

Note for Columbia Workshop participants:

What I am giving you is the second chapter of a book on liberty of conscience in the U. S. constitutional tradition. The book is called Liberty of Conscience: In Defense of America's Tradition of Religious Equality (Basic Books). It is intended for a general public audience. Its aim is to underline the role of ideas of equality and equal respect in our tradition regarding the religion clauses, and to show some of the historical and philosophical foundations of those ideas. In chapter 1 I lay out the general course of the argument, talking about the republican idea of equality as non-domination and mapping out the argument to come (including the idea that separation of church and state is a derivative value that can only be made good sense of in combination with other more fundamental values such as liberty and equality). My ultimate aim is to convince religious people that the idea of non-establishment is not one that denigrates religion or marginalizes religious people; instead, it is bound up with fundamental principles of equal respect that are inherent in our democracy's structure. Now, in this chapter, I go back into history to recover a thinker of fundamental importance who has been, I think, badly understood. From there I go on to the thought of Madison and the constitutional Founding in chapter 3, and then on to the well-known areas of free exercise and establishment clause argument.

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Chapter 2. Living Together: The Roots of Respect

Sixthly, it is the will and command of God that (since the coming of his Sonne the Lord Jesus) a permission of the most paganish, Jewish, Turkish, or antichristian consciences and worships, bee granted to all men in all Nations and Countries.

Roger Williams, The Bloody Tenent of Persecution, 1644¹

Your Selvs praetend libertie of Conscience, but alas, it is but selfe (the great God Selfe) only to Your Selves.

Roger Williams, letter to the governors of Massachusetts and Connecticut (1670)

The first half of the seventeenth century saw bloody explosions of religious violence in both Britain and continental Europe. Most early American colonists came to the new world in flight from religious persecution. In Britain, the Civil Wars were raging. King Charles I was executed in 1649, in a struggle in which religion, though not the only issue, was one salient cause of hostility. Puritan Oliver Cromwell's brief tenure as Lord Protector (1653-1658) temporarily ended the persecution of Puritans and lessened that of Quakers and Baptists. More surprisingly, Cromwell allowed Jews to return to England after their long banishment, influenced by the arguments of Portuguese-Dutch Jewish thinker Menassah ben Israel, who visited England in 1655. As a Puritan obsessed with the destruction of idolatrous images of God, Cromwell clearly

¹ Throughout I reproduce Williams's spellings, which are not terribly distracting, but not his frequent use of italics, which seem intrusive to readers unaccustomed to seventeenth-century style.

already felt an affinity with the Jewish ban on representation. (The many smashed heads of stone images of saints and angels around England still testify to Cromwell's anti-idolatrous zeal.)

Cromwell, however, was far from having a general policy of toleration: other persecutions (of Anglicans and Roman Catholics) quickly took the place of the old.

The end of the period of civil war did not bring a commitment to religious peace. People who had suffered from one another's violence did not conclude that they needed to find ways to live together on terms of mutual respect. Instead, as before, each side sought to make its own orthodoxy prevail, subordinating the religions they saw as erroneous and heretical. At the Restoration (1660), the established Anglican Church shored up its power through policies of intolerance toward all other churches and worships. King Charles II showed some personal favor to policies supporting religious liberty, but his inclinations found little immediate expression in England itself. Hemmed in by an intolerant parliament, Charles learned to confine his experiments in religious fairness to the New World – focusing in particular on the strange royal colony of Rhode Island.

Meanwhile, on the Continent, the Treaty of Westphalia (1648) brought an end to the century's bloody wars of religion, but in a way that was not reassuring to religious minorities. The Treaty's stated principle, cuius regio, eius religio, ("whoever's region it is, his shall the religion be"), allowed local rulers to establish a chosen religion in each domain, persecuting internal dissidents. Even the wise Dutch philosopher Hugo Grotius, one of the main founders of modern international law, who made eloquent arguments against the policy of using religion as a ground for aggressive wars against other nations, had no objection to the persecution of minorities within one's own – despite the fact that he himself was first imprisoned and then smuggled into exile for his allegedly heretical beliefs; he wrote his famous work On the Law of War and Peace (1625) at the court of Louis XIII of France.²

In this situation, many minorities who cared about their religion chose to emigrate. The Pilgrims famously tried Holland first, rejecting it only after they saw that their children were growing up speaking a foreign language. In 1620, their three storm-tossed vessels landed at

² Hugo Grotius, On the Law of War and Peace (De Iure Belli ac Pacis), 1625. Grotius was an Arminian. His vulnerable situation at the French court may partially explain his reticence about internal toleration.

Plymouth. Other Puritans came to the New World directly from Britain, a decade or so later. By the 1630's, Massachusetts contained several thriving settlements, including those at Boston, Salem, and Plymouth.

Life was tough for the new settlers of Massachusetts Bay. They responded to hardship by trying to gain God's favor for their new colony -- which required, as they saw it, establishing and sternly enforcing a religious orthodoxy.³ By punishing, or banishing, those who disobeyed in word or deed, they hoped to cast impurity from their common life. The idea that a good community would be one that allowed all people to seek for God in their own way took root only gradually and with great struggle.

This chapter traces that struggle, focusing on the life and ideas of one of the century's great apostles of religious liberty and fairness, Roger Williams, founder of the colony of Rhode Island and seminal writer about the persecuted conscience. American writings about religious liberty were in conversation with similar work in England, and there are striking similarities between the arguments used in Williams's two most influential books (published in England in 1644 and 1652) and those used more famously and later by John Locke. Nonetheless, the American tradition has some distinctive features that ultimately proved valuable in forging our constitutional heritage. We should not focus only on the eighteenth-century arguments of the framers, ignoring this prior, and distinctively American, tradition, quintessentially embodied in Williams's The Bloody Tenent of Persecution (1644).

The tradition Williams inaugurated contains, first, a distinctive emphasis on the importance of a mutually respectful civil peace among people who differ in conscientious commitment. The vulnerability of all Americans in the perilous new world they had chosen led to a recognition (which came much slower in Europe, if indeed it has come at all) that people with different views of life's ultimate meaning and purpose really needed to learn to live together on decent terms if they were to survive at all. Williams dramatizes this idea from the start by making his work a dialogue between two friends called Truth and Peace, in which Truth acknowledges the deep

³ See Perry Miller, Orthodoxy in Massachusetts 1630-1650: A Genetic Study (Cambridge: Harvard University Press, 1933).

importance of finding a way to live on terms of mutual respect with people whom one believes to be in error.

The second distinctive feature of the American tradition is a personal, and highly emotional, sense of the preciousness and vulnerability of each individual person's conscience, that seat of imagination, emotion, thought, and will through which each person seeks for meaning in his or her own way. The experience of both solitude and space that the wild world conveyed to its new inhabitants brought with it a picture of human life as a risky and lonely quest. The idea that we are all solitary travelers, searching for light in a dark wilderness, led to the thought that this search, this striving of conscience, is what is most precious about the journey of human life -- and that each person -- Protestant, Catholic, Jew, Muslim, or Pagan -- must be permitted to conduct it in his or her own way, without interference either from the state or from orthodox religion. To impose an orthodoxy upon the conscience is nothing less than what Williams, in a memorable and oft-repeated image, called "Soule rape."

This idea that each person's inner and intimate searching is a precious living thing that must be respected by laws and institutions went well with the idea that we have to learn to live together on terms of mutual respect. Conscience, and its strivings, were the proper object of that respect. The free conscience, and the civil peace it requires, became the foundation of America's distinctive approach to religious liberty and equality. The equal status of religious minorities was its most persistent concern.

I. This "wild and howling land"

Life in New England was fragile and exposed. If people did not die on the voyage to the new land, they knew well that they might die shortly in it, whether from starvation, disease, or cold, or at the hands of the native inhabitants, whose claims to the land they utterly ignored.⁴ On the dubious authority of a land claim made by James I, they grasped for security, alleging that the land was their own because Englishmen first discovered it -- something that Roger Williams called a "solemn publick lye." He added the sarcastic comment, "Christian kings (so calld) are

⁴ Actually, the tribes in the immediate area were peaceful and helpful; when they were treated with respect they were extremely helpful. They did, however, encounter aggression from the Pequot Indians; Williams assisted the Narragansett tribes in those conflicts.

invested with Right by virtue of their christianitie to take and give away the Lands and Countries of other men."⁵ The Puritan settlers' campaign to make themselves secure by denigrating and depriving the "pagans" was a bad early sign of other persecutions to come.

The world around them really was alarming. The wind, the seas, the forests, the deep snows – all this was very strange to people accustomed to life in England, whether urban or rural. "But oh poore dust and Ashes," Roger Williams wrote of himself and his fellows, "like stones once roling downe the Alpes, like the Indian Canoes or English Boats loose and adrift, where stop we until infinite mercy stop us."⁶ In his remarkable A Key into the Language of America, a study of Indian life and languages written during a sea voyage back to England in 1643, Williams ponders the Indians' ability to coexist with impermanence and constant vulnerability in "this wild and howling land." He finds it astonishing that the Indians do not mind picking up and moving on to a new place, whenever climate, or insects, or sheer inclination moves them. "I once in travel lodged at a house, at which in my returne I hoped to have lodged againe there the next night, but the house was gone in that interim, and I was glad to lodge under a tree."⁷ This sense of life as utterly transient, as requiring reinvention at every moment, deeply shaped the new Americans' culture and, ultimately, their religious sensibilities.⁸

The Indians may have made their peace with transience; the Puritan settlers, used to a very different sort of existence, resisted. To keep the "howling land" at bay, they found it prudent to shore up the structures of order within their communities, seeking comfort in homogeneity and discouraging spontaneous outbursts of personal will. New England child-rearing practices strongly discouraged expressions of autonomy, suppressing the usual crises of human

⁵ Roger Williams, The Correspondence of Roger Williams, ed. Glenn La Fantasia (Providence: Brown University Press, 1988), vol. I p. 15. Hereafter the works of Williams will be cited as follows: the correspondence, as C I and C II, followed by the page number in each case. The Complete Writings of Roger Williams (New York: Russell and Russell, 1963), in seven volumes, will be cited as CW followed by the volume number and page number. However, since most citations to the Writings are to the Bloudy Tenent of Persecution (1644), which is in volume III, and to the sequel, The Bloudy Tenent Yet More Bloudy (1647), references to these works will be made as to BT (followed by page number) and BTY (followed by page number).

⁶ C I.345.

⁷ A Key into the Language of America, Williams CW vol. 1, p. 47. Williams tells us that he focuses on the Narragansett dialect, and that the work is an "implicit dialogue" (p. 29) with the native inhabitants. See further treatment of the Key in Andrew Delbanco, The Puritan Ideal (Cambridge, MA: Harvard University Press, 1989), p. 166.

⁸ See Delbanco, The Puritan Ideal.

maturation, the search for identity that is a commonplace of childhood, and especially adolescence, in many cultures.⁹ Historian John Demos concludes that "New England children encountered in earliest life a strenuous resistance to their deepest autonomous strivings" as they heard "from all sides the Puritan message of 'peace,' of 'harmony,' of submission – with its corollary warnings against anger and the open assertion of self."¹⁰

Meanwhile, the public religious life of the community focused intently on constructing and enforcing orthodoxy of religious belief, expression, and practice. Orthodoxy was comforting to storm-tossed people. It seemed to mean shelter, an absence of storminess within.

Enforcing orthodoxy, however, required the suppression of dissent. John Cotton (1595-1652), pastor of the First Church of Boston, one of Massachusetts's most influential religious leaders and Roger Williams's lifelong intellectual adversary, wrote copiously in defense of religious persecution, arguing that it was necessary for civil order. It was also God's will, he said, in order to separate the diseased element of society from the healthy element. As he and Williams wrangled endlessly about whether people diverse in faith could coexist peacefully in civil society, Cotton maintained again and again that the wholesome parts of a community cannot but be corrupted by the presence of heretics and dissidents, unless those people are brought to judgment, punished, and, if unrepentant, banished. Such people are like Satan in our midst. Even if they behave peaceably like ordinary citizens, they will be covert enticements to sin. In works such as Democracy as Detrimental to Church and State (1636) and The Way of the Churches of Christ in New England (1645), Cotton defended a stringent and exclusive picture of theocratic community. This same view is the basis for his book-length attack on Williams, The Bloody Tenet Washed and Made White in the Blood of the Lambe: being discussed and discharged of blood-guiltinesse by just Defence (1647).¹¹

⁹ See John Demos, Entertaining Satan: Witchcraft and the Culture of Early New England (New York and Oxford: Oxford University Press, 1982).

¹⁰ Demos, p. 209.

¹¹ London: Hannah Allen, 1647. Cotton standardly spells "tenet" in our modern way, Williams with an additional "n." Some extracts from Cotton's writings appear, along with other material of great interest, in The Puritans: A Sourcebook of Their Writings, ed. Perry Miller and Thomas H. Johnson, volume one (New York: Harper and Row, 1938).

Cotton's rhetoric is animated by an intense hatred of sin and a fervent desire to distance his people from it. Williams repeatedly charges him with neglect of the Christian virtues of "meeknesse and gentlenesse toward all men," (BT 92). Cotton's pro-persecution position – the intellectual doctrine that Williams calls "the bloody tenent of persecution" – fights, Williams says, against the "spirit of Love, Holines, and Meeknes by kindling fiery Spirits of false zeale and Furie" (BTY 494). Williams's summary conveys an accurate sense of the spirit as well as the content of Cotton's pro-persecution arguments.

Sometimes the desire to keep sin at bay did not content itself with persecution and banishment. The vivid sense of Satan's presence in the community found frequent expression in the hunting of witches. Both Massachusetts and (the similarly Puritan and even more orthodox) Connecticut,¹² throughout this period, experienced repeated upheavals over allegations of witchcraft and trials of alleged witches. We tend to remember only the famous case of Salem, made mid-twentieth-century metaphor in Arthur Miller's The Crucible. But Salem, though extreme, was not atypical: the hunting and trying of witches was a common phenomenon throughout the seventeenth century, both in New England and in Europe.¹³ In New England, the typical accusee – Satan's alleged ally in the community -- was a person unusually vulnerable, by low socio-economic class and/or unpleasant personality.¹⁴ The most typical sort of accuser -- the witch's alleged victim – was, more surprisingly, not a pubescent girl, although Salem has made this case famous. Far more common were accusations by young adult men just setting out in the world to make a life for themselves, and not yet married¹⁵. (Marriage in New England tended to be late for men, whose fortunes had to be securely established first.) Young men were perhaps the most insecure group in Massachusetts and Connecticut society -- expected to become financially secure, but not yet confident in their control over the necessary things of life. In their remarkable and detailed allegations of attacks by a witch, who is said to torment their bodies and control their actions, such young men externalize their own vulnerability. They are not insecure

¹² Cotton's "Mosaic Code" was found too illiberal in Massachusetts, but was adopted by the New Haven community. Later on, Yale University became a haven for those who believed that Harvard had erred by tolerating Anglicans on its faculty and in its student body.

¹³ Data are given in Demos.

¹⁴ See Demos.

¹⁵ For data and analysis, see Demos.

because life is hard: no, it is someone else's fault, the doing of some stigmatized outsider. If only this person can be removed from the community, they will have the secure control they seek. As Demos says, "The entire situation is complex and keenly felt – and vulnerability is right at the heart of it."¹⁶

As we shall see, Americans have a recurring tendency to seek the comfort of orthodoxy during times of stress. Minorities often suffer from these anxious impositions of order. Cotton's seductive metaphor of a taint or stain in our midst that must be removed if we are to resist corruption is still with us. Continual vigilance is required lest anxiety triumph over the spirit of love and peace. That is why the Puritan experience, and Williams's response, are so important to ponder. When we find ourselves strongly inclined to use Cotton's purifying rhetoric, we should at least consider the possibility that what we fight in others is actually something about ourselves that is difficult to bear, some loneliness and harshness about human life that makes us feel small, afraid, and victimized.

Williams shows us a different way of living with uncertainty, a way involving civil peace and equal respect for each person's conscience. Moreover, although Williams's personal influence was uneven, the general spirit of his writings became the dominant ethos of the colonies, as ideas of religious liberty and fairness gradually took hold even where Williams's name would have brought nothing but scowls. He pointed to features of human experience that were vivid to the new settlers in any case; thus people who did not revere him ultimately discovered the wisdom of his position on their own. By the time of the Founding, America had evolved considerably, if not under Williams's direct influence, at least in the spirit of his life and work.

During a period in which there were fifty prosecutions for witchcraft in Massachusetts and forty-three in Connecticut (where orthodoxy was even more severe), there were no such trials in Rhode Island, the colony that Williams founded.¹⁷

II. "To ship my selfe all alone in a poore Canow": Williams's Rhode Island

¹⁶ P. 157.

¹⁷ Rhode Island did record one civil suit for slander, where the putatively slanderous charge was of witchcraft; Connecticut had 8, and Massachusetts 17. All these data are from Demos p. 11.

Roger Williams is typically remembered as a religious and political leader rather than as a thinker -- an odd kind of zealot bent on purity, who managed to found and successfully run a colony. If his ideas are remembered at all, he is identified with one (uncharacteristic) phrase he used once in a letter, the "wall of separation" between religion and state, rather than for his careful and extensive arguments about the evils of persecution, the primacy of individual conscience, and the appropriate jurisdictions of the civil and the religious spheres. Although he is a systematic thinker of considerable originality, his ideas are rarely set out with care, and the relationship of those ideas to those of more famous seventeenth-century philosophers, Locke in particular, is rarely appreciated-- although his important writings of the 1640's anticipate Locke's 1689 A Letter Concerning Toleration in every major point.¹⁸

Some who invoke Roger Williams's name neglect his voluminous philosophical writings. Thus, it is often said that Williams is primarily concerned to protect religion from the impurity of state power and that he is not concerned about protecting the state from the churches, or about protecting individuals from domination in religion's name. The origin of this error lies in Mark Howe's influential The Garden and the Wilderness. Citing only one passage in one letter, Howe writes, "When the imagination of Roger Williams built the wall of separation, it was not because he was fearful that without such a barrier the arm of the church would extend its reach. It was, rather, the dread of the worldly corruptions which might consume the churches if sturdy fences against the wilderness were not maintained."¹⁹ Howe draws large conclusions from this claim: that the First Amendment is best read as protecting churches from state interference, and that much of our Supreme Court jurisprudence has therefore been mistaken, insofar as it construes the Amendment also to prevent churches from overreaching in the public domain. Howe's idea about Williams has even made its way into the best casebook on religion and the First Amendment (although the book does not endorse his larger theory of constitutional meaning).²⁰

¹⁸ It cannot be proven that Locke read Williams, since he does not mention whom he is reading, even in correspondence; but Williams is a prominent part of a literature on the topic with which Locke was certainly familiar. I am grateful to Quentin Skinner for correspondence on this point.

¹⁹ Mark Howe, The Garden and the Wilderness (Chicago: University of Chicago Press, 1965), 6.

²⁰ See Michael W. McConnell, John H. Garvey, and Thomas C. Berg, Religion and the Constitution (New York and Gaithersburg: Aspen Law and Business, 2002), 56-7.

Howe's claim about Williams, however, is so inaccurate that a reading of only a random few of the nine hundred pages he wrote on the topic of religious freedom (to which we can add close to a thousand pages of letters, most on this topic) would quickly refute it: Williams is concerned above all with the individual soul or conscience, which he wishes to free from persecution both by churches and by state officials acting in religion's name, so that it can find its own way to God. In the process he has a great deal to say about the danger that churches will overreach in the public domain, and a great deal to say about the need to keep the political domain free from religious orthodoxy.

An equally odd error about Williams, though from a writer who has a deep understanding of some of Williams's work, is the claim that Williams's dominant emotion is a "longing for the purifying inferno."²¹ Although Williams does of course inveigh against the errors and corruptions of Cotton and his other opponents, his standard posture is that of a gentle and civil defender of the vulnerable soul. The attitudes he recommends and loves are those of mercy, gentleness, meekness, and civility, words all of which recur with obsessive frequency throughout the two philosophical dialogues that constitute his major works. The interlocutors of these dialogues are Truth and Peace – both of whom he loves and who evidently love one another. His very address to his audience is entitled, "To the Merciful and Compassionate Reader" (BTY 33). His letters again and again urge the settlers of Providence to drop their quarrels and to adopt the spirit of peace. In both letters and treatises he repeatedly alludes to the goodness of people who go wrong in religious matters, appealing to us to respect them; the Indians in particular earn his deep admiration. It is Williams's opponents, not he, who wish to consign erring mortals to the fiery inferno. The "Bloody Tenent", or bloody philosophy, is theirs, and he seeks to show how ugly and destructive it is. One may add that throughout his correspondence with some very angry and uncivil individuals, Williams invariably preserves a respectful and gentle tone. To friends he expresses love; to enemies he speaks with civility. Even when the foul-tempered Mrs. Anne Sadleir is consigning him and his friend Milton to a fiery hell, he tells her gently of his warm memories of her father's kindness.

²¹ Delbanco, 168.

Why is Williams so misunderstood? Locke's Letter, some sixty pages long, is ubiquitously read. In general what is written about it is accurate. Williams's works, both more original and, in some ways, more profound in their grasp of human psychology, are either ignored or grossly distorted. One reason for the difference is that Locke is famous for other philosophical achievements that on the whole interest philosophers more than does the subject of religious toleration. If he had not made great progress in the theory of knowledge and the theory of the social contract, we probably would know nothing about the Letter. Williams, by contrast, was obsessed throughout his life with this one topic and made no other philosophical contribution, his other intellectual contribution being his analysis of Narragansett language. The second reason is, surely, style. Locke writes succinct and beautiful English. His argument unfolds with no repetition. Williams's works, by contrast, are somewhat hastily organized cascades of argument. Rather like the Roman philosopher Seneca, but writing at much greater length, he does not hesitate to make a good point many times, hoping to wear down the reader's resistance. This trait helps explain why he is read without that gift for patience and attentive silence that Williams imputes to his Indian friends.²²

Recent work on Williams has begun to undo these wrongs. Timothy Hall's Separation of Church and State: Roger Williams and Religious Liberty²³ gives Williams his just position in the history of thought and contains a fine treatment of many aspects of Williams's ideas, particularly of his relationship to Locke's writings, several decades later. Hall, however, does not give the theme of impartiality and fairness the importance it clearly has for Williams. He also tends to attribute Williams's philosophical conclusions to the influence of his own peculiar religious beliefs. Williams, however, nowhere alludes to these beliefs in arguing for liberty of conscience – nor should he, since it is his considered position that political principles should not be based on sectarian religious views of any sort. It seems to me to be an advantage in a reconstruction of

²² See Delbanco, pp. 165-6, with citations from Key.

²³ Urbana: University of Illinois Press, 1998. See also his excellent earlier article, "Roger Williams and the Foundations of Religious Liberty," Boston University Law Review 71 (1991), 455-524, which contains an excellent account of Williams's relationship to Locke. An earlier theoretical treatment that valuably stresses the theme of equality and impartiality in Williams's writing is Edward J. Eberle, "Roger Williams's Gift: Religious Freedom in America," Roger Williams University Law Review 4 (1998-9), 425-86. Another good treatment, though brief and not comprehensive, is Philip Hamburger's treatment in Separation of Church and State (Cambridge, MA: Harvard University Press, 2002), 38-45.

Williams's thought if it can show him to be consistent with his own principles, and this is easy to do, since Williams does not in fact use his own religious views as premises in his philosophical arguments.

But since Williams was a leader as well as a thinker, and since his work needs to be assessed in the context of his life and career, we must first recount his story.²⁴

Williams was born in England, probably in 1603, to a prosperous merchant family. He grew up in London, near the Smithfield plain, where religious dissenters were sometimes burned at the stake. As a young man, he attracted the attention of the distinguished lawyer Sir Edward Coke, Chief Justice of the King's Bench. On a visit back to England in 1652, writing to Coke's daughter, Mrs. Anne Sadleir, Williams recalls that the great man "was often pleased to call me his Son" and speaks of the "honorable and precious remembrance of his person and the Life the Writings the Speeches and Examples of that Glorious Light"²⁵. (Mrs. Sadleir was unresponsive. A devout Anglican, she refused even to look at Williams's own writings and repudiated his gift of John Milton's Eikonoklastes – an indictment of the late Charles I -- with the blood-curdling remark: "[Y]ou should have taken notice of gods judgment upon him who stroke him with blindness...God has began his Judgment upon him here, his punishment will be here after in hell."²⁶ We should bear in mind that this was the way in which people routinely thought and spoke about people, however excellent, whose religions differed from their own. That we do not speak this way so often today can be credited to the success of Roger Williams's arguments and to the institutions his arguments helped to create.

Coke arranged for the young man's education at Sutton's Hospital, the future Charterhouse School (an elite "public school" that focused on a classical education), and then at Pembroke Hall in Cambridge University, where Williams received his A. B. in 1627. Williams quickly impressed by his remarkable flair for languages, mastering Latin, Greek, Hebrew, French, and Dutch. In this way he made John Milton's friendship: he taught Milton Dutch in exchange for receiving Hebrew

²⁴ Among good biographical studies of Williams, see W. Clark Gilpin, The Millenarian Piety of Roger Williams (Chicago: University of Chicago Press, 1979); Edwin S. Gaustad, Liberty of Conscience: Roger Williams in America (Grand Rapids: William B. Eerdmans, 1991); Perry Miller, Roger Williams: His Contribution to the American Tradition (Indianapolis: Bobbs-Merrill, 1953).

²⁵ C 1.358.

²⁶ C I.379.

lessons. On graduation, Williams took orders in the Church of England and, in 1629, accepted the post of chaplain at Otes in Essex, the manor house of Sir William Masham – grandfather of the Sir Francis Masham who was Locke's host at Otes in the 1690's.²⁷ He married Mary Barnard, a member of the Masham household, in 1629.

Unlike continental philosophers of the seventeenth century (for example, Grotius and Pufendorf), Williams does not cite the Greek and Latin classics often in his works. Nor, indeed, does John Locke. That sort of heavy citation was not the English style; nor, perhaps, would a Puritan dissenter be eager to show reverence for pagan culture. Nonetheless, it is important to bear in mind that Williams received a first-rate classical education, of a sort that emphasized the doctrine of natural law that was becoming increasingly influential in both English and continental law and philosophy. There is no sign that he knew Grotius's On the Law of War and Peace (1625), which derives a system of international morality from the thought of Cicero and Seneca. But he does share Grotius' historical formation: Coke was a strong defender of the idea of "natural law," i.e. universally binding moral principles that supply constraints on positive law, and appealed often to the idea that there were binding moral principles behind positive law, to which positive law is answerable.²⁸ The Catholic natural law tradition built upon Aquinas (and Aquinas' use of Aristotle, though Aristotle himself does not have a doctrine of natural law). The Protestant tradition, by contrast, built upon Stoic ideas. Because these ideas were absolutely central to the eighteenth-century framers, we shall discuss them in the following chapter. Here it is sufficient to note that Williams, writing a century and a half before James Madison, nonetheless shared an intellectual heritage with him through the debt of both men to Stoic ideas. The core of the Stoic doctrine on which Williams was raised was the idea that all human beings are of equal worth in virtue of their inner capacity for moral striving and choice, and that all human beings, whoever and wherever they are, are owed equal respect.

In 1630, a leading Puritan reformer was placed in the pillory. One of his ears was cut off, one side of his nose was split, and he was branded on the face with the letters SS, for "Sower of Sedition." Later the other side of his nose was split and his other ear was cut off. For good

²⁷ I am grateful to Mark Goldie and Quentin Skinner for correspondence on this point.

²⁸ I am indebted to an unpublished paper by Richard Helmholz, and to conversation with him, for this insight.

measure, the man was then imprisoned for the rest of his life. Williams, who witnessed these events, and who was already very critical of the Anglican orthodoxy, decided that he could not live the religious life he wanted in England. He set sail for Massachusetts.

At first, Williams was warmly welcomed by the leaders of Massachusetts Bay Colony.²⁹ Although Boston found his views about the individual conscience too radical, he was welcomed by the congregation at Salem. He expressed his religious ideas freely. At the same time, he published a pamphlet attacking the colonists' claims to the Indians' property. The officials of Massachusetts Bay called him into court, but took no action when Williams agreed to withdraw the pamphlet. He continued, however, to teach the falsity of the colonists' property claim. He also urged resistance to a proposed oath of loyalty to be taken by all colonists. (He held that a religious oath should not be made mandatory by civil authority, thus anticipating one of the key claims in our Constitution.) During this period Williams spent some peaceful months at Plymouth, where he pursued his study of Indian life and languages.

By 1635/6, the authorities saw that Williams was bent on continuing his divisive teaching. They ordered his arrest. Tipped off in advance, he fled. Looking back on the incident from Providence in 1670, he describes it this way:

...I was unkindly and unchristianly (as I believe) driven from my howse and land, and wife and children (in the midst of N. Engl. Winter now, about 35 years past)...I steerd my course from Salem (though in Winter snow wch I feele yet) untill these parts, whrein I may say as Jacob, Peniel, that is I have seene the Face of God...³⁰

So begins the story of Rhode Island. In keeping with his sense of divine deliverance, Williams named the new settlement Providence.

A key part of the life of the new settlement was respectful friendship with the Indians. Williams had always treated them as human beings, not beasts or devils. He respected their dignity. When the great Narragansett chief Canonicus (who spoke no English) broke a stick ten times to demonstrate ten instances of broken English promises, Williams understood his meaning and took his part. When the colonists objected that the Indians could not own land because they were nomadic, Williams described their regular seasonal hunting practices, arguing that these

²⁹ See the detailed account in C I 12-23, "Editorial Note."

³⁰ C II.610.

practices were sufficient to establish property claims – a legal argument that strikingly anticipates very recent litigation over aboriginal land claims in Australia. Linguist that he was, he reports having, at this period, a "Constant Zealous desire to dive into the Natives Language" (C II.750), and he learned several of the languages by actually living with them for long periods of time. "God was pleased to give me a Painfull, Patient spirit, to lodge with them in their filthy, Smoakie holes...to gaine their Toung etc." (*Ibid*).

When Williams arrived as a refugee, then, his dealings with the Indians had long prepared the way for a fruitful relationship. Chiefs Massasoit and Canonicus welcomed him like an old friend, because he had befriended them before he needed them, and had given them lots of gifts for many years. He was already known as a good public debater in the Indian languages, "and there fore with them held as a Sachim" (751). One of the key provisions of the Charter of Rhode Island was that "itt shall not bee lawfull to or For the rest of the Collonies to invade or molest the native Indians..", a provision that Williams particularly sought and, when granted, applauded, noting that hostility to the Indians "hath hietherto bene...practiced to our Continuall and great grievance and disturbance."³¹

Throughout his life, Williams continued these friendships. He helped the Narragansetts in their struggle against the aggressions of the Pequot tribe, daring "to put my Life into my hand, and Scarce acquainting my Wife to ship my selfe all alone in a poore Canow, and to Cut through (a stormie Wind 30 mile in great seas, every minute in hazard of Life)." (II.611) One gets the impression that Williams – a physically adventurous man, though also one frequently troubled by pain in his joints and limbs, very likely arthritic -- enjoyed joining the Indians in these adventures with the elements. They were in many ways the truest friends he had. Despite his fervent Christian beliefs, there is no record that he ever tried to convert any of them, although he does take a keen interest in the theory of Portuguese-Dutch Jewish thinker Menasseh ben Israel – the same man who had influenced Cromwell to readmit the Jews -- that the Indians are the lost tribes of Israel. As he wrote to the Governor of Massachusetts Bay, explaining his refusal to return, "I feel safer down here among the Christian savages along Narragansett Bay than I do

³¹ C II, 535, 541.

among the savage Christians of Massachusetts Bay Colony." Williams did not mean that the Indians were converts: indeed, he explains in Key that he did not attempt to convert them. The Indians' behavior, for Williams, expressed the Christian spirit of love more truly than did the severities of Massachusetts. He was fond of noting examples of Indian decency and honesty, contrasting their behavior with that of the English, or his Massachusetts neighbors.³² "It is a strange truth," he wrote in Key, "that a man shall generally finde more free entertainment and refreshing amongst these Barbarians, then amongst thousands that call themselves Christians" (CW I. 46). Near the end of his life, he recalled that he never denied to Canonicus or (his successor) Miantonomi "[w]hatever they desired of me as to goods or gifts or use of my boats or pinnace, and the travel [i.e. travails] of my own person, day and night, which, though men know not, nor care to know, yet the all-seeing Eye hath seen it, and his all-powerful hand hath helped me" (C II.754). Significantly, then, he imagines God as pleased by his generosity to "Barbarians." In one of his letters from England, he adds at the end: "P.S., My love to all my Indian friends." (C I.387)

Williams's experience of finding integrity, dignity, and goodness outside the parameters of orthodoxy surely shaped his evolving views of Conscience. But there was already something antinomian about Williams, something that led him to those "smoakie holes" in the first place, a respectful curiosity about the varieties of humanity that is the archetype of something deep and fine in our traditions as a nation of strangers and immigrants.

Williams immediately provided for religious liberty in the new colony. The majority would make policy, but "only in civil things." Broad liberty of conscience was officially guaranteed. Rhode Island rapidly became a haven for people who were in trouble elsewhere; other settlements were founded. Baptists, Quakers, and other dissidents joined the Puritan dissenters. In 1658 fifteen Portuguese Jewish families arrived in Newport. Although the Touro Synagogue – America's oldest surviving Jewish synagogue³³ and its first Sephardic synagogue – was not

³² For example C II.534, complaining about the refusal of the English to pay his emissary: "These very Barbarians when they send forth a publike messenger they furnish him out, they defray all paymts, they gratifie him with Rewards, and if he prove lame and sick and not able to returne, they visit him and bring him home upon their shoulders (and that many Scores of miles) with all Care and Tendernes."

³³ In 1730 a synagogue was founded in Manhattan.

dedicated until 1763 (prior to that time, the Jewish community corresponded with rabbis in Europe), Jews enjoyed the same religious liberty granted to others – a fact that is astonishing when we note that Jews in Britain gained full civil rights only in 1858.

In 1643 Williams set sail for England to secure a charter for the new colony. During the voyage he wrote his book about Indian languages. While in England, he wrote The Bloody Tenent of Persecution, replying to writings of John Cotton. The book, printed in London, was not sui generis, but it was a strong and very early statement of principles that we associate with Locke's 1683 work. A democratic charter was obtained, and the colony, uniting the diverse settlements under a single government, again proclaimed liberty of conscience. In 1652, Rhode Island passed the first law in North America making slavery illegal. By this time, Williams had been won over by the Baptists' arguments in favor of adult baptism; he was (re)baptized in 1639 and referred to himself from that time on as a "Seeker." Meanwhile, Cotton's angry reply to The Bloody Tenent, published in 1647, led Williams to produce another work about a hundred pages longer than the first one, refuting all of Cotton's arguments. Published in 1652 in London (during another visit of Williams's to England), it bears the unwieldy title, The bloody Tenent Yet More Bloody: By Mr Cottons endeavour to wash it white in the Blood of the Lambe; of whose precious Blood, spilt in the Blood of his Servants; and Of the blood of Millions spilt in former and later Wars for Conscience sake, that Most Bloody Tenent of Persecution for cause of Conscience, upon a second Tryal, is found now more apparently and more notoriously guilty.

The civil wars and the Restoration made it necessary to renegotiate the Charter. Williams again went to England, and found in Charles II a ready ally for his experiment in religious liberty. Williams notes that the Barbados already permitted religious liberty, by omission and policy rather than by explicit royal guarantee. "[B]ut our Graunt...is Crowned with the Kings extraordinary favour to this Colony...In wch his Matie declar'd himselfe that he would experimnt whether Civill Govrmt Could consist with such a Libertie of Conscience."³⁴ With amusement he describes the

³⁴ C II.616. "Matie" is Williams's abbreviation for "Majesty."

shocked reaction of the King's ministers when they read the unorthodox document – "but fearing the Lyons roaring, they coucht agnst their Wills in Obedience to his Maties pleasure."³⁵

The charter was shocking indeed – not only in its odd provision regarding the Indians, but, above all, in its clause regarding religious liberty:

[N]oe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or call in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freely and fully have and enjoye his and their owne judgments and consciences, in matters of religious concernments, throughout the tract of lande hereafter mentioned; they behaving themselves peaceable and quietlie, and not useinge this libertie to lycentiousnesse and profanenesse, nor to the civill injurye or outward disturbance of others; any lawe, statute, or clause, therein contained, or to be contained, usage or custome of this realme, to the contrary hereof, in any wise, notwithstanding.

What does the clause protect? Belief and the expression of opinion in religious matters, clearly. But Williams throughout his writings was very careful to insist that acts of worship also should enjoy protection. Indeed, in his own writings we rarely encounter the word "belief" without the word "worship" or "practice." In this chapter's epigraph, for example, taken from the introduction of The Bloudy Tenent, "consciences and worships" are all permitted. Elsewhere, he uses phrases such as "for either professing doctrine, or practicing worship" (BT 63), "doctrine or practice," "holdeth or practiseth," "doctrines and worships," "to subscribe to doctrines, or practise worships," (BT 63, etc.). It is a bit unfortunate that the charter is less careful, but we can understand the latitude of its protection from the other direction, as stopping where civil disturbance begins. The prohibited forms of disturbance are of two kinds: violations of the rights of others, and breaches of public order and morality. Williams was no John Stuart Mill: he thought that the business of civil government included not only protection of individuals from harm to their rights by others, but also the maintenance of public order and morality. Thus, like virtually everyone at this time, he favored laws against adultery and other so-called "morals laws." Not, however, on religious grounds: his conception of public morality keeps it quite distinct from religious norms and justifications.

The final provision in the clause is very interesting: the charter guarantees liberty of religious belief and practice even when a law or custom forbids it. In other words, if law says that you have to swear an oath before God to hold public office, this law is nullified by the Charter.

³⁵ C II.617.

Moreover, it appears that the Charter nullifies the applicability of laws to individuals when such laws threaten their religious liberty. If a law says that people have to testify on Saturday, and your religion forbids this, then that law is non-applicable in your case. In other words, it would appear that Williams has forged the concept of accommodation, which soon became widely accepted in the colonies. Laws of general applicability have force only up to the point where they threaten religious liberty (and public order and safety are not at stake).

This was not mere talk. Williams was notoriously skeptical about Sunday as the chosen day for no work. He had considerable sympathy with the theological arguments of the Seventh-Day Baptists. More generally, he saw the burden that comes with imposing a majority practice on all. Rhode Island had no Sunday law during his lifetime.

Williams had already alluded to this idea of religious accommodation in a famous letter to the Town of Providence written in 1654-5.³⁶ Using the classical trope that compares a society to a ship at sea, Williams imagines that “both Papists and Protestants, Jews, and Turks, may be embarked into one Ship.” His view of liberty of conscience, he now says, turns on two principles: first, that none of these passengers be in any way “compelled from their own particular Prayers or Worship, if they practice any,” and, second, that the captain nonetheless has the authority to do all that is needed for the survival and safety of the ship. He can require passengers to pay their way (taxation), he can ask them to obey all orders “concerning their common Peace and Preservation,” he can punish mutiny against the ship’s civil authority. Williams leaves it unclear whether actual military service in violation of conscience could be required: all he says is that all should “help in Person or Purse, toward the Common Charges, or Defence” – leaving it open that some alternative service, or a cash payment, might suffice in such cases. (At this point he had not yet encountered Quakers, so he may simply not have thought about the issue.) What is important is that, by clearly stating that the captain must allow liberty of conscience up to the point at which the ship’s peace and safety are threatened, he lays the foundation for a long tradition that, by the time of the Founding, was exemplified in most of the state constitutions.

³⁶ C II.423-4.

Williams lived for almost twenty-five years after the new charter. The disruptive behavior of some Quakers put his principles under severe strain. Writing against their religion, he also objected so strongly to their practices of heckling others that he was sorely tempted to compromise his own doctrines, introducing some restrictions. He contented himself, however, with a book-length attack on George Fox, the Quaker leader (George Fox Digged out of his Burrowes, 1676). Williams died in 1684 at the age of eighty-one, and was buried on his own property. His remains are now lodged in the Roger Williams monument on Prospect Terrace in Providence, just at the foot of College Hill, the location of the main campus of Brown University – which, in 1745, became the first university in the colonies that had no religious test for entrance.

Rhode Island did not always stick to Williams's admirable principles. Sunday laws came in after his death, and even, for a short period, some restrictions on office-holding by Jews. Brown University, despite its admirable start, later required a majority of Baptists on the Board of Trustees. Its letterhead, to this day, shows four books emitting radiant light, not exactly an encouraging sign to the non-Christian faculty member. Nonetheless, Rhode Island stood out as ahead of its time. Seen by many pejoratively, as a disreputable and anarchical community, it nonetheless provided a model of religious fairness that the other colonies increasingly adopted, whether they were following Williams or simply learning his truths for themselves.

III. "This Conscience is found in all mankind"³⁷: Williams's Defense of Religious Liberty

Behind this political achievement is a body of thought as rich, on these issues, as that of John Locke, and considerably more perceptive concerning the psychology of both persecutor and victim. At its heart is an idea, or image, on which Williams focused with deep emotion and obsessional zeal: the idea of the preciousness and dignity of the individual human conscience. Williams defines conscience as "holy Light," and as "a perswasion fixed in the minde and heart of a man, which inforceth him to judge...and to do so and so, with respect to God, his worship, etc."³⁸ It is "indeed the man."³⁹ Conscience, for Williams, plays the role that the faculty of moral

³⁷ C I.348

³⁸ C I.338-9.

³⁹ Ibid.

choice plays in Stoicism, and has basically the same content, although the accent is more on striving and searching than on selecting. As with the Stoics, this faculty is a source of universal equality among human beings. Williams reconceives of Stoic moral selfhood in a characteristically Romantic and religious way, as a faculty capable of seeking for ultimate truth.

Williams has his own very intense religious beliefs, and these beliefs entail that most people around him are in error. Error, however, does not mean that they do not have the precious faculty of conscience: "This Conscience is found in all mankinde, more or lesse, in Jewes, Turkes, Papists, Protestants, Pagans, etc." And even though one thing that is precious about the conscience is its ability, ultimately, to find the truth, that is not what Williams emphasizes: what he reveres is the committed search, the sincere quest for meaning. "I commend that Man whether Jew or Turke, or Papist, or who ever that steeres no otherwise then his Conscience dares...For Neighbour you shall find it rare, to meete with Men of Conscience."⁴⁰ One can't help thinking of Williams's respect for his Indian friends when one reads passages like this. Furthermore, since he says that "men of conscience" (i.e. people who follow their conscience's promptings) are rare, but that conscience itself is in everyone, he clearly holds that the precious faculty of conscience exists even in less virtuous people, and that all deserve basic human respect. (Similarly, the Stoics hold that, although most human beings are "fools," the faculty of choice is present in all and is worthy of respect, though the person be in error.) Conscience, Williams holds (perhaps influenced by the Stoic ideas that were so prominent in his education) is the dignity of the person; it is, indeed, the person himself.

So: everyone has inside him or herself something infinitely precious, something that demands respect from us all, and something in regard to which we are all basically equal. That was a common though not universal view in his own day, a view put forward by the prevalent Stoic natural law doctrine in Britain and taught, with a different flavor, in many varieties of Christianity -- though Williams gives it unusual emphasis and poignancy. In our time, the view has become even more widespread. Whatever our religious or non-religious views, we tend to believe that all human beings have moral and spiritual faculties and that these faculties, whether

⁴⁰ C II.586.

we call them "conscience" or "soul" or "human dignity", deserve respect wherever they are found. This thought supplies, for example, the basis of the modern human rights movement. Catholic philosopher Jacques Maritain, who participated in the framing of the Universal Declaration of Human Rights, reports that it was possible to gain agreement about this basic idea among people from many different nations and religions. He himself found these ideas in the (Catholic branch of the) natural law tradition; people from China, Egypt, and other nations came to it from other sources.⁴¹

Williams now argues that this precious something needs space to unfold itself, to pursue its own way. To respect human beings is therefore to accord that sort of space to each and every one of them. He expresses indignation that someone "that speakes so tenderly for his owne, hath yet so little respect, mercie, or pitie to the like consciencious perswasions of other Men... Are all the Thousands of millions of millions of Consciences, at home and abroad, fuell onely for a prison, for a whip, for a stake, for a Gallowes? Are no Consciences to breath the Aire, but such as suit and sample his?"⁴²

These images are revealing. They tell us that Williams thinks of consciences as delicate, vulnerable, living things, things that need to breathe and not to be imprisoned. There are so many of them in prison, all over the world. But all alike should have breathing space. Here, to my mind, Williams makes decisive progress beyond the Stoicism of his classical education. Stoic thinkers (and seventeenth-century thinkers influenced by this aspect of their thought) usually treat the moral core of the person as something rock-hard, something that cannot be damaged by worldly conditions. They therefore have great difficulty drawing any political conclusions at all from their arguments about respect for human dignity. Dignity is so secure within that even slavery and torture cannot affect it: so Stoic writings, beginning from a radical egalitarianism about worth, end up oddly quietistic. Conscience cannot really be coerced: all that power can wrest from it is a kind of insincere assent. Williams, by contrast, sees that the conscience is not

⁴¹ See Maritain, The Rights of Man and Natural Law (Washington, D. C.: Catholic University of America Press, 1951), ch. 4, and The Rights of Man and Natural Law (Chicago: University of Chicago Press, 1943). See also Mary Anne Glendon, A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (New York: Random House, 2001).

⁴² C I.338.

invulnerable: it can be damaged and crushed, and it needs space to unfold itself. This insight is necessary for a workable doctrine of political liberty.

Williams has the very keenest sensitivity to any damage to this precious thing, comparing persecution repeatedly to "spirituall and soule rape" (BT 219). And it is "soul rape" when any person is limited with respect to either belief or practice (so long as he is not violating civil laws or harming others): "I acknowledge that to molest any person, Jew or Gentile, for either professing doctrine, or practicing worship merely religious or spirituall, it is to persecute him, and such a person (whatever his doctrine or practice be true or false) suffereth persecution for conscience" (BT 63).

To be more precise, Williams has two distinct images for persecution, rape and imprisonment, corresponding to different types of damage to conscience. Persecution is like imprisonment, in that people whose faculty of conscience is undamaged within still need breathing space to act on their conscience's promptings, searching for meaning through whatever forms of prayer, worship, or writing and speaking they select. But persecution is also like rape, in that it goes inside a person and does terrible damage. Williams clearly thinks that being forced to affirm what you do not believe can harm the soul in its very capacity to strive, deforming and weakening it (though it never destroys the basis of equal respect, because it never extinguishes utterly the capacity for striving).⁴³ So what is needed is, first, protection for the conscience so that it can grow undefiled, and, second, the creation and protection of a space around it so that it can venture out into the world and conduct its search.

Persecution is therefore a terrible error, one of the worst there can ever be. Williams explicitly says that it is a worse error than being a heretic (C I.348), and that "a Soule or spirituall Rape is more abominable in Gods eye, then to force and ravish the Bodies of all the Women in the World" (BT 182). Indeed, persecution is a doctrine "which no Uncleannes, no Adulterie, Incest, Sodomie, or Bestialitie can equall, this ravishing and forcing (explicitly or implicitly) the very Soules and Consciences of all the Nations and Inhabitants of the World" (BTY 495).

⁴³ For a similar reworking of the Stoic position, see my "The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism," in *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*, ed. G. Clark and T. Rajak (Oxford: Clarendon Press, 2002), 31-49.

Williams does not believe that the offenses to which he compares persecution are trivial – indeed, he is inclined to favor the death penalty for adultery. So we can see how strong his objection to persecution is, if it is worse than these things. Most rulers in all ages, he concludes, have practiced "violence to the Souls of Men" (BTY 12).

One of Williams's reasons for abhorring persecution is instrumental: if you force someone, it hardens their opposition, thus preventing their voluntary conversion, hence their salvation. He makes this point repeatedly when he is in ad hominem debate with John Cotton, and it was a common Protestant argument in the period, one that Locke makes central to his own case for toleration. One cannot read Williams's text, however, and doubt that Williams also thinks damage to conscience an intrinsic wrong, a horrible desecration of what is most precious about a human life.

Williams has insisted that this precious something is in us all, and is worthy of equal respect. Therefore, he now argued, it is a heinous wrong to give it freedom for some (the orthodox) and to deny this same freedom to others. Again and again, he hammers home the charge of partiality and unfairness. Magistrates "give Libertie with a partiall hand and unequall balance" (BT 401). How "will this appear to be equall in the very eye of Common peace and righteousness?" (BT 402) His own marginal summaries of his argument, particularly in the later work, keep recurring to this theme, saying "Unchristian partiality" (BTY 55), "Gross partiality to private interests" (BTY 113), and "Gross partiality the bloody doctrine of persecution" (BTY 290).

Williams has a keen nose for special pleading and unfairness, and he sees it everywhere restrictions on religious liberty are found. He suggests that the error of the persecutor is a kind of anxiety-ridden greed, which is hypocritically disguised as virtue. Each, anxious and insecure, aims to carve out special protections and privileges for himself by attacking in others what he most values in his own life. In his letter to the governors of Massachusetts and Connecticut (my second epigraph) he indicts them for a hypocritical and unfair set of principles -- for worshipping, in effect, only the "great God Selfe."

If persecution is the worst of errors, liberty of conscience is, as Williams repeatedly states, a "most precious and invaluable Jewel" (BTY 30). It is for this "one commoditie" that "most of

Gods children in N. England have run their mighty hazards" (30). If the psychology of persecution is an anxious selfishness, the psychology of liberty is "meeknesse and gentleness toward all men" (BT 92). The proponent of liberty does not indulge in special pleading. Even though he believes that he is right, he doesn't puff himself up, for he knows how difficult his quest is. He remembers God's mercy to him, and he has mercy to those whom he believes in error. He also has an even-handed spirit of love, gentleness, and civility to all men, a civility that includes respect for their freedom.

In one remarkable passage Williams states that persecution is not only "to take the being of Christianity out of the World, but to take away all civility, and the world out of the world, and to lay all upon heapes of confusion" (BT 201). What does he mean by saying that persecution takes "the world out of the world"? I think he is expressing the view that the spirit of love and gentleness, combined with the spirit of fair play, are at the heart of our worldly lives with one another. Take these things away, and you despoil the world itself. You make it nothing but a heap of confusion.

Williams is an emotional writer. His sense of his own religion is deeply subjective and passionate. Nonetheless, it is not implausible to compare his core ideas to those that will animate the philosophy of Immanuel Kant a century later. (One link lies in the two thinkers' common debt to Stoic thought about human dignity and the importance of impartiality.⁴⁴) At the heart of the thought of both men are two ideas: the duty to respect humanity as an end wherever we find it, and the duty to be fair, not to make an exception for one's own case. Kant's famous "Categorical Imperative" asks people to test the principle of their conduct by asking whether it could without contradiction be made a universal law for all human beings. This test shows us whether we have been partial to our own case. Williams's critique of the leaders of Massachusetts and Connecticut is that their idea cannot pass Kant's test: they love freedom – but only for themselves. They could not will persecution as a universal law, and their selfishness prevents them from willing freedom of conscience (which could pass the Kantian test) as a universal law. Kant second test for ethical principles is one that he calls the Formula of

⁴⁴ See my "Kant and Stoic Cosmopolitanism," in *Perpetual Peace*, ed. J. Bohman and M. Lutz-Bachmann (Cambridge, MA: MIT Press, 1997), 25-58.

Humanity: he asks us to test our principles by seeing whether they treats humanity as an end, rather than a mere means: we are to ask whether we are really showing respect to the dignity of human beings, or whether we are just using them as objects in the pursuit of our own selfish ends. This complaint, too, is a constant theme in Williams's writing: the conscience is precious, but people use other people's consciences to serve their own anxious and greedy ends.

Kant's third way of testing principles invokes the idea of autonomy. We are to ask ourselves whether we can view our principle as a law that we could give to ourselves. There is no precise echo of this part of Kant in Williams, but his insistence on the deeply subjective quest of the individual conscience, and the priceless value of freedom in this quest, is in great sympathy with Kant's way of thinking.⁴⁵ For both, we are capable of searching and choosing, and that freedom must be respected. For both, doing the right thing because of obedience to a law imposed from outside has no moral worth at all. Finally, Kant speaks of good principles as constituting a "realm of ends," a virtual society of free beings who respect one another as equals. I believe that this idea is very much what Williams is after when he says that persecution takes "the world out of the world": it destroys the basis of human fellowship in respect, freedom, and civility.

Such ideas of fairness and respect continue to be central to the best work in recent political philosophy in the Western tradition. American philosopher John Rawls, drawing inspiration both from the history of religious strife and from Kant's ideas, has argued that the foundation for a just society must involve both impartiality and respect. He advanced a test for political principles that has a close relationship to Kant's thought – and, whether there is influence or not, to the thought of Roger Williams. The thought-experiment that constitutes Rawls's famous "Original Position", in A Theory of Justice,⁴⁶ imagines people who must choose the political principles that shape their common life without knowing where, in the resulting society, any of them is placed. They are thus unable to indulge in selfish partiality. They are forced to choose principles that are fair to all,

⁴⁵ For those who read Kant as holding that our capacity for self-legislation is the source of moral principles, as well as the source of moral worth, there will be a difference at this point between Kant and Williams, since Williams plainly believes that moral truths are true independently of human choice. Those who find this element of Kant's position extreme or implausible will find that there is no analogue to it in Williams.

⁴⁶ Cambridge, MA: Harvard University Press, 1971.

since any one of them might be anybody. Thus, Rawls argues, they will not design a society that favors only Christian worship, because they might find themselves in the persecuted group. Rawls explicitly says that liberty of conscience is one of the things reasonable people will value most, and that they will therefore not take any risk that they would end up being deprived of it, so they won't agree to allow the issue to be determined by majority vote. It is too central. "[T]o gamble in this way would show that one did not take one's religious or moral convictions seriously, or highly value the liberty to examine one's beliefs."⁴⁷ So, if they can't be partial and favor their own liberty, they will have to protect it for everyone. Williams's idea of impartiality is similar: the good colony is one that does not show partiality to majority religious interests, but is fair to all, majority and minority. Williams would have liked the praise of impartiality in the final sentence of Rawls's book: "Purity of heart, if one could attain it, would be to see clearly and to act with grace and self-command from that point of view."⁴⁸

In Rawls's later book Political Liberalism,⁴⁹ which focuses on religion, he formulates the principle lying behind his doctrine of religious liberty in a very Williams-esque way, stating that equal respect for persons entails respecting their "comprehensive doctrines," the search for the meaning of life in which each person is engaged. Respect thus dictates wide and impartial liberty of conscience (and other liberties as well). Rawls represents himself as drawing from the entirety of the seventeenth and eighteenth-century tradition of thought about religious difference. There is no sign that he is thinking about Williams, or has read him.⁵⁰ Nonetheless, Williams's ideas of conscience and impartiality are well articulated and further developed in Rawls's modern work.

All accounts of religious freedom based on an idea of the strivings of conscience must face the objection that they are themselves sectarian, grounding political principles on a distinctively Protestant set of ideas. There is a grain of truth in this charge, in a historical sense: there can be little doubt that Williams came by his ideas because of his immersion in the Protestant tradition.

⁴⁷ P. 207.

⁴⁸ P. 587.

⁴⁹ Expanded paperback edition (New York: Columbia University Press, 1996).

⁵⁰ Unfortunately, I never asked Rawls whether he knew Williams, since I myself did not read Williams's work until after Rawls's death. He certainly knew thoroughly, and taught, Hobbes, Locke, Rousseau, and Kant. He was also familiar with modern religious thought, for example the views of John Courtney Murray, that can be said to be in Williams's spirit. Finally, although he never wrote about the Religion Clauses, he knew a lot about the U. S. Constitutional tradition.

We can, however, defend Williams by pointing out that his conception of conscience taps into intuitive ideas of the person that are very widespread, that are defensible independently of Protestantism, and that turn up, in different forms, in many religions and traditions. They are present in Greek and Roman Stoicism, and they also lie at the heart of the modern human rights tradition, which was crafted by people who came together from China, Egypt, Europe, and North America. By now, moreover, religious traditions that once made less of conscience than did the Protestant tradition have become more focused on the dignity of conscience: certainly contemporary Catholic doctrines lie closer to Protestantism in this regard than do at least some earlier Catholic doctrines, and Maritain feels free to make this sort of idea the linchpin of a modern nonsectarian human rights tradition that he, a Thomist Catholic, eagerly joins. Williams, moreover, is far more careful than Locke later is to avoid reliance on any doctrine that is distinctively sectarian. Locke relies often on overtly sectarian doctrines, and characterizes religion in a way that would seem very strange to Jews and many others. Williams, perhaps because of his awareness of the radically different religion of the Native Americans, is as careful as one could be not to make this error. Political principles must be based on ideas with a rich moral content. Williams does pretty well in expressing that content in a way that avoids specific theological and metaphysical commitment.

Williams, then, lies at the beginning of a distinctive tradition of thought about religious fairness that resonates to the present day. Compared to both Kant and Rawls, Williams has an extra measure of psychological insight. He helps us see why persecution is so attractive and what emotional attitudes might be required to resist it.

IV. A "Model of Church and Civil Power"⁵¹

If Williams had offered only an account of conscience and its fair, impartial, treatment, he would already have made a large contribution to our understanding of religious liberty. He accomplished, however, much more, developing an elaborate account of the proper jurisdictions of religious and civil authority that anticipates Locke's more famous account and that still offers

⁵¹ BT 221.

helpful guidance. In this part of his work, Williams is replying to a "model" of church and state proposed by John Cotton. Truth asks Peace what (book) she has there. Peace produces the Cotton manuscript, and reads from it the claim that the Church must hold high authority in the civil realm, and should be superior to all civil magistrates, if the peace is to be preserved (BT 221-2). The two hundred pages that follow contain Williams's alternative "model." Notice that if Mark Howe were right, Williams should propose only that the state have no authority over the church; he should not be at all worried about the church having authority in temporal matters. Williams's argument, however, goes in an entirely different direction.

According to Williams, there are two separate sets of ends and activities in human life; corresponding to these are two utterly different sorts of jurisdiction, two sorts of authority. Civil or state authority concerns "the bodies and goods of subjects" (exactly the characterization that Locke later gives). Civil authority must protect people's entitlements to property and bodily security, and it may properly use force to do so (BT 148, BTY 188). (Unlike Locke, Williams has no worked-out theory of what people's entitlements in these areas are. We can see from his writings on Indian property rights that he did have views about the subject, but they were never systematically developed.) The civil law applies to all, including members of the clergy (268). The foundation of civil authority lies in the people, and it is the people who are entitled, democratically, to choose civil magistrates (BT 249).

The other sphere of human life is that of the soul and its safety. Law and force have absolutely no place in this sphere, which must be governed by persuasion only (148). Churches and their officers have this sphere as their jurisdiction (BTY 188), but with the proviso that their only proper means of addressing the soul is persuasion. (Williams has much less to say about churches than Locke does, in keeping with his conviction that the primary responsibility for personal salvation rests with one's own conscience. He is simply rather skeptical of organized attempts to foster spiritual improvement.) The two sorts of authority, civil and spiritual, can coexist peaceably together (223, BTY 40). Peace is in jeopardy only to the extent that churches overstep their boundaries and start making civil law, or interfering with people's property, livelihood, and liberty.

Williams now tells us that there is, of course, a way in which the civil state needs to make laws "respecting religion": namely, it has to make laws protecting it, saying, for example, "that no persons Papists, Jewes, Turkes, or Indians be disturbed at their worship (a thing which the very Indians abhor to practice toward any)" (BT 252). (He thus anticipates an issue that arose at the time of the Constitutional framing, when states wanted reassurance that the First Amendment's Establishment Clause would not prevent vigorous legal implementation of the Free Exercise Clause.) Such protective laws are not only permitted, they are extremely important, "the Magna Charta of highest liberties" (BT 220). In this category Williams also places a tax exemption for churches (BT 252), taking a position in a debate about religious establishment that will later become heated. Williams does not even stipulate that the tax exemption would have to be given to all religions on the basis of some fair principle: here he sells his own ideas grievously short.

There is, he continues, another type of law "respecting religion" that is very different from these protective laws: the sort of law that establishes, or forbids, acts of worship, says who can and cannot be a minister, and so on. To say that these should be civil laws "is as far from Reason, as that the Commandments of Paul...were civil and earthly constitutions" (BT 253).

Locke later elaborated this distinction further, saying that the state is free to regulate matters concerning property, or health, or safety, even when they bear on religious organizations – so long as it does so impartially.⁵² Thus, if the state wants to forbid adult baptism, it had better make sure it does so by an impartial health-related principle that forbids all bathing in water. If it wants to forbid animal sacrifice in a religious context, it can only rightly do so by the use of a neutral and impartial principle forbidding all animal killing of such and such a type. If it is permitted to speak Latin in a marketplace, it must be permitted to speak Latin in a church. In other words, there is an area of church conduct that touches on matters of property and health that the state rightly regulates, but the state must not regulate such matters with partiality toward the dominant religion. In making this explicit, Locke articulates well the spirit of Williams's idea. Locke also grants that there are areas where the jurisdictions of state and church would appear to

⁵² Locke, A Letter Concerning Toleration (Amherst, N. Y.: Prometheus Books, 1990), 43-7, 69.

overlap, for example marriage and the family.⁵³ Like Williams before him, he says little about how to sort things out in these cases.

Locke diverges from Williams by explicitly insisting that once a generally applicable law has been made by an impartial principle in a sphere the state rightly regulates, people may have no dispensation from that law for religious reasons. If their conscience leads them to disobey, they will just have to pay the price and go to jail.⁵⁴ Locke is rather harsh here, and perhaps he speaks too hastily, without thinking of the myriad ways in which generally applicable laws typically favor majorities and disfavor minorities. Were he to consider carefully such cases as forcing Jews to testify on the Sabbath, forcing Quakers to remove their hats in court – cases where there is no compelling state interest that is served by the forcing, and a solution could easily be found that would be less burdensome to the minority – it is difficult to believe that someone as attached to fair-mindedness in religious matters as Locke is would not have favored at least some latitude for "accommodation." Whether it would have extended to the refusal of Quakers to perform compulsory military service, and other matters of greater public moment, is unclear. In any case, Williams is not Locke: his chosen wording in the Rhode Island Charter and in his ship-of-state letter suggests that he is sympathetic to the idea of accommodation, where peace and safety interests are not at stake. Generally applicable laws will not be valid, insofar as they infringe religious liberty, except where such momentous interests are in play.

Apart from the issue of accommodation, Williams and Locke have similar pictures of civil and religious jurisdiction. Both make the point that to mingle the two jurisdictions is to harm them both, or as Williams says, to "confound and overthrow the puritie and strength of both" (BTY 496).

John Cotton makes two claims that Williams must answer, if he is to defend his radical position well. First, he makes a claim about peace and stability: people simply cannot live at peace with one another unless some religious orthodoxy is established. Many people thought this way in the seventeenth and eighteenth centuries. Jean-Jacques Rousseau, for example, says in The Social Contract (1762) that "it is impossible to live at peace with those one believes

⁵³ Locke, 33.

⁵⁴ Locke, 59.

to be damned,"⁵⁵ and he makes this claim the foundation of a highly illiberal set of requirements for a compulsory "civil religion" in his model society, enforced by both banishment and harsh, even capital, punishment. Cotton's view, then, remained popular for a long time to come.

In response, Williams invokes both reason and experience on his side. People with false religious views, he says, may be perfectly decent and peaceable citizens. We can see this all the time: that people do live together peacefully, so long as they respect one another's conscience-space. (Once again, life with the Indians provides a handy illustration.) What really breaks the peace is persecution: "Such persons onely breake the Cities or Kingdomes peace, who cry out for prison and swords against such who crosse their judgement or practice in Religion" (BT 79, often repeated).

Here again, Williams's thought proves a striking anticipation of a key idea in recent discussions of religious fairness in twentieth-century political philosophy. In Political Liberalism, referring to the experience of Europe, Britain, and the colonies in the seventeenth and eighteenth centuries, John Rawls says that we have learned that a society cannot remain stable without the constant use of violence and suppression unless people's "comprehensive doctrines" are respected, and respected impartially, with ample and equal liberty for all. History, he argues, has shown us that any sort of imposed religious orthodoxy that limits liberty leads only to a grudging modus vivendi, accepted by the underdog only because he thinks that someday he may be the top dog, able to oppress others.⁵⁶ That sort of grudging and temporary allegiance, however, is not a good basis for civil society.

Williams had not seen all the history that Rawls could see, but he understood what he saw keenly and presciently. He refers repeatedly to history, both ancient and recent, using examples of many different sorts that support his case. Williams knew of no example of the other sort: he believed his idea of complete religious liberty, duly protected by law, to be utterly new. (The best he saw elsewhere was an informal regime of toleration, such as apparently existed in the Barbados.) Examples that might have informed the positive side of his argument – for example

⁵⁵ Rousseau, On the Social Contract, in Jean-Jacques Rousseau, The Basic Political Writings, trans. Donald A. Cress (Indianapolis: Hackett, 1987), Book IV chapter VIII, p. 226.

⁵⁶ Rawls, Political Liberalism, 36-7 and the constructive argument that follows.

the tolerant policies of the Indian emperor Ashoka in the second century B.C. E., or those of Moghul ruler Akbar (1542-1605) shortly before Williams's own time – may have remained unknown to him (although Akbar's achievements were widely recognized in seventeenth-century England⁵⁷). He reasonably suggests, however, that the old way, Cotton's way, has not worked.

As we have seen, Williams allows some limitation on religious liberty, when peace and safety are at stake. Keen psychologist that he is, however, he repeatedly stresses the danger of hypocrisy in making judgments in this regard.⁵⁸ The doctrine of persecution, he says, has all sorts of "Winding Staires and back dores" (BTY 529) – one of which is the constant claim of the would-be persecutor that heretics are threatening peace and stability. Religious liberty must therefore have extremely ample protection, and the threat to stability must be extremely evident, in terms of a manifest breach of civil peace, if there is to be any legitimacy to state infringement.

The other argument of Cotton's on which Williams focuses is an argument about competence. Cotton claims that being a good citizen and being a good civil magistrate are inseparable from having the right religion. We simply do not want our public life to be run by sinners, because they are making very important decisions, and if they are sinners they will do so sinfully and badly. Here Williams makes one of his most interesting and novel arguments. God has created different sorts of things in the world, he says, and there are "divers sorts of goodness" corresponding to these different sorts of thing. He illustrates this point at length, talking about the goodness of artifacts, plants, animals, and so on (BT 245). One of the ways God created diversity in the world was to create a type of "civill or morall goodness" that is "commendable and beautifull" in its own right, and that is distinct from spiritual goodness. It can be there in its full form, and be beautiful, even if the person is religiously in error, even "though Godlines which is infinitely more beautifull, be wanting" (BT 245). What is needed to be a good subject in a civil state is the moral sort of goodness, and it is that sort, as well, that we need in our civil magistrates. Later, returning to the point, he insists that the foundation of the magistrate's authority "is not Religious, Christian, &c. but naturall, humane and civill" (BT 398). For many activities in human life, a worldly foundation is sufficient: "a Christian Captaine, Christian

⁵⁷ Personal conversation with Richard Strier, Department of English, University of Chicago.

⁵⁸ See Timothy Hall's excellent treatment of this issue.

Merchant, Physician, Lawyer, Pilot, Father, Master, and (so consequently) Magistrate, &c. is no more a Captaine, Merchant, Physician, Lawyer, Pilot, Father, Master, Magistrate, &c. then a Captaine, Marchant, &c. of any other Conscience or Religion" (BT 398-9). Particularly surprising is his casual mention of "father" as one of those roles whose duties can be faithfully and fully executed independently of spiritual enlightenment.

What are the duties of a civil magistrate who is also a religious person, when dealing with matters involving religion? Williams says that such a person, toward the religion he believes to be true, owes that religion "a reverent esteeme and honorable Testimonie"; second, he owes it his own personal spiritual submission; third, he owes the officials of that religion protection from violence against their person, and also protection of their "estates from violence and injurie." Toward a religion that he believes false, he does not owe any approbation, but he does owe it "permission...for public peace and quiet sake." Second, he owes "protection to the persons of his Subjects (though of a false worship) that no injurie be offered either to the persons or goods of any" (BT 372-3).

There is a good deal in this important passage that is unclear. For example, Williams does not tell us how and in what contexts the magistrate would properly show "approbation" to his own religion; he does not help us to draw the line between a personal statement and an illegitimate public endorsement or establishment. Nonetheless, what is most on Williams's mind is very clear: the magistrate owes the same protection to all citizens, against violence and property crime, whether he likes their religion or not.

In short, for Williams the civil state has a moral foundation, but a moral foundation need not be, and must not be, a religious foundation. The necessary moral virtues (honesty is one to which Williams devotes special emphasis) can be agreed on and practiced by people from all sorts of different religions. To be sure, he adds, a person's religion will connect these moral virtues to higher ends (BT 399), but so far as the moral sphere itself goes, orthodox and dissenter, religious and non-religious, can agree.

It is not fanciful to see here an adumbration of John Rawls's idea of civil society as involving a set of "freestanding" moral principles concerning which people from different

"comprehensive doctrines" can join in an "overlapping consensus."⁵⁹ Like Williams, Rawls stresses that political society has a moral foundation. But he holds that this is a "module" that can be linked to different religious doctrines and metaphysical justifications in a variety of different ways. Although people will certainly feel that their religion provides the moral principles with their highest ends or deepest sources (here again he agrees with Williams), they can nonetheless agree about the moral terrain in a way that is, for practical purposes, "freestanding," that is, not requiring the acceptance of a religious orthodoxy or a particular type of metaphysical or religious justification. So we don't have, exactly, a "wall of separation," between people's religions and their political principles. (Recall that Williams used that phrase only once, and in a letter, not at all in his major writings.) We do have separation of jurisdictions between church and state, but where people are concerned, they will rightly see the morality of public life as one part of their "comprehensive doctrine" – a part, nonetheless, that they can share with others without converting them to what they take to be the true religion.

This idea is a much more helpful idea to think with than the bare idea of "separation," which might suggest that the state doesn't have anything to do with the deep ethical matters that are so central to the religions. The state needs to be built on moral principles, and it would be weird and tyrannical to ask religious people to accept the idea that moral principles are utterly "separate" from their religious principles. The idea of an overlapping consensus, or, to put it Williams's way, the idea of a moral and natural goodness that we can share while differing on ultimate religious ends, is an idea that helps us think about our common life together much better than the unclear and at times misleading idea of separation. We must respect one another's freedom and equality, the deep sources of conscience that lead us through the wilderness of life. We will only do this if we keep religious orthodoxy out of our common political life. But we can, and must, base that common life on ethical principles that, for many of us, also have a religious meaning and a religious justification. All we need to do, when we join with others in a common political/moral life, is to acknowledge that someone might actually have those ethical virtues, in the way that is relevant for politics, while not sharing our own view of life's ultimate meaning. If

⁵⁹ On the "freestanding" basis, see Political Liberalism 10-13; on overlapping consensus, 133-72.

we once grant that, then Williams's other argument concerning fairness and impartiality will lead us to want a state that has no religious orthodoxy, that is, just in that sense, "separate" from religion.

Williams's claim about the independence of the moral virtues would have been surprising to the Puritans of Massachusetts Bay. We can find such doctrines in the history of Western religion. They are prominent, for example, in Judaism, where the central moral laws are held to be binding on all human beings, but the ritual commandments only on Jews. The Roman Catholic doctrine of natural law, and of the separation between the moral and the theological virtues, is another relevant source, to which Williams may be alluding by his use of the word "natural goodness." Nonetheless, most of his contemporaries were just not ready to hold such an open and generous view of the moral capacities of heretics and sinners. They simply did not think that someone who was not saved in their way could be a good and trustworthy person. Williams's life with the Indians, and the increasingly diverse and amicable life of his new Colony, told him otherwise.

Williams was in the vanguard, but gradually the settlers of the New World were looking around and coming to much the same conclusion, with regard to virtue as with regard to stability. Good people just did seem to come in all colors, so to speak. The initial suspicion with which people always greet a stranger eroded on daily association over the years, until the oddest ways of doing things seemed like things that might be done by a good and honest person. If the Indians can be some of the best people ethically (and at least many Rhode Islanders thought this), what's to prevent us from finding goodness and political capacity in a Baptist, or even a Roman Catholic? The experience of living together gave Williams's radical doctrine strong support.

Looking back at the history we ought to agree with Williams and his fellow colonists. In fact, I believe that we do by and large agree with him. We usually are ready to separate the specificity of a person's religion from the kind of goodness we look for in a doctor, a lawyer, a teacher, even a political leader. Even state adoption agencies do not require religion, or any particular religion, of prospective parents. It is only when we are afraid that we start talking differently – associating Roman Catholics with groveling obedience to Rome, Mormons with wild

sex orgies, Muslims with terrorism. One of the greatest dangers in our political life today is that Williams's valuable insight may be lost. It is in danger, certainly, when a person's personal religious beliefs are brought forward as key qualifications for high public office, as happened with the now-withdrawn nomination of Harriet Miers to the U. S. Supreme Court. The inquisitorial spirit of John Cotton lives on in our society. We need Williams's generous and respectful spirit now, as much as people needed it in 1644.

V. "Truth and Peace, Their Meetings Seldome and Short"⁶⁰

Roger Williams anticipates many ideas that became current a century later. In effect, he already has hold of the whole family of principles that form what I have called the distinctive American approach to religious fairness. We see the Equality Principle in his relentless attacks on partiality and his insistence that the precious faculty of conscience resides equally in all. We see the Respect-Conscience Principle as an idea that suffuses his entire career: he is committed to the thought that respect for people requires respecting the space within which their conscience searches for meaning. The Liberty Principle, again, is one of the hallmarks of his work, and liberty of religion is that "precious Jewel" that is, for him, at the heart of all people's efforts in the New World. The Accommodation Principle is not yet much developed in his writing, but he understands its general spirit well. The Non-Establishment Principle is a keystone of his political career and is amply demonstrated in his writing, although he says relatively little about its dimensions, and appears not worried enough about matters involving tax benefits that will become central a century later. As Williams's biographer W. Clark Gilpin correctly states, Williams's ideas and principles, once stated, "developed a vitality and independent history of their own," influencing many people who were not at all aware of a debt to Williams, or who even thought they disapproved of him.⁶¹

Where is the idea of Separation in all this, the idea for which Williams is famous? We can see that this is not a key idea in his writing. Instead, such separation as he does recommend between state and church is derived as a consequence of other more central ideas. The ideas of

⁶⁰ BTY 501.

⁶¹ W. Clark Gilpin, p. 1.

equality, liberty, and respect for conscience, together with the remarkable theory of natural moral goodness, entail the account of separate jurisdictions that does set up a degree of separation between church and state. But Williams clearly does not want separation for separation's sake. Nor, as Howe would have it, does he want it merely, or even primarily, to protect churches. His primary concern is to protect the individual conscience, and this seems to him to require a civil state that is not religious in character and that does not make laws regarding religion, except of the protective sort.

Looking back from our own time to the Founding, we often associate the constitutional idea of freedom of conscience, and the related idea of non-establishment, more with Enlightenment rationalism and Deism than with their seventeenth-century precursors. But Williams's version of doctrines that later became part of the Enlightenment is distinctive in a number of ways, ways that continued to exert a deep influence on American thought and life, and that are valuable for us today. First of all, Williams speaks as an intensely religious person. Skepticism about religion is no part of his brief for religious liberty -- as it is for Jefferson, who often said things about religion that seem dismissive or scoffing. Many Americans who have a hard time identifying with Jefferson's rather smug disdain for religiosity can find their own concerns well represented in Williams's fervent spiritual quest. His arguments show us clearly that one may be a deeply committed religious person while yet believing that fairness, and the worth of the individual conscience, require a wide and equal religious liberty and a ban on religious orthodoxies in state government. Truth and Peace love one another -- although their meetings, as he ruefully says at the end of his second treatise, are "seldome and short."

Second, Williams's romantic and deeply emotional picture of the conscience, as a lonely and vulnerable traveler in life's great wilderness, is the source of a distinctively American set of religious attitudes that have deep roots in many of us and that are attractive starting points for political thought. Our tradition is very different from that of France and even England, much more protective of each person's space for both belief and religious practice, and much more skeptical of any kind of public orthodoxy or homogeneity. Williams's idea of conscience explains the roots of this tradition and shows why it is compelling. If we see things Williams's way, we will be

strongly inclined to a delicate accommodation of religious needs in all citizens, as well as to scrupulous fairness and constant self-criticism in our pursuit of civil peace and justice.

The thought of Roger Williams is not a complete foundation for good political principles regarding religion. Williams thinks too little about the ways in which taxation can establish an orthodoxy; his doctrine of accommodation is promising, but underdeveloped. And of course, like all thinkers of his time, he has nothing to say about the equality of women. Nonetheless, he has ideas that proved immediately fertile, and deservedly, whether they came to posterity with his name attached or not.

Truth and Peace don't meet often. So often (they comment to each other) they meet up lovingly, only to be parted by the persecutor's sword, by hypocrisy and selfish partiality. But they have a surprise ally. At the end of The Bloody Tenent, a third character makes her appearance.

"But loe!" says Peace. "Who's here?"

Truth replies, "Our Sister Patience, whose desired company is as needful as delightfull" (BT 424).

Patience utters not a single word, but she is clearly there. The year before, in his A Key into the Language of America, Williams had written eloquently of the patience of the Indians, who can sit silently for ages, waiting for what they want. "Every man hath his pipe of their Tobacco, and a deepe silence they make, and attention give to him that speaketh..."⁶² To his impatient world, Williams commended this example. Now, at the close of his great dialogue, Patience is represented as, in effect, an Indian, silent after the prolixity of her sisters, waiting for a time that may be very long in coming, a time of tender respect for the living conscience. Maybe, just maybe, people in New England will actually study that example and follow it, learning to live respectfully with one another in the howling world. In that silence, at the close of so much speech, rests Williams's hope for the future.

⁶² Key, I.134.