revelation, as human capacity is able to bear it. No attainment marks
a terminus of human endeavor so long as one can catch a God-given
glimpse of something higher and better. Thus the Quakers could find
in the Bible no blueprint for such a permanent system of government
for a church-controlled state as the theologians of Rome and Geneva
could see. God, they believed, was interested in good men, not in forms
of government. If men sought Truth and God's will, they would evolve
a government which was agreeable to Him. "Man was born free," as
Rousseau said later, and "All men are created equal," as our first Con-
gress was to say still later. They are brothers, the Quakers held, and it
is their business in secular as well as in spiritual matters to seek to-
gether to know God's will. When the Quakers have their own way, this
belief will lead them toward democracy in government. They will seek
to set up what has been called "a theocratic democracy," a democracy
of which God is recognized as the directing power to be consulted and
obeyed by a human society of equals in whom there is a spark of the
divine.

There is interesting evidence in Penn's own words of the responsi-
bility he felt for himself and his successors to measure up by their virtue
to this conception of government. In 1681, before going to Pennsyl-
vania, he wrote to some friends: “For the matters of liberty and privilege, I purpose that which is extraordinary, and to leave myself and successors no power of doing mischief; that the will of one man may not hinder the good of an whole country.” That was an extraordinary purpose, given the full powers vested in Penn personally and in his heirs and assigns by the King’s charter. There was to be no dead hand to control the destiny of Pennsylvania. An absolute Proprietor who could turn away from contemporary Bourbon and Stuart standards of ownership was something new. With his Quaker principles, he could not have done otherwise.

There is further evidence of Penn’s willingness to forego personal advantage in government. In the Charter of Privileges of April 20, 1682, it was provided that in the Provincial Council the governor or his deputies shall or may always preside and have a treble voice; also that all bills shall be prepared and proposed by the governor and Provincial Council, to be passed or rejected as the General Assembly shall see meet. These two undemocratic provisions aroused popular objection almost from the start. So it should be noted that the right to a treble voice was dropped by Penn the very next year in the Frame of April 2, 1683, and that in the Charter of Privileges of 1701 the Governor’s Council with its formerly reserved right of initiating legislation passed out of existence except as a body to “consult and assist, with the best of their advice, the Proprietary or his deputies, in all public affairs and matters relating to government.” This surrender of legislative privilege was made by Penn without hard feeling, as expressing a more popular control than he had conceived at first.

It is well to observe at this point that our Founder is the only Quaker who has ever had to write a frame of government for any state. In Easton and Coddington, Rhode Island had two competent Quaker governors, and Governor John Archdale’s name is still honored in the Carolinas. But when Penn became a great lawgiver and responsible Proprietor, he was straying into a field of activity into which no other Quaker was ever called to enter. Quakerism is a form of inward spiritual religion, well fitted for the needs of the individual Christian, but never has it sought or found such an unhampered application in government as in Pennsylvania and in the earliest history of the Jerseys. Penn, however, was full of ideas and by nature a man of great activity. It is evident that the King’s charter gave him a most congenial occasion to
apply Quakerism in a new field. If some of his first provisions were unwise, they could be eliminated as need required or as further revelation was vouchsafed. To see his guarantees for a free democratic government, let us turn to the most important of all our foundation documents—The Frame of Pennsylvania, 1682: "Any government is free to the people under it (whatever be the frame), where the laws rule, and the people are a party to these laws, and more than this is tyranny, oligarchy, or confusion." It is not so much the making of the laws that concerns Penn, as the keeping of them by good men. And to this day that is the trouble: there are plenty of good laws, but they are not always held in reverence. With the eyes of an expert Penn puts his finger on the danger spot as he points out in one of his most famous utterances: "Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore, governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn. I know some will say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better; for good laws may want [lack] good men, and be abolished or evaded by ill men; but good men will never want good laws, nor suffer ill ones." Virtuous citizenship does not descend by inheritance, but must be recruited by the education of youth in a universal system. For this education Penn provided. Good government, then, depends upon good laws to which the people are a party, and even more upon a succession of righteous magistrates who shall interpret them. Then will the great end of all government be attained: "to support power in reverence with the people, and to secure the people from the abuse of power; that they may be free by their just obedience, and the magistrates honorable, for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery."

Penn was later disillusioned by the abuse of his generosity by his colonists. Ingratitude was a vice he could not condone. But there was no uncertainty in his mind about the validity of progressive revelation or the means he had provided for obedience to it. His ideas became in-
creasingly liberal in his declarations between 1682 and 1701. When he addressed the Provincial Assembly in 1700, preparatory to the new Charter of Privileges of 1701 which endured until the Revolution, he could still say: “If in the constitution by charter there be any thing that jars, alter it. If you want a law for this or that, prepare it. I advise you not to trifle with government; I wish there were no need of any, but since crimes prevail, government is made necessary by man’s degeneracy. Government is not an end, but a means; he who thinks it to be an end, aims at profit—to make a trade of it—but he who thinks it to be a means, understands the true end of government.”

This is taking high ground, which should be familiar to a Quaker, but which is not apparently a familiar position to some others. Penn considers government the instrumentality which translates religion into the social organization: “Government seems to me a part of religion itself,” said he in 1682, “a thing sacred in its institution and end.” It is not strange, then, that Penn’s Quaker conception of religion must be studied in order to appreciate Penn’s Quaker institution of government in America. Religion was to penetrate government, and legislation was to comply with the requirements of truth as discovered by those who seek it.

To take up the laws of the Jerseys and Pennsylvania paragraph by paragraph would be to inflict hardship upon the reader. It is sufficient to peruse the early charters and constitutions of those States as printed by Francis N. Thorpe in volume V of his *Federal and State Constitutions* (Washington, 1901) to recognize the impress of Quakerism. Provision is made for the amendment of the constitution; for meetings of the Assembly on a certain date and for adjournments at its own will instead of at the bidding of a governor; for the avoidance of war; for restriction of capital punishment; for liberty of conscience and freedom of worship; for the substitution when desired of the affirmation for the legal oath; for free and open trials before a jury of one’s peers and at a minimum of expense; for the legal validity of Quaker marriages; for humane treatment of the Indians; for education of children over twelve years of age “in some useful trade or skill, to the end that none may be idle”; for the abolishment of imprisonment for debt and for the substitution of workhouses for dungeons in the penal system which later made Pennsylvania famous; for the punishment of “all scandalous and mali-
cious reporters, backbiters, defamers and spreaders of false news who shall be punished as enemies of the peace and concord of this province”; and finally, for participation in the representative government by voters of twenty-one years of age possessed of a minimum property. Without becoming embarrassed by legal detail, perhaps it has been made clear that the early government and laws of Pennsylvania reflected directly the sad experiences in England and the hopeful anticipation in America of the contemporary Quakers. Penn is the only large-scale lawmaker in modern history. But his ideals were so generous and his provisions so forward-looking that his name has become synonymous with toleration, justice and humanity. As compared with some other colonial governors, Penn is in another class. He still has much for us to heed today.

The later history of Pennsylvania presents the rejection not of Penn, but only of the peaceful Quaker philosophy which was his. The rejection was natural after the majority of the population became non-Quaker. His provisions for justice, education, toleration, democratic government, humanitarian concerns, and even certain peculiar privileges reserved for the Quakers themselves have survived. If Pennsylvania had been free from all feudal responsibility to the Crown for military protection, and if the province had continued to harbor a Quaker majority, Penn’s peace principles might have prevailed for an indefinite time. But it is hard for a peace policy based on good will to survive effectively in a world which follows a policy based on ill will. Penn’s government was taken from him for two years in 1692, apparently because such action was deemed a necessary step in protecting the colonies against the French. But it was restored to him in 1694, and a serious conflict over his peace policy was not revived until sixty years later. By that time the fighting element in the province was prepared to take arms against Pennsylvania Indians and the French. The frontier was soon aflame, as the Indians realized that they were no longer dealing with the brothers of their good friend Onas. The Pembertons, Anthony Benezet and others continued to try to improve conditions by the traditional Quaker method of providing for the Indians’ wants and by striving to obtain official justice for them. But, as stated at the outset, a combination of forces wrecked the Quaker peace policy in 1756, and it has stayed wrecked ever since. If Penn’s peace principles, based
on arbitration and good will, could be further explored today, he would have made a nearly perfect score of accomplishment in the eyes of posterity. It may not yet be too late. So many of his theories affecting human relations have proved practical that one may still hope that his belief in the Golden Rule applied to international relations will win adherents in this his tercentenary year.

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