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# Puritan Natural Law

## *Early New England and the Colonial Colleges*

Animated by promise and anxiety, the Puritan colonists of the Massachusetts Bay Company founded a college in 1636.[1] They desired to "advance learning and perpetuate it to posterity," dreading to leave "an illiterate ministry to the churches, when our present ministers shall lie in the dust."[2] A conduit of European natural-law thinking, the college became a seedbed for Puritan natural law and a nursery for natural law's engagement with common law. Through collegiate education the Puritans' truth was to be specified, evinced, and systematically transmitted to the generations who would follow.

Prominent among the colonists were men educated at Cambridge University, many in its puritan-leaning institutions, such as Emmanuel College. Following his death in 1638, and bequest of money and books, the new college in Cambridge, Massachusetts, was named for Emmanuel graduate the Reverend John Harvard (b. 1607). In their teaching and preaching, the puritans of both these Cambridges, we shall see, took for granted a connection

[1] Following current scholarly conventions, the use of "Puritans" with a capital "P" refers to the particular group of settlers in New England, while use of "puritans" with a lower-case "p" refers to the sometimes amorphous set of individuals and protestant groups who shared a reforming spirit within the English Church. The use of a capital "P" emphasizes that the New England Puritans were a distinct group (despite scholarly disagreement as to whether this group was a haggard collection of refugees – their identity forged in their shared expulsion from the Old World – or a self-consciously utopian band). See John Coffey and Paul Chang-Ha Lim, ed., *The Cambridge Companion to Puritanism* (Cambridge: Cambridge University Press, 2008); and Stephen Foster, *The Long Argument: English Puritanism and the Shaping of New England Culture, 1570–1700* (Chapel Hill: University of North Carolina Press, 1991).

[2] The quotations are from "New Englands First Fruits," in *The Eliot Tracts: With Letters from John Eliot to Thomas Thorowgood and Richard Baxter*, ed. Michael Clark (Westport, CT: Praeger, 2003), 55–78. Published in London, and edited – and probably composed – by Thomas Weld and Hugh Peter, *New Englands First Fruits* informs its readers about the climate, products, and religion of New England, and offers a description of Harvard College. It likely served as publicity or fundraising material.

between rationality and morality: The human ability to form valid judgments by use of intellectual powers, they thought, is intimately tied to how to live rightly and well. How the world truly *is* relates profoundly to how it *ought* to be.

This connection between is and ought has grounded most expressions of natural law – a universal morality accessible to all rational persons – that proved a broad mainstream of Western moral thought until modernity.[3] Whatever their disagreements with the Church of England, in their views of the connection of reason and morals, the New World Puritans did not deviate far from the thinking of the Europe they fled.

## A PURITAN NATURAL LAW?

The Puritans shared the common sense of their time. They operated with their age's organized body of considered knowledge.[4] This seemingly obvious truth is repeatedly hidden from the record: The most influential theological and historical framings of the Puritans have obscured the natural-law worldview they shared with Europe. Systematic and classificatory work in theology has often placed the Puritans among those Protestants who can be recognized as distinct from Roman Catholics precisely on account of their presumed suspicion of natural law. (If Thomas Aquinas's thought is the *sine qua non* of natural law, the Puritans are not natural lawyers.) Likewise, when natural law is treated as an "extra-biblical" body of morality, the Puritans are excluded from its bounds, for they are known for their commitment to the authority of the preached biblical text and not the traditions of the Church.

The Puritans are excluded too from many American historians' narratives of natural law. Prominent historians of the American Revolution, for instance, readily equate "natural law" with "modern natural law" – the thought of John Locke is their usual example – which they understand as providing the founding fathers with a secular grounding for human equality and rights. As such, one convenient result is that "natural law" – as they conceive it – indicates, and even accounts for, the intellectual breaking point between America's colonial period and its seemingly Enlightenment-inspired

[3] Some contemporary expressions of "natural law" seek to avoid a connection between *is* and *ought*. The "New Natural Lawyers," for instance, speak of "basic goods" that are "self-evident" rather than deduced from facts about nature. See Germain Grisez, Joseph Boyle, and John Finnis, *Practical Principles, Moral Truth, and Ultimate Ends*, 32 Am. J. Legal Hist. 99 (1987).

[4] See Clifford Geertz, "Common Sense as a Cultural System," *The Antioch Review* 33, no. 1 (1975): 5–26.

Revolution. Where natural law is equated solely with its modern form, "natural law" is the thought of broadly secular Revolutionaries, with the Puritans left as Biblicist theocrats for whom natural law can have no major force.[5]

These faulty theological and historical framings fail to place the Puritans in their intellectual world or account for the specific basis, lineage, and scope of natural law as they understood it. In assuming the normativity of a particular form of natural law – Roman Catholic scholastic or modern – they fail to recognize *Puritan* natural law. Natural law thus appears the child of philosophical and theological efforts, cultivated by medieval scholastics, whom the Puritans reject, or of Enlightenment philosophes, whom they precede.

The Puritans, however, understood natural law to have a biblical basis. Natural law survived the Puritans' scouring of the perceived accretions of Church tradition. While the Puritans did indeed self-consciously look to the early Church as normative – and not to traditions of interpretation as did, arguably, Roman Catholics – and correspondingly sought to model their civic affairs on the record of the Old and New Testaments, the Christianity they espoused was not separate from the Western Christian tradition of natural law. For they found in Scripture the idea that even those who have not heard God's law are obliged to follow this law and have the capacity to do so. In the language of the Geneva Bible:

> For when the Gentiles which have not the Law, do by nature the things *contained* in the Law, they having not the Law, are a Law unto themselves,
> Which show the effect of the Law written in their hearts, their conscience also bearing witness and their thoughts accusing one another, or excusing. (Romans 2:14–15.)[6]

This "law written in their hearts" found further biblical support in the Puritans' reading of the first chapter of the biblical book of Genesis, and, in particular, its account of human creation in the *image of God*.[7] In accord with a significant line of Western Christian interpretation, the Puritans understood

[5] For one vigorous recent version of this position, see Matthew Stewart, *Nature's God: The Heretical Origins of the American Republic* (New York: Norton, 2014).

[6] Generations of historians have treated the Geneva Bible as the Puritans' standard translation. Bruce Metzger provides a helpful brief introduction to the work: "The Geneva Bible of 1560," *Theology Today* 17, no. 3 (1960): 339–52. However, the Puritans also used the Authorized (that is, King James) version of the Bible. See Harry Stout, "Word and Order in Colonial New England," in *The Bible in America: Essays in Cultural History*, ed. Nathan Hatch and Mark Noll, 19–37 (New York: Oxford University Press, 1982).

[7] The Geneva Bible renders Genesis 1:27, for example: "Thus God created the man in his image: in the image of God created he him: he created them male and female." See also: Genesis 5:1 and 9:6, 1 Corinthians 11:7, 2 Corinthians 3:18–4:4, Hebrews 2, and James 3:9.

*rationality* as the content of the *imago Dei*: Human beings mirror God in their ability to think and form judgments. Rationality distinguishes human beings from the rest of creation, they thought, and accounts for the human ability to apprehend natural law. Indeed, with John Calvin, and others in the Reformed tradition of Protestantism to which they cleaved, the Puritans placed particular theological emphasis both on human creation in the image of God and on the corruption or deformation of this image in humanity's fall from original perfection.[8]

Not that the Puritans based their natural law solely on the biblical narrative. Puritan leaders received an education in Cambridge that, as throughout Europe, was built on the re-emergence of classical learning in the later Middle Ages and, with it, the recovery of the natural law of the Stoics and Roman law. Indeed, Renaissance humanism and its protestant appropriators strengthened a commitment to careful engagement with the texts and thought of Greece and Rome, alongside the biblical texts.[9] So, while there was no confusion as to the authority or pre-eminence of the biblical texts over the classical in puritan thought, the lineage of their own *Christian* thought was articulated through the philosophical and rhetorical categories of the classical world, received through the Christian centuries in the work of Augustine and others, and later recast in Christian wresting with the rediscovered corpus of Aristotle.[10] Most educated puritans, therefore, broadly expected the consonance of Christian truth and the best of classical literature. They read the

[8] Important discussions of Calvin and natural law include: Susan Schreiner, *The Theater of His Glory: Nature and the Natural Order in the Thought of John Calvin* (Durham, NC: Labyrinth Press, 1991); Brian Gerrish, "The Mirror of God's Goodness: A Key Metaphor in Calvin's View of Man," in *The Old Protestantism and the New: Essays on the Reformation Heritage*, 150–59 (Edinburgh: T. & T. Clark, 1982); Günter Gloede, *Theologia Naturalis Bei Calvin* (Stuttgart: W. Kohlhammer, 1935); Jane Dempsey Douglass, "The Image of God in Humanity: A Comparison of Calvin's Teaching in 1536 and 1559," in *In Honor of John Calvin, 1509–64*, ed. E. J. Furcha, 175–203 (Montreal: Faculty of Religious Studies, McGill University, 1987); Luke Anderson, "The Imago Dei Theme in John Calvin and Bernard of Clairvaux," in *Calvinus Sacrae Scripturae Professor*, ed. Wilhelm Neuser, 178–98 (Grand Rapids, MI: Eerdmans, 1994).

[9] For general discussions of the place of classical learning in the Renaissance, see Albert Rabil, Jr., ed., *Renaissance Humanism: Foundations, Forms, and Legacy* (Philadelphia: University of Pennsylvania Press, 1988); and Charles Nauert, Jr., *Humanism and the Culture of Renaissance Europe* (Cambridge: Cambridge University Press, 2006).

[10] For discussion of the reception of Aristotle, see Bernard Dod, "Aristoteles latinus," in *The Cambridge History of the Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism, 1100–1600*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg, 45–79 (Cambridge: Cambridge University Press, 1988); and C. H. Lohr, "The Medieval Interpretation of Aristotle," in Kretzmann et al., *Later Medieval Philosophy*, 80–98.

Latin Stoic moralists in particular: Calvin wrote on Seneca, for instance, and the work of Cicero featured in every curriculum.[11] These "wise heathens" were understood as speaking from the remainder of the image of God within them, the law written on their hearts. John Cotton (1585–1652), the leading minister of the first generation of New England Puritans, was one of many who could say: "Heathen Law-givers, Philosophers, and Poets have expressed the effect of all the Commandments save the tenth."[12] Yet the influence ran in both directions. It was Christian beliefs that accounted, in the first place, for the very favoring of the Stoics over other ancient schools of philosophy. (For the Stoics, after all, were viewed as monotheistic, devoted to the will of God and God's service, cosmopolitan, and concerned with cultivating a disciplined life.)[13] Likewise, in American teaching of Greek, it was the New Testament and morally improving Hellenistic sources that found favor, rather than the seemingly amoral tales from the Greek classics.[14]

Puritan natural law – biblically warranted, classically interpreted – differed significantly from medieval scholastic accounts, however, in its scope. Natural law for the Puritans concerned not the economics of salvation, but – as for Calvin and others in the Reformed tradition – civil authority and human sociability. For the Puritans, nature or reason provided no saving knowledge of God as such. Instead, a primary purpose for natural law was the continuation of civilization precisely *apart* from knowledge of God's revealed will. Calvin

[11] See Ford Lewis Battles and André Malan Hugo, trans. and ed., *Calvin's Commentary on Seneca's De Clementia* (Leiden, The Netherlands: E. J. Brill, 1969).

[12] *A Practical Commentary, or, an Exposition with Observations, Reasons, and Verses upon the First Epistle Generall of John* (London: Printed by R. I. and E. C. for Thomas Parkhurst, 1656), 234.

[13] For discussion of the last point, *askesis* (spiritual exercises), see Pierre Hadot, Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault, ed. Arnold I. Davidson, trans. Michael Chase (Oxford: Blackwell, 1995). More generally, see also Brad Inwood, *Reading Seneca: Stoic Philosophy at Rome* (New York: Oxford University Press, 2005), 224–48; Gerald Watson, "The Natural Law and Stoicism," in *Problems in Stoicism*, ed. A. A. Long, 217–36 (London: The Athlone Press, 1971). There is a vast literature on the reception of Cicero. For a recent example, see William Altman, ed., *Brill's Companion to the Reception of Cicero* (Leiden, The Netherlands: Brill, 2015).

[14] Benjamin Lord, a 1714 graduate of Yale, noted that "we recited the Greek Testament; knew not Homer, &c."; Franklin Bowditch Dexter, *Biographical Sketches of the Graduates of Yale College with Annals of the College History, October, 1701–May, 1745* (New York: Henry Holt, 1885), 115. Accordingly, when Caroline Winterer suggests that classicism was "irresistible" to eighteenth-century protestant ministers who "happily reconciled the ethics of the heathens with the morality of Christianity," this does not hold for the Puritans. In the Puritan world, the classics both came along with the Christian worldview – and not as a separate source – and *were selected for reading* as a result of their correspondence with fundamental Christian convictions. Caroline Winterer, *The Culture of Classicism: Ancient Greece and Rome in American Intellectual Life, 1780–1910* (Baltimore, MD: Johns Hopkins University Press, 2002), 14.

had spoken of natural law, for instance, as concerned with "terrestrial matters" (*res terrenae*), where natural law explains why adherence to the second table of the Law – duties to neighbors – is possible for all people.[15] In particular, he was concerned to show that there are God-given norms for the state (*politia*), household management (*oeconomia*), and the mechanical and liberal arts. With his humanist sensibilities and training, Calvin urged an appreciation of sculpture, painting, medicine, the mathematical sciences, Roman law, and so forth, and, regardless of their human source, insisted that these are to be understood as gifts given by God.[16]

Such a distinction between the salvific and the terrestrial, however, is far from neat, and the Puritans accordingly debated the boundaries of natural law. One long-running controversy was whether the Sabbath was mandated by natural law. Calvin thought not, and likewise Boston clergyman Samuel Willard (1640–1707) insisted that the details of the sacraments and ordinances of the Church "must come entirely from Christ; [for] the realm of the church is entirely separate from the realm of nature, and to decide upon its law Christ consulted only His own pleasure."[17] Yet even Willard suggested that the light of nature might suggest "a convincing reason of the equity and suitableness" of any sacrament or ordinance.[18] From nature, in other words, the Church might not deduce or demand Sabbath-keeping, but once known through revelation, a day of rest might appear reasonable and well suited to human life.[19]

[15] The second table of the Law refers to Commandments 4–10 of the Ten Commandments, which are seemingly concerned with human relationships rather than human relations with God. " Institutionis Christianae religionis [1559]," in *Joannis Calvini opera selecta*, ed. Petrus Barth (Monachii: C. Kaiser, 1926–59), 2.2.13. *The standard English translation of the 1559 edition is: Institutes of the Christian Religion: In Two Volumes*, ed. John McNeill and trans. Ford Lewis Battles (Philadelphia: Westminster Press, 1960).

[16] Calvin, *Institutes*, 1.2.14–15; 1.21.12. Irena Backus notes that, surprisingly, and unlike Thomas Aquinas, Calvin does not mention a human instinct to reproduce, rear children, or respond to violence. He does, however, consider at some length humanity's sociable nature and inclinations to preserve society, not least in civic order and honesty (2.2.13). " Calvin's Conception of Natural and Roman Law," *Calvin Theological Journal* 38 (2003): 7–26.

[17] Samuel Willard, *A Compleat Body of Divinity* (Boston: Printed by B. Green and S. Kneeland for B. Eliot and D. Henchman, 1726), 613.

[18] Ibid.

[19] The debate over whether the Sabbath could be known by nature was long-standing. In the generation before Willard, Thomas Shepard (1605–49) – the influential minister of the First Church of Cambridge – suggested that while humanity can know the natural law today, its knowable rules and principles are *not* those "most perfect impressions of the law of nature, in man's first creation and perfection." Shepard's position is an intensification of Willard's in its suggestion that, before the fall, human beings might well have grasped Sabbath-keeping *solely* through natural law. In the primordial past, at least, human beings could truly know God's will apart from revelation. *Theses Sabbaticae: Or, The doctrine of the Sabbath* (London: Printed by T. R. and E. M. for John Rothwell, 1649), thesis, 12, 4.

The Puritans, then, are best viewed within the broader intellectual and social climate of their age. They adhered to a broad natural-law common sense. Yet in seeking to assuage their particular anxieties, the Puritans emphasized the ways in which natural law can explain the decency in human life apart from God's direct revelation; made in God's image, so with God's law written on our hearts, all human beings can avoid disobeying the commandments against murder, adultery, theft, false witness, and covetousness, and live sociably with their neighbors.

## PURITAN REASON

Debates over whether the Sabbath is commended by natural law are a reminder, however, that despite their natural-law worldview many Puritans retained a hearty suspicion of the operation of reason apart from revelation.[20] With Western Christians through the ages, the Puritans understood humanity to have fallen from a state of original righteousness and fellowship with God. With Reformed Protestants, they insisted that *all* of human nature is corrupted, including human reason and will.[21] As John Cotton's 1646 children's catechism *Milk for Babes* puts it: "My corrupt nature is empty of Grace, bent upon sinne, and onely unto sinne, and that continually."[22]

And yet, the Puritans continued to insist that if human beings are created in God's image then they image God's rationality, however much this rationality

[20] Perry Miller suggests that "the frequency with which the preachers insisted upon an inherent rationality of man is truly startling"; *The New England Mind: The Seventeenth Century* (Cambridge, MA: Belknap Press of Harvard University, 1984), 184. John Morgan, however, suggests that reason played a far more restricted role. *Godly Learning: Puritan Attitudes towards Reason, Learning, and Education, 1560–1640* (New York: Cambridge University Press, 1986).

[21] While this distinguishes the Puritans from Roman Catholic thought, the extent to which Puritans differed with other Protestants including those in the English Church is disputed. Distinctions are often exaggerated in retrospect. See Dewey Wallace, Jr., *Puritans and Predestination: Grace in English Protestant Theology, 1525–1695* (Chapel Hill: University of North Carolina Press, 1982). For the classic Roman Catholic position forged at the Council of Trent, see Giuseppe Alberigo, ed., *The Oecumenical Councils of the Roman Catholic Church from Trent to Vatican II (1545–1965)* (Turnhout, Belgium: Brepols, 2010). John O'Malley provides an excellent overview of the Council: *Trent: What Happened at the Council* (Cambridge, MA: Belknap Press of Harvard University, 2013).

[22] John Cotton (1585–1652), *Milk for Babes. Drawn Out of the Breasts of Both Testaments. Chiefly, for the Spirituall Nourishment of Boston Babes in Either England: But May Be of Like Use for Any Children* (London: Printed by J. Coe for Henry Overton, 1646), 2. This was reprinted many times on both sides of the Atlantic, and at least eight editions from the seventeenth century are known. Sometime between 1690 and 1701 it was first incorporated into *The New England Primer*, and it remained an essential component of that work and thereby an integral part of American religious education for the next 150 years.

is obscured or defaced by sin. Reason remains definitive of what it means to be human. For Thomas Hooker (1586–1647): "A man is a living creature indued with a reasonable soul: and every living creature indued with a reasonable soul, is a man."[23]

We find, therefore, that even when defending the primacy of revelation, Puritans turned to reason. In a 1785 election sermon to the Connecticut General Assembly, Samuel Wales (1748–94) commended "a divine and supernatural influence" as necessary for "true religion," but added that this view, "clearly taught in divine revelation," was also "perfectly consonant to the dictates of reason." "It has been taught," he said, "even by heathen philosophers, such as Socrates and Plato, Cicero and Seneca."[24] For Wales, true religion needs recognition of revelation apart from reason, and yet it is both from revelation and reason that this is known to be true.

If no Puritan denied that after the Fall human beings still possess a "remainder" of God's image, they nonetheless disputed what this inheritance entailed for postlapsarian human beings' ability to grasp the tenets of God's law.[25] The view of William Ames (1576–1633), an influential figure for the first and second generations of New England Puritans, is instructive.[26] In Ames's account – as too in Wales's view of "true religion" – reason and revelation are neither unrelated nor, ultimately, in conflict. They both point to the same body of principles: "the moral law of God revealed through Moses is completely the

[23] *A Survey of the Summe of Church-Discipline, Part I: Ecclesiastical Policie Defined* (London: Printed by A. M. for John Bellamy, 1648), 44. Such was John Cotton's confidence both in "an essential wisdome in us, namely, our Reason which is natural" and this reason's being the "same nature" as our very selves, that his chosen analogy for God's Trinitarian life was reason: Christ "who is the reason and wisdome of the Father . . . is of the same nature with him." *A Practical Commentary, or, an Exposition with Observations, Reasons, and Verses upon the First Epistle Generall of John* (London: Printed by R. I. and E. C. for Thomas Parkhurst, 1656), 8.

[24] Samuel Wales, *The dangers of our national prosperity; and the way to avoid them. A sermon, preached before the General Assembly of the state of Connecticut, at Hartford, May 12th, 1785* (Hartford, CT: Printed by Barlow & Babcock, M,DCC,LXXXV [1785]), 26. *Political Sermons of the American Founding Era, 1730–1805*, ed. Ellis Sandoz, 2nd ed. (Indianapolis, ID: Liberty Fund, 1998), 835–64.

[25] Christians today disagree as to whether the image of God is, indeed, possessed – an inherent capacity (such as reason) – or a bestowed worth (resulting from God's redemptive love). The latter view has gained traction as Christian thinkers argue that human beings with severe impairments – cognitive disabilities from birth, say, or obtained through injuries or Alzheimer's disease – possess human rights or dignity on account simply of their being human.

[26] Cotton Mather called Ames "that *profound*, that *sublime*, that *subtil*, that *irrefragable* – yea, that *angelic doctor*"; *Magnalia Christi Americana* (Hartford, CT: S. Andrus and Son, 1853), Book 3, 236. *Magnalia* was first published in 1702. And see Keith Sprunger, "William Ames and the Settlement of Massachusetts Bay," *New England Quarterly* 39, no. 1 (1966): 66–79.

same with that which is said to be inscribed in the hearts of men."[27] Human access to the moral law is possible through the conscience, where *synderesis* – habitual knowledge of basic moral principles – is the "light of nature" given to humanity by God in order to know God.[28] Synderesis guarantees knowledge of basic moral principles, even if human conscience errs in its interpretation of these principles or the application of moral principles to facts. We are assured, nonetheless, that all humans possess the building blocks of morality. In Ames's account, moreover, God's moral law – pre-eminently known in the Ten Commandments – is also rightly termed "natural law" because through humans' "*natural* conscience" its principles can be intuited.[29]

And yet Ames insists that this natural law is only partially grasped. The human mind, in his telling – whether regenerated by God's grace or in its "natural" state – does, indeed, possess conscience, and this provides human access to the moral law of God. But, after the Fall, human beings only have access to "some relics of the law" akin to "some dim aged picture," which only the "voice and power of God" can "renew[] as with a fresh pencil."[30]

In Ames's account it is only in the "written law of God," then, that one can find "true right practical reason [*recta ratio practica*], pure and complete in all its parts."[31] In this judgment, Ames and many puritans shared the broad consensus of the age. In his later writings John Locke too would simultaneously affirm the reasonableness of Christianity yet argue that human beings need a divine lawgiver, for "'tis too hard a task for unassisted Reason, to establish Morality in all its parts upon its foundations; with a clear and convincing light."[32] In Scripture, the puritans and Locke say alike: We see face-to-face what reason glimpses only through a glass, darkly.

[27] William Ames, *Philosophemata* (Cambridge: Printed by Roger Daniels, 1646), 108–9. The translation is Perry Miller's *New England Mind*, 196. James Gustafson sees this position as in continuity with Calvin: *Protestant and Roman Catholic Ethics: Prospects for Rapprochement* (Chicago: University of Chicago, 1978), 165n137.

[28] See Lee Gibbs, *The Puritan Natural Law Theory of William Ames*, Harvard Theological Review 64, no. 1 (1971): 37–57.

[29] Emphasis added. Ames's equation of the commandments and natural law illustrates what Perry Miller takes to be the Puritans' "perverse tendency to make revelation natural and redemption rational." *New England Mind*, 187.

[30] See Julia Ipgrave's discussion in her *Adam in Seventeenth-Century Political Writing in England and New England* (Abingdon, England: Routledge, 2017), 61.

[31] William Ames, *Conscience with the Power and Cases Thereof, Divided into Five Bookes* (London: Printed by E. G. for I. Rothwell, T. Slater, L. Blacklock, 1643), V.I.28, 108. See also J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (New York: Cambridge University Press, 1998), 63–64n8.

[32] *The Reasonableness of Christianity: As Delivered in the Scriptures*, ed. John Higgins-Biddle (New York: Clarendon Press, 1999), chapter XIV, 148. In a reply of March 30, 1696 to William Molyneux's request that he write a treatise on morality, Locke wrote: "But the Gospel contains so

## PURITAN CIVIL LAW

But how did the New England Puritans' understandings of natural law and reason fit with their understanding of the laws applicable to them as members of a particular political community, *civil* laws distinguishable – in part, at least – from laws applicable to them as Church members? In other words: How did their understanding of the law governing their lives as colonists and subjects relate to their understanding of the law to which they were bound as Christians? The distinctions of our time are not the Puritans'.

We understand better the Puritans' view of life together, life in society under civil law, when we understand that natural law was its assumed backdrop. Most often natural law was taken for granted by the Puritans. It undergirded their very understanding of reason. More explicit considerations of natural law's relationship to the civil law were most often scholarly concerns. In his treatise on conscience, for example, William Ames, when talking of law, declared: "This civil law [*jus hoc civile*] in as much as it is right [*rectum*] is derived from the law of nature [*jure naturale*]; for that is not law which is not just and right."[33]

But explicit consideration of natural law was not restricted to academic treatises. Natural law was the justification, too, for elements of the Puritans' civil legal system: both its overall jurisprudential rationale and laws governing daily living. The 1647 *Lawes and Libertyes of Massachusetts* – which functioned as something of a constitution for the colony – begins with a preamble, which, in part, offers justifications for the content of the various laws and liberties thereafter enumerated.[34] As with any (quasi-)constitutional document, the question of *authority* is central to *Lawes and Libertyes*: Who or what can rightly give orders and make decisions, and justifiably demand obedience?

perfect a body of Ethicks, that reason may be excused from that enquiry, since she may find man's duty clearer and easier in revelation than in herself." *Reasonableness*, ed. Higgins-Biddle, 148n3.

In his *Essay Concerning Human Understanding*, Locke suggests that "*Reason* is natural *Revelation*, whereby the eternal Father of Light, and Fountain of all Knowledge communicates to Mankind that portion of Truth, which he has laid within the reach of their natural Faculties: *Revelation* is natural *Reason* enlarged by a new set of Discoveries communicated by GOD immediately, which *Reason* vouches the Truth of, by the Testimony and Proofs it gives, that they come from GOD. So that he that takes away *Reason*, to make way for *Revelation*, puts out the Light of both, and does much the same, as if he would persuade a Man to put out his Eyes the better to receive the remote Light of an invisible Star by a Telescope." *An Essay Concerning Human Understanding*, ed. Peter H. Nidditch (Oxford: Clarendon Press, 1975), 4.19.4, 698.

33 Ames, *Conscience*, V.I.22, 105; Gibbs, "Puritan Natural Law," 48–49.

34 *Laws and Liberties of Massachusetts: Reprinted from the Copy of the 1648 Edition in the Henry E. Huntington Library* (Cambridge, MA: Harvard University Press, 1929).