# Chapter Three

## I

In considering the State's development in America, it is important to keep in mind the fact that America's experience of the State was longer during the colonial period than during the period of American independence; the period of 1607-1776 was longer than the period of 1776-1935. Moreover, the colonists came here full-grown, and had already a considerable experience of the State in England and Europe before they arrived; and for purposes of comparison, this would extend the former period by a few years, say at least fifteen. It would probably be safe to put it that the American colonists had twenty-five years longer experience of the State than citizens of the United States have had.

Their experience, too, was not only longer, but more varied. The British State, the French, Dutch, Swedish and Spanish States, were all established here. The separatist English dissenters, who landed at Plymouth, had lived under the Dutch State as well as under the British State. When James I made England too uncomfortable for them to live in, they went to Holland; and many of the institutions which they subsequently set up in New England, and which were later incorporated into the general body of what we call "American institutions," were actually Dutch, though commonly - almost invariably - we accredit them to England. They were for the most part Roman-Continental in their origin, but they were transmitted here from Holland, not from England.[1] No such institutions existed in England at that time, and hence the Plymouth colonists could not have seen them there; they could have seen them only in Holland, where they did exist.

Our colonial period coincided with the period of revolution and readjustment in England, referred to in the preceding chapter, when the British merchant-State was displacing the feudal State, consolidating its own position, and shifting the incidence of economic exploitation. These revolutionary measures gave rise to an extensive review of the general theory on which the feudal State had been operating. The earlier Stuarts governed on the theory of monarchy by divine right. The State's economic beneficiaries were answerable only to the monarch, who was theoretically answerable only to God; he had no responsibilities to society at large, save such as he chose to incur, and these only for the duration of his pleasure. In 1607, the year of the Virginia colony's landing at Jamestown, John Cowell, regius professor of civil law at the University of Cambridge, laid down the doctrine that the monarch "is above the law by his absolute power, and though for the better and equal course in making laws he does admit the Three Estates unto Council, yet this in divers learned men's opinions is not of constraint, but of his own benignity, or by reason of the promise made upon oath at the time of his coronation."

This doctrine, which was elaborated to the utmost in the extraordinary work called *Patriarcha*, by Sir Robert Filmer, was all well enough so long as the line of society's stratification was clear, straight and easily drawn. The feudal State's economic beneficiaries were virtually a close corporation; a compact body consisting of a Church hierarchy and a titled group of hereditary, large-holding landed proprietors. In respect of interests, this body was extremely homogeneous, and their

interests, few in number, were simple in character and easily defined. With the monarch, the hierarchy, and a small, closely-limited nobility above the line of stratification, and an undifferentiated populace below it, this theory of sovereignty was passable; it answered the purposes of the feudal State as well as any.

But the practical outcome of this theory did not, and could not, suit the purposes of the rapidly growing class of merchants and financiers. They wished to introduce a new economic system. Under feudalism, production had been, as a general thing, for use, with the incidence of exploitation falling largely on a peasantry. The State had by no means always kept its hands off trade, but it had never countenanced the idea that its chief reason for existence was, as we say, "to help business." The merchants and financiers, however, had precisely this idea in mind. They saw the attractive possibilities of production for profit, with the incidence of exploitation gradually shifting to an industrial proletariat. They also saw, however, that to realize all these possibilities, they must get the State's mechanism to working as smoothly and powerfully on the side of "business" as it had been working on the side of the monarchy, the Church, and the large-holding landed proprietors. This meant capturing control of this mechanism, and so altering and adapting it as to give themselves the same free access to the political means as was enjoyed by the displaced beneficiaries. The course by which they accomplished this is marked by the Civil War, the dethronement and execution of Charles I, the Puritan protectorate, and the revolution of 1688.

This is the actual inwardness of what is known as the Puritan movement in England. It had a quasi-religious motivation - speaking strictly, an ecclesiological motivation - but the paramount practical end towards which it tended was a repartition of access to the political means. It is a significant fact, though seldom noticed, that the only tenet with which Puritanism managed to evangelize equally the non-Christian and Christian world of English bred civilization is its tenet of work, its doctrine that work is, by God's express will and command, a duty; indeed almost, if not quite, the first and most important of man's secular duties. This erection of labour into a Christian virtue *per se*, this investment of work with a special religious sanction, was an invention of Puritanism; it was something never heard of in England before the rise of the Puritan State. The only doctrine antedating it presented labour as the means to a purely secular end; as Cranmer's divines put it, "that I may learn and labour truly to get mine own living." There is no hint that God would take it amiss if one preferred to do little work and put up with a poor living, for the sake of doing something else with one's time. Perhaps the best witness to the essential character of the Puritan movement in England and America is the thoroughness with which its doctrine of work has pervaded both literatures, all the way from Cromwell's letters to Carlyle's panegyric and Longfellow's verse.

But the merchant-State of the Puritans was like any other; it followed the standard pattern. It originated in conquest and confiscation, like the feudal State which it displaced the only difference being that its conquest was by civil war instead of foreign war. Its object was the economic exploitation of one class by another; for the exploitation of feudal serfs by a nobility, it proposed only to substitute the exploitation of a proletariat by enterprisers. Like its predecessor, the merchant-State was purely an organization of the political means, a machine for the distribution of economic advantage, but with its mechanism adapted to the requirements of a more

numerous and more highly differentiated order of beneficiaries; a class, moreover, whose numbers were not limited by heredity or by the sheer arbitrary pleasure of a monarch.

The process of establishing the merchant-State, however, necessarily brought about changes in the general theory of sovereignty. The bald doctrine of Cowell and Filmer was no longer practicable; yet any new theory had to find room for some sort of divine sanction, for the habit of men's minds does not change suddenly, and Puritanism's alliance between religious and secular interests was extremely close. One may not quite put it that the merchant-enterprisers made use of religious fanaticism to pull their chestnuts out of the fire; the religionists had sound and good chestnuts of their own to look after. They had plenty of rabid nonsense to answer for, plenty of sour hypocrisy, plenty of vicious fanaticism; whenever we think of seventeenth-century British Puritanism, we think of Hugh Peters, of Praise-God Barebones, of Cromwell's iconoclasts "smashing the mighty big angels in glass." But behind all this untowardness, there was in the religionists a body of sound conscience, soundly and justly outraged; and no doubt, though mixed with an intolerable deal of unscrupulous greed, there was on the part of the merchant-enterprisers a sincere persuasion that what was good for business was good for society. Taking Hampden's conscience as representative, one would say that it operated under the limitations set by nature upon the typical sturdy Buckinghamshire squire; the mercantile conscience was likewise ill-informed, and likewise set its course with a hard, dogged, provincial stubbornness. Still, the alliance of the two bodies of conscience was not without some measure of respectability. No doubt, for example, Hampden regarded the State controlled episcopacy to some extent objectively, as unscriptural in theory, and a tool of Antichrist in practice; and no doubt, too, the mercantile conscience, with the disturbing vision of William Laud in view, might have found State-managed episcopacy objectionable on other grounds than those of special interest.

The merchant-State's political rationale had to respond to the pressure of a growing individualism. The spirit of individualism appeared in the latter half of the sixteenth century; probably - as well as such obscure origins can be determined - as a by-product of the Continental revival of learning, or, it may be, specifically as a by-product of the Reformation in Germany. It was long, however, in gaining force enough to make itself count in shaping political theory. The feudal State could take no account of this spirit; its stark regime of status was operable only where there was no great multiplicity of diverse economic interests to be accommodated, and where the sum of social power remained practically stable. Under the British feudal State, one large holding landed proprietor's interest was much like another's, and one bishop's or clergyman's interest was about the same in kind as another's. The interests of the monarchy and court were not greatly diversified, and the sum of social power varied but little from tithe to time. Hence an economic class-solidarity was easily maintained; access upward from one class to the other was easily blocked, so easily that very few positive State-interventions were necessary to keep people, as we say, in their place; or as Cranmer's divines put it, to keep them doing their duty in that station of life unto which it had pleased God to call them. Thus the State could accomplish its primary purpose, and still afford to remain relatively weak. It could

normally, that is, enable a. thorough-going economic exploitation with relatively little apparatus of legislation or of personnel.[2]

The merchant-State, on the other hand, with its ensuing regime of contract, had to meet the problem set by a rapid development of social power, and a multiplicity of economic interests. Both these tended to foster and stimulate the spirit of individualism. The management of social power made the merchant - enterpriser feel that he was quite as much somebody as anybody, and that the general order of interest which he represented - and in particular his own special fraction of that interest - was to be regarded as most respectable, which hitherto it had not been. In short, he had a full sense of himself as an individual, which on these grounds he could of course justify beyond peradventure. The aristocratic disparagement of his pursuits, and the consequent stigma of inferiority which had been so long fixed upon the "base mechanical," exacerbated this sense, and rendered it at its best assertive, and at, its worst, disposed to exaggerate the characteristic defects of his class as well as its excellences, and lump them off together in a new category of social virtues - its hardness, ruthlessness, ignorance and vulgarity at par with its commercial integrity, its shrewdness, diligence and thrift. Thus the fully - developed composite type of merchant-enterpriser-financier might be said to run all the psychological gradations between the brothers Cheeryble at one end of the scale, and Mr. Gradgrind, Sir Gorgius Midas and Mr. Bottles at the other.

This individualism fostered the formulation of certain doctrines which, in one shape or another, found their way into the official political philosophy of the merchant-State. Foremost among these were the two which the Declaration of Independence lays down as fundamental: the doctrine of natural rights, and; the doctrine of popular sovereignty. In a generation which had exchanged the authority of a pope for the authority of a book - or rather, the authority of unlimited private interpretation of a book - there was no difficulty about finding ample Scriptural sanction for both these doctrines. The interpretation of the Bible, like the judicial interpretation of a constitution, is merely a process by which, as a contemporary of Bishop Butler said, anything may be made to mean anything; and in the absence of a coercive authority, papal, conciliar or judicial, any given interpretation finds only such acceptance as may, for whatever reason, be accorded it. Thus the episode of Eden, the parable of the talents, the Apostolic injunction against being "slothful in business," were a warrant for the Puritan doctrine of work; they brought the sanction of Scripture and the sanction of economic interest into complete agreement, uniting the religionist and the merchant-enterpriser in the bond of a common intention. Thus, again, the view of man as made in the image of God, made only a little lower than the angels, the subject of so august a transaction as the Atonement, quite corroborated the political doctrine of his endowment by his Creator with certain rights unalienable by Church or State. While the merchant-enterpriser might hold with Mr. Jefferson that the truth of this political doctrine is self-evident, its Scriptural support was yet of great value as carrying an implication of human nature's dignity which braced his more or less diffident and self-conscious individualism; and the doctrine that so dignified him might easily be conceived of as dignifying his pursuits. Indeed, the Bible's endorsement of the doctrine of labour and the doctrine of natural rights was really his charter for rehabilitating "trade" against the disparagement that the regime

of status had put upon it, and for investing it with the most brilliant lustre of respectability.

In the same way, the doctrine of popular sovereignty could be mounted on impregnable Scriptural ground. Civil society was an association of true believers functioning for common secular purposes; and its right of self-government with respect to these purposes was God given. If, on the religious side, all believers were priests, then on the secular side they were all sovereigns; the notion of an intervening *jure divino* [divine right] monarch was as repugnant to Scripture as that of an intervening *jure divino* pope - witness the Israelite commonwealth upon which monarchy was visited as explicitly a punishment for sin. Civil legislation was supposed to interpret and particularize the laws of God as revealed in the Bible, and its administrators were responsible to the congregation in both its religious and secular capacities. Where the revealed law was silent, legislation was to be guided by its general spirit, as best this might be determined. These principles obviously left open a considerable area of choice; but hypothetically, the range of civil liberty and the range of religious liberty had a common boundary.

This religious sanction of popular sovereignty was agreeable to the merchant-enterpriser; it fell in well with his individualism, enhancing considerably his sense of personal dignity and consequence. He could regard himself as by birthright not only a free citizen of a heavenly commonwealth, but also a free elector in an earthly commonwealth fashioned, as nearly as might be, after the heavenly pattern. The range of liberty permitted him in both qualities was satisfactory; he could summon warrant of Scripture to cover his undertakings both here and hereafter. As far as this present world's concerns went, his doctrine of labour was Scriptural, his doctrine of master and servant was Scriptural - even bond-service, even chattel-service was Scriptural; his doctrine of a wage economy, of money lending - again the parable of the talents - both were Scriptural. What especially recommended the doctrine of popular sovereignty to him on its secular side, however, was the immense leverage it gave for ousting the regime of status to make way for the regime of contract; in a word, for displacing the feudal State and bringing in the merchant-State.

But interesting as these two doctrines were, their actual application was a matter of great difficulty. On the religious side, the doctrine of natural rights had to take account of the unorthodox. Theoretically it was easy to dispose of them. The separatists, for example, such as those who manned the *Mayflower*, had lost their natural rights in the fall of Adam, and had never made use of the means appointed to reclaim them. This was all very well, but the logical extension of this principle into actual practice was a rather grave affair. There were a good many dissenters, all told, and they were articulate on the matter of natural rights, which made trouble; so that when all was said and done, the doctrine came out considerably compromised.

Then, in respect of popular sovereignty, there were the Presbyterians. Calvinism was monocratic to the core; in fact, Presbyterianism existed side by side with episcopacy in the Church of England in the sixteenth century, and was nudged out only very gradually.[3] They were a numerous body, and in point of Scripture and history they had a great deal to say for their position. Thus, the practical task of organizing a spiritual commonwealth had as hard going with the logic of popular sovereignty as it had with the logic of natural rights.

The task of secular organization was even more troublesome. A society organized in conformity to these two principles is easily conceivable - such an organization as Paine and the Declaration contemplated, for example, arising out of social agreement, and concerning itself only with the maintenance of freedom and security for the individual - but the practical task of effecting such an organization is quite another matter. On general grounds, doubtless, the Puritans would have found this impracticable; if, indeed, the times are ever to be ripe for anything of the kind, their times were certainly not. The particular ground of difficulty, however, was that the merchant enterpriser did not want that form of social organization; in fact, one can not be sure that the Puritan religionists themselves wanted it. The root-trouble was, in short, that there was no practicable way to avert a shattering collision between the logic of natural rights and popular sovereignty, and the economic law that man tends always to satisfy his needs and desires with the least possible exertion.

This law governed the merchant-enterpriser in common with the rest of mankind. He was not for an organization that should do no more than maintain freedom and security; he was for one that should redistribute access to the political means, and concern itself with freedom and security only so far as would be consistent with keeping this access open. That is to say, he was thoroughly indisposed to the idea of *government*; he was quite as strong for the idea of the State as the hierarchy and nobility were. He was not for any essential transformation in the State's character, but merely for a repartition of the economic advantages that the State confers.

Thus, the merchant-polity amounted to an attempt, more or less disingenuous, at reconciling matters which in their nature can not be reconciled. The ideas of natural rights and popular sovereignty were, as we have seen, highly acceptable and highly animating to all the forces allied against the feudal idea; but, while these ideas might be easily reconcilable with a system of simple government, such a system would not answer the purpose. Only the State-system would do that. The problem, therefore, was how to keep these ideas well in the forefront of political theory, and at the same time prevent their practical application from undermining the organization of the political means. It was a difficult problem. The best that could be done with it was by making certain structural alterations in the State, which would give it the appearance of expressing these ideas, without the reality. The most important of these structural changes was that of bringing in the so-called representative or parliamentary system, which Puritanism introduced into the modern world, and which has received a great deal of praise as an advance towards democracy. This praise, however, is exaggerated. The change was one of form only, and its bearing on democracy has been inconsiderable.[4]

[1] Among these institutions are: our system of free public education; local self-government as originally [not currently] established in the township system; our method of conveying land; almost all of our system of equity; much of our criminal code; and our method of administering estates.

[2] Throughout Europe, indeed, up to the close of the eighteenth century, the State was quite weak, even considering the relatively moderate development of social power, and the moderate amount of economic accumulation available to its predatory purposes. Social power in modern France could pay the flat annual levy of Louis XIVS taxes without feeling it, and would like nothing better than to commute the republican State's levy on those terms.

[3] During the reign of Elizabeth, the Puritan contention, led by Cartwright, was for what amounted to a theory of *jure divino* Presbyterianism. The Establishment at large took the position of Archbishop Whitgift and Richard Hooker that the details of church polity were indifferent, and therefore properly subject to State regulation. The High Church doctrine of *jure divino* episcopacy was laid down later, by Whagift's successor, Bancroft. Thus, up to 1604, the Presbyterians were objectionable on secular grounds, and afterwards on both secular and ecclesiastical grounds.

[4] So were the kaleidoscopic changes that took place in France after the revolution of 1789. Throughout the Directorate, the Consulship, the Restoration, the two Empires, the three Republics and the Commune, the French State kept its essential character intact; it remained always the organization of the political means.

## II

The migration of Englishmen to America merely transferred this problem into another setting. The discussion of political theory went on vigorously, but the philosophy of natural rights and popular sovereignty came out in practice about where they had come out in England. Here again, a great deal has been made of the democratic spirit and temper of the migrants, especially in the case of the separatists who landed at Plymouth, but the facts do not bear it out, except with regard to the decentralizing congregationalist principle of church order. This principle of lodging final authority in the smallest unit rather than the largest - in the local congregation rather than in a synod or general council - was democratic, and its thorough-going application in a scheme of church order would represent some actual advance towards democracy, and give it some recognition to the general philosophy of natural rights and popular sovereignty.

The Plymouth settlers did something with this principle, actually applying it in the matter of church order, and for this they deserve credit.[5] Applying it in the matter of civil order, however, was another affair. It is true that the Plymouth colonists probably contemplated something of the kind, and that for a time they practised a sort of. primitive communism. They drew up an agreement on shipboard which may be taken at its face value as evidence of their democratic disposition, though it was not in any sense a "frame of government.," like Penn's, or any kind of constitutional document. Those who speak of it as our first written constitution are considerably in advance of their text, for it was merely an agreement to make a constitution or "frame of government" when the settlers should have come to land and looked the situation over. One sees that it could hardly have been more than this - indeed, that the proposed constitution itself could be no more than provisional - When it is remembered that these migrants were not their own men. They did not sail on their own, nor were they headed for any unpreempted territory on which they might establish a squatter sovereignty and set up any kind of civil order they saw fit. They were headed for Virginia, to settle in the jurisdiction of a company of English merchant-enterprisers, now growing shaky, and soon to be superseded by the royal authority, and its territory converted into a royal province. It was only by misreckonings and the accidents of navigation that, most unfortunately for the prospects of the colony, the settlers landed on the stern and rockbound coast of Plymouth.

These settlers were, in most respects, probably as good as the best who ever found their way to America. They were bred of what passed in England as "the lower

orders," sober, hard working and capable, and their residence under Continental institutions in Holland had given them a fund of politico-religious ideas and habits of thought which set them considerably apart from the rest of their countrymen. There is, however, no more than an antiquarian interest in determining how far they were actually possessed by those ideas. They may have contemplated a system of complete religious and civil democracy, or they may not. They may have found their communist practices agreeable to their notion of a sound and just social order, or they may not. The point is, that while apparently they might be free enough to found a church order as democratic as they chose, they were by no means free to found a civil democracy, or anything remotely resembling one, because they were in bondage to the will of an English trading company. Even their religious freedom was permissive; the London company simply cared nothing about that. The same considerations governed their communistic practices; whether or not these practices suited their ideas, they were obliged to adopt them. Their agreement with the London merchant-enterprisers bound them, in return for transportation and outfit, to seven years' service, during which time they should work on a system of common-land tillage, store their produce in a common warehouse, and draw their maintenance from these common stores. Thus, whether or not they were communists in principle, their actual practice of communism was by prescription.

The fundamental fact to be observed in any survey of the American State's initial development is the one whose importance was first remarked, I believe, by Mr. Beard; that the trading company - the commercial corporation for colonization - was actually an autonomous State. "Like the State," says Mr. Beard, "it had a constitution, a charter issued by the Crown... like the State, it had a territorial basis, a grant of land often greater in area than a score of European principalities... it could make assessments, coin money, regulate trade, dispose of corporate property, collect taxes, manage a treasury, and provide for defense. Thus, (and here is the important observation, so important that I venture to italicize and bold it) **every essential element long afterward found in the government of the American State appeared in the chartered corporation that started English civilization in America**." Generally speaking, the system of civil order established in America was the State-system of the "mother countries" operating over a considerable body of water; the only thing that distinguished it was that the exploited and dependent class was situated at an unusual distance from the owning and exploiting class. The headquarters of the autonomous State were on one side of the Atlantic, and its subjects on the other.

This separation. gave rise to administrative difficulties of one kind and another; and to obviate them - perhaps for other reasons as well - one English company, the Massachusetts Bay Company, moved over bodily in 1630, bringing their charter and most of their stockholders with them, thus setting up an actual autonomous State in America. The thing to be observed about this is that the merchant-State was set up complete in New England long before it was set up in Old England. Most of the English immigrants to Massachusetts came over between 1630 and 1640; and in this period the English merchant-State was only at the beginning of its hardest struggles for supremacy. James I died in 1625, and his successor, Charles I, continued his absolutist regime. From 1629, the year in which the Bay Company was chartered, to 1640, when the Long Parliament was called, he ruled without a parliament, effectively suppressing what few vestiges of liberty had survived the Tudor and Jacobean

tyrannies; and during these eleven years, the prospects of the English merchant-State were at their lowest.[6] It still had to face the distractions of the Civil War, the retarding anomalies of the Commonwealth, the Restoration, and the recurrence of tyrannical absolutism under James II, before it succeeded in establishing itself firmly through the revolution of 1688.

On the other hand, the leaders of the Bay Colony were free from the first to establish a State policy of their own devising, and to set up a State structure which should express that policy without compromise. There was no competing policy to extinguish, no rival structure to refashion. Thus the merchant-State came into being in a clear field a full half century before it attained supremacy in England. Competition of any kind, or the possibility of competition, it has never had. A point of greatest importance to remember is that the merchant-State is the only form of the State that ever existed in America. Whether under the rule of a trading company, a provincial governor, or a republican representative legislature, Americans have never known any other form of the State. In this respect, the Massachusetts Bay colony is differentiated only as being the first autonomous State ever established in America, and as furnishing the most complete and convenient example for purposes of study. In principle it was not differentiated. The State in New England, Virginia, Maryland, the Jerseys, New York, Connecticut, everywhere, was purely a class-State with control of the political means reposing in the hands of what we now style, in a general way, the "business-man."

In the eleven years of Charles's tyrannical absolutism, English immigrants came over to join the Bay colony, at the rate of about two thousand a year. No doubt at the outset some of the colonists had the idea of becoming agricultural specialists, as in Virginia, and of maintaining certain vestiges, or rather imitations, of semi-feudal social practice, such as were possible under that form of industry when operated by a slave-economy or a tenant economy. This, however, proved impracticable; the climate and soil of New England were against it. A tenant-economy was precarious, for rather than work for a master, the immigrant agriculturist naturally preferred to push out into unpreempted land, and work for himself; in other words, as Turgot, Marx, Hertzka, and many others have shown, he could not be exploited until he had been expropriated from the land. The long and hard winters took the profit out of slave labour in agriculture. The Bay colonists experimented with it, however, even attempting to enslave the Indians, which they found could not be done, for the reasons that I have already noticed. In default of this, the colonists carried out the primitive technique by resorting to extermination, their ruthless ferocity being equaled only by that of the Virginia colonists.[7] They held some slaves, and did a great deal of slave-trading; but in the main, they became, at the outset, a race of small freeholding farmers, shipbuilders, navigators, maritime enterprisers in fish, whales, molasses, rum, and miscellaneous cargoes; and presently, moneylenders. Their remarkable success in these pursuits is well known; it is worth mention here in order to account for many of the complications and collisions of interest subsequently ensuing upon the merchant-State's fundamental doctrine that the primary function of government is not to maintain freedom and security, but to "help business."

[5] In 1629, the Massachusetts Bay colony adopted the Plymouth colony's model of congregational autonomy, but finding its principle dangerously inconsistent with the principle of the State, almost

immediately nullified their action; retaining, however, the name of Congregationalism. This mode of masquerade is easily recognizable as one of the modern State's most useful expedients for maintaining the appearance of things without the reality. The names of our two largest political parties will at once appear as a capital example. Within two years the Bay colony had set up a State church, nominally congregationalist, but actually a branch of the civil service, as in England.

[6] Probably it was a forecast of this state of things, as much as the greater convenience of administration, that caused the Bay Company to move over to Massachusetts, bag and baggage, in the year following the issuance of their charter.

[7] Thomas Robinson Hazard, the Rhode Island Quaker, in his delightful *Jonnycake Papers*, says that the Great Swamp Fight of 1675 was "instigated against the rightful owners of the soil, solely by the cussed godly Puritans of Massachusetts, and their hell-hound allies, the Presbyterians of Connecticut; whom, though charity is my specialty, I can never think of without feeling as all good Rhode Islanders should... and as old Miss Hazard did when, in like vein, she thanked God in the Connecticut prayer meeting that she could hold malice forty years." The Rhode Island settlers dealt with the Indians for rights in land, and made friends with them.

# III

One examines the American merchant-State in vain for any suggestion of the philosophy of natural rights and popular sovereignty. The company system and the provincial system made no place for it, and the one autonomous State was uncompromisingly against it. The Bay Company brought over their charter to serve as the constitution of the new colony, and under its provisions the form of the State was that of an uncommonly small and close oligarchy. The right to vote was vested only in shareholding members, or "freemen" of the corporation, on the stark State principle laid down many years later by John Jay, that "those who own the country should govern the country." At the end of a year, the Bay colony comprised perhaps about two thousand persons; and of these, certainly not twenty, probably not more than a dozen, had anything what-so-ever to say about its government. This small group constituted itself as a sort of directorate or council, appointing its own executive body, which consisted of a governor, a lieutenant-governor, and a half-dozen or more magistrates. These officials had no responsibility to the community at large, but only to the directorate. By the terms of the charter, the directorate was self-perpetuating. It was permitted to fill vacancies and add to its members as it saw fit; and in so doing it followed a policy similar to that which was subsequently recommended by Alexander Hamilton, of admitting only such well-to-do and influential persons as could be trusted to sustain a solid front against anything savouring of popular sovereignty.

Historians have very properly made a great deal of the influence of Calvinist theology in bracing the strongly anti-democratic attitude of the Bay Company. The story is readable and interesting - often amusing - yet the gist of it is so simple that it can be perceived at once. The company's principle of action was, in this respect, the one that, in like circumstances for a dozen centuries, invariably motivated the State. The Marxian dictum that "religion is the opiate of the people" is either an ignorant or a slovenly confusion of terms, which cannot be too strongly reprehended. Religion was never that, nor will it ever be; but organized Christianity, which is by no means the same thing as religion, has been the opiate of the people ever since the beginning of the fourth century, and never has this opiate been employed for political purposes more skillfully than it was by the Massachusetts Bay oligarchy.

In the year 311, the Roman emperor Constantine issued an edict of toleration in favour of organized Christianity. He patronized the new cult heavily, giving it rich presents, and even adopted the labarum as his standard, which was a most distinguished gesture, and cost nothing; the story of the heavenly sign appearing before his crucial battle against Maxentius may quite safely be put down beside that of the apparitions seen before the battle of the Marne. He never joined the Church, however, and the tradition that he was converted to Christianity is open to great doubt. The point of all this is that circumstances had, by that time, made Christianity a considerable figure; it had survived contumely and persecution, and had become a social influence which Constantine saw was destined to reach far enough to make it worth courting. The Church could be made a most effective tool of the State, and only a very moderate amount of statesmanship was needed to discern the right way of bringing this about. The understanding, undoubtedly tacit, was based on a simple *quid pro quo* [verbatim; "what for what"]; in exchange for imperial recognition and patronage, and endowments enough to keep up to the requirements of a high official respectability, the Church should quit its disagreeable habit of criticizing the course of politics; and in particular, it should abstain from unfavourable comment on the State's administration of the political means.

These are the unvarying terms - again I say, undoubtedly tacit, as it is seldom necessary to stipulate against biting the hand by which one is fed - of every understanding that has been struck since Constantine's day, between organized Christianity and the State. They were the terms of the understanding struck in the Germanys and in England at the Reformation. The petty German principality had its State Church as it had its State theatre; and in England, Henry VIII set up the Church in its present status as an arm of the civil service, like the Post Office. The fundamental understanding in all cases was that the Church should not interfere with or disparage the organization of the political means; and in practice, it naturally followed that the Church would go further and quite regularly abet this organization to the best of its ability.

The merchant-State in America came to this understanding with organized Christianity. In the Bay colony, the Church became in 1638 an established subsidiary of the State,[8] supported by taxation; it maintained a State creed, promulgated in 1647. In some other colonies, as for example, in Virginia, the Church was a branch of the State service, and where it was not actually established as such, the same understanding was reached by other means, quite as satisfactorily. Indeed, the merchant-State, both in England and America, soon became lukewarm towards the idea of an Establishment, perceiving that the same *modus viveaadi* [means of life] could be almost as easily arrived at under voluntarism, and that the latter had the advantage of satisfying practically all modes of credal and ceremonial preference, thus releasing the State from the troublesome and profitless business of interference in disputes over matters of doctrine and Church order.

Voluntaryism, pure and simple, was set tip in Rhode Island by Roger Williams, John Clarke, and their associates, who were banished from the Bay colony almost exactly three hundred years ago, in 1636. This group of exiles is commonly regarded as having founded a society on the philosophy of natural rights and popular sovereignty in respect of both Church order and civil order, and as having launched an experiment in democracy. This, however, is an exaggeration. The leaders of the

group were undoubtedly in sight of this philosophy, and as far as Church order is concerned, their practice was conformable to it. On the civil side, the most that can be said is that their practice was conformable in so far as they knew how to make it so; and one says this much only by a very considerable concession. The least that can be said, on the other hand, is that their practice was for a time greatly in advance of the practice prevailing in other colonies - so far in advance that Rhode Island was in great disrepute with its neighbours in Massachusetts and Connecticut, who diligently disseminated the tale of its evil fame throughout the land, with the customary exaggerations and embellishments. Nevertheless, through acceptance of the State system of land-tenure, the political structure of Rhode Island was a State-structure from the outset, contemplating as it did, the stratification of society into an owning and exploiting class and a propertyless dependent class. Williams's theory of the State was that of social compact arrived at among equals, but equality did not exist in Rhode Island; the actual outcome was a pure class-State.

In the spring of 1638, Williams acquired about twenty square miles of land by gift from two Indian sachems, in addition to some he had bought from them two years before. In October, he formed a "proprietary" of purchasers who bought twelve-thirteenths of the Indian grant. Bicknell, in his history of Rhode Island, cites a letter written by Williams to the deputy-governor of the Bay colony, which says frankly that the plan of this proprietary contemplated the creation of two classes of citizens, one consisting of landholding heads of families, and the other, of "young men, single persons" who were a landless tenantry, and as Bicknell says, "had no voice or vote as to the officers of the community, or the laws which they were called upon to obey." Thus, the civil order in Rhode Island was essentially a pure State order, as much so as the civil order of the Bay colony, or any other in America; and, in fact, the landed-property franchise lasted uncommonly long in Rhode Island, existing there for some time after it had been given up in most other quarters of America.[9]

By way of summing up, it is enough to say that nowhere in the American colonial civil order was there ever the trace of a democracy. The political structure was always that of the merchant-State; Americans have never known any other. Furthermore, the philosophy of natural rights and popular sovereignty was never once exhibited anywhere in American political practice during the colonial period, from the first settlement in 1607 to the revolution of 1776.

[8] Mr. Parrington (*Main Currents in American Thought*, vol. I, p. 24) cites the successive steps leading up to this, as follows: the law of 1631, restricting the franchise to Church members; of 1635, obliging all persons to attend Church services; and of 1636, which established a virtual State monopoly by requiring consent of both Church and State authority before a new church could be set up. Roger Williams observed acutely that a State establishment of organized Christianity is "a politic invention of man to maintain the civil State."

[9] Bicknell says that the formation of Williams's proprietary was "a landholding, land-jobbing, land - selling scheme, with no moral, social, civil, educational or religious end in view"; and his discussion of the early land allotments, on the site where the city of Providence now stands, makes it pretty clear that "the first years of Providence are consumed in a greedy scramble for land." Bicknell is not precisely an unfriendly witness towards Williams, though his history is avowedly *ex parte* [one sided - biased] for the thesis that the true expounder of civil freedom in Rhode Island was not Williams, but Clarke. This contention is immaterial to the present purpose, however, for the State system of land tenure prevailed in Clarke's settlements on Aquidneck as it did in Williams's settlements farther up the bay.