

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 2: The Colonial Era – Foundations/Principles

John Winthrop, “**Little Speech on Liberty**” (1645)¹

John Winthrop (1588–1649) and the other Puritans who settled Massachusetts did not champion novel or progressive notions of government or constitutionalism. Winthrop, the early leader of the Massachusetts colony, believed that his authority came from God. Government promoted religious orthodoxy. People had no freedoms other than what the law permitted, and persons could be punished only if they violated established law. More generally, Winthrop equated true liberty with “subjection to authority.” Why does he think that liberty exists when subjects “cheerfully submit” to authority? As you read the passage below, consider whether Winthrop’s understanding of constitutional government had any influence on the persons who framed the Constitution or on contemporary ideas of constitutional government.

... 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. ... 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. ...

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 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. ... If you want to 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 any time, 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.

¹ John Winthrop, *The History of New England from 1630 to 1649*, ed. James Savage (Boston: Little, Brown and Company, 1853), 2:280–81.