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ST. THOMAS MORE, PATRON OF PURITANS

BENEDICT HOLDEN*

FREEDOM OF CONSCIENCE, an essential element to democracy, is one of the rights guaranteed by the Constitution of the United States and the constitutions of the several states. Its acceptance as a theory, and its development as a popular policy, may be traced to the early days of the American colonies, and has its beginning almost simultaneously in Catholic-founded Maryland and Puritan-founded New England. Such unanimity of thought on a single subject cannot be classed as fortuitous coincidence, nor did it occur solely because each colony was founded for religious rather than commercial reasons. Historians agree that both Connecticut and Maryland were influenced by the *Utopia* of St. Thomas More.¹ Each religious group, fearful lest an adoption of English policies and legislation might deprive it of its right to worship as it saw fit, determined to use an independent guide, a guide describing an ideal commonwealth adaptable to the particular needs of the new colonies.

The attitude of the colonists of early Maryland towards all faiths is well-known.² That of Puritan New England has long been the subject of misconception, resulting from a book published by the Rev. Samuel Peters in 1781. Peters, a Connecticut-born Anglican clergyman and an admitted Tory, maintained a traditional antagonism towards Catholics and a personal dislike for the Congregational majority of Connecticut.³

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¹ BALDWIN, in *The Colonial Period*, 1 HISTORY OF CONNECTICUT 51 (Osborn ed. 1925) refers to UTOPIA as instrumental in assisting the founders of the New Haven Colony to form an ideal government. UTOPIA is also cited as source of religious liberty in ANDREWS, THE HISTORY OF MARYLAND 13 (1929), cited in IVES, THE ARK AND THE DOVE 68 (1936).

² October 13, 1643, an emissary from Maryland arrived in Boston seeking to interest the Puritans in settling in the new colony, promising "free liberty of religion." WINTHROP, 2 JOURNAL 150 (Hosmer ed. 1908).

³ The Sons of Liberty accelerated Peter's departure from Hebron on August 15, 1774. A HISTORICAL COLLECTION FROM OFFICIAL RECORDS OF THE PART SUSTAINED BY CONNECTICUT DURING THE REVOLUTION 19 (HINMAN ed. 1842).

Writing the mixed fact and fancy of a trained propagandist, Parson Peters succeeded in painting the New England Puritan as an austere, humorless, bigoted individual, whose hatred for Catholics in general, and priests in particular, knew no bounds. His success in this venture is measured by the fact that historians⁴ refer to the persecution of Catholics by the Puritans as a blot on the history of New England. Such acceptance is regrettable when the record shows the contrary to be true.

Cited as examples of Puritan intolerance are the laws restricting the franchise to members of the Established Church⁵ and the proscription of "Quakers, Ranters and Hereticks."⁶ There is no doubt that political freedom was nonexistent in New England, but the right to vote is not necessarily the only earmark of equality. Another important test is the ability of people to live side by side, one with the other, without bitterness or bias because of racial or religious differences. This, because it concerns the personal attitude of one individual towards another, cannot be accomplished solely by legislation, but must be the result of the application of official policies through the action of individuals. If the theory of freedom of conscience were to continue, it must do so, not simply because the founding fathers desired it to be, but because the rank and file of the population concurred in that desire.

⁴ DUGGAN, *The Catholic Church in Connecticut*, 3 HISTORY OF CONNECTICUT 429 (Osborn ed. 1925) refers to the proscription of priests listed in Peters' Code as fact. Peters quoted the New York Statute and attributed it to Connecticut.

⁵ RECORDS OF NEW HAVEN COLONY 11-17 (1638-1653); see *id.* 567 (1653-1665).

⁶ Enacted in New Haven Colony, March 27, 1657. RECORDS OF NEW HAVEN COLONY 217 (1653-1665). This law was similar to that enacted by the Connecticut Colony in 1656.

The purpose of this article is to trace the course of the theory of freedom of conscience in Puritan New England and to investigate not only the promulgation of the policy by the founding fathers, but its acceptance by the population. The various acts of obvious bigotry and bias perpetrated upon Catholics by a Protestant community can neither be overlooked nor condoned, but it must be pointed out that these acts did not have their inception in the days when the Puritan-Congregationalist guided the destiny of the Commonwealth, nor were they officially encouraged by their descendants in the days to follow, when the colony became "Protestant" rather than "Puritan." Blame there must be, but for too long it has been showered upon a group whose motivating thought in matters of conscience has been "live and let live."

When St. Thomas More stated:

Howbeit (as help me God) as touching the whole oath, I never withdrew any man from it, nor never advised any to refuse it, nor never put, nor will, any scruple in any man's head, but leave every man to his own conscience. And me thinketh in good faith, that so were it good reason that every man should leave me to mine.⁷

he outlined as well the principles of freedom of conscience to which the Puritans of New England whole-heartedly subscribed. The sentiments quoted are also expressed in *Utopia*,⁸ a work known to have been in-

⁷ Letter of St. Thomas More to Margaret Roper: from the Tower. ROGERS, CORRESPONDENCE OF SIR THOMAS MORE 507 (1947).

⁸ The Utopian rule held "That it should be lawful for every man to favor or follow the religion he would . . . yet he should use no kind of violence, and refrain from displeasent and seditious words. To him that would vehemently and fervently in this cause strive and contend was decreed banishment and bondage." MORE, *UTOPIA* 169, 170 (Robinson transl. 1910).

cluded in the library of Rev. Samuel Eaton of New Haven.⁹

There was much in *Utopia* to which the New England Puritan subscribed. Such items as regulation of dress, amusement, support of the clergy through taxation, and labor became subjects of legislative action. It is admitted that Utopian theory and Puritan thought upon some of these subjects may well have been independently alike. Yet the establishment of these regulations by law in *Utopia* may have influenced the Puritan founders to enact similar laws to suit their needs. The inclusion of freedom of conscience as a part of the Puritan concept, legislation, policy and practical application, a concept subject to almost identical legislation in the Utopian Commonwealth, virtually eliminates coincidence and leads to the belief that *Utopia* was not only present in New England, but was used as a working guide in the formation of the newly established colonial governments.

The New England Puritan, suspicious lest the doctrines of any publication corrupt the minds of the population, maintained a rigid censorship of all volumes entering the colony. The book concerned was studied and the author's motives and sincerity

⁹ UTOPIA was a part of the library of the Rev. Samuel Eaton in 1640. BALDWIN, *The Colonial Period*, 1 HISTORY OF CONNECTICUT 38 (Osborn ed. 1925). See WRIGHT, LITERARY CULTURE IN EARLY NEW ENGLAND, 1620-1730, 36 (1920).

¹⁰ On May 18, 1642, "A book was brought into court, wherein the institution of the standing council was pretended to be a sinful innovation. The governor moved to have the contents of the book examined, and then if there appeared cause, to inquire after the author." WINTHROP, 2 JOURNAL 59 (Hosmer ed. 1908).

were subject to scrutiny.¹⁰ Whether *Utopia* ran the gauntlet of public censorship as did *The Imitation of Christ*,¹¹ is not established, but it would be proper to assume that the criteria applied by the public censors would also be applied in private by the learned Puritan fathers who desired to adapt the Utopian theories. It would thus appear that for the founders of New England to accept Utopian principles of freedom of conscience, they must also accept the sincerity of the author, and his belief in the doctrine propounded.

It is reasonable to assume that before reaching this decision, the existing criticisms of author, book, and theory would be consulted, for the critics were both outspoken and available. The theory was accepted in spite of the adverse opinions of the prominent Protestant propagandists, Tyndale and Foxe.¹² Foxe was widely read in New England,¹³ and, if his estimate of More's sincerity on the point of freedom of conscience alone were believed, the tale

¹¹ In 1668, a proposed edition of THE IMITATION OF CHRIST by THOMAS a KEMPIS, "a Popish minister," was reviewed and returned for revision, consisting of the deletion of "some things less safe to be infused among the people of this place." 4 RECORDS OF MASSACHUSETTS COLONY 424, pt. 2 (1854).

¹² John Foxe describes More as a "fantastic writer of fiction" and a "persecutor even to blood." FOXE, ACTS AND MONUMENTS. Cf. CAMPBELL, 1 LIVES OF THE LORD CHANCELLORS 549 (1868). Tyndale dismisses UTOPIA as "poetry." See CHAMBERS, SIR THOMAS MORE 352 (1935).

¹³ Wright's compilation of the contents of New England libraries includes Foxe and Tyndale in considerable quantity. Rev. Samuel Eaton appears to have been as well versed in the BOOK OF MARTYRS as he was in UTOPIA. WRIGHT, LITERARY CULTURE IN EARLY NEW ENGLAND 1620-1730, 36 (1920).

of the plight of Burnham (Bainham) would have caused the Puritans to discredit both author and publication. Instead, they accepted the theory as their own and established it in law and by practical application.

The Puritan attitude towards persons not of their church is best expressed in the New Haven statute defining "heresie."

Although no creature be Lord, or have power over the faith and consciences of men, nor may constreyn them to believe, or profess against their consciences . . . if any Christian . . . shall go about to subvert or destroy the Christian faith or Religion by broaching, publishing or maintaining any dangerous errors or heresie, or shall endeavor to draw, or seduce others thereunto, every such person so offending and continuing obstinate therein after due means of conviction, shall be fined, banished, or otherwise severely punished . . .¹⁴

While it is not suggested that the New England founders knew the innermost thoughts of the author of *Utopia*, the adoption of the Utopian rule with a modified penalty is the adoption of the personal philosophy of St. Thomas More. His comment at his trial:

. . . and therefore I am not bounden, my lord, to conforme my conscience to the councell of one realme . . .¹⁵

dissenters of his day:

and his irritation at the actions of the

If they will not . . . be heretics alone themselves and hold their tongues and be still, but will needs be babbling and corrupt whom they can, let them at least be wise,

¹⁴ RECORDS OF NEW HAVEN COLONY 590 (1653-1665).

¹⁵ ROPER, LIFE OF SIR THOMAS MORE 266 (Robinson transl. 1910).

reasonable heretics, and honest and write reason and leave railing . . .¹⁶

state his point and that of the Puritans.

It was as a result of this policy that the proscription of "Quakers, Ranters and Hereticks" became law in Connecticut and New Haven. The problem did not arise because the dissenters believed differently from the majority, but because their activities were such as to jeopardize the peace and safety of the colony, where a strong government and a competent system of civil defense were necessary for survival. There were too few residents to countenance conscientious objectors, particularly when the woods were literally filled with marauding Indians. Considering the many doctrines of the Society of Friends, it is far more reasonable to consider that the Quaker was expelled for steadfastly refusing to bear arms, than for his reluctance to doff his hat. The "Ranters" were known troublemakers with no compunctions as to disturbing religious services and civil meetings by riotous behavior. The "Hereticks" were adjudged to be such by the court, and banishment followed after all else had failed. It may be added that the Quakers, finding themselves in rather rowdy company, secured the repeal of the Statute as it applied to Friends.¹⁷ The only proscriptive law in Connecticut was not an abridgment of the freedom of conscience, as

¹⁶ THE WORKES OF SIR THOMAS MORE 307 (London 1557), cited in CHAMBERS, SIR THOMAS MORE 265 (1935).

¹⁷ The statute of 1656 was repealed as it applied to Quakers by order of Queen Anne on October 11, 1705. This information transmitted to Connecticut, the repeal was enacted by the General Assembly in May, 1706. 4 RECORDS OF CONNECTICUT COLONY 546 (1868).

Parson Peters would have us believe, but was the demonstration of the principle that the freedom did not include the right to impose one's beliefs noisily upon others, as freedom of speech does not include the right to cry "fire" in a crowded theatre.¹⁸ This Statute is not wholly indicative of the Puritan attitude, for it concerned the safety of the state, and did not depend solely upon religious grounds.

The question arose in 1642 in Massachusetts, and involved the problem of what reception, assistance or notice, if any, should be offered members of the Catholic faith. The La Tour party, French Catholics, was approaching Boston, and the issue could not be avoided or evaded. To the lasting credit of the Puritan founders, they met it head-on. The council considered not the La Tours, but the attitude being adopted toward Catholics in general. They quoted the parable of the Good Samaritan and substituted "Protestant" and "Papist" for "Samaritan" and "Jew," and added:

Do good to all, but especially to the household of faith, by which it appears that under all he includes such as were not believers and those were heathen idolaters, and we must do good to such, we must help them in distress.¹⁹

Some two years later, in such regard to

¹⁸ Schenck v. United States, 249 U. S. 47, 52 (1919). Cotton Mather stated that "*Liberty of conscience* is not to be admitted as a cloak for *liberty of prophaneness*." MATHER, *MAGNALIA CHRISTI AMERICANA*, BK. VII, c. IV, § 5, 463 (1702).

¹⁹ The arguments which took place at the arrival of the La Tours on June 12, 1643, are reported in full. See WINTHROP, 2 JOURNAL 105-16 (Hosmer ed. 1908). For the policy in treating Catholics, see 2 *id.* 113.

Protestant dissenters, the theory was more clearly defined.

But these gentlemen were such as feared God, and endeavored to walk by the rules of his word in all their proceedings, so as it might be conceived in charity, that they walked according to their judgments and conscience . . .²⁰

The La Tour party carried with it two priests, reported by the Boston elders to be "learned and acute." They were admired for their courtesy and consideration of others, and were courteously treated in return. Winthrop's commendation of these clerics indicates that the hospitality was offered freely, and not because of the fair treatment granted to Puritan ministers in Catholic Maryland.²¹ In the following year the record of the Sabbath spent by the D'Aulnay family in Boston is testimony of the practical application of freedom of conscience by the Puritans.²²

In 1651, Father Gabriel Drouillettes,

²⁰ October 30, 1644. WINTHROP, 2 JOURNAL 218 (Hosmer ed. 1908).

²¹ July 14, 1643. WINTHROP, 2 JOURNAL 130 (Hosmer ed. 1908). In 1642, three Puritan ministers journeyed to Virginia. They and their followers were banished, finding "friendly shelter in more tolerant Maryland." BALDWIN, *The Colonial Period*, 1 HISTORY OF CONNECTICUT 367 (Osborn ed. 1925).

²² "Sept. 20, 1646. The Lord's day they were here, the governor, acquainting them with our manner, that all men either come to our public meetings, or keep themselves quiet in their houses, and finding that the place where they lodged would not be convenient for them that day, invited them home to his house, where they continued private all that day until sunset, and made use of such books, Latin and French, as he had, and the liberty of the private walk in his garden, and so gave no offence, etc." WINTHROP, 2 JOURNAL 286 (Hosmer ed. 1908).

S. J., on his way to open a mission among the Indians, travelled through Connecticut and Massachusetts. In Hartford, he remained for some days, talked to the Connecticut officials and wrote a personal letter to the Governor. In Massachusetts, he was the guest of the Governor, as he was in the Plymouth Colony. At no time did he hide his mission or his priestly calling. It has been argued that his presence in the Colonies was "tolerated" only because he held diplomatic letters from the King of France. Had the Puritan been as painted by Peters, diplomatic immunity might have been Father Drouillettes' salvation. Yet diplomatic status alone would not have caused Governor Winthrop to entertain the good Jesuit in his home, nor Governor Bradford to invite him to dine on fish of a Friday, nor Rev. John Eliot, missionary himself, to invite him to spend the winter.²³ Rather, these acts were wholly in accord with the policy of freedom of conscience determined years before.

That the theory was faith-wide rather than state-wide becomes evident as the gracious treatment accorded to Catholics in Massachusetts is repeated in Connecticut. It was the order of the British Ministry that forced the unwilling Colony to accept its quota of Acadians in 1766, but it was the continuation of the established theory of freedom of conscience that fostered the legislation to keep these unfortunate fami-

lies together, to find them homes, clothing, food and employment.²⁴ The Connecticut legislation is marked by the absence of the words "papist" and "recusant." These were known Catholics, but more than that, they were human beings in distress.

When Father John Thayer arrived in Norwich in 1793 to administer to the few Catholics then present, the minister of the First Church made his pulpit available to the priest. Father Matignon, stranded in Hartford of a Sunday in 1813, was invited by Dr. Strong, minister of the First Church, Thomas Hooker's own society, to use his church for services.²⁵ These hospitable and generous acts of the Congregational societies were wholly consistent with the policies of their forefathers, consistent too, with the theory of *Utopia*. These acts were not gallant gestures of particularly broad-minded individuals. Had they been, the record would indicate criticism or official admonishment by the congregations concerned, because of the daring of the ministers. The absence of such action by the societies indicates the approval of the members of the hospitality of their leaders.

The theory of freedom of conscience proclaimed and practiced by the Puritans in New England was substantially the theory described in *Utopia* and the personal conviction of St. Thomas More. The application of the doctrine in the New England way of life resulted in courteous and considerate treatment of the small Catholic pop-

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²³ PARKMAN, *THE JESUITS IN NORTH AMERICA* 425 (1899). As to Fr. Drouillettes' mission, see DUGGAN, *The Catholic Church in Connecticut*, 3 *HISTORY OF CONNECTICUT* 425 (Osborn ed. 1925). G. H. Hollister portrays Fr. Drouillettes as possessing "graceful and persuasive address." He mentions, too, the "becoming politeness" of the commissioners toward the Jesuit. HOLLISTER, 1 *HISTORY OF CONNECTICUT* 172 (1855).

²⁴ 10 *RECORDS OF CONNECTICUT COLONY* 452, 461, 615 (1877).

²⁵ DUGGAN, *The Catholic Church in Connecticut*, 3 *HISTORY OF CONNECTICUT* 439, 440 (Osborn ed. 1925).