

FORASMUCH AS IN a well governed and Christian Commonwealth matters concerning religion and the honor of God ought in the first place to be taken into serious consideration and endeavored to be settled, be it therefore ordered and enacted....

That whatsoever person or persons within the Province... shall from henceforth blaspheme God, that is curse Him, or deny our Savior Jesus Christ to be the son of God, or shall deny the Holy Trinity, the father, son, and Holy Ghost, or the Godhead of any of the said three persons of the Trinity or the unity of the Godhead, or shall use or utter any reproachful speeches, words, or language concerning the same Holy Trinity, or any of the said three persons thereof, shall be punished with death and confiscation or forfeiture of all his or her lands and goods to the Lord Proprietary and his heirs....

And whereas the enforcing of the conscience in matters of religion has frequently fallen out to be of dangerous consequence in those commonwealths where it has been practiced, and for the more quiet and peaceable government of this Province, and the better to preserve mutual love and amity among the inhabitants thereof. Be it therefore... enacted (except as in this present Act is before declared and set forth) that no person or persons whatever in the Province... professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested, or discountenanced for or in respect of his or her religion nor in the free exercise thereof within the Province... nor any way compelled to the belief or exercise of any other religion against his or her consent, so [long] as they be not unfaithful to the Lord Proprietary, or molest or conspire against the civil government established or to be established in this Province under him or his heirs.

And that all and every person and persons that shall presume contrary to this Act and the true intent and meaning thereof directly or indirectly either in person or estate willfully to wrong, disturb, or molest any person whatsoever within this Province professing to believe in Jesus Christ for or in respect of his or her religion or the free exercise thereof within this Province other than is

provided for in this Act, that such person or persons so offending shall be compelled to pay triple damages to the party so wronged or molested, and for every such offense shall also forfeit £20 sterling in money or the value thereof, half thereof for the use of the Lord Proprietary... and the other half for the use of the party so wronged or molested as aforesaid. Or, if the party so offending as aforesaid shall refuse or be unable to recompense the party so wronged, or to satisfy such fine or forfeiture, then such offender shall be severely punished by public whipping and imprisonment.

Questions

1. Members of which religious groups would be excluded from toleration under the Maryland law?
2. What does the law refer to as the major reasons for instituting religious toleration?

10. John Winthrop, Speech to the Massachusetts General Court (1645)

Source: *John Winthrop, Speech to the General Court of Massachusetts, July 3, 1645, in James Savage, The History of New England from 1630 to 1649 by John Winthrop (Boston, 1825-1826), Vol. 2, pp. 279-82.*

The early settlers of New England were mainly Puritans, English Protestants who believed that the Church of England in the early seventeenth century retained too many elements of Catholicism. Like other emigrants to America, Puritans came in search of liberty, especially the right to worship and govern themselves in what they deemed a Christian manner. Freedom for Puritans had nothing to do with either religious toleration or unrestrained individual behavior. In a 1645 speech to the Massachusetts legislature explaining the Puritan conception of freedom, Governor John

Winthrop distinguished sharply between two kinds of liberty. "Natural" liberty, or acting without restraint, suggested "a liberty to [do] evil." "Moral" liberty meant "a liberty to [do] that only which is good." It meant obedience to religious and governmental authority—following God's law and the law of rulers like Winthrop himself.

Winthrop's distinction between "moral" and "natural" liberty has been invoked many times by religious groups who feared that Americans were becoming selfish and immoral and who tried to impose their moral standards on society as a whole.

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THE GREAT QUESTIONS that have troubled the country, are about the authority of the magistrates and the liberty of the people. 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, such as hath the image of God eminently stamped upon it, the contempt and violation whereof hath been vindicated with examples of divine vengeance. I entreat you to consider, that when you choose magistrates, you take them from among yourselves, men subject to like passions as you are. Therefore when you see infirmities in us, you should reflect upon your own, and that would make you bear the more with us, and not be severe censurers of the failings of your magistrates, when you have continual experience of the like infirmities in yourselves and others. 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. When you agree with a workman to build you a ship or house, etc., he undertakes as well for his skill as for his faithfulness, for it is his profession, and you pay him for both. But when you call one to be a magistrate, he doth not profess nor undertake to have sufficient skill for that office, nor can you furnish him with gifts, etc., therefore you must run the hazard of his skill and ability. But if he fail in faithfulness, which by his

oath he is bound unto, that he must answer for. If it fall out that the case be clear to common apprehension, and the rule clear also, if he transgress here, the error is not in the skill, but in the evil of the will: it must be required of him. But if the case be doubtful, or the rule doubtful, to men of such understanding and parts as your magistrates are, if your magistrates should err here, yourselves must bear it.

For the other point concerning liberty, I observe a great mistake in the country about that. There is a twofold liberty, natural (I mean as our nature is now corrupt) and civil or federal. The first is common to man with beasts and other creatures. By this, man, as he stands in relation to man simply, hath liberty to do what he lists; it is a liberty to evil as well as to good. This liberty is incompatible and inconsistent with authority, and cannot endure the least restraint of the most just authority. The exercise and maintaining of this liberty makes men grow more evil, and in time to be worse than brute beasts. . . . This is that great enemy of truth and peace, that wild beast, which all the ordinances of God are bent against, to restrain and subdue it. The other kind of liberty I call civil or federal, it may also be termed moral, in reference to the covenant between God and man, in the moral law, and the politic covenants and constitutions, amongst men themselves. This liberty is the proper end and object of authority, and cannot subsist without it; and it is a liberty to that only which is good, just, and honest. This liberty you are to stand for, with the hazard (not only of your goods, but) of your lives, if need be. Whatsoever crosseth this, is not authority, but a distemper thereof. This liberty is maintained and exercised in a way of subjection to authority; it is of the same kind of liberty wherewith Christ hath made us free. The woman's own choice makes such a man her husband; yet being so chosen, he is her lord, and she is to be subject to him, yet in a way of liberty, not of bondage; and a true wife accounts her subjection her honor and freedom, and would not think her condition safe and free, but in her subjection to her husband's authority. Such is the liberty of the church under the authority of Christ, her king and husband; his yoke is so easy and sweet to her as a bride's ornaments; and if through forwardness or wantonness, etc., she shake it off, at any time,

she is at no rest in her spirit, until she take it up again; and whether her lord smiles upon her, and embraceth her in his arms, or whether he frowns, or rebukes, or smites her, she apprehends the sweetness of his love in all, and is refreshed, supported, and instructed by every such dispensation of his authority over her. On the other side, ye know who they are that complain of this yoke and say, let us break their bands, etc., we will not have this man to rule over us. Even so, brethren, it will be between you and your magistrates. If you stand for your natural corrupt liberties, and will do what is good in your own eyes, you will not endure the least weight of authority, but will murmur, and oppose, and be always striving to shake off that yoke; but if you will be satisfied to enjoy such civil and lawful liberties, such as Christ allows you, then will you quietly and cheerfully submit unto that authority which is set over you, in all the administrations of it, for your good. Wherein, if we fail at anytime, we hope we shall be willing (by God's assistance) to hearken to good advice from any of you, or in any other way of God; so shall your liberties be preserved, in upholding the honor and power of authority amongst you.

Questions

1. Why does Winthrop use an analogy to the status of women within the family to explain his understanding of liberty?
2. Why does Winthrop consider "natural" liberty dangerous?

11. The Trial of Anne Hutchinson (1637)

Source: *Thomas Hutchinson: "The Examination of Mrs. Ann Hutchinson at the Court of Newtown."* Reprinted by permission of the publisher from *The History of the Colony and Province of Massachusetts Bay, Vol. II, by Thomas Hutchinson, edited by Lawrence Shaw Mayo, pp. 366-91, Cambridge, Mass.:*

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A midwife and the daughter of a clergyman, Anne Hutchinson arrived in Massachusetts with her husband in 1634. She began holding meetings in her home where she led discussions of religious issues. Hutchinson charged that most of the ministers in Massachusetts were guilty of faulty preaching by distinguishing "saints" predestined to go to Heaven from the damned through activities such as church attendance and moral behavior rather than by an inner state of grace.

In 1637, Hutchinson was placed on trial before a civil court for sedition (expressing opinions dangerous to authority). Hutchinson's examination (by John Winthrop and deputy governor Thomas Dudley, excerpted below, is a classic example of the collision between established power and individual conscience. For a time, Hutchinson more than held her own. But when she spoke of divine revelations, of God speaking to her directly rather than through ministers or the Bible, she violated Puritan doctrine and sealed her own fate. Hutchinson and a number of her followers were banished.

TRIAL AT THE COURT AT NEWTON, 1637

GOV. JOHN WINTHROP: Mrs. Hutchinson, you are called here as one of those that have troubled the peace of the commonwealth and the churches here; you are known to be a woman that hath had a great share in the promoting and divulging of those opinions that are the cause of this trouble, and to be nearly joined not only in affinity and affection with some of those the court had taken notice of and passed censure upon, but you have spoken divers things, as we have been informed, very prejudicial to the honour of the churches and ministers thereof, and you have maintained a meeting and an assembly in your house that hath been condemned by the general assembly as a thing not tolerable nor comely in the sight of God nor fitting for your sex, and notwithstanding that was cried down you have