William Penn and American liberties: Fruits of his inner light

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Abstract

William Penn's impact on the emergence of American liberties remains vastly underreported, underappreciated, and misunderstood. His radically liberal political philosophy, paradoxically fueled by the moral convictions of a devout believer, ushered in an era of individual rights, checks on coercive powers, and the flourishing of civic and economic diversity in a pluralistic society. Through a more refined lens, William Penn emerges as one of the foundational figures in the birth of the United States, serving as the chief architect of quintessential American liberties—a legacy rooted in his Inner Light. This study is a historical analysis of his life and philosophy and a call to arms for students of the American experience to look more deeply into the life of a proto-founding father.

Introduction

William Penn, an aristocrat by birth and a Quaker by choice, became the proprietor of the Pennsylvania colony by accidental circumstances through the grant of a rather feudal charter in 1681. Within a day of receiving the charter, Penn proclaimed his conviction that God will make his colony "the seed of a nation." He envisioned in his idealized colony a haven where the imagined original Christian ethos would prevail, where believers of diverging Christian faiths could worship as they saw fit, and where peoples of good intentions, guided by the "Inner Light," would govern in a manner that enhances the civic and economic life of its inhabitants. He dubbed the Pennsylvania enterprise his "holy experiment."

Penn's ambition to model a new nation for the world to witness was no wishful thinking. His audacity to found a colony with laws of liberties of his own design took a life's worth of persecution, a search for redemption in the suffering, and, above all, a moral conviction of a true believer. Penn's constitution as a deeply introspective man, born into a privileged

station in life, who rejected the same while leveraging its advantages, and ultimately finding a kindred spirit in the ways of Quakerism, reveals a heroic tale of an enigmatic character sharing many commonalities to that of Moses, the lawgiver to the Israelites or Paul, the prophet among the apostles.

The genius of Penn's legacy is in his transformative political theory grounded in the premise of "liberty of conscience," a radically liberal idea derived from the core Quaker tenet of the Inner Light, akin to the Holy Spirit as understood in Christian orthodoxy, but with God's subjective counsel and ongoing revelation taken seriously. Penn's innovation rested on the sanctity of the higher moral authority communing directly with the subjective conscience residing within each person, the implication of which, if taken seriously, advances political thought towards the inevitable sovereignty of the individual. While Penn's obsession was singular to religious freedom, the logic of his thesis naturally extended to corroborate the necessities of many other liberties that are now well enshrined in the U.S. Constitution and Bill of Rights. Penn's civic philosophy, as applied to his colony, modeled what a modern pluralistic society could achieve in spirit and commerce if civil liberties were vigorously protected. Thomas Jefferson was so taken with Penn's political philosophy and the early governing documents of Pennsylvania that he called Penn "the greatest lawgiver the world has produced."

In order to bring to life the laws of liberties worked out by Penn, this paper aspires to reveal the "origins" story. To this end, this paper tracks and weaves together three analytically distinct lines of inquiry: first, it takes account of his privileged background that gave him access to sophisticated skills, aristocratic connections, and economic means necessary to challenge the status quo; second, it marks the critical moments in his personal life that may have contributed to seeding his political philosophy; and third, it analyzes the evolution of his political thought over time that ultimately provided the intellectual foundation for the landmark governing documents of his colony. This paper investigates Penn's formative years, looking for clues that might hint at possible early sources of his spark, his "convincement" to Quakerism and the onslaught of persecution that followed, the confluence of circumstances that led to the grant of the Pennsylvania colony, and the arc of his political thought set into motion by the exigencies of his life.

Penn's Formative Years

William Penn was born on October 14, 1644, on Tower Hill, a northwest corridor from the Tower of London. As the first son born to a London-based admiral, Sir William Penn Sr., an esteemed member of British society, the infant Penn will have aristocratic privileges visit upon him throughout his consequential life. As a young child, however, Penn contracted smallpox leading to clumps of hair loss. He wore a wig to blend in with his peers, and this

practice would continue to adulthood. London, at the time, was plagued with disease, filth and raucous, and smallpox was causing severe havoc on the London population. Penn's condition, no doubt, contributed to the Penn family's outward flight to Essex by Penn's fourth year.

The bucolic Essex was a bastion of "Puritanism," a term that roughly equates to ascetic fundamentalism or "back-to-the-biblical-basics" movement, which was prevalent in the 17th century England aimed mainly at ridding the Church of England of the "popish idolatry" and "ritualistic superstitions" still resonating after the Protestant Reformation. Historians have noted that Essex, including the small village of Chigwell where the Penns lived at the time, was "particularly godly" and "steeped in Puritanism" with a heightened fervor for religious reformation. For a deeply introspective and impressionable young boy, his new surroundings must have coddled an uneasy mystical battle between truth and evil in his adolescent mind.

Throughout his formative years, Penn was forced to attend conservative Anglican institutions. He attended the Chigwell School, an Anglican grammar school with a strong Puritan bent. At Chigwell, Penn studied Greek and Latin, along with grammar, writing, and math. He showed a rebellious nature during these years, frustrated by the stranglehold on thought and behavior. However, by all accounts, he absorbed through his adolescence the Puritan outward character of a serious demeanor, sober behavior, and lack of humor. Penn appears to have had some difficulty fitting in within the ranks of his classmates and authority figures, as he preferred investing his time with the holy book, the inner quiet of prayers, and running as fast as he could through the leafy woods to his house some three miles away from his school.

It was at Chigwell, at the age of 11 or 12, that Penn had his first mystical experience. Penn recounted that "the Lord first appeared to me...about the twelfth year of my age, anno 1656." John Aubrey, a contemporary Quaker and a confidant to Penn, documents the first transformative experience Penn had with a personal God, claiming that while Penn was alone in his room at the Chigwell School, he was "suddenly surprised with an inward comfort and...an external glory," which convinced him that he "had the seal of divinity and immortality, that there was a God and that the soul of man was capable of enjoying his divine communications." Aubrey's account was likely based on direct access to Penn, given that they were both Fellows of the Royal Society and Penn later reported back to Aubrey about his early days in Pennsylvania.

It was not long before Penn's family migrated to Ireland in the summer of 1656 on the heels of Admiral Penn getting released from the Tower of London after a month-long imprisonment. In 1653, Admiral Penn was commended a gold medal from Oliver Cromwell, a soldier turned head of state of the new Commonwealth of

England. The honor was bestowed for Admiral Penn's role in the victory against the Dutch in the First Anglo-Dutch War at the Battle of Scheveningen. A year later, as part of Cromwell's "Western Design" aimed at a "complete conquest of Spain's Atlantic empire," Cromwell ordered Admiral Penn to lead the British Navy in its campaign near the Spanish territories in West Indies. Suffering from exhaustion, illness, and lack of water, English soldiers failed to take present-day Haiti and Dominican Republic. When Admiral Penn returned alone to England to report on the precarious developments in the West Indies, Cromwell was not pleased. The fact that Cromwell had suspected Admiral Penn was in correspondence with the Stuarts did not further his cause. Placing the failed campaign's responsibility squarely on Admiral Penn's shoulders, Cromwell put Admiral Penn behind bars. After a month of humiliating confinement, Admiral Penn was released, whereupon he resigned as the General of the British fleet. Sensing the imminent threat on the horizon, he soon moved his family to Macroom, County Cork, Ireland, to a land estate gifted by Cromwell to Admiral Penn prior to his departure to the West Indies for his services to the navy.

Macroom, on the banks of the River Sullane, was a small village of about 300 inhabitants. The more affluent inhabitants, composed primarily of English Protestants, lived on the northern end of the town square, while the poorer Irish Catholics populated the southern tip. The Penns lived in a castle on the river's east bank. Penn appears to have been tutored privately through the Macroom years. To a contemplative Penn, what did the move from England to what might have felt like an edge-of-the-world wilderness in Ireland do to his existential angst? A young Penn migrating across the Irish Sea to start a new life in an unknown forested land foreshadowed his journey across the Atlantic Ocean to colonial America as a more ambitious adult.

When Penn arrived in Ireland, without knowing it, he was, in effect, serving as a loyal subject of the British Empire's grand design to colonize the island. Cromwell's program of distributing land to the English soldiers who had conquered Ireland was part of a century-long campaign to "civilize" a backward people, affirm English's hegemony in the greater region, and stamp out popish affiliations and affinities in Ireland. English domination would come, but not without a fight and mass uprisings by the Irish Catholics that took countless lives over the years. His formative years in Ireland were Penn's first direct exposure to the uneasy dynamic of an occupying force enacting its colonial ambitions on the local inhabitants.

While there is limited information on Penn's Macroom years, the one event that did stand out for him was his first encounter with the Quakers or the "Society of Friends." Penn wrote later about a visit by one Thomas Loe, a Quaker minister, to their Macroom Castle. Loe made

such an impression that Penn witnessed his father "weeping aloud" and thought, "what if they should all be Quakers." Loe's sermon would have included a powerful exposition into the truth of the Inner Light that Quakers subscribe to and which make them unique in their faith. Importantly, with Loe's inspired testimony, Penn could now perhaps square his mystical experience in Chigwell with a theological precept that must have sounded awe-inspiring and validating. Penn would cross paths with Loe again later in life. To be sure, it was Admiral Penn that had invited his Quaker friend and minister, Thomas Loe, into his home, setting off an unlikely course of destiny for his cherished eldest son.

In 1660, the 15-year-old Penn left his Macroom Castle to study at Christ Church, Oxford, the most prestigious college in England. Christ Church played a central role in sustaining the Church of England's life force during the "lean years of Cromwell." With the restoration of the Stuart monarchy well underway after Cromwell's death in 1658, Admiral Penn looked forward to launching his son's formal entry into the upper crust of the British elite, and Christ Church was the perfect launching pad for this familial ambition.

At Christ Church, Penn read Hugo Grotius, famous for Mare Liberum ("Freedom of the Seas") and De jure Belli ac Pacis ("The Laws of War and Peace"). Catherine Owens Peare calls Grotius "the founder of modern international law" and the intellectual that "conceived the idea of an international morality." Penn's early exposure to the near universality of common laws across countries and notions of international norms undoubtedly contributed to the intellectual development of a mind still in its emergent phase.

Penn's two years at Oxford, however, were a living hell for a pious teenager who saw the pomp and circumstances of Restoration Oxford as sinful and ungodly. Penn called his time at Oxford "my persecution," lamenting that "the Lord sustained me in the midst of that hellish darkness and debauchery." His later accounts suggest that he engaged in a series of rather unfriendly spats with an "intransigent Episcopalian of the dogmatic kind" at Christ Church. At Oxford, as it was at Chigwell, Penn exhibited a sense of independent spirit and thought, which his education at Christ Church likely reinforced. But this brought him into conflict with the social and religious conventions of Oxford. He refused to wear the surplice required of all Oxford students and failed to attend the compulsory chapel. In any event, Penn was expelled from Oxford. Correspondence between Penn and John Owen, the former Dean of Christ Church and a dissenter to the high church, paints a picture of Penn spending an inordinate amount of time with Oxford's non-conformists. Penn's unceremoniously early exit from Oxford brought the wrath of his father with "whipping, and beating, and turning out of doors."

Tired of his son's unseasonably pious nature

and still venting from his failure at Oxford, Admiral Penn sent him to France in the summer of 1662 to enlarge his palate of preferences and sensibilities, as was often done with young English gentlemen of his social standing. The "Grand Tour," as it was called, was a finishing program or a coming-of-age experience introducing young Englishmen to the great cities of the Continent and the finer ways of culture and light and carnal amusements. Given Penn's constitution, however, it should have come as no surprise that the tour missed the mark. Not long after arriving on the Continent, he traveled some 200 miles southwest from Paris to join the ranks at the Protestant Academy of Saumur.

Saumur was a vibrant city of nearly 10,000 and a major center for Protestantism in France. While the Edict of Nantes of 1598 provided a series of legal protections to the Huguenots, or French Protestants, these rights continued to erode over the years. In response, the French Protestants founded dissenting academies of higher learning. Moses Amyraut, a well-known French theologian, founded the Academy at Saumur in the 1590s. Most notably, Amyraut taught "Christian humanism," which included the notion of religious toleration. A charismatic proponent of "tolerance between rival Christian factions," Amyraut made an impression on Penn.

Amyraut, a Calvinist, formulated a somewhat uneasy understanding of salvation known as "Hypothetical Universalism," in which God intended all men to be saved and gave them the free will to find it through faith, but then, under his breath, turns it back on its Calvinist head by asserting that God granted faith to those selected by Him to be saved. While Amyraut was convinced that he was firmly grounded in the traditions of Calvinist theology, he faced condemnation and ridicule from his Calvinist tribe. Religious scholar Stephen Angell surmised, "What Amyraut found in Calvin's writings was a covenant that carried dual characteristics, a universal grace that was available to everyone and a more limited grace that was efficacious only for the elect."

In any event, the doctrinal formulation of Calvinism, whether the orthodoxy of predestination or Amyraut's more conciliatory theology, did not sit well with Penn, as he later lampooned the core Calvinist tenet as "J. Calvin's horrendous decretum of predestination." However, we now have the basis to surmise that Penn may have partially borrowed his spark from Amyraut's theological inclination for universalism and the liberal use of reasoning to get at the deeper truths of a religious faith. A modern Penn biographer Andrew Murphy posits that "Penn likely imbibed [from Amyraut] an emphasis on and confidence in the power of human reason in religious matters." Going further, Murphy writes that Penn was unique among the Quakers "not only because of his educational and class background, but because of his willingness to embrace a role for reason

alongside the Inner Light so central to Quakerism." These influences and encounters, along with the unique intellectual and social positioning of Penn within the Quaker movement, no doubt sketch an ambitious outline of Penn's destiny in clear hindsight.

Upon his return to England, Penn enrolled at the prestigious Lincoln's Inn, the preeminent law school of the land with an unmatched roster of eminent lawyers, politicians, and businessmen that it can call its alumni. Penn entered Lincoln's Inn with the sponsorship of William Batten, a son of Admiral Penn's naval mentor of the same name. Batten's patronage underscored Penn's privileged position within the English society stemming from his father's high standing. His studies at Lincoln's Inn presumably included readings in the English common law and in rhetoric and tactics in court proceedings, which will serve him well in the coming years. Unfortunately for Penn, his stint at Lincoln's Inn would also be cut short, although this time for reasons that fell outside of his control.

Bubonic plague had besieged Europe for over 300 hundred years. Between 1550 and 1665, apart from approximately 12 years of quietude, London experienced the continual wrath of this unrelenting plague, killing over 100,000 souls or nearly a quarter of its inhabitants. The latest outbreak of the plague in 1665 coincided with the outbreak of another Dutch war and the great London fire, an ominous horror of circumstances visiting the English population. Many institutions of higher learning based in London shuttered their doors, including that of Lincoln's Inn.

The Second Anglo-Dutch War reinforced the relationship the Penn family had with the Stuarts, both King Charles II and his brother James, Duke of York, who later ruled England as King James II. Duke of York and Admiral Penn had served together in the Royal Navy as rising military officers. In 1661, Admiral Penn had manned the ship that escorted the then-exiled Charles II from the Netherlands back to England to take his thrown during the period of Restoration. At the end of 1664, the Duke of York appointed Admiral Penn to captain the lead ship, the "Royal Charles," while the battle fleet prepared for war on the southern shores. While devising a war strategy with the Duke of York, Admiral Penn instructed his son to visit the king at the Whitehall Palace to deliver the news of the ongoing preparation for war. Penn later gave a proud account of the royal visit to his father. Penn wrote that after reading the message from his brother, the king "earnestly [leaped] out of his bed," only wearing "his gown and slippers" to greet the younger Penn. Recognizing him clearly, the king asked Penn how his father was doing. Knowing that his father would take delight in the respect accorded by the king, Penn reported to his father that the king "asked how you did at three several times." This rarified association and affinity the Penns had with the Stuarts would later serve Penn well when the topic of

American colonization takes front stage in the 1680s.

By the end of 1665, while Admiral Penn was still executing the war against the Dutch, he needed his son in Ireland to attend to some rather urgent land claim disputes involving Admiral Penn's massive land holdings in Ireland. When he arrived in Ireland, Penn wasted no time diligently pursuing good resolutions to his father's business affairs. If only his father had known that this fateful turn to Ireland would forever alter the course of young Penn's trajectory, he might well have thought otherwise about sending him then and there. While in Ireland, Penn became a Quaker.

"Convincement" to Quakerism

Admiral Penn appears to have had a dual purpose for sending his son to Ireland. Due to his involvement in preparation for war, Admiral Penn needed to rely on his son to find a favorable resolution to the messy land title disputes in Ireland, resulting largely from multiple regime changes that took place in England over the course of several decades. The other motive was to use this opportunity to train his son on such business affairs as befitting an English gentleman and afford the occasion for him to build a network among the Irish aristocrats and English elites stationed there. Although Admiral Penn frequently emerges as a somewhat unsympathetic character and a foil to Penn's spiritual journey, these gestures of intent should disabuse any unbalanced account of him. On the contrary, these early life experiences facilitated by his father presumably equipped Penn with a palate of tools and sensibilities necessary to negotiate effectively with the Native American population and help mediate land disputes among European immigrants in Pennsylvania many years later.

Once Penn secured the "letters patent," solidifying his father's title to his Shanagarry lands in Cork, Admiral Penn expected his son to return to England immediately. Penn, however, stayed in Ireland despite multiple correspondences from his father asking him why he had not returned. With no replies in sight, by October 1667, Admiral Penn had suspected something was afoot. Indeed, all the evidence point to his son's inability to greet these letters due to his passionate emersion into the activities of the Quakers.

It was in Ireland around this time that Penn had officially joined the Society of Friends, associating himself with one of the most ostracized religious sects of the day. But why would he do this? Why would a well-heeled English gentleman, a promising rising member of the aristocratic class, denigrate himself so as to cast his lot with the radicalized, undereducated, working-class heroes of the lowest social esteem? Who were these Quakers, why were they so despised, and what gravitated Penn to them?

Society of Friends emerged in England during the tumult of the English Civil War (1642-

1651). The war involved a series of uprisings between the Parliamentarians and the Royalists led by King Charles I around the issues of England's political governance and religious freedom. The upheaval started in 1625 when Charles I came to thrown in England. King Charles I believed that he should not be questioned by Parliament since he had a God-given right to reign over his people under the doctrine of the Divine Right of Kings, the core precept by which King Henry VIII declared independence from the Roman Catholic Church in 1534. This sense of providential entitlement irritated the members of Parliament, given that the English monarch's power had been severely curtailed ever since the signing of the Magna Carter in 1215. The discontent came to a head when the king sought to raise the tax funds needed to marshal a campaign to squash the Scottish Presbyterian rebellion. Parliament, in no mood to cooperate and recognizing the opportunity to put the king in his place, asked for further concessions on the scope of his authority.

Adding fuel to the fire, the English governance question was overlaid by the religious tension in the air stemming from the longstanding and ongoing conflict between the Protestants and the Catholics in England. When King Charles I married a devout Catholic, Henrietta Maria of France, in 1625, the majority Protestant public was startled, awakening the fear that harkened back to the horrific reign of Queen Mary I a century earlier when, in an attempt to wipe out Protestantism from England, the queen ordered the burning of nearly 300 Protestant "heretics" at the stake. When the king's newly appointed Archbishop of Canterbury, William Laud, attempted to instill religious uniformity by enforcing the Anglican Church's The Book of Common Prayer and suspending freedom of worship, all bets were off. On August 22, 1642, civil war was officially declared. The war ended with a Parliamentarian victory on September 3, 1651. The outcome was the trial and execution of King Charles I, the exile of his son, Charles II, and the replacement of the English monarchy with the Commonwealth of England, led by the Parliamentarian war hero, Oliver Cromwell.

An ostensibly unremarkable yet spiritually serious seeker named George Fox founded the Quaker movement in 1647 as the upheaval from the English Civil War began to crescendo. Fox was born to a modest family in a small Puritan village known as Drayton-in-the-Clay, near Leicester, England. He did not have the occasion to earn a higher education. Growing up, George was different from most other children as he had a keen interest in God and an obsession for righteousness and self-discipline. He also confessed to being brutally honest and forthright at all times. These idiosyncratic personality traits made it difficult for other children to relate to him and accept him as one of their own. From early childhood, George regularly attended the local church with his parents. However, when he turned 19, with

spiritual unrest stirring his soul, he stopped attending church. During the ensuing months, he spent long hours in solitude reading the Bible. He was distressed and confused by the seeming inconsistency of professing Christians around him. He sought answers from religious leaders from various sects to no avail. He was disenchanted with a heavy heart. In the summer of 1643, Fox left his family and town to find answers.

After almost four years of traveling from village to village, deep in reflection and prayers, he had a spiritual awakening with God revealing Himself to Fox. He had a visionary episode that made it clear to him that a direct experience with Christ outside of the Anglican Church could be possible. He described the experience and his epiphany this way:

I saw that there was none among them all that could speak to my condition. When all my hopes in them, and in all men, were gone, so that I had nothing outwardly to help me, nor could I tell what to do: then, O! then I heard a voice which said, "THERE IS ONE, EVEN CHRIST JESUS, THAT CAN SPEAK TO THY CONDITION," and when I heard it, my heart did leap for joy.

Fox was a man possessed. No longer in a state of fog and an inward inclination but instead overjoyed with a sense of purpose and clarity about his calling, he became a fearless preacher. Taking his beliefs to the people, over the next decade, Fox preached his message all over England, as well as in Ireland and Holland and later, as far away as Barbados, a British colony at the time. For his earnest efforts, Fox was arrested on multiple occasions and was made to answer to the charges of blasphemy.

It was during one of his interrogations by a sitting magistrate that Fox quoted from the Book of Isaiah and advised his accusers to fear God and "tremble and quake at the word of the Lord." Fox was ridiculed, laughed at, and dubbed a "Quaker" for his unsolicited advice to his challengers. While the term began as an indictment against Fox, his followers embraced it and made it their own. They would later call themselves the Society of Friends, but to the rest of the world, they were better known as the Quakers.

After Fox and his followers spent years preaching, by 1660, the Quaker membership numbered in the tens of thousands scattered throughout England, Ireland, and beyond. However, as their popularity grew, they became a target of mass persecution. Mainstream Christian sects viewed the Quakers as a dangerous cult, so much so that they pressured Parliament to pass the Quaker Act of 1662. As a complementary piece of legislation to the Act of Uniformity of 1662, the Quaker Act set forth the "prescribed form" of prayer and worship that directly conflicted with the Quaker traditions, practices, and belief system.

Part of Quakerism's lure is in its core message of a divine spark within, a "Seed," a "Witness,"

"that of God in every man," or more frequently articulated as the "Inner Light," which was preached from the very early days of the Quakers. This claim of direct access to a loving and counseling God afforded to everyone without exception and, by implication, the availability of salvation to all, made the mainstream religious options of the day wholly incompatible and false to a professing Quaker. The notion of the Inner Light made every person, in concept, equal to each other with no markers of differentiation before God. This egalitarian and inclusive notion of grace contrasted fundamentally with the teachings of Calvin, in which grace is offered to a limited few, with the rest destined to bear the burden of the original sin. Calvinist theology was central to the teachings of the Puritanical sects, including that of the Presbyterians, and operated as the dominant theological precept of the 17th century English society and most of the New England colonies.

Quakers, men and women of different means and vocational calling, would sit among themselves in silence, waiting for the Inner Light to speak to them with a quiet piece of wisdom or, more often than not, a call to action. In no time, several controversial practices emerged to define the early Quaker movement, including the refusal to remove their hats in deference to social superiors in their presence, insistence on using a base form of speech (thee and thou) at all times and in all occasions, and propensity to storm into local parish churches to "declare the truth." These practices ran afoul of the conventional norms of the day and the laws of the land, often leading to a beating, incarceration, confiscation of personal property, or worse.

By the time Penn had returned to Ireland in 1667, Quakerism had taken root in the larger towns and coastal villages that dotted the island. When Penn found out that his old Quaker preacher, Thomas Loe, who had visited his family a decade earlier, was in Ireland and would be preaching at a Friends' meeting, Penn jumped at the chance to hear his testimony again. At the meeting, as before, Loe's sermon moved Penn, and a heavenly voice commanded him to stand up in jubilation. From that point on, it appears that Penn attended Friends meetings regularly.

During one of the early Friends' meetings, Penn was arrested along with the rest of the Friends in attendance. A single soldier who may have been tipped off about the non-compliant assembly accosted the crew, intending to put them in jail. Penn, not yet fully conversant in the ways of the Quakers, including the "Quaker peace testimony," which eschews "all outward wars and strife" and the use of force, reflexively took the soldier by the collar with the intent of throwing him down the stairs when a Friend by his side whispered to him to let him go. Penn and his Friends were taken into custody and placed in front of a magistrate when, either by attire or recognition or notification, he separated Penn from the rest of the flock with

the intent to clear Penn's name, so long as Penn disavowed his association with them. When Penn denied any distinction and instead sternly declared his profession to the Quaker faith, the magistrate gladly obliged and put them all, including Penn, in jail in Cork.

The Cork imprisonment was a pivotal moment in Penn's conversion, or what the Quakers like to call the "convincement," to Quakerism. It was the first time Penn outwardly declared to himself, to the Friends, and to the public at large that he was indeed a member of the Society of Friends. His willingness to find himself in jail and suffer in union with the Friends at the hands of the captors must have felt strangely cathartic to Penn, a way to get closer to Christ, perhaps, through suffering and persecution. His standing up for his marginalized, powerless, and mistreated Friends must have also stirred a sense of righteousness and indignation. Andrew Murphy posits another possible layer of self-reflexivity for Penn, a sense of "dual nature of his existence in Ireland." Murphy writes that Penn was a part of the "occupying colonial elite," yet, as a Quaker, he "identified with a persecuted and widely reviled sect." However, there might be something more going on here. Penn, a serious student of the Bible, may have also internalized, at least subconsciously, the story of Moses. The Cork imprisonment saga harkens back to the narrative of Moses disowning his royal privileges and siding with the cause of the Israelites, ultimately securing their release from bondage. Modeling his predicament to that of Moses surely would have delivered reassurances of certitude to a searching soul. In any event, the magistrate eventually released the prisoners with a stern warning. To Penn's chagrin, however, he also learned that the word got out to his father about the drama that unfolded in Cork jail. He would now depart for England, summoned by his most angry father.

From Persecution to Redemption

Why were Penn and his Friends rounded up and sent to jail in Cork on that inconspicuous fall day in 1667? Penn was incarcerated on multiple occasions throughout his adult life for preaching and writing about his Quaker faith. To a modern sensibility, especially that of the Western audience, religious persecution happens only in extreme locales, perhaps far away in what was considered the backward corners of the Middle East. Practicing one's religious faith without persecution is now largely taken for granted as a natural state of affairs. However, if we turn back the clock and transport ourselves to the 17th-century European cultural milieu, there is no escaping the blunt force of religious orthodoxy and absolutism that pervaded every facet of people's lives. The Protestant Reformation of 1517, which liberated the dissenting believers from the clutches of the Roman Catholic Church, and the English Reformation of 1534, which split the English church from the universal church in Rome, did little to alleviate the throes of medieval march in Europe, as these

movements were not particularly liberal in their intentions nor in their ideals. Instead, the winning side simply asserted their own orthodoxy and absolute control over the rest. Revengeful victors would persecute in order to jealously guard their privileged power against the fallen dissenters. And in time, these fortunes would reverse, with the persecuted becoming the instigators of violence and intolerance. In each instance, the prevailing tribe simply could not see through the arrested hypocrisy of the daisy chain of persecution.

The English Reformation brought the political and ecclesiastical regimes under one roof in England, with the uneasy dual heads of the Monarch and Parliament wielding the combined coercive apparatus of church and state. The import of this political construct was that an act of religious non-conformity was no longer a mere challenge to the doctrinal certitude or absolute control of the church but rather to the authority of the state itself. With this background highlighted, we now return to the scene at the jail in Cork.

While incarcerated along with his Friends, Penn wrote a compelling but clearly "outside-the-scope" letter to the Earl of Orrery, Lord President of Munster. Although the primary intent was to convince Orrery to use his clout to persuade the acting magistrate to release the Friends, the letter framed a rather large picture of the practical virtues of religious liberty. A clever Penn intuitively argues for religious toleration as being conducive to "economic prosperity and civil peace." He paints that Orrery, as a well-traveled gentleman of aristocratic stock, would surely know that "diversities of faith and worship contribute not to the disturbance of any place, where [minimum] moral uniformity" is maintained for peace. He continues that the persecution of the Friends, who are, after all, Irish inhabitants in this instance, would present "a bad argument" for "inviting the English to Ireland."

Orrery was a well-acquainted figure to Penn, as the earl had previously assisted him in securing his father's title to his Irish lands and was part of Penn's social circle of aristocratic association in Ireland. In this instance, however, the personal relationship got Penn nowhere. In response to Penn's exercised advocacy, Orrery made clear that he would enforce the law as enacted without any special relief. Orrery fired back: "The liberty which it seems you would have cannot be allowed by me, unless it first be allowed by his majesty's authority." To add insult to injury, Orrery informed Penn that "I sent this day by post to your father" the news about the imprisonment in Cork, a piercing dagger, it would seem, to the young Penn's earnest heart. It was Orrery that "spilled the beans" on Penn to his father.

By 1668, Penn had become a key figure defending Quakerism against an onslaught of attacks from other religious sects in England. In a scathing rebuke from one Johnathan Clapham, an Anglican priest, Clapham insisted that Quakerism "cannot property be called a

sect of Christianity, but rather…a total [apostasy] from Christianity." And therefore, Clapham demurred, "Christians can have no communion with [the Quakers]." In response, Penn published The Guide Mistaken, in which, after implying Clapham a hypocrite for switching allegiances at each turn of regime change, he articulates a considered political thought with civil magistrates as the apparent target audience. He writes that civil magistrates' jurisdiction

cannot reasonably extend beyond the end for which it was appointed, which being not to enthrone themselves sovereign moderators in causes purely of conscientious…but only to maintain the impartial execution of justice, in regulating civil matters with most advantage to the tranquility, enrichment and reputation of their territories, they should not bend their forces, nor employ their strength, to gratify the self-seeking spirit of the priests, or any private interest whatsoever.

The notion of bifurcated realms, with one falling within the purview of the civil magistrates and another that does not, can be exacted from this response and becomes a recurring trope for Penn. Penn reveals his early articulation of the inner realm, the "causes purely of [conscience]," which falls outside of civil magistrates' reach. He continues that "self-seeking" priests should not be able to use the power of the state for their own selfish gains. This latter point directing the audience towards the notion of an impartial referee as the proper role of the state would get its full treatment in the coming years and would become the bedrock upon which the modern political theory touting the virtues of "separating" the church from the state would emerge.

It was not long before the Presbyterians jumped into the fray. In particular, Thomas Vincent, a highly-respected Presbyterian minister, became the bane of Penn's existence during these early years of unrequited Quaker apologetics. According to Penn's account of the debate, Vincent's "peevish zeal transported him beyond, not only the moderation of Christianity, but the civility of education, venting his folly and prejudice much to this purpose." Penn recounts Vincent proclaiming that he would rather drink a cup of poison or have his parishioners visit a brothel than attend a Quaker Meeting. In Penn's view, Vincent's antagonistic tone and tenor epitomized the orthodox Christianity of his day. Ignoring the conscience of his followers, Vincent "elevated doctrinal differences above basic morality and decency." To Penn, Presbyterians like Vincent had no qualms about asking for sympathy and toleration for their religious belief while interfering with others whose conscience demands an adjacent path.

Soon after his debate with Vincent, Penn published The Sandy Foundation Shaken, in which he provides a defense of Quaker's theological positions on the divinity of Christ, the doctrine of the Trinity, and the atonement theory. The book, once published, became the

basis upon which a blasphemy charge was levied against Penn. While the Cork imprisonment the year before appears to have lasted for just a few short days, the latest detention dragged on for eight months. He was behind bars in the Tower of London from December 1668 to July 1669.

Six months into the Tower confinement, Penn authored a charged letter delivered to Lord Arlington, the Secretary of State. In the letter, Penn laments at the prospect of conforming to the edicts of Restoration Anglicanism against his own conscience so that he is permitted to "eat, drink, walk, trade, confer, or enjoy [his] liberties…." He writes: "What if I differ from some religious apprehensions publicly imposed? Am I therefore incompatible with the well-being of human societies?" He tempers his incredulity with the necessary guardrails of "civil interest" and "moral uniformity," to which he concedes are the proper purview of the state. These latter points consistently carried the economic objective of promoting industriousness among its citizenry. In this nuanced construction, as Edward Corbyun Obert Beatty exposits, Penn made clear that he did not believe in tolerating "natural liberty" or "absolute liberty" that allows for the possibility of both good and evil as byproducts of unfettered liberty; but rather, in a more truncated "civil liberty" where freedom comes with strictures of responsibility and morality. And for this mundane purpose, government had a role to play, according to Penn.

Penn delivers a multitude of arrows from his intellectual quiver to argue for religious toleration. He brings to bear biblical passages such as the distinction between "things owed to Caesar and those owed to God" (Matthew 22:21) and Paul's view of faith being a gift of God (Ephesian 2:8), historical examples of prosperous nations "balancing interests of parties" and "tolerating diverse religious beliefs," and the tried and true epistemological argument for toleration: "the understanding can never be convinced by other arguments then what are adequate to her own nature…he is always in the wrong, who by…corporal extremities thinks to illuminate and convince the understanding." He concludes by invoking the English law, insisting that his incarceration was "contrary…to the natural privilege of an Englishman." Penn's analytical fireworks employing every corner of his learned faculty are pointed and energetic.

While in confinement, Penn started working on No Cross, No Crown, a tour de force in Quaker apologetics. The book sets forth a coherent articulation of and justification for the social practices that distinguished the Quakers, such as their refusal to remove their hats in deference to social superiors, objection to taking oath, use of plain speech at all times, and opposition to wearing fancy apparel. Penn offers a cacophony of reasons for Quaker practices and supports these positions with statements made by ancient figures, modern philosophers, church fathers, and the leading Reformers.

The other great work published by Penn around this time was The Great Case of Liberty of Conscience, which, in stark contrast to No Cross, No Crown, represents a systematic thought on politics, power, and liberties. The book lays out an analytical exposition of the foundations of liberty and a principled argument in favor of freedom of worship, which were underdeveloped in his earlier writings. The exigency facing Penn from incarceration appears to have been amplified by the passage of the Second Conventicle Act of 1670, which, in effect, barred Quakers from assembling to worship.

Several years later and, again in prison, Penn had the occasion to revise and expand significantly his thinking in the second edition of The Great Case of Liberty of Conscience. The second edition no longer links the work with a specific piece of legislation, such as the Conventicle Act of 1670. Instead, it sets itself on a more ambitious horizon toward liberating once and for all religious toleration from the calcified medieval pillars of orthodoxy and absolutism.

Penn boldly starts with a full-throttle definition of what he means when he says liberty of conscience: "liberty of conscience is this…the free and uninterrupted exercise of our consciences, in that way of worship, we are most clearly persuaded, God required us to serve Him in…which being matter of faith…we sin if we omit." It is worth noting that Penn's definition of liberty of conscience stays squarely within the confines of religious freedom. To Penn, these terms – liberty of conscience and religious freedom – were nearly synonymous, and securing this liberty became his life preoccupation. While the notion of liberty of conscience could and would ultimately have more to say on other matters of freedom, such diffusion or extension of its reasoning curiously emanates from the desire to preserve the "original liberty" and not with a grander design, as we shall see below.

In fact, Penn goes further into the exposition of his key term, including underscoring the need to protect the "visible" act of worship and placing this privilege squarely within the confines of the "inner" realm such that the civil magistrates would not have jurisdiction:

By liberty of conscience, we understand not only a [mere] liberty of the mind, in believing or disbelieving this or that principle or doctrine, but the exercise of ourselves in a visible way of worship, upon our believing it to be indispensably required at our hands…Yet we would be so understood…not to contrive, or abet any contrivance destructive of the government and laws of the land, tending to matters of an external nature…but so far only, as it may refer to religious matters, and a life to come, and consequently wholly independent of…secular affairs.

Penn did not stop with the defense of physical acts of worship. In the abundance of caution, he explicitly adds the right of ordinary believers

to assemble freely for the purpose of worshipping with one another without being subject to any "imposition, restraint, and persecution." He wanted every stone turned over and let the light in to anticipate any clever chokeholds that the coercive forces could exploit. There is a sense of both precision and expansiveness in his definition of persecution:

By imposition, restraint, and persecution, we don't only mean, the strict requiring of us to believe this to be true, or that to be false; and upon refusal, to incur the penalties enacted in such cases; but by those terms we mean thus much, any coercive let or hindrance to us, from meeting together to perform those religious exercises which are according to our faith and persuasion.

Penn expanded the definition to include, in essence, any impediments whatsoever, whether political, legal, economic, or of any other coercive kind, introduced to discourage, penalize, or block individuals from meeting with each other to practice religious worship. To Penn, the notion of liberty of conscience must not stop with the freedom to think but also to act on that thought and to assemble with others of kindred spirit. There is no doubt that this definitional construct is expansionary in scope and revolutionary in potential.

To Penn, this was not a theoretical exercise but rather a call for the state to adopt religious toleration as a matter of law, as such an edict would contribute to legitimating their proper role in a well-functioning civil society – that of an impartial referee. However, as the implementation of religious toleration as a matter of public policy would naturally lead to practical questions about governing, Penn, in his wisdom, makes a noticeable pivot towards articulating his political theory of government upon which the civil realm could sit coherently with the policy of religious toleration, or more aptly perhaps, a policy of non-intervention. Penn posits that government is "an external order of justice" with a right and, in fact, an obligation to conduct "prudent disciplining of any society, by just law," but that is where their jurisdiction ends.

In making a case for his theory of government, Penn stipulates a clear analytical distinction between "fundamental" and "superficial" laws. According to Penn, fundamental laws, as recounted most notably in the Magna Carta of 1215, protect English subjects from the abuses of arbitrary power. Superficial laws, on the other hand, enacted by Parliaments for particular purposes for particular times, might be amended and, indeed, repealed if the specific set of circumstances of the day calls for it or if they are not in consonance with fundamental laws. In all instances and at all times, according to Penn, fundamental laws should supersede superficial laws since "the superstructure cannot quarrel or invalid its own foundation… without manifestly endangering its security." Accordingly, the Parliamentary passage of a piece of legislation does not necessarily

guarantee its legitimacy, as it is at all times subject to the test of consonance with fundamental laws. As fundamental laws are "eternal laws" predicated on a moral right, they are superior not only to superficial laws enacted by Parliament but also to the will of kings. Penn's analytical framework, by which he differentiates those laws that are self-evident and eternal from those that are narrow and context-based, foreshadowed the arrival of the American hierarchical system of law that would place the constitutional law above all, and below it would sit statutes passed by Congress, common law developed by the courts, and local laws enacted by state legislatures.

The Penn-Mead trial, a notorious trial of farcical proportions, probably did more to proselytize the notion of a hierarchy of laws and, therefore, the legitimacy, or lack thereof, of the enforcement of a questionable lower law, than anything the church-state apparatus could have imagined. Penn, along with his Quaker colleague, William Mead, were apparently preaching in the streets in London as the Quaker house where they had intended to gather had been cordoned off by the soldiers. They were arrested on the spot, the justification of which became the foil upon which an epic court battle played out. The trial was overseen by Sir Samuel Starling, Mayor of London, presiding as the sitting judge and his Court Recorder, John Howel. Penn published a transcript of the trial titled The People's Ancient and Just Liberties Asserted, which was widely circulated immediately after the trial.

As he has done before, Penn took no time escalating the case from a simple question about whether they preached or assembled in a manner that ran afoul of some ordinance into an indictment on the foundation upon which the prosecutorial authority of the church-state apparatus was brought to bear. As Craig Horle assesses the scene, Penn, in effect, elevated "a misdemeanor accusation into a critical dissection of the entire common law tradition and a case on which depended the lives, liberties, estates, and families of all Englishmen." With a sense of entitlement befitting an Englishman of an aristocratic heritage, Penn insists that the court proffer a precise accounting of the law that had allegedly been broken, as a timid, amorphous reference to "the common law" was wholly inadequate, "for if it be common, it should not be hard to produce…." He continues that unless the court is able to produce the law in question for review by him and the people, "the law you ground your indictment upon, I shall take it for granted, your proceedings are merely arbitrary." The use of the term "arbitrary" is by no accident; it portends to putting the case against them into the dreaded "superficial law" category. Then Penn leans in and lays it thick: "I have asked but one question" to be put on notice about the law that I have allegedly broken "and you have not answered me; though the rights and privileges of every Englishman be concerned in it." Penn ends his rousing defense,

going for the kill: "The question is not whether I am guilty of this indictment, but whether this indictment be legal."

In a dramatic fashion, Penn not only exhibited his familiarity with the operation of the English common law and command of courtroom tactics that he presumably had been exposed to at Lincoln's Inn, but he also took the occasion to take the court to task with his emerging theory of government that would test the validity of an arbitrary "superficial law" as applied to him and Mead through the prism of a "fundamental law" to which he is certain exists. Penn confidently made his case for the cause of a nation in front of a court of law and public opinion – a breathtaking spectacle of guile and gumption by a learned man of privilege and conviction.

The Penn-Mead trial was farcical not only because the court continued to assert the "common law" as the basis for the indictment without further clarity or precision but also because both Starling and Howel time and again admonished the jury for rendering verdicts the court found unacceptable. They threatened the jury with incarceration or forced fasting if they failed to submit a unanimous guilty verdict against Penn and Mead. The following day, the apparent subversive jury belatedly returned with a guilty verdict – "Guilty of speaking," which was not the charge in question, nor can it be deemed a crime. Exhausted by these antics and clearly aware of the public relations nightmare, the court asked the jury again to render a verdict. After another day of deliberation, the jury finally delivered a unanimous verdict – "Not guilty." An acerbic Starling fined the jury and sent the defendants to jail anyway on a flimsy charge of contempt. In due course, this case would become the foundation upon which the conscience of the jury and the integrity of a jury verdict would earn their due protection under English law.

As early as the time of the Cork imprisonment, Penn was flexing his intellectual muscle, not to mention his aristocratic connections, in a desperate attempt to find relief from persecution. This two-part episode of persecution, followed by a fight for redemption, became a recurring struggle for Penn. Penn, more so than George Fox, through his prolific writing and powerful advocacy, spread the message of the Society of Friends. Much like Paul became the most important apostle in the early Christian movement despite not being present at its founding, Penn would surpass Fox, becoming the most important figure to spearhead the spread of the Quaker ethos to the world.

It is worth noting the obvious; if Penn had not joined the Quakers, he would not have been persecuted as a non-conformist of the most extreme kind. In turn, without the persecution, Penn would not have had the occasion to channel his immense intellect toward challenging the status quo. While Penn's life prior to Quakerism reveals a searching character suffering from a weighty spiritual turmoil – an

extraordinary antecedent and workable mold of clay, no doubt – his life after affirming his allegiance to the Friends was one of desperately swimming upstream against orthodoxy and absolutism. The fidelity of his political thought resulted from the persecution he experienced and the alacrity with which he defended himself and his faith. In other words, the civil liberties he gradually worked out in his head over time were not the result of idle intellectual exercise searching for some platonic ideal, but rather, a coherent set of rights and privileges borne out of his inspired reflexivity in the face of arbitrary, unjust persecution.

From Theory to Practice

The grant of the charter for the Pennsylvania colony, more so than by any other measure or circumstance, set in motion Penn's collision course with his destiny – a destiny of profound consequence and lasting legacy that still resonates today. To be sure, it is one thing to be a political theorist like Thomas Hobbes or a provocateur of the status quo like George Fox; it is quite another to put his political thought and dissent to a practical test, architecting the constitutional documents of his own design to govern an actual polity. A confluence of accidental circumstances led Penn to petition King Charles II for a grant of proprietary charter of that far away wilderness on the other side of an infinite ocean which would later be affectionately called Penn's "woods." And in that weave of history, the king, in fact, did grant it to him.

When Admiral Penn passed away in 1670, Penn inherited 1,500 pounds per year in rental revenues from his father's massive land estate in Ireland. More relevant to this study, however, Penn assumed the debt claim of his late father against the Crown for some 16,000 pounds for money advanced by him to the Crown to provision military personnel and cover other costs and expenses during various military campaigns over the years, plus accumulated interest. By 1681, when Penn was granted his colony, over ten years had lapsed since the Crown's debt was noted on the ledger. As much as King Charles II was beholden to Admiral Penn for his loyalty and service through the years, 16,000 pounds was a large sum, and he likely had other priorities that demanded the excess reserves of the Crown. So why did Penn belatedly solicit payment from the Crown, and why did the king oblige?

Some scholars have speculated that Penn petitioned the king for recompense as he needed the funds to finance his lavish lifestyle or simply accumulate his wealth. Although there are correspondences from Penn suggesting that he held, at a minimum, a blended motivation, the facts and circumstances indicate that economic motivations were an afterthought. If Penn's goals were primarily financial, he would not have published well over one hundred Quaker books and pamphlets, nor wasted his time debating countless religious ministers of every persuasion, nor found his way to being incarcerated time and again. What

emerges instead from this period is a man singularly focused on securing the grant of a new colony where he can set in motion the enactment of laws of liberties of his own design that could allow the Quakers, and to a lesser urgent degree, other groups who may have been persecuted for their religious beliefs, to worship as their conscience inspired and instructed. The other factor that tends to emerge from this period is Penn's unbridled ambition to model a Christian nation of toleration and prosperity for the world to witness.

By 1680, the application of the Conventicle Act and other similar laws, which forbade the assembly of more than five persons for religious worship (except in Anglican churches), required oaths of allegiance to the Crown and demanded tithes for the maintenance of the Church of England, forced the Quaker's hand with nowhere to turn in England. As a 17th-century true believer, Penn could not find a middle ground to compromise, accommodate, or compartmentalize, lest he fail his conscience and self-perceived calling.

It is worth noting that the Quakers had set their eyes on America for many years prior to this period of existential crisis. Through the wilderness that ran from Massachusetts to Virginia, the Quakers had been preaching their beliefs in America since the 1650s. The Quakers in England "were decidedly America-minded for years before Penn had the opportunity to carry out his holy experiment."

In a provocative letter from 1681, Penn confides to his good friend Robert Turner that he "had an opening of joy as to [Pennsylvania] in the year 1661, at Oxford, twenty years since." An "opening" is an expression used by the Friends to signify a divine revelation. It is alarming to think that Penn might have had the ambition to secure his own American colony as early as 1661 while a student at Oxford. After all, he wrote about a sense of persecution he felt while in Oxford and was aware then, as were many others looking for a promise of hope beyond England, about the open land in America that his fellow countrymen quickly took up.

In 1676, Penn, through accidental circumstances, was called upon to resolve a dispute involving the colony of New Jersey between two Quakers, Edward Byllinge and John Fenwick, who together purchased from Lord Berkeley the grant of West New Jersey from Duke of York some ten years prior. Penn was appointed as a trustee along with two others to mediate the interests of these two disputing Quakers. As part of his charge, Penn co-authored a constitution titled "The Concessions and Agreements of the Proprietors, Freeholders and Inhabitants of West New Jersey in America." In William Wistar Comfort's estimation, "Nowhere else in all the world could there be found such a liberal religious spirit" found in such a document. He continues, "Neither the great charter of Virginia nor the Mayflower compact is comparable in liberality, tolerance and the protection of

individual rights." .

Penn appears to have been aware of the historical significance of this most radical political document. In a 1676 letter to Richard Hartshorne, Penn writes in reference to his landmark work:

There we lay a foundation for after ages to understand their liberty as men and Christians, that they may not be brought in bondage, but by their own consent; for we put the power in the people, that is to say, they to meet and choose one honest man for each propriety who hath subscribed the concessions; and these men to meet as an assembly, there to make and repeal laws, to choose a governor, or a commissioner, and twelve assistants to execute the laws during their pleasure; so every man is capable to choose or to be chosen. No man to be arrested, condemned, imprisoned or molested in his estate or liberty...; no man to lie in prison for debt, but that his estate satisfy as far as it will go, and he be set at liberty to work; no person to be called in question or molested for his conscience, or for worshipping according to his conscience....

Though Penn did not set foot in New Jersey at the time, his efforts in setting into words the constitutional principles of New Jersey must have kept America on his mind thereafter. On his trip through Holland and Germany in 1677, Penn, along with his Quaker traveling entourage, became aware of many other religious dissenting groups which seemed open to finding asylum in an American colony an ocean away.

These compounding circumstances – the untenable plight of the Quakers in England, his involvement in authoring the constitution of New Jersey, finding dissenters on the Continent keen to find asylum in America as well, and an inherited debt claim for 16,000 pounds owed by the Crown – likely galvanized Penn towards looking at America as the final and perhaps the only solution for him and his fellow dissenters. It was likely under these circumstances that Penn petitioned the king for the grant of a colony west of New Jersey bordering the Delaware River.

Penn was the last Englishman to receive a proprietary grant in an American colony from the Crown. To be sure, no Quaker could have made such an audacious request to the king nor afforded the financing of such an ambitious venture. It was likely Penn and Penn alone could have had his petition properly considered by King Charles II with the backing and advice of his brother, the Duke of York. The application was submitted in 1680, and the charter was granted in 1681.

Scholars have made several observations about why King Charles II might have granted a charter to Penn even though the currents of tide were turning away from granting proprietary charters. By 1680, the Crown wanted to "limit or revoke the independent powers of the proprietary and corporate colonies, to regulate

the colonial assemblies, and to appoint royal governors who would strengthen the colonists' military defenses" against opposing French and Indian forces in America. In fact, a decade after the grant, Pennsylvania came under royal control for two years due to the governing Quakers' refusal to defend the colony with force. Given the circumstances, as Jean Soderlund asks: "Why then did the royal authorities create a new proprietary colony in Pennsylvania, headed by a pacifist Quaker of liberal political beliefs?"

An obvious starting point is that it was a non-cash in-kind recompense that was never accounted for on the Crown's "balance sheet." Thus, an opportunity to pay off a 10-year-old debt previously owed to Admiral Penn with a grant to an unaccounted-for forested wilderness in America in lieu of gold, Crown notes, or some other recognized monetary compensation at the time must have sounded like a good deal for the king. Paul Wallace, however, opines that the grant of 28 million acres of land in America cannot be explained simply by a need to discharge a measly 16,000 pounds of debt; instead, it was more likely that it was offered in consideration for all the years of loyal services provided by the Penn family to the Stuarts. Other speculations have included the king wanting to open the door for large numbers of Whigs to leave England or even to protect the life of Penn, as he "had unscrupulous enemies in the now ascendant court party who heartily wished to be rid of him." A more provocative assertion is that the grant of a new charter to Penn was designed to ameliorate the domestic tension and discord by encouraging the despised Quakers to leave England once and for all. In any event, with this grant to Penn, the Crown's debt was canceled. Within the express feudal arrangement set forth in the charter, Penn had free reign to establish a government and its laws as he saw fit.

Comfort observes that while the New England colonies, such as Massachusetts and Connecticut, tended to "defend their theocratic oligarchy and to hold their line against all intruders of other faiths, Penn planned a theocratic democracy which should evolve through the popular will under divine guidance." Paul Wallace surmises that the "largeness of Penn's mind is seen in the fact that in freeing the Quakers he acted on principles broad enough to free all men." Penn was cognizant that his articulation of a government that was not to be controlled by the aristocratic class or any one religious group, and that which is expected to evolve over time through the continual revelation of God, was radical and untested. But it is also worth noting, of course, that he had authored something similar in respect of the New Jersey colony five years earlier. Comfort encapsulates eloquently: "So here in the western world a political philosopher for the first time in modern history had a free hand in creating the Utopia of which others had only dreamed."

But as discussed in the prior sections, Penn's

particular constitution and the accidental circumstances that visited him throughout his life also deserve their due acknowledgment. His introspective and sensitive nature, his birth into aristocratic means and connections, his privileged relationship with the Stuarts, his long and winding road of rarified education, both formal and in his travels, his convincement to Quakerism, his epic battles with religious persecution, his experience with rendering from scratch a constitution of the New Jersey colony, all operated as necessary predicates that facilitated the final act and the most important piece to the rise of a political thought and liberal governing documents – the granted of the proprietorship to the Pennsylvania colony.

Penn made his case for liberty of conscience and the necessary rights flowing from it, including religious freedom, freedom of speech, freedom to assemble, exemption from taking oaths, and right of trial by jury of peers, among many others. Penn was prolific in writing about all the ways in which religious liberty must be protected, including in his landmark works such as The People's Ancient and Just Liberties Asserted and The Great Case of Liberty of Conscience. In due course, Penn himself would enshrine these notions of civil liberties into the frames of government for his Pennsylvania colony.

In concept, Penn was prepared to trust the people to pursue righteousness, and this, no doubt, is the thrust of his genius. In practice, he initially reserved privileged voting power to the governor in recognition of his position as the proprietor but backed off when challenged by the colonial settlers on his attempt at the proprietor's prerogative. Despite tension and difficulties transitioning from political ideals to governing laws, Penn eventually found his compass, remaining consistent with his original position that "we put the power in the people." To be sure, all the iterations and improvements made between 1681 and 1701 "were in the direction of more popular control."

Prior to his initial journey across the Atlantic in 1682, Penn drew up the First Frame of Government, which became the first constitution of Pennsylvania. In addition to expressly granting an absolute right to religious liberty and traditional "British rights,"Penn's constitution prevented any other rulers from rising to absolute power. Another innovation found in this governing document is the addition of an "amending clause," allowing the charter to be revised over time. The First Frame, however, never operated as a working constitution in Pennsylvania.

In the Second Frame of Government, sometimes known as the "Great Law," enacted at Chester, Pennsylvania, upon Penn's arrival in 1682 and at the insistence of the colonial inhabitants that found the First Frame somewhat impractical in a number of respects, religious liberty in its full form was guaranteed, with no coercion "to frequent or maintain any religious worship, place or ministry whatever contrary" to a person's conscience. This edict,

in essence, made clear that "no established church of any kind" shall be forced upon the dissenting consciences of its inhabitants.

In the last and final constitutional document of colonial Pennsylvania called the Charter of Privileges (sometimes referred to as the Charter of Liberties), granted by Penn in 1701 and which operated up to the American Revolutionary period, additional liberties were expressly granted. After reaffirming the freedom to worship, the charter no longer required land ownership to qualify to serve as a public official, the boundary that separated church from state was underscored, and tax funds could no longer be used to support religious institutions. In addition, the legislature was reorganized, reducing the power of the governor to that of a "manager" and placing the power to elect their own leaders and officials and enact laws directly in the hands of the elected legislature. In 1826, James Madison proclaimed that "Pennsylvania may well be proud of such a founder and lawgiver as William Penn" and for its "enlightened citizens to cherish by commemoration of his exalted philanthropy and his beneficent institutions, their expanding influence in the cause of civil and religious liberty."

In a prescient writing titled Plan for the Union of the Colonies (1697), Penn, looking beyond Pennsylvania and on the cusp of fulfilling his destiny to "seed a nation," proposes that the English colonies collaborate under a royal commissioner. Penn argues for each colony to appoint two persons "well qualified for sense, sobriety and substance" to serve as its representatives in a Congress of colonies presided over by the "King's Commissioner" to meet once a year or more. Penn sets out the duties of such a Congress:

That their business shall be to hear and adjust all matters of complaint or difference between province and province. As first, where persons quit their own province and go to another, that they may avoid their just debts [though] they may be able to pay them; second, where offenders fly justice, or justice cannot well be had upon such offenders in the provinces that entertain them; third, to prevent or cure injuries in point of commerce; fourth, to consider of ways and means to support the union and safety of these provinces against the public enemies. In which Congress the quotas of men and charges will be much easier, and more equally set, than it is possible for any establishment made here to do; for the provinces, knowing their own condition and one another's, can debate that matter with more freedom and satisfaction and better adjust and balance their affairs in all respects for their common safety.

Remarkably, the thrust of the points made above would later get embodied into the Articles of Confederation, Articles 4 and 8. And the Articles of Confederation would, in due course, serve as an early template for the Constitution of the United States. There is no other character emanating from the colonial

period who comes close to the impact Penn had in so directly articulating the core functions of the United States federal government. As Thomas Jefferson said, Penn was "the first, either in ancient or modern times, who has laid the foundation of government in the pure and unadulterated principles of peace, of reason and right."

Fruits of His Inner Light

Penn's laws of liberties, as framed in the constitutional documents of colonial Pennsylvania and later as a beacon of inspiration for the founding fathers of a new nation, germinated from Penn's direct experience with religious persecutions. Arrows of attack came from all sides, whether from the suspecting formal church-state apparatus or the fellow brethren of the non-conforming Protestant sects.

Penn's response to these attacks came in two forms: first, a vigorous defense of Quakerism, its belief system, practices, and customs, or what might be called Quaker apologetics; and second, a build-up of a political theory from the underlying rationale for religious liberty. What is striking about the latter form is that it is the basis upon which Penn advances toward other liberties that must also be preserved to serve the original end. Penn realized that in order to protect vigilantly all the ways in which religious faith is expressed, the definition of this original liberty must be expansive enough to include liberties of thought, of components of worship practice, of the act of assembling in groups, of sharing of writings, of freedom from unjustifiable physical violence, incarceration, or taking of possession, of trial by jury of peers and due process, and of freedom from coercion by the church-state apparatus to mandate partaking in sanctioned religious activities or ways of worship. These constituents of necessary protections, as envisioned by Penn in the context of fighting for religious freedom, became, in modern frame and parlance, such iconic and disparate American liberties as freedom of religion, freedom of speech, freedom of the press, freedom to peaceably assemble, freedom from unreasonable search and seizure, among many others.

Penn's fight for religious liberty in words and action throughout his life was, in effect, a struggle for civil liberties that ultimately became the bedrock of the U.S. Constitution and Bill of Rights. Penn's political thought that started in the guise of a reductive materialist argument for religious toleration, i.e., as a means to civil comity and economic prosperity, became, over time, an unbridled human rights claim – the sanctity of liberty of conscience. With this ontological pivot, religious toleration was no longer a means to an end; but rather, an end itself. And because, as a true believer, Penn understood this end as central to human existence, he worked out in his head all the ways in which it must be protected from an onslaught of encroaching subterfuge. His articulation of these prophylactic shields necessary to ensure

religious freedom became the core tenor of many of the modern civil liberties we now recognize and enjoy.

Conclusion

Medieval consciousness and recursive cruelty of persecution had an iron-fisted handle on the currents of European history for well over a millennium. The church-state apparatus, as an institution of control and coercion, was inflicting violence on the progress of man, his heart, his intellect, and his innovation. It took William Penn and his genius to reach the escape velocity necessary to look over the horizon and into the future. His moral conviction that God is in every soul no matter the station in life and, therefore, that the right to be moved by this direct revelation is inalienable brought him near life-long ridicule and persecution and a gift of civil liberties to us.

The world frequently looks to America as a counterpoint to the orthodoxy and absolutism of the past and present. Fidelity to the preservation of life, liberty, and the pursuit of happiness through the modern American political scaffoldings such as equal protection under the law, separation of church and state, and representative government empowered the agency of the individual to think, to dissent, and to innovate, with the encroaching coercive forces held largely at bay. Observers of America will point to the U.S. Constitution and Bill of Rights, along with their authors, as the genius of this inspiration. More assiduous students of history, however, might dig deeper and assert that the secular humanist thinkers of the Age of the Enlightenment have earned their due recognition for inspiring Jefferson, Madison, Franklin, and others when they put down on paper the edicts and ethos that made America exceptional.

Penn's impact on the rise of American liberties is still very much underreported, underappreciated, and misunderstood. His radically liberal political thought, ironically fueled by a moral conscience of an ascetic true believer, ushered in an era of individual rights, checks on coercive forces, and civic and economic vibrancy of a pluralistic society. Through this higher-resolution lens, William Penn emerges from the walk of history as the first of the founding founders of the United States and the grand architect of the quintessential American liberties – the fruits of his Inner Light.

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