

The
MAYFLOWER
COMPACT

Foundations of Liberty

CURRICULUM

Table of Contents

The Mayflower Compact: An Introduction1

The Mayflower Compact—
Agreement Between the Settlers at New Plymouth: 1620 3

THE MAYFLOWER COMPACT AND THE RULE OF LAW

Cradle of Democracy 7
Peter Wood, PhD

Was Plymouth the First Founding? 11
James Ceaser, PhD

The Rule of Law17
William Allen, PhD

The Mayflower Compact and the Spirit of 1776.....21
Kim R. Holmes, PhD

The Foundations of the Rule of Law 23
*Panel Discussion with Joseph Loconte, PhD, Carol Swain, PhD,
and William Allen, PhD*

THE MAYFLOWER COMPACT AND ECONOMIC FREEDOM

The Spirit of American Liberty31
James Otteson, PhD

A Model for Self-Rule 37
Wilfred McClay, PhD

Self-Governance, Mayflower-Style 43
Allen Guelzo, PhD

The Roots of America’s Economic Greatness 47
Samuel Gregg, PhD

The Foundation of Property Rights, Liberty, and Prosperity 53
*Panel Discussion with Paul Winfree, Samuel Gregg, PhD,
and James Otteson, PhD*

THE MAYFLOWER COMPACT AND RELIGIOUS FREEDOM

Resisting the Leviathan.	61
<i>Joseph Loconte, PhD</i>	
The Mayflower Compact and Religious Liberty.	65
<i>Jeffry Morrison, PhD</i>	
The Foundations of Religious Liberty	69
<i>Panel Discussion with Emilie Kao, Jeffry Morrison, PhD, and Eric Patterson, PhD</i>	
Contributors	77

The Mayflower Compact: An Introduction

In November 2020, The Heritage Foundation was thrilled to partner with the Religious Freedom Institute to host an event celebrating the 400th anniversary of the signing of the Mayflower Compact on November 11, 1620.

For such an occasion, we assembled a distinguished group of scholars to address the central themes of this remarkable declaration, which we are pleased to republish in this eBook.

It was a bold new experiment in government by the consent of the governed. There was no king, but a community of individuals on equal political terms with one another.

Like the American revolutionaries who followed in their steps over 150 years later, the Pilgrims derived their right to self-government from God. As we will see, this belief anchored their political community and everything that flowed from it.

In the Mayflower Compact, we can discern the roots of the American Founders' commitment to certain rights that we consider to be fundamental to being an American: religious freedom, the rule of law, and the right of private property. For this reason, the Mayflower Compact deserves its place in the canon of documents that are considered essential to understanding the American Founding. 📖

The Mayflower Compact

AGREEMENT BETWEEN THE SETTLERS AT NEW PLYMOUTH: 1620

IN THE NAME OF GOD, AMEN. We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc.

Having undertaken for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together in a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cape Cod, the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France and Ireland the eighteenth, and of Scotland the fifty-fourth. Anno Domini 1620.

(William Bradford, *Of Plymouth Plantation*, ed. Samuel Morison, 75-6.)

John Carver
Edward Tilly
Digery Priest
William Bradford
John Tilly
Thomas Williams
Edward Winslow
Francis Cooke
Gilbert Winslow
William Brewster
Thomas Rogers
Edmund Margeson
Isaac Allerton
Thomas Tinker

Peter Brown
Miles Standish
John Rigdale
Richard Bitteridge
John Alden
Edward Fuller
George Soule
Samuel Fuller
John Turner
Richard Clark
Christopher Martin
Francis Eaton
Richard Gardiner
William Mullins

James Chilton
John Allerton
William White
John Craxton
Thomas English
Richard Warren
John Billington
Edward Doten
John Howland
Moses Fletcher
Edward Leister
Stephen Hopkins
John Goodman

SOURCE: SEE "THE TEXT OF THE *MAYFLOWER COMPACT*," IN PLIMOTH PATUXENT MUSEUM, "MAYFLOWER AND MAYFLOWER COMPACT," [HTTPS://PLIMOTH.ORG/FOR-STUDENTS/HOMEWORK-HELP/MAYFLOWER-AND-MAYFLOWER-COMPACT](https://plimoth.org/for-students/homework-help/mayflower-and-mayflower-compact).



RULE *of*
LAW



Cradle of Democracy

KEY THOUGHT

The year 1620 and the Mayflower Compact set the template for what became one of the cradles of American democracy: the small, self-governing community.

KEY TERMS

hierarchy: a system in which people are ranked according to status

House of Burgesses: a representative assembly in colonial Virginia

Pilgrims: English settlers who were motivated by religious sensibilities to come to North America on the Mayflower

self-governing community: the inhabitants of a community governed by mutual and voluntary commitments rather than an external human agent

Strangers: secular people who voyaged with Pilgrims to be farmers or tradesmen

Cradle of Democracy

Peter Wood, PhD

The Mayflower Compact is a conceptual starting point for the American experiment. That's not all that easy to say these days, because the topic is disputed. The *New York Times*' "1619 Project" gives credit to the year when a pirate ship, the *White Lion*, landed a cargo of 20-some African slaves near Jamestown. Is that a better conceptual starting point? I don't think so.

The real creation of the United States is of course in 1776 with the Declaration of Independence, but a lot happened before the 13 British colonies came together and decided that they were going to rebel against the Crown. The Mayflower Compact is 400 years old. November of 1620 is when it was signed onboard the *Mayflower*, a month before the passengers disembarked at Plymouth. But even before the arrival of the *Mayflower*, a great deal of history happened. Some of that history we know is the history of Native American peoples. It's almost impossible these days to talk about the Pilgrims and Plymouth colony without arousing the response that the Native Americans were here first.

Well, of course they were, and empires had risen and fallen in the centuries earlier. In fact, the Aztec empire fell exactly a hundred years before the Pilgrims landed, in the year 1520. Before that, many other Native American peoples had formed into empires with alliances. The League of the Iroquois was created about 300 years before the Aztecs had been defeated. In North and South America, peoples came and went under sometimes bloody and cruel rule.

But those histories, as important as they are, are not the histories of the United States. They have very little to do with what became the United States. So when we turn our attention to those things that stirred into life—the traditions, the ideals that became the basis for the Declaration of Independence in 1776—we have to think about what actually was created. What was created when the *White Lion* brought African slaves to Jamestown? Hardly anything at all. The slaves were turned into indentured servants. In a few years, they were released, and some of them prospered. Actual American slavery as we know it from the 19th century began a good deal later than that.

The year 1619 is interesting in another respect. That year, the House of Burgesses was created in Virginia—a sort of captive government by the private company that ran the Jamestown colony. But when we look at what happened at Plymouth, something quite different occurred. The ship was about half full of the people that we call the Pilgrims. They were religious congregants who were dissenting from the Church of England. The other half consisted of people that the Pilgrims called the "Strangers"—that is, secular British people who were on their way to Virginia in order to become farmers and tradesmen. Because the *Mayflower* was blown off course and came to what was then the wilderness of Massachusetts, a lot of dissension broke out on board. The Strangers said, "We're no longer bound by the contracts we signed on this voyage. We're going to be free and independent agents and do what we want." The religious community was concerned that anarchy would break out.

So before they set foot on land, the Strangers and the Pilgrims came together and decided on what kind of conduct could hold their community together in some fashion against what they feared was going to be a brutal winter (they were right about that) and fear of Indian attacks (they were wrong about that). But in any case, a lot of hardship lay ahead, and they decided that they had better cooperate.

They put their wish to cooperate together in a short document. That document is what we call the Mayflower Compact. It did several things that in a way were breathtakingly new. It bound these people together under a rule of law. They decided that they were going to be a peaceful community and that they were going to seek to create what they called just laws. They wanted to be a civil society, and in this endeavor they were going to elect their leaders. They were committed to treating one another equally. There would be no discrimination between the Strangers and the Pilgrims. They would be all one community. They would unite for self-defense. They were going to govern themselves as what we would now call a New England town.

They actually set the template for what became one of the cradles of American democracy: the small self-governing community. It was made up of voluntary commitment on the part of the participants, not something imposed from without. They saw themselves as ultimately under the rule of the King of England, but the King of England was far away, and they had no way to communicate with him. British law was there only as a notional background. It was not what was going to be enforced day to day. Those laws were the laws that the Pilgrims and the Strangers together created for themselves. And they did some truly remarkable things.

They abolished hierarchy. There was no difference between the rich and the poor, the young and the old. They treated one another as though they were members of a community, and because they were committed to that ideal, they largely achieved it. It was not that it was easy going for them. A great many died during that first winter. They also were in fear of attack, both by the Native Americans and by the French who were in the vicinity and not welcoming of British involvement. So they formed for the common defense, and as it happened, they were able to strike up alliances with Native American tribes. They became involved in one alliance which lasted for 50 years. They became a reliable partner to Native Americans who taught them not only the ways of living in the New England landscape, but the ways of coping with their adversaries as well.

This was a remarkable achievement. It's one that we mythologized perhaps in creating sentimental stories about what happened with the Pilgrims and with the Strangers, but in fact it was a remarkable story, and it laid the template. It gave us the basic pattern of what we were to become as a people over the next 150 years or so. The Pilgrims were the predicate to the Declaration of Independence in the summer of 1776. We should keep that in mind as the season of Thanksgiving, if we can still call it that, comes upon us. We should recognize that this community was founded on a principle of gratitude, and that can be strongly contrasted with the *1619 Project*, which calls for conceiving of the beginning of America as an act of oppression and one which should give rise to resentment.

Should we found our nation on the principle of loving one another, of seeking gratitude for the good fortune that we can govern ourselves in a civilized way? Or should we look upon ourselves as the legacy of a

slave-ocracy as the *1619 Project* puts it? I think there's a pretty clear choice here: If we're looking for the antecedents of 1776, they're best found in November of 1620.

Neither the Pilgrims nor the Strangers brought slaves to Massachusetts, and they did not attempt to enslave any of the native inhabitants. This was a founding of a community that, whatever its faults, can bear no blame for creating a system of racial oppression. That in itself ought to elevate the attention we pay to this remarkable early American community.

We face a puzzle, however, in the eagerness with which many writers, including some prominent historians, have sought to minimize this part of our history. Radical historian Howard Zinn didn't even mention the Mayflower Compact in his hugely popular *A People's History of the United States*. It is a fashion now among historians to play down the New England origins of America and to emphasize instead what is called

“the Atlantic World,” which gives pride of place to the Southern colonies and pushes slavery as the central fact. Some of this displacement of historical emphasis arises from the discomfort of secular historians having to deal with the religious motives of the Pilgrims, the Puritans, the Quakers, and other sects that immigrated mostly to the northern colonies.

The Mayflower Compact, which begins with a prayer, bridged the differences between the Pilgrims and the Strangers and thus laid the groundwork for genuine religious tolerance. It was a principle broken by the later-arriving Puritan settlers, but not forgotten. Roger Williams' colony in Rhode Island, for example, restored it.

The Mayflower Compact, short as it was, contained the seeds of American liberty and equality under the rule of law. We would do well to remember it, especially as we now confront the audacious and often false claims set forth in the *1619 Project*. 📖

KEY QUESTIONS

1. What challenges did the Pilgrims face when they landed in the wilderness of Massachusetts? Why did these challenges make it imperative for the Pilgrims to cooperate with the Strangers?
2. According to the author, what was “breathtakingly new” about the Mayflower Compact?
3. The Mayflower Compact bridged differences between the Pilgrims and the Strangers leading to religious tolerance. How does this support the principle of religious freedom in the United States?
4. “The Mayflower Compact, short as it was, contained the seeds of American liberty and equality under the rule of law.” Is this a valid statement? Why or why not?



Was Plymouth the First Founding?

KEY THOUGHT

The idea that the 17th-century Pilgrims were America’s “first founders” is based on the claim that they established, in a single written text, something fundamental, essential, and enduring that formed the character of the American Republic.

KEY TERMS

bicentennial: the 200th anniversary of an event

orator: a skilled or gifted public speaker

progeny: descendants of a particular person or group of people

quadricentennial: the 400th anniversary of an event

Was Plymouth the First Founding?

James Ceaser, PhD

“Beneath us is the Rock, on which New England received the feet of the Pilgrims.”

—Daniel Webster, “Plymouth Oration,” December 22, 1820

Daniel Webster—Congressman, Senator, Secretary of State, and presidential candidate—was America’s most celebrated political orator in the first half of the 19th century. In 1820, he pronounced his “Plymouth Oration” honoring the landing of the Pilgrims on the site of the now famed Rock in the city’s harbor.

Webster’s speech has special significance today. It was delivered at the exact midpoint between the ship *Mayflower*’s arrival in Cape Cod bay in 1620 and its remembrance over this past last year. Webster partook in the bicentennial of the Pilgrims’ settlement, and we have just lived through its quadricentennial. Remarkably, Webster used this occasion to reflect on the meaning and purpose of commemoration. He asked his listeners to look back on the deeds of “our ancestors” and to look forward to future centennials and the continued veneration of “our posterity.” Americans, he hoped, would use these future moments to survey “the progress of their country” and recount “the steps of New England’s advancement.”

The rock about which Webster spoke so reverently has a different status today. Webster viewed it as a mighty symbol that invoked not just the landing, but the Mayflower Compact and the Puritan settlements that soon followed. For him, this simple and unadorned stone marked the first of two seminal moments that comprised the founding of the American Republic, to

go along with the more recognized period from 1776–1790. The New England of our day, however, has lost its standing as playing a founding role. It is now seen as being no more than a part of our “pre-history,” while real American history is understood to have begun with the single founding at the time of the Revolution, the Declaration, and the writing of the Constitution.

Plymouth’s significance has also been undermined from a different quarter. The *1619 Project*, an intellectual program sponsored by *The New York Times*, is seeking to recast how Americans conceive of their history and how it should be taught in our schools. According to this new historical interpretation, the true founding event that shaped America took place in 1619 when a Portuguese ship landed in Virginia and sold the first African slaves in British America. By this account, America’s founding, overshadowing both Plymouth and the events of the late 18th century, is not an event to celebrate, but an ignominy that must be overturned.

Americans today face the challenge of rethinking how to remember not only Plymouth and the rock, but also what it means to commemorate. We have a much-diminished sense of the experience of history as Webster and others at the time understood it. Our feelings of being intimately connected to our ancestors and our progeny have lessened, and in our technological and democratic times, we tend to view tradition as no more

than an ordinary piece of information. Past events are often invoked, but this exercise is undertaken not to learn from the past, but to select a moment that can be put to use in promoting a contemporary objective. The past is appropriated to serve the present.

This attitude is a far cry from the disposition to commemorate. In an “Oration at Plymouth” previous to Webster’s, John Quincy Adams in 1802 explained how commemoration removes us from the mere preoccupation with the present moment and ties us to those who lived before us. It excites in us an “interest in their history, attachment to their characters, concern for their errors, [and] involuntary pride in their virtues.” Commemoration means not a heedless obedience to the past, but rather, in our “concern for their errors,” a wish to confront and engage our predecessors.

The idea that the 17th-century Pilgrims and Puritans were, in Alexis de Tocqueville’s words, America’s “first founders” was not based on the claim that Plymouth was the first or oldest British colony in America. In fact, Jamestown had already been settled more than a decade earlier, in 1607. “Founders” was offered as a term of distinction, meant to identify those who established something fundamental, essential, and enduring that formed the character of the American Republic.

The Pilgrims and Puritans were uniquely qualified and able to perform this task. They came to America not as individual adventurers seeking to make money or win notoriety, but as formed groups that had civic plans for living together in communities, as could be seen in the Mayflower Compact. Nearly all of these settlers were educated and literate—a quite amazing fact for an assemblage of colonists at that time—and they proceeded almost immediately to

establish schools and build a college. They came for the most part in families, and they were devoted to maintaining the institution of the family. They established communities under God, and they placed an extraordinary premium, no doubt to excess, on practicing and promoting virtues.

It was not until the 19th century, however, that New Englanders began to consider themselves as akin to founders. The Plymouth orations of Adams and Webster prepared the ground, but this step was realized by the efforts of the Whig political leader Rufus Choate. Little remembered today, Choate was a senator from Massachusetts, the chairman of his state’s Whig Party, a leader in establishing the Smithsonian Institution, and, like his friend Daniel Webster, a distinguished lawyer and orator.

In a series of orations and essays in the 1830s and 1840s, Choate expounded what can be called the “two-founding thesis.” He explored the history of the Puritans and Pilgrims from their formation in England to their settlement in America. (These two groups were closely related in their theology, but the Pilgrims concluded they could not practice their religion, as commanded, within the Church of England, while the Puritans sought to reform the Church from within.) Choate described the colonial period, above all in New England, as the “eventful infancy and youth of our national life” that nurtured persons devoted to liberty. The development of strong character and virtue, more than anything else, prepared the way for “the revolutionary and constitutional age, from 1775 to 1789.” The Pilgrims and Puritans performed an essential founding task by making “provision for the mental and moral culture of the rising nation.”

Choate expounded the two-founding thesis with the aim of persuading Americans

to embrace it as the core of an American national history. No claim on behalf of the settlers of any other region, be it the Quakers from Pennsylvania or the “aristocratic” planters from Virginia, could rival the contribution made by the original New Englanders. Choate understood that in his day, New England possessed the necessary means to spread this account. New England was the seat of historical thought and writing in America in an era in which history was becoming the most important intellectual discipline.

Throughout much of the 20th century, scholars of American history reinforced different versions of the two-founding thesis. Some approached this matter by trying to show that the Mayflower Compact set out many of the ideas and principles that were adopted in the Declaration of Independence. The Declaration, it was said, flowed from the Compact. The Compact demonstrated above all how a group of persons acting on their own could achieve the extraordinary result of establishing the outlines of a new form of government. John Quincy Adams identified this act as representing at the time “perhaps the only instance, in human history, of that positive, original, social compact, which speculative philosophers have imagined as the only legitimate source of government.” The Declaration in 1776 followed by proclaiming in the name of the people the right “to dissolve the political bands which have connected them with another” and to assume “the separate and equal station” of forming their own nation.

Other scholars who examined these two documents, however, arrived at a very different conclusion. The Compact and the Declaration by their account expressed positions in tension with each other, enough to nullify the claim that the two sets of founders were ever working to establish the

same political regime. The two documents seemed to come from different worlds.

- The Compact does not, like the Declaration, call for an independent nation, but on the contrary pledges the new colony’s fidelity to King James.
- The Compact declares an explicitly Christian purpose for the colony—“the advancement of the Christian faith”—whereas the Declaration makes no explicit commitment to any specific religion, or even perhaps to religion itself.
- The Compact, by speaking of a “covenant” among its signees, suggests a democratic form of rule, while the Declaration, though it insists on establishing a government on the basis of “the consent of the governed,” leaves open the exact form of government that would be chosen.
- Finally, the Compact places emphasis on the pursuit of collective community goals, whereas the Declaration puts a premium on a government that protects individual rights and hence individual goals and purposes.

Whatever the truth of the exact relationship between these two documents, however, it is misleading to make the comparison between them the basis for deciding whether the New England settlers merit being considered “first founders.” This approach makes the mistake of defining founders and founding in one way while ignoring other ways in which these terms have been understood. The fact is that the second founders, the men and women of 1776–1788, were founders in a quite different sense than were the first founders, the Pilgrims and Puritans. The men and women of 1776–1788, from which we today generally take our idea of founding, were founders

by virtue of defining the rightful powers of government, fixing the scope and limits of liberties, and in the Constitution setting forth the basic structure of the government. Founding meant establishing the governing principles and rules of the legal state.

People today perhaps forget how innovative an achievement this was. Those who performed this task were, in the view of many, the first in history to prepare in a single written text the basic plan for defining the purposes and character of the government. These founders made this legal document, and not the officials who served in the government, the highest source of authority within the state.

The Pilgrims and Puritans of the 17th century lived in vastly different circumstances and came to America without any idea of a Constitution as we now understand that term. Some of the actions they took, like preparing the Mayflower Compact, resemble in certain respects the Declaration and the Constitution, but this is not the reason that later thinkers chose

to consider them first founders. They were called first founders because they performed complementary actions that, it was believed, established a republican government in America. They served along with the founders of 1776–1788 in establishing the success of this political system.

Yet they did so in a very different way from designing a legal state. Their method consisted in establishing the qualities of human character that enabled people to preserve and maintain republican government. As Webster pointed out, there was far more to promoting this goal “besides the abstract frame of its constitutional organization.” If the founders of 1776–1788 legally defined the scope and limits of liberty, the founders from New England were focused on how we must use our liberty. Character was as important as form, and the New Englanders turned to the principles of religion, of family, and of virtue and discipline. To recall what Choate said of these founders, they “made provision for the mental and moral culture of the rising nation.” 📖

KEY QUESTIONS

1. What was the occasion and significance of Daniel Webster’s “Plymouth Oration”?
2. Summarize the argument of the “two-founding thesis” that was advocated by Senator Rufus Choate in the 19th century.
3. As scholarship advanced in the 20th century, scholars began to see the Mayflower Compact and Declaration of Independence in tension. What were the perceived points of tension?
4. What are the differences between the first and second founders as described by the author? Does the author think that we should use the terminology of first and second founders? Do you agree? Why?
5. The author asserts that the founders of 1776–1788 “defined the scope and limits of liberty...[while] the founders from New England were focused on how we must use liberty.” Do you think this is an accurate statement? Why or why not?



The Rule of Law

KEY THOUGHT

Perhaps the most important lesson for 21st century citizens—one the Pilgrims understood well—is that no tension, no conflict existed between the assertion of the rights of conscience, individual responsibility, and the ultimate prosperity of the community.

KEY TERMS

civil body politic/polity: a group of people organized around a common government

covenant: a binding agreement between two or more parties

constitution: written principles or precepts by which people consent to be governed

conscience: an interior voice that guides a person's actions

progenitors: the original from which others originate

The Rule of Law

William Allen, PhD

This is a subject whose importance will never cease. We begin with the obvious, which is not to say the presence of the Mayflower Compact at the headwaters of the development of self-government in the United States, but its presence in a stream of continuing events. For the *Mayflower* ship is, of course, not the center of conversation. It is rather the assembled people we should pay attention to, those gathered on the ship and who, before they disembark at Plymouth, sign their names to the Mayflower Compact, committing themselves to developing a civil polity.

When we look at the text of the Compact and read it carefully (for that text tells us a great deal about what we should expect), we notice the professions not only of duty to God, but also of loyalty to king and countries—emphasizing countries: Great Britain, France, Ireland, etc.—all of which are represented by, of all people, King James. He is the Stuart king whose family was at the center of century-long convulsions precisely over the question of what should be the form of government in Britain, resulting in the wars of Cromwell, followed by the Restoration, followed by the wars of the Stuart succession. All of this lay in store while the Pilgrims set sail for North America and a way of life in important respects untroubled by these turmoils.

They left because they could foresee and were already experiencing religious persecutions; they turned their faces away from their country without disclaiming appropriate loyalties and obedience while nevertheless setting their faces against those past and

coming experiences in order to open the path to new experiences.

What is important in thinking about this is that these Pilgrims set sail not from London or Southampton or some other port in England, but from Delfshaven. Effectively, they had relocated there in order to launch on their journey, but in another sense, they were self-exiled in Holland. And so, as they left Holland, they left with deliberate purpose.

We see in the bold print just what the Mayflower Compact emphasizes. They shall form “a covenant” and combine themselves in a civil body politic. This is a consensual moment: All agree in consultation one with another to undertake the work of forming a civil body politic, and they agree on how they will form that civil body politic. They will do it by “enacting, constituting, and framing just and equal ordinances and offices from time to time as shall be thought most meet and convenient for the general good of the colony.”

This is an ambitious undertaking, and as we consider the text of the Mayflower Compact, we must remind ourselves what occurred here. They had a foreshadowing long before they boarded the ship. They had already agreed in principle and spirit on this undertaking, and when they boarded the ship, they received specific instruction. They were sent off by their shepherd. They were going off on their own, essentially sailing into a desert wilderness they thought of as Northern Virginia. They had a charter from the Virginia Company, and that explains, of course, their continuing commitment to the king.

But in the process, they had a shepherd, Pastor Robinson, who came on ship to deliver his last sermon to them. He admonished them to pay due attention to a civil constitution founded in consent. In other words, they had actually been assigned the mission to create such a covenant among themselves before even raising the sails on the *Mayflower*.

We see, therefore, that they fulfilled their appointed mission, faithful to the spirit that reflected a genuine understanding of the importance of community as the context in which to develop the principles of self-responsibility—a rather tricky formulation that recurs constantly throughout the process that began with the sailing of the Pilgrims and continued to the landing and the subsequent development of the Plymouth Colony, the Massachusetts Bay Colony, and all that surrounded these events.

Scarcely a quarter-century after they landed, we find them developing in Massachusetts the Body of Laws and Liberties, in which they again affirm in the context of a much-grown community their commitment to civil and constitutional order. Moreover, they committed themselves to expressing it in writing, and we see in the numerous developments that followed that they continually emphasized community.

To be sure, when first they landed, they had the model of the early church in mind and therefore adopted communal practices on the assumption that all were in this together and all should share alike. But they quickly discovered that unless there were extensive individual responsibility and productivity, there would not be prosperity sufficient to support the community. So they quickly abandoned communism but did so in the name of a prosperous community.

Not long thereafter, in 1648, they described the order of their constitution and described it positively in comparison with the constitution left behind in Britain. We observe that while they departed with expressions of loyalty and obedience, they journeyed with a determination to emerge into independence, into self-sufficiency, into conscience; for that is what lay at the bottom of Pastor Robinson's instructions to the Pilgrims as they set sail on the *Mayflower*.

They sailed under that immediate relationship with God. Those were the very first words of the Mayflower Compact. That immediate relationship is the foundation of conscience and thus a freedom of conscience to which community is absolutely essential but not sufficient, whether for salvation in the next world or prosperity in this world. The happy combination requires the interaction of individual responsibility answerable to God (which is how we must understand the term "conscience" and therefore the power of the freedom of conscience) and, equally, the thriving of the community.

When such individuals gather together in mutual support, the rule of law is not an abstraction. It is, as it were, a practice, a principle of practice. It is necessary to form a civil body politic, necessary to live in obedience to the law, and necessary to do these things in order to secure the pursuit of conscience, which is the obligation to obey God before man. That is the tricky formulation concealed in the expression, "every man his own Pope." The Pilgrims grasped that fundamental claim but also grasped "not every man alone," which is why they affirmed community.

In this 400th anniversary of the Mayflower Compact, I submit that what is most important and most valuable for citizens of

the United States to remember in the 21st century is that the Pilgrims saw no tension, no conflict between the assertion of the rights of conscience and the individual responsibility and ultimate prosperity of the community. There is not a tension but a mission. They affirmed that they could build such a polity as would remove any doubt whether there might be tensions, and they succeeded in doing so, both on their own grounds and eventually, of course, as one sees in the emergence of the Declaration of Independence and the Constitution, in the fulfillment of their ambition in the greater United States.

Finally, we often find scholars, commentators, and observers who look back and ask what the sources of the American founding are, what the intellectual sources were. I am among those scholars who have pored through the archives and prior publications of philosophers, statesmen, and

historians in quest of answers to this very question, but I would submit to you that the sources are not to be found in the so-called intellectual progenitors who are often cited.

It is appropriate to take note that John Locke's works were important, that Montesquieu's works were important, and that many another thinkers' works were important, counting ancient and classical thinkers. Yet the true intellectual and moral sources of the founding of the United States were identified right there at the beginning in the remarks of Pastor Robinson and in the text of the Mayflower Compact, echoed in the sermons of Winthrop and Bradford and ultimately in the expressions of a determination, acting upon the right of conscience, to build a community in which individuals will acknowledge responsibilities to God and to their fellow citizens. That is the meaning of the Mayflower Compact. 📖

KEY QUESTIONS

1. Why did the Pilgrims leave England for Holland and then America?
2. What did Pastor Robinson urge the Pilgrims to do in his last sermon before they departed for America?
3. State the two reasons that the author provides for the necessity of forming a civil body politic.
4. According to the author, the Pilgrims "saw no tension, no conflict between the assertion of the rights of conscience and the individual responsibility and ultimate prosperity of the community." Do you agree? Why or why not? Where do you see possible tensions between the rights of conscience, the individual, and the community today?



The Mayflower Compact and the Spirit of 1776

KEY THOUGHT

The drafters of the Mayflower Compact understood their freedom and security would depend upon their ability to rule themselves—to submit themselves to the law for the sake of the common good.

KEY TERMS

common good: elements of a society that contribute to the common interests and flourishing of all individuals

social contract: a social agreement made by a group of people that often involves ceding power to authorities in exchange for a perceived benefit

The Mayflower Compact and the Spirit of 1776

Kim R. Holmes, PhD

In 1651, Thomas Hobbes offered his theory of a social contract: a political community in which all of its members submitted themselves to an absolute sovereign in exchange for their security. A generation before Hobbes, the Pilgrims at Cape Cod drafted their own social contract, but they called it a covenant, made in the presence of God, whose signatories pledged to submit themselves not to a Leviathan, but to laws that they themselves had written.

The Mayflower Compact reaffirmed one of the fundamental ideas of the Magna Carta: namely, that no political society could flourish without respect for the rule of law.

But it went further by insisting upon “just and equal laws”—laws that would apply without discrimination to all members of the political community.

For the drafters of the Mayflower Compact, their freedom and security would not depend upon an all-powerful monarch. It would depend upon their ability to rule themselves, to submit themselves to the law for the sake of the common good. Here, at the very beginning of the American story, is the idea of government by consent of the governed. In this, the Pilgrims anticipated another generation of Americans: the generation of 1776. 📖

KEY QUESTIONS

1. Compare the contract of the Pilgrims with the social contract of Thomas Hobbes. What do the differences imply about society?
2. How does the Mayflower Compact anticipate the generation of 1776?



The Foundations of the Rule of Law

PANEL DISCUSSION

A Conversation with Joseph Loconte, PhD, Carol Swain, PhD, and William Allen, PhD

JOSEPH LOCONTE: Our theme here is what the Pilgrims called “the civil body politick,” what they viewed as one of the foundations for political liberty: namely, the rule of law. We want to have a robust discussion about the political implications of the Mayflower Compact, this idea of the rule of law.

The Pilgrims say in this document that they want to form a “civil body politick for our

better ordering and preservation.” What do you think they had in mind?

CAROL SWAIN: First of all, I would say that they knew human nature really well, and they knew that if you don’t have a set of laws, you get lawlessness, and many of them were Christian believers. There is a scripture—I believe it is Jeremiah 17:9—which says that “the heart is deceitful above all things, and desperately wicked: who can

know it?” So there was a belief that you had to have a set of rules, guidelines, laws. God is the ultimate lawgiver; otherwise you would be barbaric, and that was what they were trying to avoid.

JOSEPH LOCONTE: So the natural bent, the natural drift, was not going to be some workers’ paradise if they just let it go their own way.

CAROL SWAIN: They knew that they were not angels, so they have to be constrained. And you know you just can’t will yourself to be good people. There have to be guidelines and rules and community standards, or you are in a situation where each person does what’s right in their own eyes.

JOSEPH LOCONTE: Yes. Dr. Allen, do you want to jump in on what they had in mind with this civil body politic?

WILLIAM ALLEN: Actually, I want to jump in and jump back. I’ll resume what I so often say in this regard about the beginning of the Mayflower Compact. The Mayflower Compact is important because that’s what eventuated as they were prepared to put foot on land, but they also had to take feet off land. They set sail from Delfshaven in the Netherlands. They were given a sendoff by Pastor Robinson, and that meant they set sail with a mission, having been commissioned, having a work to perform.

Thus, they were not utopians; they were not airy, theoretical dreamers. They were people going into a deserted wilderness as far as they knew, but they were not going without purpose, so that they have a serene confidence in their Maker and in their mission. You might see them as fulfilling “the Great Commission,” the mandate from Jesus to his Apostles, if you want to put it in those terms. Thus, the provisions taken in the

Mayflower Compact were merely the means of organizing themselves to do a work which they already were dedicated to.

JOSEPH LOCONTE: One historian has described those early ventures as an “errand in the wilderness,” men and women with a mission and purpose. Dr. Swain, do you want to weigh in on that?

CAROL SWAIN: I just think it gets so interesting that they had watched what had happened in Europe, and they knew the worst of human nature, and they were a people who were very familiar with the biblical stories and with Israel and with covenants. So they set out to establish a covenant with Almighty God, and many of them saw America as being the new Israel. What I find most fascinating about that is that they had the complete Bible, and they knew how harshly God dealt with Israel when Israel strayed, and they thought that they could form a society that would be better.

We know that they failed, that the covenant that they sought to make with God was broken very quickly, and New England today is probably the most progressive part of the country except for California. There are exceptions, but if you look at Jonathan Edwards and the people that were part of that era, what they sought to do and what they believed, the nation is so far away from that idea of this covenant. Many of the people that came here were deeply religious men and women, and many of them knew full well what they were trying to do. They also knew what was in human nature and in human hearts and what could happen. I think when we look today, we can see how far away our nation is from their vision.

JOSEPH LOCONTE: I want to pick up that thought in a minute in terms of what this means for the here and now, but I do want to unpack this theme of the covenant, because it

is a fearsome thing to make a covenant with the Living God, isn't it?

CAROL SWAIN: Yes, and a covenant is stronger than a contract. You know, Daniel Elazar has written about covenant, and it's not like a contract. People break contracts all the time, but people have the ability to make covenants and agreements that affect generations. So they have an authority because they were trying to establish a nation that would affect generations. Did they break a covenant that they had made with God? Are we suffering consequences as a result of that?

I realize that when I say this, that if you believe the Bible is a bunch of fairy tales and myths and you're not a person that believes in these kinds of spiritual things, it won't make any sense to you. But a lot of us believe the Bible is the inspired word of God and that there are promises and there are consequences, generational consequences. You know, there's a lot of weighty stuff there. When you look at how the nation was founded, how it has evolved, where we are today—where are we headed?

JOSEPH LOCONTE: Dr. Allen, even if you're not a person of faith, the task of the historian is to enter empathetically into their world and to understand what's motivating them. Could you pick up that thought on the covenant and maybe relate it to this idea of the rule of law? What I'm really impressed by in the document itself is the language. What they're after are "just and equal laws." What's the relationship of their covenant theology to this idea of "just and equal laws"?

WILLIAM ALLEN: Well, we need to take that question up, but let me preface my remarks by saying to you that there is not one who isn't a person of faith. There are different faiths. There was no one who was without

faith. The great game in life is to get the good faith, the right faith.

But having said that, I want to remind us once again to place it as much as possible in historical context. The "civil body politick" being envisioned in the Mayflower Compact was in fact not the beginning, because the beginning of the commission was from Delfshaven, but it also was not the end. Within a quarter-century, you had the emergence of the Body of Liberties in Massachusetts and you had the Fundamental Orders of Connecticut.

There is a chain of development here, and what's being evidenced in this chain of development is the conviction that they could deliberately construct the organization of society to suit their mission, which they saw as a calling upon them. So there's the movement: You're moving from recognizing that you're called of God to accepting that call in the spirit of obedience. The spirit of obedience requires being deliberate and structuring the society to be able to carry out that call. Now place that in the context of what was happening in the area and the home from which they had departed. For nearly 130 years, it was riven by constant turmoil. England in particular was wracked by discord.

Now, what do you see in the colonies? You see the emergence of differentiation. You see the growth, for example, of antinomian sects. You see Baptists, you see Quakers, you see others rearing up amidst them, but you don't see the wars among them that you're seeing in England in this period. The fact that they were devoted to trying to deliberately structure a peaceful civil order, a recognition of moral necessity, gave them the strength to develop—not evolve. I would never say to evolve, but rather to develop in a way that strengthened the prospects for the rule of law.

JOSEPH LOCONTE: Well, that's a fascinating bit of history. Dr. Swain, I want to give you a chance to jump in before I frame another question.

CAROL SWAIN: I certainly agree with all of that, so I don't have anything to add there, but I was thinking of John Winthrop—that he wanted them to be “the shining city on a hill,” and just how far we have strayed away from that and Massachusetts in particular.

JOSEPH LOCONTE: One of our great tasks, it seems to me—as educators, writers, people in think tanks, in the Academy—is to help pass on this cultural legacy. They were onto something, weren't they? Because there was a diversity, even within their ranks. Not everybody on that boat was on the same page theologically, but they're signing onto this covenant with equal laws, equal justice for everybody on board, and I'm still impressed by that.

WILLIAM ALLEN: I want to say, I think it's not quite appropriate to say they weren't all on the same page. Yes, they had different views about important questions, but every single one of them clung to the right of conscience. And the most significantly misunderstood idea among us is that conscience is the first Christian virtue. It is the principle, ultimately, of political liberty, and what you saw here was the growth of a civilization based on that fundamental Christian principle: freedom of conscience.

CAROL SWAIN: I think what's so important too is that they signed onto that compact whether or not they agreed a hundred percent. In America, we've had “civil religion” where people may not believe in the Virgin birth and in Jesus and the things that devout Christians believe in, but they value laws. We look at the principles of the Bible that have undergirded the state constitutions, the U.S. Constitution,

the separation of powers, all of the things that they got from Moses, the great lawgiver. Whether or not you were a believer, you bought into the idea of America and what it stood for.

I think today what is missing is that people have reached the point where it's all about me. It's all about what benefits my group. There's no sense that there's something bigger than all of us as individuals and that we have to come together to achieve anything. To be united as a nation, to build a nation, it can't be about me and what benefits my individual group or my family. I have to give up something for the common good. We've lost our sense of that.

JOSEPH LOCONTE: That's an absolutely splendid point, Dr. Swain, because think about it: The Pilgrims in that boat can't afford tribalism. It would literally destroy them as a community. There's just no margin of error for that. There's no room for tribalism. Maybe that's where this issue of conscience comes in.

Dr. Allen, I completely agree with you: I've studied the work of John Locke pretty carefully. John Locke, who comes after the Pilgrims historically, of course, is a great champion of the rights of conscience. He will influence the Founders in a major way. The rights of conscience, you could argue, are front and center in our Bill of Rights, in the First Amendment.

The Pilgrims are driven by this aren't they? Because this is why they're getting on the boat in the first place, for the right to worship according to the dictates of conscience, and they form a political community with that as the basis.

WILLIAM ALLEN: That is precisely the reason. And remember how we began this discussion, talking about the question: What is a “civil body politick?” We can answer that

question by remembering what the opposite is. That's an *ecclesiastical* body politic.

So the right of conscience is first established among human beings against the claims of priestly authority, and it's only after that it comes to apply to political authority, because political authority was always subject to religious authority in the development of the West and the rest of the world. When Christians said to the priest, repeating the words of the Apostles in Acts 5:29, "I must obey God, rather than man." That's when the world changed. That's when political liberty was introduced. That's when religious freedom was introduced. That became the basis for the rule of law and not of men.

So we're talking about a tremendous transformation. It is captured by the expression "freedom of conscience." It is not some indulgence by a state to the people. It's quite the opposite. It's the people being placed in the position of the creators of the state and who therefore, by definition, keep it limited.

JOSEPH LOCONTE: That's a beautiful summary, sir. I couldn't improve on it.

Here we are with this amazing document, a very short document, the Mayflower Compact. We see embedded in it this idea of democracy playing a role, self-government, the rule of law. We see things about conscience, front and center. They want equal and just laws, and yet it's growing out of their deep religious Christian conviction. And where we are right now as a culture—back to your point, Dr. Swain—is that our media elite, our educational elite, they think that all these wonderful blessings of liberty came completely divorced from religious belief, from Christian belief, and that it took the secularization of society to give us democracy.

CAROL SWAIN: I'm sorry, that's a fairy tale, and it's just so interesting that they would want to believe that. We can see that they are destroying our liberties and all of the things that we've taken for granted. It's all about destroying the principles and values that came from Judeo-Christian roots and our Constitution. And that's where we are. That's why we have descended away from the rule of law. Things are worsening in America.

If you look at the black community, you know, the black community thrived coming out of slavery, if you would look at the accomplishments of what people were able to achieve under the worst of circumstances. Now we have a situation in America where people seem to be regressing, and it's because they've forgotten God. They've forgotten who they are. They've forgotten the Constitution. They've never read the Declaration of Independence. They have not read the Mayflower Compact. They are historically illiterate.

JOSEPH LOCONTE: I want to thank you so much for your contributions here. There's a line that comes to mind from John Locke, the great English philosopher, the great champion of religious freedom. When he's describing the responsibility that educators have, he's talking about students now, young people embarking on their academic journey as "travelers, newly arrived in a strange country of which they know nothing. We should therefore make conscience not to mislead them."

Travelers in a strange country: I think part of what we're trying to do here with the Mayflower Compact, with this conference and your contribution, is to help the next generation understand the past—fairly, accurately, with integrity—and from that to draw moral strength and spiritual strength for the challenges ahead. So I want to thank you for your contribution. It's been great being with you. 📌

A blue-toned illustration of a coastal scene. On the left, a large, gnarled tree trunk stands prominently. In the center, a three-masted sailing ship is visible on the water. To the right, there are large, rounded rocks. The background shows a horizon line with some distant landmasses. The entire scene is rendered in a monochromatic blue color scheme with fine line work for shading and texture.

ECONOMIC FREEDOM



The Spirit of American Liberty

KEY THOUGHT

The signers of the Mayflower Compact understood that as persons equally created in the image of God, they meet one another as moral peers and that all rights or privileges were distributed equally from the hand of God, not the king.

KEY TERMS

natural right: a universally accepted right not dependent on any authority of government or custom of culture

residual authority: presumption of the indefinite authority of the government unless specifically disallowed

residual liberty: the assumption of freedom unless specifically disallowed

The Spirit of American Liberty

James R. Otteson, PhD

Sometimes the importance of an event can be fully understood only afterwards. November 11, 2020, was the 400th anniversary of the signing of the Mayflower Compact, which was written and signed by passengers on the *Mayflower*. Despite its modest appearance—a document with a mere 195 words—it contained the seeds of a conception of human liberty that would grow into governing principles for a New World that would eventually lead to a new people who would fight a war for independence and, despite conflict and even convulsion, go on to create the freest and most prosperous nation in the history of the world.

Who were the people who wrote and signed the Mayflower Compact? Forty-one of the *Mayflower's* 102 passengers were Puritan Pilgrims who were seeking religious freedom and who risked everything—including their lives—for the chance to create a new, free, and prosperous life for themselves. The other passengers included merchants, craftsmen, and advisors, and many of the *Mayflower's* passengers died the very first winter they spent in Massachusetts.

It may be hard today to appreciate just how much risk they ran and how much courage—and faith—they required to set sail from their homelands across a perilous and still little-known ocean in the hopes of landing in a place about which they knew even less. If they had trouble or faced difficulty, there was no one who would rescue them, no one who would come to their aid: they were on

their own. Everything—including their very lives—depended on no earthly efforts but theirs alone.

How many of us today could summon such courage and would undertake such risk? What principles would mean so much to us today that we would be willing to risk our lives and those of our family to throw ourselves into an uncertain and unforgiving expanse?

The Mayflower Compact, which was written upon reaching the New World but before they disembarked, makes clear that its authors were not intending to renounce their loyalty to their king. They state their motivations expressly at the outset of the Compact, which begins: “In the name of God, Amen.” It asserts that they remain “the Loyal Subjects of our dread Sovereign Lord King James” and declares that they have undertaken this hazardous journey “for the glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country.”

In other words, they saw themselves not as repudiating their faith, their sovereign, or their homeland, but instead as seeking to live up to their ideals more faithfully. They believed that their loyalty to God, king, and country—in that order—not only allowed them to leave and start anew, but indeed required a new beginning. As committed servants of God, king, and country, their decision to travel to the New World was thus not turning their backs on their principles; it was, for them, fulfilling them.

What exactly were these principles? The text of the Compact reveals their principles both by what it contains and by what it omits. The very act of drafting and signing the Compact is telling. Writing and signing a contract presumes that its authors and signatories had the right to do so. It reveals that they envisioned themselves as moral agents, able and authorized to enter into binding agreements “solemnly and mutually.” They state that they do so “in the Presence of God and one another.”

Note that they do not claim any specific authority from the king or from an act of Parliament or any other governing body. God had created them as free and responsible moral agents, and their claim that they voluntarily enter into this compact “mutually” and in the presence of “one another” acknowledges their full, God-given moral agency and recognizes that this moral agency is held by them equally. Each of them is created in the image of God, and each of them therefore enjoys all the rights and privileges that entails—equally.

The Compact makes no reference to a class structure, and it recognizes no special rights or privileges for some but not for others. Their claim that they have the right to “enact, constitute, and frame” this Compact reflects their self-understanding as full moral agents. Their claim that they can and will enact “just and equal Laws” implies that they understand themselves to be capable of discerning what “just” laws are and that they enjoy an authority that entitles them to “frame” and “enact” such laws. Moreover, the just laws they will enact will be “equal”—that is, will apply to all of them equally, with no one above the law, as befits the full and equal moral agents they understand themselves by God’s grace to be.

Finally, they close the Compact by declaring their mutual “promise” to one another to

fulfill “all due Submission and Obedience” to the “just and equal Laws” they will “enact, constitute, and frame.” Consider the momentousness of the word *promise*. They are claiming, first of all, the right and authority to make such a promise.

In England at the time, as well as throughout most of the rest of the world, most people had no such right. Only a select few could enter into legally binding contracts or make legally enforceable promises, and typically, any proposed contracts or promises were subject to intervention or even annulment by the king. Only the king, it was typically believed, could give a final stamp of approval, and until the king had given his blessing, any contract or promise was merely provisional. The signers of the Mayflower Compact, by contrast, believed and attested that their promise of obedience to their own voluntarily and mutually enacted “just and equal Laws” was recognized and thus authorized by two powers—God’s and that of their own moral agency, not the king’s.

Thus, the authors of the Mayflower Compact saw themselves as full *persons* with all the rights, powers, privileges, and responsibilities that entails. They could write a compact, they could bind themselves to it, and they could make themselves responsible to it and to one another. Though they were subjects of King James, they were subjects of God before James. This meant that they were free and equal moral agents who could organize and structure their lives according to their own judgment in partnership with others, all of whom, as equally free moral agents, could be bound only by something to which they mutually and voluntarily had agreed.

Consider a few implications of the moral principles presumed in the signing of the Mayflower Compact.

First, the act of drafting and agreeing to a founding compact presumes that each person who is a party to it is both free and responsible: No one may be required to abide by laws to which one does not voluntarily agree. If one does voluntarily agree, then one is responsible for the terms of that agreement and has willingly granted permission to be held to account for them. That reflects their understanding that as persons equally created in the image of God, they meet one another as moral peers: regardless of their wealth, their knowledge or skills, their family history, or their social class, none of them enjoys rights or privileges that all others do not also enjoy.

Thus, each of them is, as we might say, sovereign over his own life and enjoys the maximum scope of liberty that is compatible with the liberty that each of the others also enjoys. This reciprocal liberty entails a responsibility to respect one another's liberty, and their pledge to honor "all due Submission and Obedience" reflects both their moral authority and their willingness to be held responsible for mutual respect of each other's equal moral agency.

Second, the fact that this compact could be binding on them without its having received specific blessing from the king meant that they understood themselves to enjoy what we might call "residual liberty." This is of great importance, and it would become even more important in the subsequent history of the United States. It is not that they enjoy only those liberties specifically vouchsafed to them by their sovereign but are otherwise bound by the sovereign's pleasure and subject to the sovereign's rule. Instead, it is that, having been created as free moral agents by God, they enjoy—by natural *right*—a large and indefinite scope of freedom, except where they specifically agree otherwise.

In other words, the assumption is that one is fully free to lead one's life according to one's own judgment and principles and that no one may limit or interfere with another's enjoyment of a similar freedom—unless one voluntarily agrees to such limits or interference. The scope of each person's freedom is indefinitely large unless, until, and only to the extent that one agrees to limit that freedom.

The idea that all human beings enjoy by natural right this assumption of freedom—what I am calling "residual liberty"—stands in contrast not only to the common presumption at the time, but also to an increasingly common perception today. Consider, for example, the first ten amendments to the United States Constitution, its Bill of Rights. Many today believe that the federal government may engage in any activity it wishes except where specifically forbidden or prohibited by those ten amendments. Rather than recognizing American citizens' residual liberty, this way of understanding the Constitution grants to the federal government *residual authority*: It presumes that the authorities of the government are broad, general, and indefinite except where specifically disallowed.

But this is the reverse of what the Bill of Rights intended. The Bill of Rights was designed instead as a further bulwark against federal power. Not only would the federal government have no authorities beyond what was specifically articulated in the Constitution, but the Bill of Rights would merely emphasize several specific authorities that were included among those indefinitely many that the federal government did not have. The Ninth and Tenth Amendments were added to underscore that the rights and liberties of both the individual states and the citizens

were broad and indefinite, subject only to the expressly enumerated provisions of the Constitution. Properly understood, then, the Constitution and its Bill of Rights recognize and respect citizens' broad, open, and indefinite residual liberty.

Though that recognition and respect might be reversed today—to the extent that the federal government presumes unconstitutional powers and American citizens accede to this usurpation—the Mayflower Compact's recognition of its signers' residual liberty both reflects and gives expression to their moral status as free and equal agents. They had the authority to bring a system of government into existence that would therefore serve their aims, obey their wishes, and respect their rights and delegated authorities. It was thus subservient to them and justified only to the extent that it served their good—in particular by protecting and enhancing their liberty. They therefore did not, and by their principles they could not, serve the government: Rather, the government served them. The government's powers and authorities would be only those specifically granted to it by mutual agreement of its authors, and it could pretend to no other offices or purposes.

The moral vision of the Mayflower Compact would go on to inform the self-understanding of Americans and would become not only a core part of American culture, but also, arguably, a core part of the secret of its success. The idea that everyone is equal in liberty and rights to everyone else, that each person is free to pursue happiness as each understands it, that each is bound to the “just and equal Laws” to which each has voluntarily consented with no one above the law, and that each person is responsible for the decisions and the promises he or she makes—this *spirit of American*

liberty would go on to inform and inspire the American Revolution, the Constitution of the United States, the culture of America, and indeed the identity of Americans.

Though that spirit was only imperfectly realized at America's Founding and indeed remains to be fully realized, it nevertheless stood and continues to stand in stark opposition to much of the rest of the world. Many political societies today presume instead that freedoms are privileges granted or revoked by superiors, not rights claimed as equals; that governments dispense favors and burdens according to their pleasure, not that governments are instituted to protect our equal freedoms and rights; that government power is authorized by the whim and decree of its leaders, not that governments derive their authority from the voluntary and mutual consent of the governed.

The Mayflower Compact does not discuss wealth, prosperity, markets, or trade, so it does not connect its principles of equal moral agency—and the individual freedom and responsibility they entail—to the commercial society America would come to embrace. Yet its principles inspired the founding of the United States as a free republic, and they bear a clear and obvious connection to the system of political economy that would enable America to become the freest and most prosperous nation on Earth—indeed, in the history of the world. Though it has required a Civil War, a hard-fought extension of the franchise, and a civil rights movement to realize its ideals more fully—and yet remains imperfect—its prospects of freedom and opportunity have nevertheless been a beacon inspiring and drawing people from around the world. And in its relatively short existence, its citizens have used their liberty to generate more

real wealth and prosperity than any other country ever has.

Quite an achievement, then, from such a seemingly humble beginning. The small group of intrepid seekers who set sail on the *Mayflower* could not have known or expected that their grueling and perilous journey and the Compact they wrote and signed on November 11, 1620, would pave the way for all that would ensue in the subsequent four hundred years. Yet the hundreds of millions of people who have benefited from their principles and their moral example owe them not only remembrance and recognition, but gratitude. 📌

FURTHER READING

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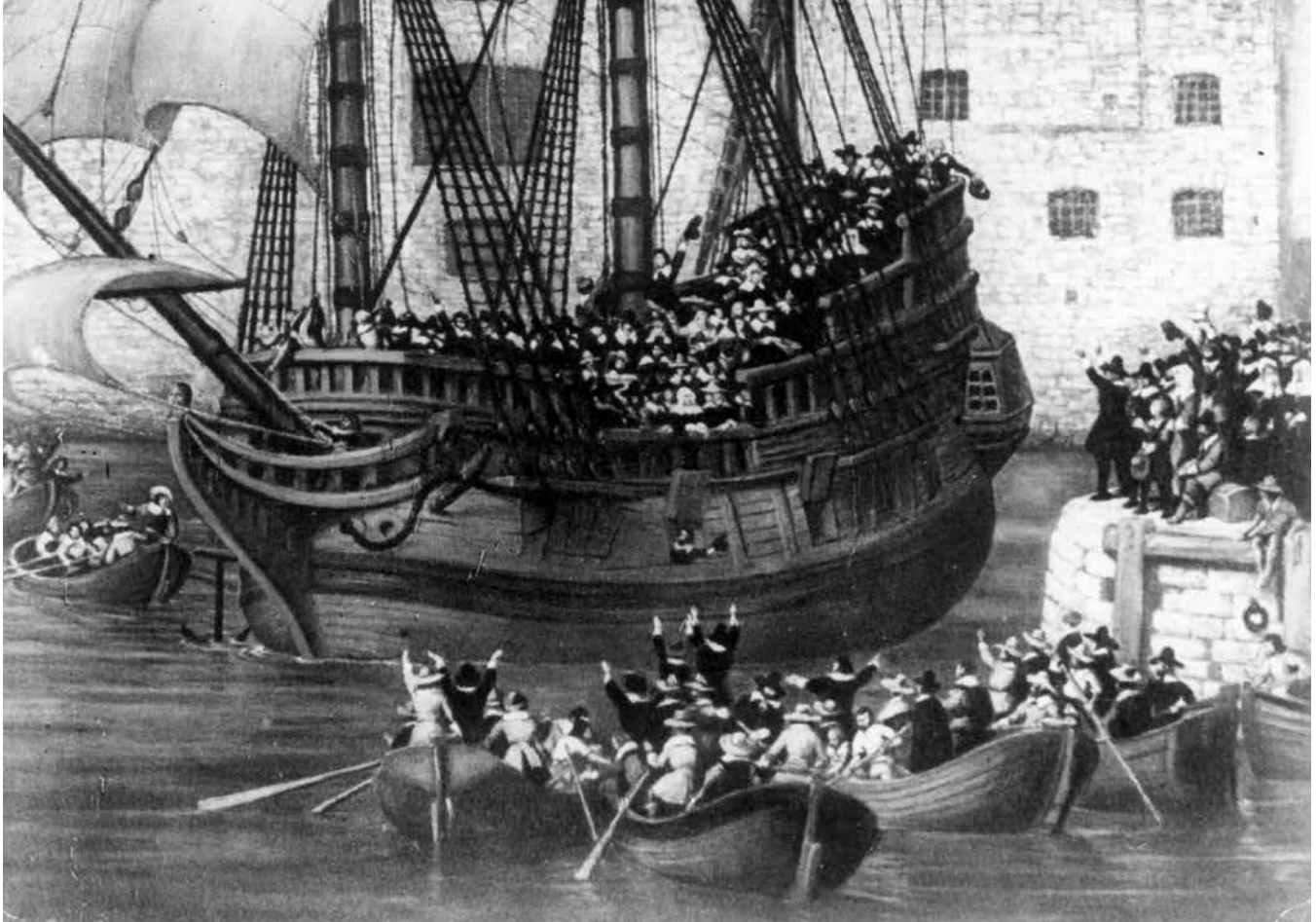
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KEY QUESTIONS

1. What were the Pilgrims seeking in the New World?
2. What ideals were the Pilgrims wanting to serve more faithfully in the New World? Why is the order of these ideals important to an understanding of religious freedom?
3. Describe the principles evidenced in the drafting and signing of the Mayflower Compact. What are the implications of these principles in action?
4. “The moral vision of the Mayflower Compact would go to inform the self-understanding of Americans and would become not only a core part of American culture, but also, arguably, a core part of the secret of its success.” Do you agree with this statement? Why or why not?



A Model for Self-Rule

KEY THOUGHT

Over two centuries before Jean-Jacques Rousseau expressed the idea, the signatories of the Mayflower Compact grasped that “freedom” means not lawlessness, but instead living in accordance with a law that you dictate to yourselves.

KEY TERMS

Separatists: another term for Pilgrims who separated themselves from the Church of England

Strangers: term for non-Separatist passengers who had non-religious reasons for voyage to the New World

Congregational church: a self-governing Protestant church

A Model for Self-Rule

Wilfred McClay, PhD

The Plymouth colony was not the first English colony in the New World. It was not even the first successful English colony. But it may have been the single most important one: important both for the precedents it established and for the legacies it left. There is a strong case that we should celebrate November 11 (or November 21, if the date is reckoned in the Gregorian calendar) of the year 1620—the day that the rugged square-rigger called the *Mayflower* made safe harbor near what is now Provincetown, Massachusetts, as one of the greatest moments in our national story, comparable in its way to July 4, Independence Day, and September 17, Constitution Day.

But let me qualify that statement a little. We think of the Pilgrims as our forefathers, but it's important to remember that the Pilgrims and the other Puritans who settled New England did not imagine that they were establishing the United States of America. Nothing could have been further from their minds. They were doing something entirely different. They were about the business of establishing a place where they could enjoy a pure and uncorrupted church.

The earliest settlers of Virginia had been motivated primarily by material considerations. They mainly wanted exactly what the Spaniards had wanted from their colonial possessions: gold. But the settlers of New England were driven almost entirely by religious zeal. Most of them were Puritans, men and women of a Calvinist religious bent who believed the Church of England had not gone far enough to purge itself of its Roman

Catholic aspects and who despaired of such a cleansing renewal ever taking place in their lifetimes. Hence their decision to emigrate to the New World for a new beginning.

The Plymouth colonists in particular were not only Calvinists, but also Separatists, which meant that they had separated themselves from the Church of England as a hopelessly corrupted body and preferred to worship in independent congregational (meaning self-governing) churches. After 11 years of living in increasingly difficult exile in the city of Leiden in the Netherlands, they secured a land patent from the Virginia Company permitting them to establish an English colony where they could practice their faith freely. That was their dream. Across the ocean they came aboard the *Mayflower* and made landfall at what is today Cape Cod—outside of the Virginia Company's jurisdiction and, indeed, outside the jurisdiction of any known government.

There were clear and present dangers in these unexpected circumstances, and the group's leaders knew it. They were especially worried that the colony might not be able to hold together as a law-abiding entity in the absence of any larger controlling authority. About half of those on board were "Strangers," the Pilgrims' term for non-Separating passengers who had non-religious motives for making the trip but whose skills and labor were going to be essential to the colony's success. Some among the Strangers had indicated that because the colony was being planted outside the reach of the royal charter, they might feel free to go their own way and "use their own liberty," as one of

them said, “for none had power to command them.” This was a frightening prospect. What were the Pilgrim leaders to do?

In response, they drafted and signed on that day in November a short document they came to call the Plymouth Combination (the name “Mayflower Compact” would not be applied to the document until the 1790s). In that document, they committed themselves to “covenant and combine ourselves together into a civil body politick” and committed themselves to obey any and all laws and authorities that would be established thereby.

This would turn out to be one of the most important constitutional moments in history, one that established the principle of self-rule that would become the heartbeat of the American Republic and its free institutions. Over two centuries before Jean-Jacques Rousseau expressed the idea, these Pilgrim settlers had already grasped that “freedom” means not lawlessness, but instead living in accordance with a law that you dictate to yourselves.

As inauspicious as this event was at the time, then, taking place so far away from the awareness of the world’s centers of population and civilized life, it proved to be a crucial milestone in the development of self-governing political institutions. The signatories were following the same pattern of self-government that New Englanders would use in organizing their churches. Just as in the Congregational churches ordinary believers came together to create self-governing churches, so with the Mayflower Compact a group of ordinary people came together to create their own government and in doing so asserted their right to do so.

What made these developments even more astonishing was that they amounted to a real-world dramatization of the theory that civil

society was based upon a “social contract” among its members. Here was a case where a group had actually done it—and they did it years before the theoreticians, such as Thomas Hobbes and John Locke, had gotten round to formulating the idea systematically. Not to mention doing it a century and a half before the Declaration of Independence, which proclaimed that governments “derive their just powers from the consent of the governed” and that “it is the Right of the People to...institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

But now, having pointed out this amazing connection, let me refine it in some important ways. First, and most important, this agreement aboard the *Mayflower* was not something being fashioned in a pre-political and pre-cultural “state of nature” such as would later be imagined by Hobbes and Locke and Rousseau. All we have to do is look closely at the document itself to see that.

It begins with the words “In the Name of God.” It proceeds to identify the signatories as “Loyal Subjects of our dread Sovereign Lord King James.” It identifies their voyage as having been undertaken “for the Glory of God, and Advancement of the Christian Faith, and the honor of our King and Country.” It identifies the signatories as endorsing the agreement “in the Presence of God and one another.” And it proposes the goal of framing “just and equal Laws” that promote the “general Good of the colony.”

In other words, this agreement was borrowing at every turn from the religious, political, legal, and cultural practices of contemporary England. It wasn’t starting entirely fresh—not at all. It was building on deep and firm foundations. And even when

the Declaration of Independence appeared on the scene, it drew not only upon the theories of John Locke—which it most assuredly did—but also upon the same reservoir of experience, the sum total of 150 years of the American colonial experience of self-government: in Massachusetts, in Virginia, in Pennsylvania, in all the original colonies.

Let me make one other point. Let us not forget the sheer courage that the Pilgrims showed in their undertaking, the astonishing depth of their commitment to their faith. When they landed at Cape Cod, they might as well have been landing on the surface of the moon. Surely there must have been some among them who quaked a bit, silently and inwardly, and wondered for a moment whether it had not all been an act of madness rather than faith that carried them so far away from all they had known into the terrors and uncertainties of a strange and forbidding land.

Some of what they must have been feeling was well expressed by William Bradford, who led the Pilgrim settlers when they arrived at Cape Cod:

Being thus passed the vast ocean, and a sea of troubles before in their preparation...they had now no friends to welcome them, nor inns to entertain or refresh their weather-beaten bodies, no houses or much less towns to repair to, to seek for succor....And for the season it was winter, and they that know the winters of that country know them to be sharp and violent, and subject to cruel and fierce storms, dangerous to travel to known places, much more to search an unknown coast. Besides, what could they see but a hideous and desolate wilderness, full of wild beasts and wild men? and what multitudes there might be of them they knew not. Neither could they, as it were, go up to the top of Pisgah, to view from this wilderness

a more goodly country to feed their hopes; for which way soever they turned their eyes (save upward to the heavens) they could have little solace or content in respect of any outward objects. For summer being done, all things stand upon them with a weather-beaten face; and the whole country, full of woods and thickets, represented a wild and savage hue. If they looked behind them, there was the mighty ocean which they had passed, and was now as a main bar and gulf to separate them from all the civil parts of the world....What could now sustain them but the spirit of God and his grace?

What indeed but their religious faith could have sustained them, just as it had propelled them across the seas?

And yet...let us not forget that the Mayflower Compact did not establish a theocracy. Yes, its language was ringed about by Christian imagery and assumptions, and those images and assumptions are of central importance. Yes, the Pilgrims' religious faith was the thing that drove them across the seas in search of a better and more faithful way of life. But in the Mayflower Compact, the Pilgrims wisely chose to establish a government based on civil agreement, not on compulsory divine or Biblical authority. Such an arrangement was designed to embrace and include the Strangers, those who were not members of the church but whose contribution to the life of the colony was understood to be essential to its success.

Much would be learned in the nearly two centuries of British North American colonial life, and much of what was learned came out of this same kind of interplay between high hopes and hard realities. Above all else, what was being learned in the English colonies was the habit of self-rule, developed in the lives of free colonists who were too distant from their colonial

masters to be governable from afar. The example of the Mayflower Compact can thus serve as a model for all that was to come: a free people coming together

under God and by their own initiative establishing the institutions by which they would rule themselves. May we continue to look to that model and that example. 📌

KEY QUESTIONS

1. According to the author, what was the major reason for the Pilgrims to come to New England?
2. The Pilgrims worshipped in independent congregational churches. Why do you think this practice was so important to the development of the new colony?
3. The Pilgrims created a social contract in the signing of the Mayflower Compact. According to the author, why is this such an amazing feat for its time?
4. Despite their religious convictions, the Pilgrims based their government on civil agreement not on biblical authority. What was their reasoning behind this decision?
5. According to the author, the “Mayflower Compact can thus serve as a model for all that was to come: a free people coming together under God and by their own initiative establishing the institutions by which they would rule themselves.” Do you agree with this statement? Why or why not?



Self Governance, Mayflower-Style

KEY THOUGHT

The rebellion of the American colonies is often thought to have borrowed much of its intellectual firepower from the European Enlightenment's theoretical banishment of hierarchy. Perhaps, but the dismissals of hierarchy that were matters of political theory to Enlightenment Europe had been matters of practice to Americans since 1620.

KEY TERMS

hierarchical: an ordered ranking established by societal criteria

traditional: part of long-established habits or customs

local: maintaining identity separate from larger whole

Self-Governance, Mayflower-Style

Allen Guelzo, PhD

The Mayflower Compact is the shortest of all great American political documents: just 195 words, far shorter than even the Gettysburg Address. That is not necessarily unusual, since it is not a legal declaration or a set of statutes; it is more nearly akin to the preamble to the Constitution, since it simply pledges that “for our better ordering, and preservation,” the colonists whom the *Mayflower* had brought to the coast of New England “enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony,” to which the signatories pledged “all due submission and obedience.”

What is remarkable about the Mayflower Compact is not that it says so little, but that it should have existed at all.

The political world of the *Mayflower* Pilgrims—the world, in other words, of the English 17th century—was not significantly different from what had prevailed in England for a thousand years. It was *hierarchical* in that it envisioned an ordered society of kings, nobles, and commoners; it was *traditional* in the sense that it was largely governed by the proverbial wisdom of common law; but it was also *local*, since the English thought of themselves less as a single nationality and more as a composite of local identities. There was no central army, no regular system of direct taxation, and when it was argued that “among transitory things we are principally bounde to our native country,” the English meant by “our native country” Kent or Suffolk or Yorkshire and not just

any ordinary English environs. There were 122 peers of the realm, 36 bishops, and 1,500 knights, but it was the 10,000 or so local gentry who mattered most within each county community and who gave *hierarchy* its practical meaning.

The *Mayflower* Pilgrims may be said to have taken localism to a point beyond that which most of their contemporaries understood the concept to go. They were Protestants in an officially Protestant realm and, by simple definition as subjects of that realm, members of the national Protestant church, the Church of England. But like so much else in English life, the Church of England was itself a highly localized affair. A bishop in one diocese might be an ardent Calvinist after the model of the Reformation in Geneva, while another in another diocese might entertain a Protestantism of a more High Church order. “Nowhere else in early modern Europe within a legally established Church,” wrote the great ecclesiastical historian Patrick Collinson, “was so much collective religious consciousness and behavior conditioned not by regulation but by a more or less spontaneous consensus of private men, the religious public themselves.”

However, even that amount of ecclesiastical localism was unacceptable to the Pilgrims: They defined the ideal Protestant church purely as a congregation, which is to say an entirely voluntary—and therefore entirely local—assembly bound together by covenants made between people who knew and who could vouch for each other’s true dedication to the Reformed faith. As New

England's most magisterial early historian, Cotton Mather, wrote, "they did like those *Macedonians* that are *therefore* by the Apostle Paul commended, *give themselves up, first unto God, and then to one another.*"

The arrival of the Pilgrims "in a good harbor" in New England on November 11, 1620, and their subsequent planting of a settlement that they named Plymouth was not as easy a task as it appeared. They were three thousand miles away from anything that looked like Europe, and there were no peers, no bishops, no knights, and no gentry to call upon for direction and succor.

No matter: They were used to taking charge of their own affairs and the *general good*, and with only the most token acknowledgement of the king of England, that is precisely what they proposed to do. They made an unusually cooperative bargain with the local Wampanoag tribe which got them—barely—through the harshness of their first year at Plymouth. They invented a local government based on an elected governor (William Bradford), a council of Assistants, and a larger General Court. And when they thought about political authority, they found it in themselves. "No imposition, law or ordinance can be made or imposed on us," they concluded in 1636, "but such as shall be made...by consent." They were used to covenanting with each other in religion; they did so in politics as well.

In so doing, they were part of pattern which made the English-speaking settlements that followed them very unlike the hierarchical and traditional world they had left behind. England was a world of functionaries and peasants; the American colonies were a population of artisans and yeomen, owning their own land and creating their own self-governing assemblies in their own

settlements without much of a by-your-leave to the imperial establishment in London.

By the time we strike the mid-point of the 18th century, something like English gentrification is beginning to make its first appearance; and perhaps, if those settlements had followed that arc of development undisturbed for another century, America might indeed have come to resemble at last the hierarchy of old England. Instead, the colonies erupted into rebellion, and a rebellion which borrowed much of its intellectual firepower from the Enlightenment and the Enlightenment's banishment of hierarchy in physics and in political theory—except, of course, that dismissals of hierarchy that were in Enlightenment Europe matters of political theory were simply, to Americans, what they had been practicing all along since 1620.

Many years after the Revolution, a curious chronicler pressed one of the militia captains who had fought the British infantry at Concord for the reason why: "Young man," replied Levi Preston of Danvers, "what we meant in going after those Redcoats was this: we had always governed ourselves and we always meant to."

There is a bright line between the Mayflower Compact and Captain Preston. It was a bright line that reached beyond to Alexis de Tocqueville's astonishment at the vitality of America's voluntary societies, still compacting together to do for themselves what distant authorities had no interest in doing. It is a bright line that today connects to our neighborhoods, our corner churches, our PTAs, our Fourth of July committees. It is a bright line that has at its core religious self-determination—the conviction that what one does and says in communion with one's God is a matter of one's own concern and does not belong to the oversight of other authorities.

Wrapped around that core is the understanding that one's relationship with others must be defined and restrained by law, but law arrived at by common consent, and that "just and equal laws" will foster the free exchange of what ensures "our better ordering, and preservation."

Our world today is infinitely more complicated than the world of the

Pilgrims, and so much so that we are now frequently tempted to turn back and seek shelter in newer, more totalizing forms of hierarchy—only to discover that shelter of that sort comes at the price of self-government. But through the murk and confusion of our times, the bright line drawn from the *Mayflower* still pierces the clouds and continues to draw us forward today. 🏰

KEY QUESTIONS

1. Describe the political world of the Pilgrims in terms of hierarchy, tradition, and locality.
2. How was the Church of England more "local" than other established churches in Europe during the 17th century?
3. According to the author, the Pilgrims' localism was even deeper than the Church of England's. What were the effects of this localism on Pilgrims in the New World?
4. According to the author, "there is a bright line between the Mayflower Compact and Captain Preston." What is the bright line? Provide some examples of the bright line from the article and your own experiences in American political life.
5. The author claims that "the bright line drawn from the Mayflower still pierces the clouds to draw us forward today." Do you agree with this statement? Why or why not?



The Roots of America's Economic Greatness

KEY THOUGHT

The Mayflower Compact contains a presumption of freedom, a disinclination to accord privileges to anyone by reason of birth, and a commitment to the rule of law. Taken together, these elements had profound significance for the economic development of the young colonies.

KEY TERMS

Strangers: mixture of merchants, craftsmen, indentured servants, and adventurers who accompanied Puritans to the New World

indentured servants: men and women who agreed to work for a specified number of years for passage to the New World

King James I: King of England from 1566 to 1625 who commissioned the King James Version of the Bible for the Church of England.

Puritans: English Protestants who sought to purify the Church of England of Catholic influences during the 16th and 17th centuries

shares: units of investment in a company that provide dividend of profit

The Roots of America's Economic Greatness

Samuel Gregg, PhD

Great things often have humble beginnings. Today's American economy is one of the wonders of the world. It is grounded upon political, institutional, and property settings that have helped take and continue to take millions of people out of poverty at one of the fastest rates in history. Yet some of the roots of these settings precede the Declaration of Independence and, at least in terms of American history, stretch back to a small group of English migrants who travelled to the New World in search of freedom in the early 17th century.

Of the 102 passengers on the *Mayflower* ship who eventually established the Plymouth Colony near modern-day Cape Cod, 41 were devout Puritans. Their priority was to seek and establish conditions in which they could practice their faith freely in a world in which religious liberty was hard to find. But who were the other 61 passengers?

They turn out to be a quite different group. It consisted of a mixture of merchants, craftsmen, indentured servants, and assorted adventurers. They were called "Strangers" by the Puritans, perhaps because they were particularly preoccupied with seeking their fortunes and improving their economic conditions. Religion was important to the Strangers, but the business and benefits of trade and commerce were also very much on their minds.

The story of the political significance of the governance arrangements initially established by the Plymouth Colony is well known. Less attention has been given to the economic implications of how the

colony came to be and its first constitutional document, the Mayflower Compact.

Expressions like "money," "property," "finance," "profit and loss," "exchange," "business," and "commerce" do not appear in the document's 195 words. That helps to make it easy to forget that there was a strong economic dimension to the whole Pilgrim story—one very much underpinned by the pursuit of profit.

It is worth noting, for instance, that the Mayflower voyage was financed by the Company of Merchant Adventurers of London. Founded in London in the early 15th century, it was a trading company in the export–import business. By the early 17th century, it was seeking out new markets in the Americas.

Something like £1,600—a considerable sum for the time—was invested in this enterprise by the Company. Financially speaking, the investment was organized into shares, each worth about £10. The expectation was that all of the colonists would pay this money back over a seven-year period. As if to incentivize the colonists, all adult colonists were given one share each and even the option to buy large amounts of shares in the future. Certainly, the voyage of the *Mayflower* was underpinned by deep religious commitments, but it was also fueled by capital and the ambition of many for economic gain.

After its formal founding, the Plymouth Colony initially consisted of a mixture of private and communal property arrangements. Within

three years, however, the latter had been abandoned as a result of recognition and experience of the negative effects of collective ownership. Instead, the colonists focused on reaping the rewards of their own labor. Incentives, it turns out, are important.

What is significant, however, about the Mayflower Compact is that it helped to begin the long process of implanting political and legal institutions that would be indispensable for economic development in North America.

One of the most important of such institutions was rule of law and equality before the law. Much of the first part of the Mayflower Compact involves affirming that the colony did not harbor the desire to break away from Britain. For all of their disagreements with King James's religious policies and his unwillingness to tolerate any dissent from the doctrines and ecclesial structures of the Church of England, the colonists emphasized that they remained "Loyal Subjects" of the monarch.

At the same time, the Compact also reflected an effort to establish a society from the bottom up, insofar as the colony's political arrangements would be based on the mutual agreement of all adult men of the colony rather than political structures determined by the king or the government in London. That was in itself a rare act of freedom. While it reflected a desire to create something obviously shaped by particular religious and political traditions, the same act of liberty was designed to bring into existence a society different from the world from which they had come.

We find some of this in the reference in the Compact to "just and equal Laws." This is one of the most important expressions in the Compact. Among other things, it indicated that everyone had the same rights and

responsibilities. This was different from the social, political, and economic circumstances then prevailing in the British Isles. Throughout England, Scotland, and Ireland, specific groups of people, most notably the nobility and clergy, enjoyed particular political, legal, and economic privileges by virtue of their social standing or background.

By contrast, there is no mention of aristocracy or any other legacy of feudalism in the Compact. For the time, this was extraordinary. One of the many effects of this was to provide space for people to exercise initiative and be creative, including in the economic realm, uninhibited by some of the social and legal structures that prevailed in England, Scotland, and Ireland at the time.

Here it is also worth stressing that the Compact envisages that restrictions on the exercise of such freedoms are those that are mutually agreed upon by the self-governing members of the colony—"the civil body politic." Obviously, those signing the Compact would have assumed that the moral teaching and norms contained in the Hebrew and Christian Scriptures would guide the choices and actions of members of the colony. But everything else—"Ordinances, Acts, Constitutions, and Offices" considered "convenient for the general Good of the Colony"—had to be decided upon and approved by those who belonged to this new political community. This ensured that any limits on the exercise of economic freedom were not being dictated from the top down. Rather, the authority to regulate such liberties was based upon the consent of the governed.

All this may seem rather basic to us today. It is also at some remove from the more sophisticated economic concepts that emerge from the United States Constitution and authoritative explanations of that document

that we find, for instance, in the *Federalist Papers*. Yet absent the framing ideas noted above, the economic arrangements that came to prevail in America might have been very different. They add up to a presumption of freedom in the absence of any previously agreed upon constraint, a disinclination to accord privileges to anyone by reason of birth or caste, and a commitment to rule of law. Taken together, all of these elements have not only immense political implications, but also profound significance for economic life.

One way to understand this is to compare the background assumptions and ideas of the Mayflower Compact with the types of political and economic arrangements that were being created in other parts of the Americas at the time.

In the regions of North, Central, and South America settled by Spain and Portugal, the political links between the colonies and the mother country were more direct and far less decentralized than those in the English settlements that were established along the North American coastline. This was expressed in the fact that the authorities appointed by Madrid and Lisbon to oversee Spanish and Portuguese territories generally possessed far more power that was relatively unchecked by any representative bodies of Spanish and Portuguese colonists.

Indeed, the whole pattern of political authority that was developed from the very beginning of Spanish and Portuguese colonization from the early 16th century onward was one of continual efforts to consolidate royal power over their colonial empires. As colonial expansion continued in these parts of the world, so too did the presence and scope of government power—even to the point whereby Madrid and Lisbon consciously expanded the number of royal authorities in the colonies in order

to try to stop any one royal official or institution in the colonies from attaining too much power. In other words, power and authority emanated from the top down rather than from the bottom up.

Though distance meant that there were some intrinsic limits to how centralized control could be exercised from Europe, these arrangements meant that people in Spanish and Portuguese America were inclined to look to the state—whether colonial officials or those serving in high office in Madrid and Lisbon—for direction and permissions. This also had implications, however, for how people thought and acted economically. Not only did this mean that decisions were often delayed; it also meant that government authorities became the focus of a great deal of decision-making rather than people acting on their own initiative. Such arrangements also lent themselves to colonialists being oriented toward acquiring legal privileges as well as acerbating tendencies to corruption.

Throughout the 17th century, some of these ties became looser as more people who were born in the colonies and whose interests did not always coincide with those of Madrid and Lisbon began to enter and staff the ranks of the colonial bureaucracies. The reaction of the crown was to expand the number of officials directly responsible to it in order to resist and reduce any tendencies to decentralization. Eventually, this proved unsustainable. Like Britain's colonies, those of Spain and Portugal would seek and attain their independence. But the imprint upon much of Latin America of this pattern of political organization, many would argue, remains today, particularly the top-down rather than bottom-up emphasis and the tendency to look to the state and government officials for economic answers and direction.

The difference between this political and economic model of colonial development and that inaugurated by the Plymouth Colony and given embryonic structure by the Mayflower Compact is stark and telling. This is not to suggest that the comparatively better economic conditions that have long prevailed in the United States compared to those of most Latin American countries owe everything to these very different starting points. Many other intervening factors played a role and help to explain the differences.

Foundations are, however, very important. The political community envisaged by the Mayflower Compact plainly had import for what emerged in July 1776 and became consolidated between 1787 and 1789. But commemorating that same Compact is also an occasion for remembering some of the origins of the United States economy and how

those roots contributed to making it a beacon of economic freedom and opportunity for the rest of the world. 📖

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KEY QUESTIONS

1. What was the primary purpose of the voyage of the Mayflower?
2. Describe the categories of passengers who came to the New World on the Mayflower.
3. Why did the colonists create the Mayflower Compact?
4. What political and economic concepts does the Mayflower Compact establish and reflect in the American colonies?
5. How do the concepts found in the Mayflower Compact factor into the differences among Spanish, Portuguese, and American colonies?
6. According to the author, the Mayflower Compact contributed to making the United States “a beacon of economic freedom and opportunity for the rest of the world.” Do you agree with this statement? Why or why not?



The Foundation of Property Rights, Liberty, and Prosperity

PANEL DISCUSSION

A Conversation with Paul Winfree, Samuel Gregg, PhD, and James Otteson, PhD

PAUL WINFREE: The Mayflower Compact is only 195 words and reads more like a preamble than an organizing document like the U.S. Constitution. That said, it does speak to the importance of organization: Namely, they needed to depend on one another in order to survive. The Pilgrims and Strangers were in fact going into a new and remote

land where success was not inevitable. A successful economic system was critical to their survival.

As you mentioned, Sam, the Pilgrims and Strangers were not trying to create a new society out of whole cloth. Rather, they were bringing tradition with them. How

important does each of you think that economic freedom and property rights were to establishing a successful presence in the New World?

JAMES OTTESON: I think it was critically important, but one of the things that's really striking when you look back at the Mayflower Compact, and especially when you think about it in its time, the very fact that they sat down and wrote an agreement and all voluntarily decided to sign it. This implicitly assumes some pretty momentous things.

First of all, they saw themselves in an important moral sense as equals. They were debating with one another, and they had, they thought, the right to actually create an agreement. Although they acknowledged the king, they didn't ask him for permission to sign it. They signed it as peers and equals. All of that assumes that they are not only moral equals to one another, but they're also capable of understanding what an agreement is. They're capable of understanding the obligations that this placed on themselves and that these are enforceable obligations.

Another piece of it that I would point out, and I think this follows from what Sam said, is that the argument is not that we're imposing this by force. It's rather an argument by appeal to reason, and their reason presumes free will. Those two things go hand in hand. So sometimes when we think about tradition or we think about a moral tradition or a religious tradition, we sometimes think about it as imposing constraints on people—that maybe they're not allowed to make certain kinds of agreements or come to certain kinds of conclusions on their own, or maybe there are some aspects of dogma that they have to accept without reasoning.

I think the Mayflower Compact actually belies all of that. It says no, each of us is made

in the image of God. Part of what that means is, we are free to say yes or to say no, and all of us have the capacity to reason about what would be the kinds of rules we think we should adopt so that we can mutually pledge ourselves, individually and in community. All of that, I think, is encompassed and reflected in that very short Mayflower Compact.

SAMUEL GREGG: The only thing I'd add to what Jim just said is, this word "tradition." This is quite important because the Pilgrims and those who are with them, the Strangers, are not operating in an ahistorical framework. They're bringing with them a tradition which takes reason and free will very, very seriously. That's partly a religious influence, obviously from Christianity: the idea of the Imago Dei, which Jim just mentioned. But they're also bringing a history: a history by which the people or peoples of the British Isles had developed customs and traditions in which these expressions of liberty had become embedded in a way. And let's not forget that they're leaving a situation where they found some of those liberties, particularly religious liberties, threatened.

The second thing I'd quickly add is that liberty has a way of breeding other forms of liberty. If you take things like religious liberty relatively seriously, which I think is part of what they're doing here, it's very hard to confine that appreciation for the importance of freedom simply to questions of faith. It spills over into questions of politics and economics. So things like property rights, things like rule of law, which we know are very important for economic development—that is part and parcel of the assumptions that these people are bringing with them. And as I said, I think it helps to explain why the development of much of North America was very different from what you saw happening south of the Rio Grande.

PAUL WINFREE: There are a number of concepts that you both mentioned that are not explicitly listed in the Mayflower Compact, but that we can still gather from studying the Mayflower Compact. Again, there are these traditions that the Pilgrims and the Strangers brought with them to the New World: for instance, the importance of free will and the ability to freely contract. Can you both speak to this issue of things that were important to the founding institutions that the Pilgrims and Strangers brought with them but are not explicitly referenced in the Mayflower Compact?

JAMES OTTESON: I think that's crucially important. I think what we're seeing there is a transition from a society based on something like status to a society based on something like contract, and that's a very important distinction. What they were leaving was a society that was still very much largely based on your status, so the rights and privileges you enjoyed as a subject of the Crown were determined and limited to a large extent by the particular class in which you lived, and different rights and privileges were accorded differently according to which class you were in.

What we're seeing here in the Mayflower Compact, and what really did begin to propagate its way in North America in particular, was this idea that anyone is equal to another when they enter into an agreement. We can specify what particular rights or privileges we would like to feel ourselves obligated by, or obligate others to, within the realm of a contract or an agreement, and that's binding. But what stands behind that?

I think what stands behind that is a conception of the human person as being the bearer of rights from God, but the

bearer of rights that are not dependent on the whim of the king or the class in which you live. In other words, they precede the state. They are part of us as human beings in the image of God. These are rights and freedoms connected with the free will that you were just mentioning, Paul, but these are rights and freedoms that we have as human persons. So, qua human being, we have these rights, and those are what enable us to meet each other as peers and to come to agreements as peers.

SAMUEL GREGG: Yes, I think that's so true. The other thing I would add to this is that there is an implicit assumption that's built into the Mayflower Compact, which is only still being worked out in England itself. Remember, we're talking about 20 years before the English Civil War, which is an epoch-changing event for Britain.

What's interesting about 1620 is that there is this assumption at work in the Mayflower Compact of limited government, that the government, that the political order is not there to tell you what to do in every aspect of your life, that there's this notion of government, both politically and economically. There's also, I find, a fascinating part of this in the sense that the Mayflower Compact doesn't get into all the details of how you organize government. In other words, there's a fair amount of freedom that's been implicitly recognized in this document about how this new political order that's taking place here is going to develop.

And what's interesting is that on the one hand, it reflects these religious and traditional assumptions that are coming from Western Europe. But it's also a society where they're clearly viewing things as being built from the bottom up, and that's crucial. Moving beyond the political implications, you don't want an economy in which the state

is somehow trying to organize everything in a particular way, which is what you found in much of Spanish America, for example. Instead, you have this bottom-up process.

That is one of the major differences today that marks what you might call the American outlook upon political economy as opposed to much of the outlook on political economy that you find in continental Europe, which even in relatively free societies is very much driven from the top down: There are people there who will organize these things for you. The Mayflower Compact articulates implicitly a very different understanding of how the society, the economy, and the political order are going to develop, and it's not top-down. It's bottom-up.

JAMES OTTESON: I could just add one footnote to that. I think there's a very important point that's easy for us to overlook today, and that is what's going on in the Mayflower Compact. What's reflected in that is the idea that we not only have the freedoms that are specifically enumerated, but rather we have wide, indefinite freedom except where specifically prohibited. That's a very different way of looking at the world.

In other words, human beings are by nature free, and that implies an indefinitely wide space to do many things, including economic and other things. The only places that they're not free are the ones where they specifically agreed to limit themselves rather than the other way around, which is how we often tend to think of it. I think, in the United States context, we often think of, say, the Bill of Rights as enumerating our only freedoms, as if we're not free in any other way except those few things that are specifically enumerated. This flips that script and says, no, it's just the reverse. We're free in all the ways that are not specifically prohibited.

PAUL WINFREE: The New World was a resource-rich environment. Sam brought up a couple of instances where there were less successful colonies, in particular, in Spanish America. Were there any other trials or colonies even by English folks in the New World that weren't as successful as what was going on in Plymouth?

JAMES OTTESON: I think one of the great examples—Sam is quite right to talk about the different trajectories that were taken by North America on the one hand and its antecedents on the other hand, what went on largely in Central and South America. I think that's very instructive and illuminating. But even in North America, there were some interesting experiments that were undertaken.

The Jamestown Colony, for example, which was initially founded in 1607, was founded as a commune. All the property was explicitly held in common. There was no private property. Instead, the rule was that whatever was produced would be shared equally among all of the households that were part of that commune.

What happened in the first year? More than half of them died from starvation. They were replenished with more people after that, and again, more than half died the next year by starvation. Just think about that. This was in Jamestown. There was plentiful fauna and flora, fish in the ocean, and other resources. How could people possibly starve with such richness of resources?

Well, it turned out that people didn't like the idea of tending other people's gardens. In other words, they didn't like the idea that no matter how hard I worked, or didn't work, I would still get the same. And if I worked extra hard, I didn't get anything more than anybody else. So they just decided not to

work. They didn't plant. They would only eat what they could catch and eat at night. Then what happened? Well, in 1614, seven years later, Governor Thomas Dale finally had enough of that, and he said, we're going to scrap this experiment, and we're going to assign to each household three acres, and the three acres are yours. Do with it what you want. Good luck!

The very first year of that, the very next season, their production increased seven times. It was a sevenfold increase. Maybe today that shouldn't surprise us, but it's exactly those kinds of experiments that have been run again and again, and thankfully, in the North American tradition, we learned that lesson.

SAMUEL GREGG: We have another example of a very different approach, which is French North America right up in Canada, in Quebec. And what's interesting about that is that it's a very different type of settlement. It's not a group of free people coming over and arranging a compact by which they make all the decisions that we've talked about and where freedom is taken for granted. It's very much a colony that's run along mercantilist lines. It's a colony that's run, in some respects, along highly militaristic lines. It's a colony which, more or less, was ruled as closely as possible from Paris.

I think that's one of the reasons why you see this tremendous economic development happening in the English colonies in North America and Quebec lags a long way behind by the time of the Battle of the Plains of Abraham (1759). It's a very good example of how, if you found something in its roots that takes freedom very seriously, you are going to see some very serious differences in economic development compared to those colonial arrangements, those militaristic, those mercantilist arrangements in which

the state plays such an enormous role. The first type, a political economy that takes freedom very seriously, tends to flourish. The other one, not so much.

PAUL WINFREE: Living in this wealthy world that we live in today, it's easy to take economic growth as an inevitability. But it's these institutions like economic freedom, property rights, the ability to freely contract, and free will that are so critical not only to establishing different growth paths in our history, but also in what's going on right now all around the world. Countries that have good institutions seem to be better off. They have free people, happier people, and countries that have less free institutions are just not doing as well.

I have one more question for both of you. There is this mythology surrounding the Mayflower Compact where a number of people, including former President John Quincy Adams, have used the Compact to build a narrative that's sometimes ahistorical. James Wilson used the Compact during the French Revolution to show how the U.S. Founding was dissimilar to what was happening in France at the time. Why might that have mattered for what was going on in the U.S. immediately following the American Revolution, and why the desire to show that what was happening in the U.S. was different from what was going on in France at the time?

JAMES OTTESON: I will let Sam have the final word on this, but I'll just say one thing about it. I think one of the key distinctions between the French Revolution—there are many—but one of the important distinctions between the French Revolution and the American Revolution was the conception of what do we take these individual people who are conducting the revolution to be, and what's their relation to the state? In

the American case, these were sovereign individuals. These were full and whole souls. They were complete persons. They had rights that they bore not as given to them by the state, but by virtue of their nature. What that meant was that this was a revolution of free people to create a republic of free citizens.

That's a very different way of thinking compared to the French Revolution, where of course there are many differences, but in general, what you had were leaders who want to create a state that will organize their entire society from the top down or the center out, and then all of the people in the society are mere pieces to be built into this larger whole. That's a very different conception. Thinking about the way we understand ourselves and our role with respect to each other, the citizens and also to our government—that goes a long way toward explaining the very different trajectories that those two revolutions took.

SAMUEL GREGG: There is something that I think complements what Jim just said, and it's this: The American Revolution, it's important to keep in mind, was in many respects a defense of what the American colonists believed to be things that they already had—certain rights, certain understandings of who they were, certain political entitlements that they thought they already had, and even some economic rights that they believed that they already had. And they saw themselves as defending these things, these rights of Englishmen as they're often called, against a government that they believed was hell-bent on overturning these things.

In France, it was very different insofar as it's really an attempt almost to create a new man: a new man in a new society. It's not a sense of defending long-acquired traditional rights that emphasized freedom. It's really

about creating an entirely new society, and anything that gets in the way of that, whether it's the Church, whether they're local associations, whether it's a strong, civil society—all of those things were not looked upon kindly by the French revolutionaries. They saw those things as getting in the way of creating almost a type of utopia.

So in that sense, you can almost say that the American Revolution in some respects is about conserving many of these long-acquired rights, some of which are expressed in the Mayflower Compact, in contrast with France, where it's about constructing a new man, a new society. When governments get in the business of trying to create new societies, let alone an entirely new conception of who human beings are in which human nature plays no role whatsoever, then it's not surprising that you end up with the guillotines, you end up with repression, and you often end up with war.

PAUL WINFREE: Sam, Jim, thanks so much for joining us today, and a happy 400th anniversary to the Mayflower Compact. 🇺🇸



RELIGIOUS FREEDOM



Resisting the Leviathan

KEY THOUGHT

The Mayflower's passengers introduced to the West an unprecedented experiment in consensual government involving not a monarch but individuals acting on their own initiative.

KEY TERMS

Leviathan: a term used by Thomas Hobbes to describe absolute sovereignty

Saints: another term for the Protestant Separatists (commonly referred to as Pilgrims) seeking freedom of worship outside the Church of England

Strangers: people from the middle and lower classes of 17th century English society that accompanied the Pilgrims on the *Mayflower*

Resisting the Leviathan

Joseph Loconte, PhD

In his famous *Leviathan*, the 17th-century theorist Thomas Hobbes argued that members of a political society should submit themselves to a sovereign authority to preserve their lives and security. Without an absolute ruler, Hobbes warned, life would be “solitary, poor, nasty, brutish, and short.” Four hundred years ago, on November 11, 1620, a small group of zealous Puritans washed ashore near Cape Cod, Massachusetts, and would prove him wrong.

To be sure, for the 102 men and women who traveled from Europe on the *Mayflower*, the world they encountered looked like a Hobbesian nightmare. William Bradford, who later became governor of the colony, described “a hideous and desolate wilderness.” The first bitter winter brought death—from disease, malnutrition, and exposure—to more than half of the company. Without help from the area’s native people, the Wampanoag, probably none of the colonists would have survived.

There were also threats from within: Only 41 of the company were Protestant Separatists or “Saints,” those fleeing religious persecution and seeking freedom of worship outside the Church of England. The remainder, called “Strangers,” were a mix typical of the middle and lower classes of 17th-century English society. Many came for purely commercial reasons; others may have been trying to escape their pasts. One of them, John Billington, became the first colonist executed for murder.

The long, miserable journey across the Atlantic did not create a unified body of pious

believers. Bradford saw trouble brewing when “several strangers made discontented and mutinous speeches.” Because they had landed hundreds of miles north of their destination in Virginia—outside of the territory under charter by King James I—the colonists did not have a clear understanding of what laws would guide them. They faced the real possibility that factionalism would destroy their community.

Yet their differences impelled them to reach for a radical solution to hold the company together. The *Mayflower* passengers decided that their freedom and security would not depend upon an all-powerful Leviathan. It would depend upon their ability to govern themselves, to submit to laws that they themselves had written. The Mayflower Compact, signed on November 11, 1620, broke ranks with English political theory and practice, in which unelected monarchs issued decrees and ruled by divine right.

The *Mayflower* Pilgrims, as they came to be called, were committed to “the advancement of the Christian faith” and designed and signed their compact “in the presence of God.” But no one seemed to have a theocracy in mind; rather, they sought to form “a civil body politick.” Importantly, their new political community would be framed by “just and equal laws”—laws that would apply without discrimination to all of its members.

We need not romanticize the Pilgrims. These Puritans were seeking religious freedom for themselves and for themselves alone. Moreover, not everyone signed the Compact: Only the adult male passengers, including

two indentured servants, were invited. The women, who would do so much to help the company survive, were excluded.

Nevertheless, they all participated in the civic affairs of the colony. After the *Mayflower* anchored again at Plymouth Rock, the survivors created a largely self-sustaining economy. Their faith gave them a raw determination to succeed, and the political consensus held: Plymouth became the first permanent European settlement in New England. More importantly, the Pilgrims introduced into the West an unprecedented experiment in consensual government

involving not a monarch but individuals acting on their own initiative.

The architects of the problematic *1619 Project* have suggested that the year 1619, when enslaved Africans were first brought to America's shores, should be viewed as the authentic date for the American Founding. We should hold fast to 1776. Yet the seeds of that revolution for human freedom were indeed planted in 1620: the year when a rugged group of men and women, in a moment of existential crisis, resisted the Leviathan and gambled on self-government. 🗣️

KEY QUESTIONS

1. How did the Mayflower Compact break from the traditions of English political theory and praxis?
2. Although the Pilgrims were committed to “the advancement of the Christian faith,” they focused on forming a “civil body politic” framed by “just and equal laws.” Why do you think the Pilgrims kept that focus?
3. What reasons does the author give for not romanticizing the Pilgrims of the Mayflower?
4. The seeds of the American revolution were “planted in 1620: the year when a rugged group of men and women, in a moment of existential crisis, resisted the Leviathan and gambled on self-government.” Do you agree with this statement? Why or why not?



The Mayflower Compact and Religious Liberty

KEY THOUGHT

The promise to form a political society of equals and consent to abide by the laws that society would create was an experiment in political equality and religious pluralism. Thus, the Plymouth experiment would create the space for a later regime fully rooted in religious toleration and genuine liberty.

KEY TERMS

joint stock corporations: companies used to collect needed capital to finance colonial ventures

patents: land indirectly granted to colonists from the English crown through joint stock corporations

The Mayflower Compact and Religious Liberty

Jeffry Morrison, PhD

The paragraph we call the Mayflower Compact is one of the seminal documents in the political culture of the United States and, through the United States, of the Western world. Of course, 400 years ago there was no “United States,” nor an English colony of “the Massachusetts” (note the use of the definite article), nor even a “Plymouth Plantation.” Indeed, until the Compact was written—and more important, *signed*—there was not even a political community aboard the ship *Mayflower* lying at anchor off Cape Cod. For that is the greatest significance of the Compact: It is the first instance of a written “social contract,” as political philosophers term it, of which we are aware.

That fact is worth repeating. Before November 11, 1620, no modern political philosopher—no Thomas Hobbes, no John Locke, no Jean-Jacques Rousseau, or later no James Madison—had ever theorized about a social contract. Nor had any collection of individuals created in “real time” a written contract of government: “reduced to writing,” as Madison would later say, a promise to form a political society of equals and consent to abide by the laws that society would create. That is immeasurably important, because before there can be religious liberty, there must be a political community to recognize and protect it.

Such a community was created in the galley of the *Mayflower* before the passengers had debarked. Who were they, and why did they feel a need—an urgent need—to put down on paper a social contract? The Pilgrims (they called themselves that name, recorded by

one of their leaders, William Bradford, in his *Of Plymouth Plantation*) were religious dissenters from the Church of England, but these were no ordinary dissenters; nor were they ordinary travelers on pilgrimage to a holy site. They were (some of them, at least) Separatists, a radical subset of the English Puritans, zealous Protestants who had concluded that the only way to purify the Church of its more Roman Catholic features was to leave it—to separate, heeding the Bible’s command to “come out from among them and be ye separate.”

Incidentally, this was not the first time that those Pilgrims had left England. In their quest for a more reformed and purified church community, they had fled some years earlier (licenses being required, and commonly denied, for dissenters to leave England) to Holland, to the bustling city of Leyden. There they hoped to re-create a more pristine and primitive Christian community, one modeled on the New Testament pattern with an Old Testament sense of “covenant.”

After enjoying some years of relative religious toleration—though William Brewster had to go into hiding when the king’s agents came for him after he had published essays critical of the Church of England on his printing press—they became increasingly concerned that their children were losing some of their English character and, more important, their religious zeal in the Dutch money-making metropolis. So it was back to England to outfit an expedition to the New World.

The process turned out to be lengthy, expensive, and difficult. To make their

venture legal, the Pilgrims went to the Virginia Company—that corporation which outfitted and backed the expedition headed by Captain Christopher Newport (namesake of my university), which eventually settled on Jamestown Island and planted the first permanent British colony in North America. From the Virginia Company, the Pilgrims received a patent (a land title) for a tract in “the northern parts of Virginia,” as the Compact would later read. There was, therefore, a frequently overlooked legal tie between the Plymouth Pilgrims and the settlers at Jamestown.

The two groups of colonists were also tied together by a similar pair of motives, one commercial (and national), the other religious. Comparing the early Virginia charters with surviving documents from the Pilgrims, one sees that religion is a common purpose alongside the oft-mentioned commercial purpose of the Jamestown settlement. The first Virginia charter of 1606, for example, lists the “propagating of Christian Religion” to Native Americans as a prominent aim of the expedition. The first patent from the Virginia Company to the Pilgrims is lost to history; however, the brief text of the Mayflower Compact itself, along with letters and sermons from the Pilgrim leaders, makes plain the priority they placed on establishing a “Godly commonwealth.”

In order to settle such a community, the Pilgrims needed money—other people’s money. In those days, various types of “companies,” joint stock corporations like the Virginia Company being one type, were used to pool the necessary capital to finance colonial settlements. They were also a way for the English Crown to give its blessing to North American colonies without incurring financial risk, which would be assumed by private investors and the settlers themselves. The

companies then began to issue “patents” for “particular plantations” that were not directly from the Crown, but were franchises of a sort.

Such a patent was granted the Pilgrims in 1620, the first of several they were to obtain over the years; unfortunately, it does not survive. We do know that it was granted to one John Peirce on behalf of the Pilgrims, and we can assume, based on surviving patents granted by the Virginia Company, that it gave the Pilgrims permission to settle in “Virginia” (which extended far north of modern-day Virginia), but under the jurisdiction of Jamestown.

We also know from extant letters between the English government and Pilgrim leaders Reverend John Robinson and Elder William Brewster that the Pilgrims had to accede to “seven articles,” including a somewhat disingenuous wish to keep spiritual communion with the Church of England, and a promise to “practice on our parts all lawful things.” They did, however, negotiate a qualified right to disobey the king if he commanded them “against God’s word.” Of course, the whole point of leaving the realm was to get out from under the yoke of King James’s Church of England.

In fact, it was the Pilgrims’ express intent to be free from the prying eyes and ears of the king’s minions, to be free to worship God and order their community as they believed the Bible commanded. In the event, however, circumstances would force the Pilgrims to write a compact that was based on consent of the governed and implicitly took into account the religious diversity of the *Mayflower* passengers. For though theirs was the motive force behind the voyage, by the time they set sail, the Pilgrims were actually the minority of the settlers aboard that ship. Of the *Mayflower*’s 102 passengers, only about

41 were Separatists; the others, known as Strangers, were forced to accept and in the end to accommodate.

This contingent of Strangers and threats from some of them to live without law once ashore in New England became a spur to the drafting and signing of the Mayflower Compact in Cape Cod harbor. As Bradford recorded, that document was:

occasioned partly by the discontented & mutinous speeches that some of the strangers [non-Pilgrims] amongst them had let fall from them in the ship—That when they came a shore they would use their owne libertie; for none had power to command them, the patente they had being for Virginia, and not for New-england, which belonged to an other Government, with which the Virginia Company had nothing to doe. And partly that shuch an acte [i.e., a compact] by them done (this their condition considered) might be as firme as any patent, and in some respects more sure.

So from these mixed motives—and even fears—the Mayflower Compact was hastily drawn up; it was signed by nearly every adult male passenger, Separatist or Stranger, either for himself or as head of household. They had few or no law books to consult; only one of them, the Cambridge-trained William Brewster, had government experience. They drew instead on the Reformed notions of covenant which they had learned in their congregation in Scrooby, England, and later in Leyden, Holland, from their pastor, John Robinson.

That sense of covenant—of a sacred bond like that between God and his people in the Hebrew Bible—was reflected in a letter from Robinson and Brewster to a government official on behalf of the Plymouth Company nearly three years before the *Mayflower*

sailed. In it, the Pilgrim representatives related how they were “knit together as a body in a most strict and sacred bond and covenant of the Lord, of the violation whereof we make great conscience, and by virtue whereof we do hold ourselves straitly tied to all care of each other’s good and of the whole, by every one and so mutually.” (Brewster was to help write the Compact, and the language of a “civil body politick” was likely his contribution.)

Moreover, other than the occasional designation “Mr.,” every man signed as the equal of every other. And perhaps most important for our purposes, there would be no legal advantages for Separatists because of their religion and no civil disabilities for Strangers because of their lack of religion. The signers promised “all due Submission and Obedience,” but only to “such just and *equal* Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought most meet and convenient for the general Good of the Colony.” Thus, at the start, the Plymouth Colony was an experiment in political *equality* and religious *pluralism*.

Yet it would be a mistake to see this groundbreaking social contract as a constitution or a sort of early First Amendment that guaranteed religious liberty or even toleration. Many decades later, in 1681, the Reverend Samuel Willard of Boston wrote of the early Massachusetts Bay settlers: “I perceive they are mistaken in the design of our first planters, whose business was not toleration, but were professed enemies of it. Their business was to settle, and as much as in them, lay secure religion to posterity, according to that way, which they believed was of God.” This was certainly true of the Boston Puritans under the leadership of John Winthrop beginning in 1630. It was they—not the Pilgrims in Plymouth—who hanged

Quakers. Puritans drowned “witches” in Salem—but not in Plymouth. Nor did the Compact create a government, only a political community (that “civil body politick”) pledged to obey the equal laws it might make in the future.

As that future unfolded, from 1620 until 1692, when it was absorbed into the Massachusetts Bay colony centered in Boston, the Plymouth Colony underwent many changes. It had to accommodate itself not only to the religious diversity of its initial settlers, but to an influx of hundreds of new members who immigrated and were born to the original Pilgrim Fathers (and Mothers). Like the Massachusetts Bay settlers who had to invent the so-called halfway covenant for their less zealous children, the Plymouth leaders had to adapt and innovate. The religious diversity that the original Pilgrims were forced to accommodate in the egalitarian language of the Compact and in their day-to-day lives as a colony may have moved them in the direction of tolerance and liberty, but it came at a cost, which every heterodox community must pay.

Late in his life, the elderly William Bradford wrote on the last blank page of his *Of Plymouth Plantation* the following elegy to that band of original settlers

whom he had led and who “covenanted” together in the *Mayflower*:

O sacred bond, whilst inviolably preserved!
How sweet and precious were the fruits
that flowed from the same! But when this
fidelity decayed, then their ruin approached.
O that these ancient members had not
died or been dissipated (if it had been the
will of God) or else that this holy care and
constant faithfulness had still lived, and
remained with those that survived, and
in times afterward added unto them. But
(alas) that subtle serpent hath slyly wound
in himself under fair pretences of necessity
and the like, to untwist these sacred bonds
and tie[s]... [I]t is now a part of my misery in
old age, to find and feel the decay and want
thereof (in a great measure) and with
grief and sorrow of heart to lament and
bemoan the same.

Bradford mourned the loss of the “fidelity” of the first settlers, sacrificed, as he thought, on the altar of “necessity.” In his limited view, the Plymouth experiment had failed. What Bradford could not see was that the Compact he helped write and the community he helped build would create the space for a later regime of religious toleration and genuine liberty. 📌

KEY QUESTIONS

1. According to the author, religious liberty is dependent on the political community. What reasons does the author provide for his assertions?
2. Where did the Pilgrims initially settle when they left England? Why did they leave their initial settlement?
3. Describe the differences in motives between the Virginia charters and the Mayflower Compact.

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4. The Pilgrims agreed to “seven articles” with King James and the Church of England but negotiated the right to disobey the king if he commanded them “against God’s word.” Why was this point important to the Pilgrims? How is it related to religious freedom?
 5. How was the Mayflower Compact and the Plymouth Colony “an experiment in political equality and religious pluralism?” Why was the success of this experiment important as the colony grew both in size and in its diversity?
 6. According to the author, “the Compact...would create a space for a later regime of religious toleration and genuine liberty.” Do you agree with this statement? Why or why not?



The Foundations of Religious Liberty

PANEL DISCUSSION

A Conversation with Emilie Kao, Jeffry Morrison, PhD, and Eric Patterson, PhD

EMILIE KAO: Thank you very much to Dr. Morrison for that excellent lecture. I'm delighted to introduce Dr. Patterson and Dr. Morrison to join us for this conversation to pick up from where Dr. Morrison left off in his lecture, where he stated that the Mayflower Compact was a declaration of religious independence and that by crafting a "civil body politick," the community created the space for religious freedom and law in the future.

Dr. Morrison, would you like to elaborate on that statement?

JEFFRY MORRISON: Yes, I'd be happy to. The Mayflower Compact is not a constitution. It is similar to the Constitution, though, in that it creates that social contract, that "civil body politick," that lovely, even intimate, organic metaphor for a political community. And it extracts a promise from the signatories. They promise that they're

going to abide by those laws that they will make themselves, whether they be religious or civil laws.

But there aren't any laws laid down. There aren't any institutions of government created by that Compact. That was my point in saying that it creates a space in the future for religious liberty. Their very act of leaving England, physically separating and leaving the Church of England, which is titularly headed by the king, is indeed an act of independence. It is a kind of declaration of religious independence.

EMILIE KAO: Dr. Patterson, would you like to comment on Dr. Morrison's point in the lecture?

ERIC PATTERSON: Yes. Thank you. I fully agree that this is an act of religious independence, and it goes back to covenant theology in the Reformation in the 1500s. As early as the mid-1500s, there are reformers who say we have to separate ourselves from government-led ecclesiastical institutions, state churches, and by the 1580s in England, the predecessors of America's Pilgrims, or the Separatists, set up independent congregations, first in England and then they moved to the Netherlands.

The Pilgrims we're talking about who wrote the Mayflower Compact are part of that Separatist movement, and what they do is to make a commitment among themselves and before God to set up a religious community where they hold one another accountable, and they covenant together as a religious body. That's the basis for the Mayflower Compact, and it's rooted in that type of theological commitment.

EMILIE KAO: In your lecture, Dr. Morrison, you brought up the point of equality: equality between the passengers on the *Mayflower*

who were Pilgrims and then those who were not actually from the Pilgrim community and how they were treated with a remarkable level of equality. Could you both elaborate on that further? Dr. Morrison?

JEFFRY MORRISON: It is a remarkable thing that when you look through the signatories—every adult male signed either for himself or for his head of household—you can see by their names that for some of them you'll see "Esquire" afterward. One of them, who actually was my 10th great-grandfather, William Brewster, had been to Cambridge, for example. So there are various classes, we might say, represented among the passengers.

I mentioned in my remarks that many of the so-called Strangers, the non-Pilgrims, were kind of rough customers fleeing the law or fleeing creditors and so forth, but they are all treated as equals in this civil body politic. There is, I guess, some subtle acknowledgment that they might not be members of the religious community or choose not to come under the laws that would be written in the future. I think there is an implication that if not, then they can themselves separate from that community. It is a remarkable thing in 1620, when most of the world had rigid class systems, that the esquires and the common folk, and maybe even the lawbreakers among them, the criminals fleeing England, all have equal status civilly in that body politic that they're creating.

ERIC PATTERSON: I agree that the level of equality here is very important. And this comes from ideas from the Reformation that these people took very seriously: the Reformation idea of the equality or the priesthood of all believers, which is a principle of equality, the equality of citizens. This is rooted in other parts of English

history as well going back to the Magna Carta, but they took it very, very seriously.

These are people who are seeking ordered liberty so that they can orient their lives based on their faith commitments, and importantly, they do not impose that on their fellow men. The Mayflower Compact is rooted in their theological commitments, but it's also a prudential document so that there's not anarchy when they land in New England. They do this in a way in which they're not imposing a faith tradition. They're not imposing their beliefs on the others. They're recognizing a principle of citizenship equality with their fellow passengers.

JEFFRY MORRISON: I would like to just add one thing quickly if I may. This is Plymouth, not Philadelphia. It's not Pennsylvania. It's not the radical egalitarianism of William Penn who will come just a few years later and form his own proprietary colony of Pennsylvania, but still there is, as Dr. Patterson mentioned, that civil equality. We don't want to make too much of it, but it is a remarkable thing, I believe, in an age when there's this fairly rigid class structure throughout Europe from which those folks come.

EMILIE KAO: Yes. You also make the point in your lecture that religious freedom, not mere toleration, is an American innovation. Do you want to elaborate on that and how the Mayflower Compact led to that?

JEFFRY MORRISON: I think that there's a very rich legacy of the Compact in American constitutionalism, though there certainly isn't explicit religious liberty laid down in it. The difference between religious liberty and religious toleration is a difference between the kinds of rights that we believe people have. Religious liberty means that you have a natural human right, first, to freely believe

or not believe and then to freely exercise your faith so long as it doesn't harm anyone else.

Toleration is different. Religious toleration was pretty much the most liberal policy around the globe at that time. It means that the government will tolerate you so long as it sees fit and often implies, as it did in England, an established church, a state church. We see those state churches all over Western Europe and elsewhere. If there's a state church, then you will almost certainly pay some kind of a penalty, you'll suffer some kind of civil disability if you are not part of that national church or state church.

I'll give an example. If you were Jewish in England, no matter how bright you were, you couldn't go to the two great state-sponsored universities, Oxford and Cambridge. You had to convert and profess to be an Anglican, or you had to go to some dissenting academy. So that's what toleration means. The government will tolerate you, almost like a driver's license or something that the government issues and can take back.

Religious liberty is that natural human right which no government can take away from you. I do think that the Compact and the documents that follow in its train do create a space for that, but the Compact certainly doesn't explicitly guarantee that in natural right terms. We might even think of the Declaration of Independence, for example, as a sort of inheritor of this space for freedom that the Mayflower Compact begins to sketch out.

EMILIE KAO: Excellent. Dr. Patterson, do you want to comment on the uniqueness of religious liberty as an American innovation?

ERIC PATTERSON: Yes, and just make two points that relate to the Mayflower Compact in its era. They both have to deal with the

statements early in the Compact that utilize some of the language of the day, that this is happening in the name of God and to advance the Gospel. These are important points from a religious liberty standpoint.

The first one is this: The other type of colonies that were being placed in the New World, whether they were Portuguese or especially Spanish, imposed Christianity by the edge of the sword. What's so different in the English colonies, but especially here and in Southern Virginia, is that there's not the imposition of Christianity by the sword. The Pilgrims in particular and people who come after them, like Roger Williams, attempt to share the Gospel with the Native Americans, but they do not do it at the point of the sword.

Second, whether it's in Plymouth Plantation or Pennsylvania, Virginia, or elsewhere, most of these religious communities that are set up in the colonial era have a right of exit. People who come into the community may have to follow the religious covenant of the community, but they can freely leave. No one forces them to stay there. They could go back to England. They could go someplace else. That's a pretty big principle in this era where toleration, as Dr. Morrison said, was considered a very liberal idea. The right to exit is a huge difference. It's a huge innovation that really is rooted in what these Pilgrims did.

EMILIE KAO: Thank you. Both of you have written about religious pluralism as well and commented on it. Can you describe how the Mayflower Compact and the creation of this civil body politic is informative to those who are interested in religious pluralism today?

ERIC PATTERSON: The Pilgrims were Separatists from the Church of England, as Dr. Morrison said, and amazingly in 1620, they write this little document that organizes a civil body politic. It's a social compact, but

it's a social compact decades before Hobbes, decades before Locke, and decades before Rousseau. It's rooted in a set of theological commitments that predate the social compact theory that we teach in history, law, and political science.

That's because they had this notion, rooted in covenant theology, that individual believers in a community can make decisions about the faith and that there should not be a level of interference in the conscientious religious commitments that someone makes or that a community makes. And this becomes in Congregational churches and, similarly, the Presbyterian churches a high level of autonomy and decision-making at the local community level rooted in these types of theological commitments.

EMILIE KAO: Dr. Morrison, do you want to comment on the question about religious pluralism?

JEFFRY MORRISON: Yes. Today we live in a religiously pluralistic society. We live in a nation-state. Plymouth Plantation is not a nation-state. It's not a state. It's not even formally a colony of England. They don't have a charter when they leave like William Penn will bring with him, for example, to establish his proprietary colony. All they have is a patent. That's a legal document, which they get from the Virginia Company, and it just gives them title to certain lands.

They're on the hook, if you will, and are forced to be liberal and egalitarian through the pressure of circumstances. That's one thing I think that makes this document so remarkable. It was done on the fly. It was written literally in the galley of the *Mayflower* before they set foot at Plymouth Rock.

But is there a religious plurality among them? There is. There's a great deal of religious

plurality in Pennsylvania as well. I think we can learn something from them about how to get along while holding our deepest differences religiously. Polls indicate that Americans, upward of 90 percent of us, still believe in some kind of Supreme Being or higher power. So among the industrialized nations of the world, America is still uniquely religious.

Can we learn something from this experiment? In Plymouth, I think we can. I think it has a legacy of constitutionalism that is passed down in the subsequent documents even hundreds of years later. But I think it's a remarkable product for its time and for its circumstances.

EMILIE KAO: Could you also comment on how the signing of the Mayflower Compact, the creation of this social contract, influenced that community itself, its behaviors, its conduct, its treatment of the members of that community and others?

ERIC PATTERSON: I think that this sets the groundwork for a level of cooperation that just has to happen. This is only about a hundred people. They're facing winter off Cape Cod. They've just had this long ship's voyage, they've missed the harvest, and about half of them die that winter. So we have to recognize that the Mayflower Compact is rooted in a set of worldview assumptions, and at the same time, it's a desperate commitment: We have to work together, or we're not going to survive this.

But it lays the groundwork for the type of colony that Plymouth will welcome over the next half-century, and that is a place where there's a lot of individual equality. It's a place where there are not the types of religious restrictions that we've seen in the Massachusetts Bay Colony. It's a place where Roger Williams goes when he needs a place to get away from the Massachusetts

Bay Colony. We know that there are efforts to share the Gospel with the American Indians but that they're non-coercive. And so it really does set the groundwork for a model that is cooperative among citizens but not coercive.

EMILIE KAO: Well, in our closing section, would you like to comment on anything else that we can learn as Americans today from the Mayflower Compact that perhaps has been overlooked?

JEFFRY MORRISON: I alluded to this constitutional legacy of the Mayflower Compact, and I don't want to make too much of it, but when we look even at the structure of this document, with a preamble, if you will—not exactly “We the people” but “We the undersigned”—and then a statement of purposes of their journey, and then the creation of that civil body politic, and then a kind of pledge at the end, that pledge of mutuality, and then the signatories, this should look familiar to Americans even today.

It might be a bit of a stretch to go from “We the undersigned” to “We the people,” but the language of the document—again, with a self-identification, with a preamble, the statement of purposes, then an allusion to the political community, and then a pledge of mutuality and signatories—that is part of our DNA. I think that the very first chromosome or whatever we want to call it, is planted there at Plymouth, and like physical DNA in families, traits are inherited, aren't they? Sometimes they lie dormant for a generation or two and then resurface.

I think it's that sort of a thing. It is our political DNA. And even though they were just a very small kind of self-funded and self-generated religious and political community, that document has far-reaching

implications—vast implications for future American constitutional history.

ERIC PATTERSON: Emilie, I agree with that point of Dr. Morrison's. We have to remember as we celebrate the 400th anniversary of the Mayflower Compact that the people who wrote the Declaration of Independence were about as far removed historically from the Mayflower Compact as you and I are from the U.S. Civil War. It's a century and a half. And so, this seed that the framers of the Declaration of Independence and the Constitution cite as important in the genealogy of ideas in the West—its importance really can't be overstated.

And it's important for other Americans as well, great Americans like Abraham Lincoln, Martin Luther King, Jr., and Ronald Reagan. They looked back in history, and they recognized how important the Mayflower Compact and these decisions were that the early colonists made in setting the United States on a course that over time becomes expanded notions of rights, liberty, citizenship, and the free exercise of religion.

And think about how different, again, 1620 was from the setting up of Spanish colonies or Portuguese colonies with high levels of slavery. Think about how different the experience was in Plymouth, but also shortly in Rhode Island, and in the Dutch colonies that become New York and New Jersey, and at times in Massachusetts, Virginia. Think about how different the 1620s, 1630s, and 1640s are from what's going on in Europe at the same time, whether it's the English Civil War, which is about to commence, or the Thirty Years War. There's a religious component to all of that violence.

What a difference between that and the Mayflower Compact and these individuals who, out of their theological commitments,

decide to set up a civil body politic and to freely express their religion without coercion. It's a very important seed in U.S. and world history.

EMILIE KAO: Thank you both very much for helping us to understand the origins of the Mayflower Compact and its continuing influence on our body politic today. As Americans continue to discuss what is happening in our country, it is important for us to look at historical documents like the Mayflower Compact and to see the legacy of equality, the legacy of covenant that we have with one another as we look forward. 🙏

Contributors

William Allen, PhD, is the former Chief Operating Officer at the Center for Urban Renewal and Education. He is Dean Emeritus at James Madison College and Professor Emeritus of Political Science at Michigan State University. Dr. Allen has been a member of Mackinac Center for Public Policy Board of Scholars since 1995. He is the author of *George Washington: America's First Progressive* and *Re-Thinking Uncle Tom: The Political Philosophy of HB Stowe*. He has published numerous articles and book chapters on political philosophy and American political thought. He received his PhD from the Claremont Graduate School.

James Ceaser, PhD, is a Visiting Scholar in the B. Kenneth Simon Center for American Studies, of the Edwin J. Feulner Institute, at The Heritage Foundation and a professor of politics at the University of Virginia, where he has taught since 1976. Dr. Ceaser has written many books on American politics and political thought including *Presidential Selection*, *Liberal Democracy and Political Science*, and *Nature and History in American Political Development*. He has held visiting professorships at the University of Florence, the University of Basel, Oxford University, the University of Bordeaux, and the University of Rennes. Dr. Ceaser holds a PhD from Harvard University.

Samuel Gregg, PhD, is a Visiting Scholar in the B. Kenneth Simon Center for American Studies and Research Director at the Acton Institute. He has written extensively about questions pertaining to political economy, economic history, ethics and finance, and natural law theory. A Fellow of the Royal Historical Society and a member of the Royal Economic Society, he received his Doctor of Philosophy degree in moral philosophy and political economy from Oxford University. He is the author of 13 books and more than 400 articles and opinion pieces on topics ranging from political economy to finance in journals and leading newspapers around the world. He regularly lectures in the United States and abroad on similar themes.

Allen Guelzo, PhD, is a Visiting Scholar in the B. Kenneth Simon Center for American Studies. He is the author of *Abraham Lincoln: Redeemer President* which was the recipient of the 2000 Lincoln Prize.

Emilie Kao was Director of the Richard and Helen DeVos Center for Religion and Civil Society, of the Institute for Family, Community, and Opportunity, at The Heritage Foundation. She is an attorney who has defended religious freedom on behalf of victims from around the world, including at the State Department's Office of International Religious Freedom and the Becket Fund for Religious Liberty. Previously, she worked at the United Nations and Latham and Watkins. She is a member of the Supreme Court bar as well as the bar association of the District of Columbia. She earned a JD at Harvard Law School.

Joseph Loconte, PhD, is Director of B. Kenneth Simon Center for American Studies and AWC Family Foundation Fellow at The Heritage Foundation. Prior to joining Heritage, Dr. Loconte was Associate Professor of History at the Kings College in New York City, where he taught courses on Western civilization, American foreign policy, and international human rights. He is a scholar on John Locke and the religious influence on the development of liberal democracy. He is the author of the New York Times bestseller *A Hobbit, a Wardrobe, and a Great War*. He holds a PhD in history from King's College London.

Wilfred McClay, PhD, is a Visiting Scholar in the B. Kenneth Simon Center for American Studies and holds the Victor Davis Hanson Chair in Classical History and Western Civilization at Hillsdale College. He has served on the advisory board of the National Endowment for the Humanities and is currently a member of the U.S. Semiquincentennial Commission. His most recent book, *Land of Hope: An Invitation to the Great American Story*, won ISI's 2020 Paolucci Book Award and was honored at the White House. McClay holds a PhD in history from Johns Hopkins University.

Jeffrey Morrison, PhD, is Professor of American Studies at Christopher Newport University in Newport News, VA. He serves as Director of Academics at the federal government's James Madison Foundation in Alexandria and has held faculty positions from Princeton University to the Air Force Academy and has authored or edited five books on American political culture, including *The Political Philosophy of George Washington*. He has lectured at colleges and historic sites throughout the United States and in England (Hertford College, Oxford) and made media appearances on radio, in journalism, and on television (C-SPAN and the BBC). He received his PhD in history from Georgetown University.

James Otteson, PhD, is a Visiting Scholar in the B. Kenneth Simon Center for American Studies and the John T. Ryan Jr. Professor of Business Ethics and the Rex and Alice A. Martin Faculty Director of the Notre Dame Deloitte Center for Ethical Leadership. He received his PhD in philosophy from the University of Chicago. He specializes in business ethics, political economy, the history of economic thought, and 18th-century moral philosophy. He is the author of several books, including *The Essential Adam Smith*, *The End of Socialism*, and *Actual Ethics*.

Eric Patterson, PhD, is the Executive Vice President at the Religious Freedom Institute. He is Scholar-at-Large and former Dean of the Robertson School of Government at Regent University and is a Research Fellow at Georgetown University's Berkley Center for Religion, Peace, and World Affairs. Mr. Patterson has served at the U.S. State Department's Bureau of Political and Military Affairs and as a White House Fellow. He is the author or editor of over a dozen books focusing on religion, foreign policy, and ethics. He received his PhD from the University of California at Santa Barbara.

Angela Sailor, JD, is Vice President of the Edwin J. Feulner Institute at The Heritage Foundation. She has served in both in-house and advisory roles at the White House, Congress, the U.S. Department of State, and the U.S. Department of Education among other enterprises. She recently served as Deputy to the President and Founder of the Gloucester Institute, the Honorable Kay C. James. Sailor holds a JD from the University of Memphis, Cecil C. Humphreys School of Law, and a Master's Degree in Broadcast Journalism and Public Affairs from the American University.

Carol Swain, PhD, is the host of the podcast *Be the People* and “Conversations with Dr. Carol Swain” an Internet talk show on YouTube and Rumble. She is also the author or editor of nine books, including *Black Faces, Black Interests*, which has won three national awards, and *The New White Nationalism in America*, which was nominated for a Pulitzer Prize. Her book *Be the People: A Call to Reclaim America's Faith and Promise* has been re-released (2021) with a new introduction and audio version. Swain is a former Professor of Political Science at Princeton and Vanderbilt Universities, and a Professor of Law at Vanderbilt Law School. She was a Nashville mayoral candidate in 2018–2019. Swain's opinion pieces have been featured in publications such as *The New York Times*, *The Washington Post*, and *The Wall Street Journal*, among others. She holds a PhD from the University of North Carolina at Chapel Hill.

Paul Winfree is Director of the Thomas A. Roe Institute for Economic Policy Studies, of the Institute for Economic Freedom, at The Heritage Foundation. He previously served in the White House as Deputy Assistant to the President for Domestic Policy, Deputy Director of Domestic Policy Council, and Director of Budget Policy. Winfree is also Chair of the Fulbright Foreign Scholarship Board, a 12-member Board created by Congress and appointed by the President to supervise the global Fulbright Program. He is also author of a number of works including a book on U.S. economic and fiscal policy called *A History (and Future) of the Budget Process in the United States* (Palgrave Macmillan, 2019).

Peter Wood, PhD, is President of the National Association of Scholars. A former Professor of Anthropology and Provost at the King's College, he is the author most recently of *1620: A Critical Response to the 1619 Project*. He is also the author of several other books about American culture, including *Diversity: The Invention of a Concept* (2003); *A Bee in the Mouth: Anger in America Now* (2007); and *Diversity Rules* (2020). He is editor-in-chief of the journal *Academic Questions* and a widely published essayist. In 2019, he received the Jeane Kirkpatrick Prize for contributions to academic freedom. He holds a PhD from Harvard University.

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