Today's Issues Readings for July 14, 2019

For this Sunday, July 14, the Today's Issues group will discuss two readings from the July 18 issue of The New York Review of Books.

Page 17, Michael Michael Tomsky, "The Rules of the Game," about the Democratic Party primaries.

Page 44, Marilynne Robinson, "Which Way to the City on a Hill?" about John Winthrop's vision of the Masssachusetts Bay Colony as a "City on the Hill" and its impact on colonial history including slavery, Indian policy, diversity and property rights.

The article by Tomsky on the primaries can be read without a password on the NYR site, just click here. The Robinson article is password protected so I am attaching a copy.

The group meets in the parlor of the Religious Education Building next to the church at 9:30 on Sunday mornings. All are welcome and there is no charge. Please do the readings and join our lively discussion. If you have any questions or problems accessing the reading email tedgoertzel@gmail.com

Which Way to the City on a Hill? Marilynne Robinson JULY 18, 2019 ISSUE
Allegory of Poverty by Adriaen van de Venne
Allen Memorial Art Museum, Oberlin College/Bridgeman Images
Adriaen van de Venne: Allegory of Poverty, 1630s
Recently, at a lunch with a group of graduate students, conversation turned to American colonial history, then to John Winthrop's 1630 speech "A Modell of Christian Charity," associated now with an image borrowed from Jesus, "a city on a hill." This phrase has been grossly misinterpreted, both Winthrop's use of it and Jesus'. In any case, the students pronounced the speech capitalist, with a certainty and unanimity that, quite frankly, is inappropriate to any historical subject, and would be, even if the students, or the teachers who gave them the word, could define "capitalist." Because I encounter variants of this conversation in such settings all over the country, I should not be heard as criticizing any particular university when I say that such certainty is not the product of good education. Indeed, it is distinctively the product of bad education.

This characterization of Winthrop's speech had the finality of a moral judgment, which is odd but, again, typical. For these purposes, capitalism is simply what America is and does and has always done and will do into any imaginable future. A dark stream of greed flows beneath its glittering surface, intermingling with its best works, its highest motives, and it is naive to think otherwise. Like the country itself, it is a rude, robust intrusion of unbridled self-interest upon a world whose traditional order was humane—in the best sense, civilized. Capitalism is, by these lights, original with and exclusive to us, except where Americanization has extended its long reach. This is believed so utterly that the fact that Marx was making his critique of the mature

industrial/colonial economy of Britain is overlooked or forgotten. My point here is not to defend capitalism, but to say that as the word is used critically it functions as a final, exhaustive interpretation of any text, and of the work of any writer whose culture is described as capitalist, which is fairly exclusively this one. And it is as if naive to see it otherwise.

The brutal system Marx describes depended on the British Poor Laws, which adapted serfdom to the needs of primitive industrialism. The Poor Laws restricted the movement of those who lived by their labor to the parish where they were born, making them in effect outlaws if they left. Vagrants could be hanged, and sometimes, especially under Henry VIII, they were hanged in great numbers. At the same time, the clearances pulled down or burned rural villages and seized what had been common land, so the poor were forced to leave their parishes and go to the cities to find work. They were, as we say, undocumented, and so they made up a cheap, docile, defenseless workforce. Here comparisons with the present situation of immigrants throughout the West are appropriate.

In New England, the colonies that had greater control over their own social order, there was no real equivalent for these Poor Laws. In the South, whose laws came from England, slaves lived under many of the same constraints on movement as the English poor. There also, laws forbade gatherings of three or more men, or the possession of anything that could be used as a weapon. In pre-modern Britain, the poor were the great majority of the population, as they were throughout Europe.

It was a commonplace of classic British political thought that societies were divided into two classes, the rich and the poor. The strictures and deprivations imposed on the poor, and the fact that their status in law enforced their poverty, meant that they were a stable class through the generations, a virtual race, not simply people who had fallen on hard times. The marks of poverty were a stigma comparable in some of their effects to the marks of race under slavery or Jim Crow, or apartheid. Like Jim Crow and apartheid, the laws that specifically determined their lives remained in effect into the twentieth century. I suspect Americans are ignorant of these laws and this history because their Anglo-Saxon heritage is very likely indeed to trace back to some desperate, bewildered bloke with a cropped ear, cast off at the edge of the Earth as an undesirable, for whose bare survival they are existentially in his debt. Emma Lazarus could well have taken the phrase “wretched refuse” from the theory of British colonization.

Winthrop and those who traveled with him were exceptions, having in general left for North America voluntarily. He was an educated man, speaking to people who were untypically educated or literate for the time. He speaks to them as potentially the founders of a new civilization. And he begins by granting as a first premise the commonplace that societies are divided by God into rich and poor. This granted, what follows? He says, crucially, that this inequality exists because God considers himself “more honoured in dispensing his gifts to man by man, than if he did it by his owne immediate hands.” That is, inequality is the divinely created occasion for liberality. Winthrop preaches an ethic of profound generosity that would effectively nullify this ancient, entrenched, deeply consequential distinction. His speech is not an argument

but a series of conclusions, all solidly based in Scripture, more absolute as he proceeds. Rather early on he says, “Wee must be willing to abridge ourselves of our superfluities, for the supply of other’s necessities.” This is a paraphrase of the verse in the Book of Acts describing the practice of the early Church, more succinctly and famously paraphrased in the Communist Manifesto as “from each according to his ability to each according to his needs.” Perhaps it echoes Shakespeare’s language in King Lear—“shake [down] the superflux”—or simply reflects a shared tradition.

Winthrop is proposing a society based on Christian love, an old dream of a British radicalism disseminated from Oxford in the fourteenth century, centered in the work of John Wycliffe, a professor and writer known throughout Europe as one of the great philosophic minds of his time. Wycliffe was indignant at the treatment of the poor—he wrote, for example, that

lords many times do wrongs to poor men by extortion & unreasonable [fees] and unreasonable taxes, & take poor men’s goods…& despise them & menace them & sometime beat them when they ask their pay. & thus lords devour poor men’s goods in gluttony & waste and pride, & they perish for mischief, & hunger & thirst & cold, & their children also…[they] withhold from poor men their hire, for which they have spended their flesh & their blood. & so in a manner they eat & drink poor men’s flesh & blood & are mankillers…

and more to the same effect.

Since he was at the same time an eminent scholar, Wycliffe helped to give British religious dissent a distinctive intellectualism that bypassed barriers of class. He accomplished this, notably, by making the first translation of the entire Bible into English and by writing religious/political tracts in English, like the one just quoted, some of which circulated for more than a century, though possession of them was deeply incriminating. Oxford students and others took pages of Scripture out among the poor so that they could hear them read in their own language. At this time there was a moment of early literary brilliance, in the English writing of Geoffrey Chaucer, John Gower, William Langland, and others. These poets, and Wycliffe as well, enjoyed the protection of important figures, notably John of Gaunt, possibly Richard II and certainly his wife, Anne of Bohemia. The movement associated with Wycliffe, called Lollardy, was violently suppressed and driven underground by Henry IV. Many Lollards were burned, but their movement remained active and influential, finally merging with the Reformation and Puritanism.

Winthrop’s speech illustrates the fact that the Scriptures themselves could serve as a manifesto. Puritan interest in attempting a return to biblical standards of life in society was not a nostalgia for an imagined past, a desire to live ancient lives, but a will to reform society in keeping with the vastly more humane laws and teachings of both testaments. Scripture gave authority to a vision of equity and also grace as standards of social interaction by which Christendom had not chosen to abide. Surely charges of bibliolatry or theocracy, seen against the alternative, are no

grounds for dismissing the project. Winthrop quotes the First Epistle of John: “He whoe hath this world’s goodes and seeth his brother to neede and shutts upp his compassion from him, how dwelleth the loue of God in him,” which comes punctually to this conclusion: “If thy brother be in want and thou canst help him, thou needst not make doubt, what thou shouldst doe; if thou louest God thou must help him.” The poor laws under Elizabeth made it a crime to give money to a “sturdy beggar,” an edict that might have threatened Shakespeare’s company of strolling players. There were alms houses, where charity was so meagre and punitive that the poor sometimes preferred to die of starvation. Pauper suicides persisted as a problem that vexed Beatrice Webb in the twentieth century.

Winthrop is not directly proposing a new social system in the usual sense, but instead he is urging a refusal to sustain the bitter difference between have and have not that structured British law and society. William Blake, a prodigy of Dissenter intellectualism, said, “Pity would be no more,/If we did not make somebody Poor,” and keep him poor, I might add. The commandment of Jesus quoted by Winthrop, “to him who asks give, hoping nothing in return,” assumes both need, relative prosperity, and a liberality that alleviates the difference. The reward of generosity, for the individual and the society, is pleasure in one another’s well-being.

Rhetorically, Winthrop is playing on the Greek word agapē, conventionally translated as charity, and accurately translated as love. The martyred William Tyndale, a Puritan hero, made this change in his translation of the New Testament in 1525. Winthrop begins with an argument for a familiar kind of charity, provision for the needy, though here urging a liberality that utterly exceeds customary practice. He ends in a vision of love of and within the community that takes its imagery from the Song of Songs. He says, “Nothing yeildes more pleasure and content to the soule then when it findes that which it may loue fervently; for to love and live beloved is the soule’s paradise both here and in heaven.” This does not sound to me like capitalism.

Was this in some part Puritanism, or was it altogether Winthrop? In the next century, Jonathan Edwards gave a long, highly detailed sermon titled “Christian Charity: or the Duty of Charity to the Poor, Explained and Enforced.” In it he makes every argument for liberality Winthrop has made and a few more, and refutes every argument for delay, parsimony, or resentment, even though, he says, the town governments take responsibility for assisting the poor.

I pause here to note that the word “liberal” and its forms were used in American social thought until quite recently to refer to a scripturally blessed and commanded open-handedness, a generosity based in faith and love. Over time, the word became secularized with use, though it retained its essential meaning. Then someone noticed that when an Englishman used the word it meant something else entirely and was properly, by our lights, a term of opprobrium. And it was banished from use by those alert to the possibility that a gaffe had been made. So our tradition became unreadable in its own terms, capitalist in the light of a new hermeneutics that sees context as special pleading. The word “left” has been substituted for “liberal,” usually modified by the phrase “too far.” “Left” has little to do with American thought, much to do with

seating arrangements in the French revolutionary assembly. And we all know what followed the French Revolution.

There is a great tangle of language to deal with. Many scholars struggle to find a definition of “Puritan.” This is not surprising, since it was a blanket term for perhaps more than a hundred sects who found common cause in resistance to both church and government. There were Congregationalists and Presbyterians, and also Baptists, Quakers, Diggers, Levellers, and many more. Anyone who thinks there were and are not meaningful differences among the denominations has no understanding of theology, which is the substance of these differences. They shared basic assumptions and they found common cause. Figures like John Milton and Oliver Cromwell never identified themselves with any particular church or sect. “Puritan,” like “Yankee,” was originally a derisive term used by their adversaries, finally adopted by them. It has become so deeply associated with sexual anxiety and fastidiousness that there is no point mentioning their very high estimation of women and marriage, which was not usual at the time, precisely because of the authority of a very old religious culture of sexual anxiety and fastidiousness.

Why does it matter who they were? Because they figured largely in the first modern revolution, trying a king, Charles I, as a common citizen, for crimes against the nation, as the French would do 150 years later. This revolution established a protectorship and parliamentary government in Britain, from 1642 to 1660. Then it collapsed, sending a wave of its supporters to swell the population of New England, an event crucial to American history, and wholly unknown to most Americans.

Perhaps I should refresh memory—the king, Charles I, declared war on Parliament, which took up the gauntlet, so to speak. Parliament was the popular side, favored by the great many common people who were religious dissenters. The king had failed to summon Parliament for years, and a great cause among the revolutionists was that elections and sessions of Parliament should be regular and frequent. The period of revolutionary government, from 1649 to 1660, is called the Commonwealth.

As for the question of who these Puritans were, the individual members of large groups are very likely to deviate from expectation in some degree, which does not make collective identities assigned to them meaningless. Soldiers and partisans of Jefferson Davis can be called “Confederates,” diverse as their motives and interests surely were. By the same token, those who fought in Oliver Cromwell’s army and supported and participated in the revolution he led can be called “Puritan.” They were a highly political faction. Though made up of many dissenter sects, they were agreed on the need for profound social reform and averse to religious and political hierarchy. Cromwell’s armies held protracted debates about the character of the new society they hoped to establish. Winthrop, writing before the outbreak of war in England, used Scripture as a foil for implied criticism of the impulses of greed and cruelty that shape social relations. Perhaps this has been a prime function of Scripture from its ancient beginnings. In any case, the intense identification of the English revolutionaries with the Bible, which might be said

to have recruited and bonded them through the generations in which they could be burned for owning it, fused their religion and their politics into one thing, granting many variations.

“Cromwell” is one of those words, like “Puritan,” like “liberal,” like “capitalist,” like “Jonathan Edwards,” that triggers intellectual lockdown. No one knows anything about Cromwell except that he is someone no one would want to know anything about. This reaction often has a peculiar moralistic cast, a moral contempt for the moral pretensions of Puritans, or liberals, or Jonathan Edwards. There is also a kind of moralism that is reflected in the mention of capitalism, which apparently has bought us off, the pact being that we resign ourselves and prosper, having lost or surrendered all our options. The smirk is a little reach for self-respect. I can find no definition of capitalism except as an economic system that, insofar as possible, converts everything into capital. Did we ever actually agree to this? Does it really describe our civilization?

Be that as it may, the first third of our national life is a virtual blank, or worse, historically speaking, on account of these aversions. Jonathan Edwards, still the greatest American philosopher, is known for a sermon that mentions spiders.

And those witches. A terrible slip into European thinking and behavior. How many witches were burned in Sweden, Germany, Britain? Estimates run into tens of thousands. Nothing but this peculiar tendency to treat Puritanism as a pathology can account for the prevalent notion that the isolated outbreak in New England was typically and uniquely Puritan.

Oliver Cromwell
Private Collection/Bridgeman Images
Oliver Cromwell; miniature painting by Samuel Cooper, seventeenth century
Absence of meaningful interest in the political culture of New England obscures the fact that there were two civilizations planted by British settlers in North America, which may be usefully distinguished as New England and the South. The events surrounding colonization occurred in what historians call the early modern period. This means printed documents survive that inform distinctions like Southern and Northern, or British and American. It is readily possible to establish what is Puritan by comparison with what is not. Doing so draws attention to the degree to which Puritanism was a reformist political movement, not merely militant impatience with the popish practices of the Anglican Church.

I will look at three documents that, for all their differences, can be meaningfully compared. The first is a legal code, authorized by the king, for an existing colony in Virginia, in 1611. The second is a constitution, a social and economic blueprint for the South, commissioned in London, written by the philosopher John Locke and published in 1669. The third is a list of proposals for creating good government, composed by the Puritan Hugh Peter, published in 1651. Peter was for about twenty years the primary chaplain of Oliver Cromwell and the Houses of Lords and Commons. When the Commonwealth fell, he was executed. This is to say, the writer was very much at the center of the English Revolution.

There is no comparison to be made between Peter's vision and the others' in the matter of liberality. The first two are both profoundly illiberal, while Cromwell's Puritan chaplain says things like this:

Let no difference bee made between Iews, or Gentiles, bond or free, stranger or Natives, in either Criminal, or Civil things: for so hath God commanded, and by this means shall the Governors bee true fathers of humanitie; And it will mightily populate, and inrich the Common-wealth, when the oppressed in anie other Countrie know where to go dwell, under so just Government, with freedom from oppression. Deut. 1. 16, 17. Prov. 24. 23. Prov. 20. 8.

Peter is by no means congratulating existing practice. At the time he wrote this, it was illegal for Jews to live in England, as it had been since their expulsion in 1290. Cromwell had begun negotiating an end to their exclusion when he died. (It should be noted that, in his sermon on the duty of charity, Jonathan Edwards stipulates at the outset that this duty is owed to anyone: "It is explained in Levit. xxv. 35 to mean not only those of their own nation, but even strangers and sojourners." Strikingly often, the positions I have called "liberal" are drawn from the Old Testament, mention of which, as of Puritanism itself, triggers intellectual lockdown.)

The 1611 code called Dale's Laws was composed by the Virginia colony's stockholders in London in response to that colony's failure to thrive. The code is repressive and punitive to the point of derangement, or so it appears to the modern eye. Cropping of the ears, impaling of the tongue, endless flogging—there is no sign of deference to what Blake called "the human form divine." It was not a penal colony. No rationale is offered for this regime of utter violence except the colony's failure from the investors' point of view. But it was arguably a theocracy, granting that this is another word without a definition.

The prologue to these laws states that "his Majesty," then King James I, he of Bible fame, has "a principal care of true religion, and reverence to God" and so "for the glory of God," has ordained these laws. This might sound like mere boilerplate. But item 2 of the code prescribes the death penalty for speaking impiously about the Trinity or "the known articles of the Christian faith." The third item prescribes the censure of death for taking the Lord's name in vain a third time. The fourth, death for speaking traitorously against the king or royal authority. The fifth, death for disrespect for the Scriptures. Also, it says, "every man and woman shall repair in the mornings to divine service," and Sabbath sermons, "and in the afternoons to divine service, and Catechizing," the penalty for failing a third time to attend being, of course, death. The church in question here was the Anglican Church, the Church of England, to which the Puritans took exception on slight pretexts, if historians are to be trusted.

The Puritans were a literary culture, enormously prolific, and I have read, more or less at random, very little of their work, except by comparison with people at large, and, I believe, with certain historians. But in my reading of them, I have never come across anything in the same universe as Dale's Laws. I am confident that our cultural investment in the image of Puritans as

intolerant is vigorous enough that someone would have produced the damning evidence if it existed. A recent volume that contains Dale's Laws notes without documentation that "neither the Puritans nor the Separatists believed in religious freedom…. They stressed the need for conformity within their community."* Surely it is fair to ask, Compared to whom? They wrote beautifully on the subject of freedom of conscience. It is relevant to establishing the standards of the time that in Europe the Inquisition had been up and running for about four hundred years. The least repressive group, whatever its failings, is, eo ipso, the most progressive group.

Hugh Peter, Cromwell's chaplain, proposed reforms of the penal system. He says:

Let no Malefactors against the light of Nature, and civil societie, escape unpunished, but bee justly and speedily punished, not in prisons before hand, by cold, heat, stink [which was believed to transmit disease], famine, or anie other waie; but out of humanitie, let them bee comfortably provided for, till sentence bee given, and then let Justice take place,

so that those guilty of capital crimes "may bee duly punished, rather inclining to mercie then crueltie, and alwaies with a merciful heart. Deut. 35. 31, 32. Prov. 12. 18." The American legal code called the Massachusetts Body of Liberties, written by the Puritan minister Nathaniel Ward and published ten years earlier, says, "For bodilie punishments we allow amongst us none that are inhumane Barbarous or cruel." Any student of history will know how radical a departure from British and European practice this was.

John Locke wrote "The Fundamental Constitutions of Carolina" under royal commission, after the death of Cromwell. His family had shown some sympathy for the Puritan cause, so his conservatism might have been prudent, though it is also true that he had financial interests involving colonization and slavery. Essentially his code is an abstract of the social and political order of England as seen from its heights of privilege, by the titled grandees who were the proprietors of the colony. It is silently purged of all liberalizing influences that were to be found in England itself, except for a version of religious tolerance that, for example, excludes from the protection of the law any adult who is not a church member. Locke's Carolina—that is, most of the South excluding Florida—would be a rigidly hierarchical society, with status and authority based on land ownership, ownership and all it entailed determined by primogeniture, as in England. These lands would be portioned out, and after that, in perpetuity, would pass through the generations as the inheritance of the eldest son. If the line failed and the land passed into other hands, that family was to take the name and coat of arms of the original owners, to conceal the rupture.

Puritans as reformers always imagine a future, a sometimes Blakean vision of what might be, like Winthrop's community of love. Locke's Carolina is as static as it can be made, his code an intricate machinery meant to distribute authority and assure stability. Though it is presumably meant to contain agricultural plantations, there is no direct mention of the fact that an economy of this kind requires laborers in great numbers, the "delving Adam" of English radical tradition. There is mention, however, of what he calls "leet-men," people who are owned with the land,

who have no appeal from the judgments of their lord, who cannot leave his land without his formal consent. And this: “All the Children of Leet-men shall be Leet-men, and so to all Generations.”

In ordinary usage, leet-men are paupers, which is bad enough, but is not hereditary, at least in theory. In this constitution laborers seem to slide back into serfdom. The slight notice paid to them and the constraints to be brought to bear on them describe the condition of laborers under the Poor Laws, and of slaves. Locke also said, with equal brevity and finality, “Every Freeman of Carolina shall have absolute power and authority over his Negro Slaves, of what Opinion or Religion soever.” We might thank Jefferson for his hypocrisy. Where would we be if he had bequeathed to us the straightforward defense of his own interests that Locke makes here?

Hugh Peter describes the ruin caused by primogeniture, established in Locke’s code as it was in England, which protected estates from being divided among heirs at the cost of leaving the offspring who did not inherit utterly destitute. He says, “What mischiefs have com’n upon families by greatning the eldest, and abasing the rest…the high waies and gallows can witness, and forrein plantations can testifie.” Consistently his list of proposals shows practical attentiveness to the poor, to strangers, debtors, the imprisoned, all typically the victims of miseries created by law, whether its harshness or its negligence, or both. He says there must be change so that “poor men especially, may not bee for small debts clapt up in prison, and thereby they and their families undon in a short time, becaus hee is not able to put in Bail.” We Americans now hold poor people in jail for long periods of time for offenses so minor that the bail they cannot pay is trifling, and so they lose their jobs, perhaps custody of their children and so on, at an ultimate social cost that cannot be reckoned. This Puritan would have things to say to us, without question.

I have the letters and papers of Oliver Cromwell, four stout volumes published by Harvard in the 1930s and 1940s. As seems always to be true where this engrossing history is involved, I have read far more deeply into this material than anyone I know, and I have put only a fairly deep scratch on its surface. I had to leave off just before the trial of the king, at which, it seems, Cromwell said nothing. I can report that his prose is restrained. His deference to parliamentary control is remarkable, since everything depended on his military successes. His army became progressively more Puritan because he preferred common men, “plain, russet-coated fellows,” as his soldiers. They were fearless and dependable, indifferent to hardship. His army was considered the most powerful in Europe. Vincenzo Bellini wrote an opera about them. Cromwell and his cabinet proposed a brief, tentative constitution with nothing vindictive about it. He called Parliament “a check and a balance.” I have no idea whether I will learn that he and his spiritual adviser of twenty years’ standing were of one mind about these reforms for the benefit of the poor to which Hugh Peter has given so much thought. But, aside from the apparent affinity between the two men, there is the larger phenomenon of Puritanism.

Hugh Peter was, of course, the contemporary of Winthrop and Ward. Like Ward, he was a minister who had come under pressure for his Puritanism and ended up in Massachusetts,

where he lived for seven years before returning to England on a diplomatic mission for the colony. He met Cromwell and stayed on as the war began. When Cromwell died and the Commonwealth fell, Peter was executed in an excruciatingly protracted ritual of dismemberment and burning developed under Elizabeth to punish traitors and Catholics, which by her lights were the same thing. Peter had been made to watch this execution carried out on his closest friend the day before his own death. Again, I have found nothing by or about Puritans that remotely resembles this barbarity and cruelty or that could rationalize it. Old, unhappy, far-off things. But our imagination and our sympathy are closed against this important early branch of our cultural ancestry on the grounds that they were severe. Here we have the bizarre recourse to violence that might have made Dale's Laws seem a plausible approach to the governing of a human society, even suitable to converting the natives to Christianity by force of example. (None were converted.)

So here I propose what is to my knowledge a new theory of modern history. There were two contending concepts of right and value that developed over the long period from the Black Plague and the Peasants' War in the fourteenth century to the wars of king and Parliament in the seventeenth century. One is based on property, especially property in land, and the other is based on the human person. This difference was central to our Civil War. There was nothing casual in the use of the phrase "this species of property" when Southerners protested about laws that prevented them from traveling with slaves into free states or risking the loss of them once there. Both Roger B. Taney, who wrote the Dred Scott decision, and Jefferson Davis said that slavery had developed under English property law, that what you buy you own. Property was believed by them to be the basis of law and civil order, and interference with or deprivation of property to be an assault on the fundamental right. The antislavery side made the argument that human beings cannot be property, that their humanity overrode and trivialized all other considerations.

I may actually owe my new theory to Henry Ward Beecher, who said, in 1855:

These two radical theories of man—man, a physical creature to be judged by effects produced in Time; or man, a spiritual creature, to be judged by the development to which he is destined, are at the root of all the antagonisms between the spirit of northern and southern institutions.

Men as units of labor, or human beings as children of society, whom society, he says, should redeem "from ignorance, should secure their growth, equip them for citizenship, make all the influences of society enure to the benefit of the mass of men." Property in human beings, a definition of serfdom, is a condition anticipated in Locke's constitutions, together with African slavery. How largely liberty figured in the regime called Dale's Laws the reader may judge. In other words, the distinction Beecher makes between a society that will countenance the absolute submission of one class to another, and a society based on a reverence toward human beings as such that forbids such distinctions, with the laws and customs that sustain them, is the difference between Puritan and Cavalier, between North and South. Most of history and the greater part of the world would have been owned and governed by a small class set apart by

hereditary privilege and wealth in land. The North was radical in more or less departing from this model.

The Beechers, John Brown, and many other Abolitionists were descendants of the Pilgrims or Puritans. This is not especially remarkable, since after the great migration that followed the fall of the Commonwealth there was a long period without significant immigration. They became a sort of grand-scale Pitcairn Island, amazing Thomas Malthus with the prodigious increase in their numbers from a fairly small original population. So their sense of themselves as a culture with a highly particular history would no doubt have been strongly reinforced by circumstance. Their martyrology, Foxe's Acts and Monuments, in tracing their origins as a religious movement within Britain from the fourteenth century, must have included a good many family names. Emerson's mother loved to read John Flavel, an English Puritan preacher contemporary with Nathaniel Ward and Hugh Peter. Oliver Cromwell had an interest in land in Connecticut. Two of the regicides, members of the committee that condemned Charles I, were hidden in New Haven and died there.

The old Puritan writers, like the man Jonathan Edwards calls "the holy Mr. Flavel," elaborated, with all the mentions of Satan and hell and conversion that are universal in Christian preaching of the period, an anthropology that is fresh and joyful. Flavel says, for example:

The soul manifests its dear love and affection to the body, by its sympathy, and compassionate feeling of all its burdens: whatever touches the body, by way of injury, affects the soul also by way of sympathy. The soul and body are as strings of two musical instruments set exactly at one height; if one be touched, the other trembles. They laugh and cry, are sick and well together. This is a wonderful mystery….

And, "The body is the soul's ancient acquaintance and intimate friend, with whom it hath assiduously and familiarly conversed from its beginning. They have been partners in each others comforts and sorrows." His loving marriage of opposites is the sweetest accommodation of this ancient dichotomy I have ever seen, and true to experience as well. Any interpreter of Walt Whitman's Song of Myself could well start here.

Our heavily redacted history has meant the loss of many options. The idea of a good community, one whose members are happy in the fact of a general well-being, is not native to us, natural to us, possible for us—or so we are to believe. It is too far left. It is downright socialist. Hugh Peter speaks in terms of practical enhancements, crowned roads to help prevent flooding, for example. He proposes that all advocates and attorneys should be paid by the public, that no one should be above the law. He proposes that artists and craftsmen of modest income should not be taxed. There is nothing sectarian in his list of reforms, assuming that most of us would be pleased to have improved infrastructure, equal justice before the law, a creative environment that acknowledges the social value of art.

We know our penal system is unfair and inhumane, that our treatment of immigrants threatens the ideal of a just nation. Why are we paralyzed in the face of these issues of freedom and humanity? Why are we alienated from a history that could help us find a deep root in liberality and shared and mutual happiness? Those who control the word “American” control the sense of the possible. Our public is far more liberal than our politics. Our politics must change if there is to be any future for representative democracy.

A version of this essay was presented in February 2019 as one of the Joanna Jackson Goldman Memorial Lectures on American Civilization and Government at the New York Public Library, which are made possible by a gift from the estate of Eric F. Goldman.

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American Legal History: Cases and Materials, fourth edition, edited by Kermit L. Hall, Paul Finkelman, and James W. Ely Jr. (Oxford University Press, 2011), pp. 7–12. ↩