

AMERICAN CONSTITUTIONALISM
VOLUME II: RIGHTS AND LIBERTIES
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Supplementary Material

Chapter 2: The Colonial Era – Individual Rights/Religion/Free Exercise

William Penn, *The Great Case of Liberty of Conscience* (1670)¹

William Penn (1644–1718) was a prominent Quaker and the founder of the Pennsylvania colony. Quakers or members of the Religious Society of Friends rejected original sin, refused to take oaths, insisted that all persons were equal in the eyes of God, and maintained that good Christians must be pacifists. English authorities severely repressed Quakers for challenging many central tenets of the Church of England. Penn spent time in prison for preaching on the streets of London. While in prison, he wrote “The Great Case of Liberty of Conscience.” Eventually, Penn was released. He and other Quakers soon organized a mass emigration to the United States. In the early 1680s, King Charles II granted Penn a large tract of land. Penn soon obtained a colonial charter for what would eventually become Pennsylvania. In Pennsylvania, Quakers attempted to govern consistently with their religious principles.

“The Great Case of Liberty of Conscience” makes a religious argument for religious freedom. Penn insists that God made people free to choose to worship God as they saw fit. This is consistent with the Quaker rejection of any particular religious ritual. Does Penn also make a liberal argument for free exercise? Might one say that the Quaker faith is Christianity influenced by liberal political thought?

...
First, By *Liberty of Conscience*, we understand not only a mere *Liberty of the Mind*, in believing or disbelieving this or that Principle or Doctrine, but the *Exercise of our selves in a visible Way of Worship*, upon our believing it to be indispensibly required at our Hands, that if we neglect it for Fear or Favour of any Mortal Man, we Sin, and incur Divine Wrath: Yet we would be so understood to extend and justify the Lawfulness of our so meeting to worship God, as not to contrive, or abet any Contrivance destructive of the Government and Laws of the Land, tending to Matters of an external Nature, directly, or indirectly; but so far only, as it may refer to religious Matters, and a Life to come, and consequently wholly independent of the secular Affairs of this, wherein we are supposed to Transgress.

Secondly, By Imposition, Restraint, and Persecution, we don’t only mean, the strict Requiring of us to believe this to be true, or that to be false; and upon Refusal, to incur the Penalties enacted in such Cases; but by those Terms we mean thus much, any coercive Law or Hindrance to us, from meeting together to perform those Religious Exercises which are according to our Faith and Persuasion.

...
[W]e say that *Imposition, Restraint, and Persecution*, for Matters relating to Conscience, directly invade the Divine Prerogative.

First, If we do allow the Honour of our Creation, due to God only, and that no other besides himself has endowed us with those excellent Gifts of *Understanding, Reason, Judgment, and Faith*, and consequently that he only is the Object as well as Author, both of our *Faith, Worship, and Service*, then whosoever shall interpose their Authority to enact *Faith and Worship*, in a Way that seems not to us congruous with what he has discovered to us to be *Faith and Worship* (whose alone Property it is to do it) or to restrain us from what we are persuaded is our *indispensible Duty*, they evidently usurp this Authority and invade his incommunicable Right of Government over Conscience: For the Inspiration of the Almighty gives Understanding: And Faith is the Gift of God, says the Divine Writ.

¹ William Penn, *The Select Works of William Penn*, volume III, 3rd ed. (London: James Phillip, 1782), 11–13.

Secondly. *Such magisterial Determinations carry an evident Claim to that Infallibility, which Protestants have been hitherto so jealous of owning, that to avoid the Papists, they have denied it to all, but God himself.*

...

Fourthly, *It defeats God's Work of Grace, and the invisible Operation of his Eternal Spirit, which can alone beget Faith, and is only to be obeyed, in and about Religion and Worship, and attributes Men's Conformity to outward Force and Corporal Punishments.* A Faith subject to as many Revolutions as the Powers that enact it.

Fifthly and Lastly, *Such Persons assume the Judgment of the great Tribunal unto themselves; for to whomsoever Men are imposedly or restrictively subject and accountable in Matters of Faith, Worship and Conscience; in them alone must the Power of Judgment reside; but it is equally true that God shall judge all by Jesus Christ, and that no Man is so accountable to his fellow Creatures, as to be imposed upon, restrained, or persecuted for any Matter of Conscience whatever.*

...

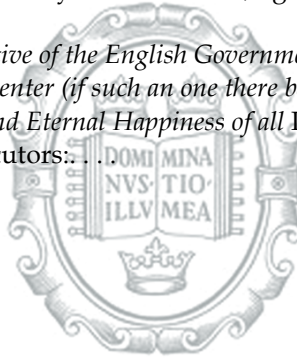
To conclude, *Liberty of Conscience (as thus stated and defended) we ask as our undoubted Right by the Law of God, of Nature, and of our own Country: it has been often promised, we have long waited for it, we have writ much, and suffered in its Defense, and have made many true Complaints, but found little or no Redress.*

However, we take the righteous Holy God to record, against all Objections, that are ignorantly or designedly raised against us. That.

1st. *We hold no Principle destructive of the English Government.*

2d. *That we plead for no such Dissenter (if such an one there be.)*

3d. *That we desire the Temporal and Eternal Happiness of all Persons (in Submission to the divine Will of God) heartily forgiving our cruel Persecutors: ...*



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