Deliberative Democracy in the Context of Town Meetings in Seventeenth-Century New England

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Abstract

From Alexis de Tocqueville onward, the seventeenth-century New England town has been associated with political and social practices that nurtured the making of a "democratic" society. Myth or reality? And where does the religion of the English people who founded the New England colonies figure in this story? A close examination of town and church records—which Tocqueville was unable to accomplish—reveals a powerful commitment to the core values of transparency, equity (fairness and justice), and broad participation. The "Congregational" system of church government transferred authority from any centralized hierarchy to the laymen of each local congregation. Similarly, the central governments in the colonies gave generous allocations of land to groups of immigrants, empowering them to set up self-governing towns. A crucial question for these towns was deciding how to distribute this land; another, was who could share in the decision-making. No formal or explicit "democratic" ideology accompanied the making of this civic culture, but in the context of the seventeenth century, the outcome was something unusually akin to a democratic society

Towns were an unintended consequence of the founding of Massachusetts in 1629-1630—that is, towns defined as substantially self-governing communities with the authority to elect its own officers, organize a militia, regulate social behavior, and distribute the land it was given by the central government. The Massachusetts-Bay Company, which organized the venture after securing a charter in 1629 from the government of Charles I, envisioned a process of settlement that brought everyone together in a single "town." Instead, with people arriving in an unplanned and irregular manner in 1630 and the years that followed, group after group broke free of Boston, the would-be site of an inclusive community, and settled elsewhere. Each of the other four colonies (Connecticut, New Haven, Plymouth, and Rhode Island) experienced the same process. The center did not hold. As it gave way, local communities began to create rules and practices relating to self-governance, doing so within frameworks laid out by the Company-turned-colonial government or, occasionally, in opposition to what that government wanted. Thanks to the records that survive from a dozen or more towns, we can watch the making of these local versions of civil society. Thanks to other kinds of records, we can also observe townspeople organizing a church or, in concert with other towns, arguing about the right kind of colony-wide system of government and what were "fundamental" rights or liberties.

When historians describe the making of this lively culture of participation and debate, they usually downplay or ignore the religious factor. Here, in this essay, I foreground that factor, doing so not only because of its importance but also because I am preceded in doing so by the French social theorist Alexis de Tocqueville, who recognized what I will be describing. During the months he spent in the United States in 1830-31, he listened carefully to the people he interviewed, one of them the Boston-based Jared Sparks, a minister and educator who stressed the significance of the seventeenth-century town and the religious context in which these towns came into being. Several years later, Tocqueville incorporated Sparks' observations into *Democracy in America* (1835, 1840; Pierson 1938, pp. 398-99). Wanting to reassure his European readers about the merits of a society that promoted "individualism" and simultaneously eliminated state support for religion, Tocqueville expanded the information he acquired from Sparks into an emphasis on the American practice of forming voluntary "associations" where men and, less commonly, women, gathered together outside the context of the state to pursue civic projects, some as mundane as fire-fighting and others, such as anti-slavery, more partisan or contentious. Tocqueville appreciated the sociological consequences of these voluntary societies. In the context of the larger story he was telling, they acted as a counterweight to the individualism he regarded as likely to mutate into a new version of tyranny, the tyranny of public opinion. He worried, too, about unrestrained self-interest. But Sparks persuaded him that American-style democracy was anchored in the self-restraint and mutual cooperation that the

Puritan founders of New England had institutionalized in the town. Ever the historian, Tocqueville knew that American democracy had been spared the long shadow of feudalism, absolutist monarchies, and an authoritarian state church. Instead, it inherited the Puritan version of civil and religious society and, in particular, the town meeting.

Neither Sparks nor Tocqueville knew a great deal about the workings of seventeenth-century towns or the history of the Puritan movement that arose in England in the sixteenth century. Here, in these few pages, I attempt to improve on Sparks' description without altering the flavor of what he told the young Frenchman. To do so, we must travel in two quite different directions—into the small world of the New England town and church, for one, and across the Atlantic for another, in order to re-visit the origins and development of Puritanism in the context of the English Reformation. That Reformation began as an affair of state initiated by Henry VIII and imposed on his countrymen. For Henry, reformation was mainly about terminating the authority of the Papacy over a state church that included everyone in the country; as was true elsewhere in Europe, Henry wanted *uniformity* of religion in his country. This is not what happened. Some English people refused to give up their Catholicism. Others began to insist on a much more substantial process of reform, in their words a "thorough reformation" that would eliminate every residue of Catholic practice and structure that remained within the Church of England. Aware of what was happening in cities such as Strasbourg and Geneva, where some English Protestants went to live during the reign of Mary Tudor (1553-1558) after she re-united the Church of England with Rome, their deeper goal was to restore the "purity" of the apostolic age. This would be a church without bishops, their place taken by a ministry of equals founded on the Reformed (Calvinist) principle of parity. And theirs would include the principle of "consent," or allowing lay church members a voice in the naming of their ministers.

Henry VIII died, leaving it to his young son Edward VI (who died in 1553) and that son's advisors, to take up the challenge of a thorough reformation. When Elizabeth I came to the throne in 1558 following the death of Mary Tudor, she agreed with the goal of conformity but not with that of a far-reaching reformation. One sticking point was the relationship between church and state. Henry VIII had made himself "head" of the state church, as did Elizabeth, although she substituted the slightly milder term "supreme governor." Neither was acceptable to those English Protestants who had come under the influence of Geneva and, more generally, the Reformed tradition. For them, the appropriate relationship between church and state was of mutual respect but also autonomy; instead of one dominating the other, each was distinctive in its mode of authority, the church having "spiritual" authority, the state, "temporal," a distinction with important consequences, for it empowered the church to decide matters of doctrine, appoint clergy, and punish (using spiritual

means) any who misbehaved. In the 1570s, a leading advocate of this program professed his loyalty to Elizabeth I in her role as head of state and acknowledged her God-given mandate to protect the church from its enemies. Yet Thomas Cartwright was no less earnest in reiterating the two-kingdom theory of church and state proposed by Calvin and other Reformed theologians: "the godly magistrate is the head of the commonwealth, but not of the church." Moreover, the civil state had to observe "the rules of God prescribed in His word." According to one of Cartwright's allies, the Christian prince was obliged to accept the advice of a council of clergy or, alternatively, receive instruction "by the word of God through the ministry of the preaching of the same," a rule someone of Elizabeth's temperament was never going to accept. Using stronger language, Cartwright called on all civil magistrates "to subject themselves unto the Church to submit their scepters, to throw down their crowns before the Church" (Ayre 1851-53, 1: 297; 3: 404-5, 417; Fulke 1593, pp. 298-99; Pearson 1925).

The purpose of these arguments was to eliminate tyranny of the kind these men associated with the Papacy. Tyranny, or unrestrained authority, was the very opposite of what these men wanted for the *church*, which they extolled as a place liberated from coercion thanks to the workings of divine grace and the Holy Spirit. Moreover, the one and only "king" of the church was Christ, who (it was said) wanted Christians to accept Him voluntarily. Coercion having given way to freedom, ministers within the church should share their authority with the congregation. In sharp contrast to Catholicism and the state church of Henry VIII and Elizabeth I, the reformers embedded the concept and practice of consent into their understanding of church governance. No minister could take office in a local church without being accepted by the lay members, and consent was also necessary whenever a congregation or parish was deciding whether to censure someone who had misbehaved. Among the more radical "Separatists" who broke off from the state church in the 1580s and 1590s, lay people gained an even greater role and ministers a more diminished one; in Separatist congregations, ministers had to rely on voluntary contributions for their income rather than on a state-imposed system of tithes. All such assertions presumed that ordinary people could be trusted to govern wisely if (and the conditional "if" is significant) they had entered into covenant to live righteously together. Be it within Separatism or the theorizing of Cartwright and others, the church became a special kind of community enjoying a singular liberty unlike what was possible in the unredeemed "world" (Little 1969).

In the England of Elizabeth I and her immediate successors, James I and Charles I, putting these goals into practice was impossible. Like the Queen before them, the two Stuart kings preferred an episcopal structure headed by bishops who controlled the appointing of ministers and owed their own position to the Crown. Think better of disobeying my authority, James I advised those who had a "zeal of reformation"

(Kenyon 1986: 120-21). In statements to the English Parliament as well as in what he wrote about kingship, he declared that monarchs gained their authority directly from God and were charged with ruling both church and state. As he told the bishops and ministers who met with him at Hampton Court in 1604, his understanding of royal authority was incompatible with the reformers' scheme of ministers and congregations working together. "If once you were out," he reportedly said to the bishops, "and they [meaning, extremist puritans] in place, I knowe what would become of my Supremacie. No bishop, no king." Two months later, he described his critics as "impatient to suffer any superiority, which maketh their sect unable to be suffered in any well- governed Commonwealth." Earlier, in 1590, Elizabeth I had warned James VI of Scotland (the future James I) that "There is risen, both in your realm and mine, a sect of perilous consequence, such as would have no kings but a presbytery" (Babbage 1965: 253; Pearson 1928: 343).

Royal policy made it challenging but not impossible to practice the reformers' program, which by 1600 had acquired the nickname of "Puritanism" (Hill 1964 ch. 1). Not impossible, because some lay people and ministers took advantage of local sympathies and patrons in high places to bring into being several versions of "voluntary religion," a term I borrow from historians and sociologists of the modern west who use it to designate forms of religious association that emerge outside the boundaries of state-centered churches (Sheils and Wood 1986). Two examples must suffice. One of these was to create an alternative version of parish ministry, the post of lecturer. Serving alongside the regular clergy of the Church, lecturers preached on weekdays or perhaps on Sundays but in general did not take part in the sacramental services of baptism and Holy Communion. Unlike parish ministers, lecturers were chosen by towns or parishes or perhaps a group of people willing to provide the funds to hire someone. Unofficially, therefore, lecturers exemplified the principle of consent that reformers wanted whenever a church employed a new minister. Unofficially as well, they were not as subordinate to the monarchy or state church as others were. A second version of voluntary religion happened among lay people who supplemented the official service on Sundays with private meetings among themselves, where they sang psalms and reviewed or repeated each Sunday's sermons. A community of this kind that met in the late 1620s in Essex, England "used the censure of admonition, yea and of excommunication" among themselves. In some cases, lay people covenanted together to live in peace and obey divine law as fully as possible (Collinson 1983; Tipson 2015, pp. 64-65).

Communities of this kind may seem very different from towns, and the theological version of consent unlike any secular or civic understanding of it. Yet in early seventeenth-century England and in mid-seventeenth-century New England, congregations, lecturers (or in New England, ministers), and towns owed their social and political practices to these values and experiences. As we approach the

New England side of the story, it is crucial that we keep in mind the anti-authoritarianism of what I will begin to call the Puritan movement. At its more radical edge, the movement was pushing back at the authority of the state church or monarchy by appealing to liberty of conscience. Moreover, the movement contradicted the royal supremacy in matters of religion by insisting that whoever was monarch must acknowledge the autonomy of the church. Coincidentally, the Puritan movement was also critical of the nobility and its grip on church property. Despite its image as oppressively oligarchic, an image already present in the seventeenth century and reborn in nineteenth-century America, the movement was inherently oppositional.

Another aspect of the English movement that is not widely recognized was its program of "civic godliness," a program designed to improve the situation of the poor, increase everyday literacy, eliminate some of the disorder that plagued the Sunday Sabbath, and increase the possibilities for popular participation. In certain English towns, a self-sustaining oligarchy was challenged by a group of Puritan-linked insurgents who, when they came into power, insisted on a more open mode of governance. Usually, these transitions involved a minister who encouraged townspeople to become more active in addressing social problems. And sometimes, ministers and townspeople collaborated on a covenant—a voluntary covenant that flowed from hopes for something better by way of community. In the early 1630s (the exact date is uncertain), the minister in Dorchester, England, summed up his aspirations for the town as a godly community in a list of ten vows. The first of these, which called on everyone to "cleave unto the true and pure worship of God" and oppose "all ways of innovation or corruption," alluded to the anti-Puritan policies of Charles I. So did the eighth and ninth vows, which urged the townspeople to contribute money and time on behalf of "the gospel at home and abroad"—that is, to support as fully as possible the Protestants in Europe who were suffering from the Thirty Years War and the refugees who had come to England. As in other programs of reform, the vows emphasized devotional exercises as a means to the end of sustaining "Christian peace" and overcoming selfishness: children learning a catechism, adults accepting "brotherly admonitions" and foregoing "all groundless suspicions, slanders, and contentions," reconciling with neighbors, avoiding "all ways of gain" that were "scandalous," attending church services and "meditating" on Scripture, using time wisely for spiritual ends. At such moments, people sometimes used the term "equity" or its near-synonym, "justice," as a way of indicating what they wanted. In Dorchester as in other towns and notably in Protestant Scotland, the social program of the godly acknowledged the importance of literacy among the common people. Eager to have these people read the Bible and their children learn a catechism, the people who formulated the practice and theory of civic godliness were also expecting local people to practice the routines of devotion described in manuals such as the Arthur Dent's *The Plain*

Mans Pathway to Heaven (1601). Devotion was deeply social. It encouraged a spirituality that, far from being individualistic in its outcome as has sometimes been suggested, nurtured household governance and disciplined modes of social behavior. Here, in this version of devotion, we begin to glimpse what Jared Sparks was attributing to town government, a Protestant culture that combined voluntary covenants of the kind that emerged in Dorchester and other English communities with an insistence on obligation to others. Never endorsed by the state church, this culture survived and flourished thanks to agencies such the book trades. Dent's manual of devotion had as many as twenty-five printings (editions) before 1640, and others of the same kind were also being published in substantial quantities. Literacy in the sense of knowing how to read may not seem especially significant in the world we live in, but it meant a great deal to advocates of a program of disciplinary religion that incorporated popular participation in worship, devotion, and the machinery of church governance (Underdown 1992, pp. 91-92; Hall 2011, chap. 4).

Thanks to their commitment to Puritanism, the English people who colonized New England in the 1630s arrived having achieved a high level of literacy. With them as well came a theological understanding of the church that emphasized its singular freedom, to which the immigrants added their experience with several aspects of voluntary religion and a fierce antagonism to the "tyranny" of Charles I. Among the dozens of ministers who left England were some who had been punished for defying the rules of the state church. So had some lay people. Now, in what an observer characterized as "the free air of the new world," they could finally implement the culture of participation and debate that had been held in check in England. Three of their achievements were especially significant: creating a lay-centered "congregational" system of church government that did away with the more hierarchical and clergy-centered model known as Presbyterianism; creating a printed legal code, the first of its kind in English, that protected the sphere of the church from the civil state; and fashioning town and colony-wide governments around the principles of accountability and consent. Sanctioned, encouraged, and acted upon in unpredictable ways, participation became an integral aspect of religious and civil life in early New England (Hall 2011, chap. 2).

A culture of this kind flourished in several overlapping contexts: towns, of course, but also local churches and, for want of a better term, public life. Jared Sparks may not have known much about the substance of that public life. Nor are more recent historians of early New England, who rarely mention the rules and practices I am about to inventory. A starting point for any such inventory is the earliest written statement of legal, political, and religious principles, the "Body of Liberties," which consists of a long list of privileges and restrictions that the Massachusetts government endorsed in 1641, after sending manuscript copies of the text to each

town in the colony so that townspeople could see in advance and, if need be, criticize what the lawmakers were doing. As worded in the actual order, the town constable was to "publish" (probably by reading aloud) the text, so "that if any man should think fit, that any thing therein ought to be altered, he might acquaint some of the deputies therewith against the next court." Here, in 1639-40, is one kind of testimony to the making of public life, an unprecedented process of debate and consultation in the setting of the town. Within the text itself, liberty number twelve granted the colonists as a whole the privilege of coming "to any publique Court, Councel, or Towne meeting [emphasis added], and either by speech or writeing to move any lawfull, seasonable, and material question . . . whereof that meeting hath proper cognizance, so it be done in convenient time, due order, and respective manner." Almost as sweeping was Liberty two, which empowered the smaller group of men who were "freemen" the privilege of "full freedome" to "give any advise, vote, verdict, or sentence in any Court, Counsell, or Civil Assembly" (Whitmore 1889).

Rules of this kind sustained the practice of public debate. We cannot transpose our own version of deliberative democracy back into early seventeenth-century New England, for the colonists had strong rules about speech and writing and how free or public these should be. Notably, the colonists inherited the categories of libel and sedition that, in England, were powerful means of curtailing what was said and published. Yet debate broke out at once—debate about how to interpret the charter of the Massachusetts-Bay Company and its provisions for governance, debate about the ideal form of church, and in towns themselves, unending debate about governance, property, and property. Most of the time, open debate was not recorded even though we know it was taking place. According to a minister who was an eye witness, when a special synod met in September 1637 to clarify and resolve a theological dispute, "a place was appointed for all the Opinionists to come in, and take liberty of speech (onely due order observed) as much as any of our selves had, and as freely." The debate that ensued adhered to the structure of an academic disputation, with each side exchanging formal arguments, to the end of arriving at or resolving the truth. A very different kind of debate unfolded when, that November, the government cracked down on a handful of religious dissidents, for the records provide real-life glimpses of the back-and-forth. For those who spoke out against the majority, the point of doing so was spiritual, to bear witness to their version of the truth against unjust authority (Hall 1968: 212-13; 251-71). As happened later with the Quakers in England and New England, deliberation could easily slide into Protestant-style prophetic witnessing, a far cry from present-day expectations about the workings of deliberation.

The "Body of Liberties" guaranteed yet another privilege, the possibility of petitioning town and colony governments. Petitions had a much greater

significance in the early seventeenth century than they do at the present time. Then if not as much today, they were a means of voicing "every conceivable grievance . . . to all extant seats of power." In Massachusetts, hundreds of people availed themselves of this practice; at a typical session of the Massachusetts government in the mid-1640s, fifty petitions arrived, some from men and women seeking permission to sell alcohol or obtain relief from a fine, others on behalf of towns or churches asking for grants of land or other privileges. By this time, the government was also receiving petitions addressed to matters of state policy, some of them challenging state policy, as happened in 1646 when a group of men asked the government to allow Baptists to worship freely. To be sure, the Massachusetts government disapproved of some petitions that struck at its authority and, on a few occasions, imposed civil penalties on the men who signed them. Yet it is immensely significant that, after doing exactly this in November 1637, the government insisted in a public statement that it welcomed the "free use of any way of God, by petition or other private advertisement . . . for the reformation of any . . . failing in any Court, or member of the same." The Body of Liberties is noteworthy in one other respect, for it included the rule that "every person . . . whether Inhabitant or other shall enjoy the same justice and law, that is general for this Plantation." Here, the context was the colonists' unhappiness with the corrupting effects of privilege (social rank) on the workings of justice in England. The "Body of Liberties" also included the principle that no person could be deprived of life or property "unlesse it be by virtue or equitie of some expresse law of the Country," with two provisos attached, that such laws must be "established by a general Court" (not, that is, by mere prerogative) and be "sufficiently published," that is, made known (Whitmore 1889, pp. 33-35).

Another lively site of participation was the church. Thanks to their Puritanism, the colonists brought with them a theory of church government that eliminated Catholic-style Episcopacy (bishops) as well as Presbyterianism by replacing the centralized or hierarchical aspects of each of these with a form of ministry in which everyone shared the same rank. The Congregationalist version of church government added another provision of this theory, the rule that each local congregation was fully empowered to choose its own ministers and, if necessary, dismiss them. Moreover, each congregation could do this on its own, without supervision from outside, i.e., without worrying about civil magistrates or some centralized version of authority. What did this congregationalism look like in action? In 1637 the thirty families in the newly-founded town of Dedham (Massachusetts) agreed to meet every week "lovely to discourse and consult together such questions as might" allow them to "establish a peaceable and comfortable civil society" and, at the same time, "prepare for spiritual communion in a church." Thanks to the efforts of a university-trained minister, we can follow the making of the local church as that process unfolded over the next eighteen

months. General rules were agreed upon, one of them that the "saints of Christ should be distributed into particular [not universal] visible congregations" and another that only those who qualified as "visible saints" should become members. Some nine or ten men volunteered to test each other's qualities as a visible saint, a process of discernment that lasted for a year before the seven or eight who were satisfied with each other drafted a "covenant" and brought the church into being, whereupon one of them was elected as its minister. The details make the story of the Dedham church-founding unique, but the underlying principles were shared by dozens of congregations that the immigrants were creating (Hall 2004, pp. 65-70).

Thereafter, every congregation remained a hotbed of agitation about its "liberties," one of them endorsed in the "Body of Liberties," the "free libertie of Election and ordination of all their officers . . . provided they be able, pious and orthodox" (Whitmore 1889, p. 57). Tempers sometimes flared. Conflict happened from time to time within the Wenham church as men and women contested each other's testimony, voted with their feet, and loudly criticized those who judged them. Theirs was an unusually active congregation, as we learn from the chance survival of its records. Meeting after the Sunday service in November 1644, the group agreed on the procedures to be used in admitting new members, debated whether to hold a day of thanksgiving, and discussed what to about "members of other churches" who asked if they would be welcome at the monthly celebration of Holy Communion. So it went Sunday after Sunday, keeping John Fiske, the minister, busy incorporating the back and forth into the church records. This was a congregation that took its independence seriously. When the civil government solicited responses to a systematic description of church governance known as the "Platforme of Church Discipline" (1648-49), "agitation and debate" arose. After voicing its "assent," the congregation carefully specified that "this our assent extends not itself to every particular circumstance in every chapter and section in the said platform." On this occasion as on others, the congregation defied any outside intervention that "impeach[ed] . .. the church's liberty" (Pope 1977, pp. 90-91, 59-67; Cooper 1999). Episodes of this kind remind us that the colonists had sidestepped the tensions between church and state that beset state churches and, in England, every attempt at practicing voluntary religion. Here, that contradiction disappeared thanks to the weakness of the civil state and the colonists' insistence on implementing the two-kingdom framework of church and state.

At long last, we come to the town. Every one of these communities started out with an extraordinary asset, the reserves of land it was charged with distributing to towns people or holding some in reserve or as "common" lands for general use. Throughout the 1630s and 1640s, these villages of a few hundred adults and children had to figure out the right ways of distributing this land. Once it was distributed and farms and gardens were created, townspeople were faced with

problems as mundane as ensuring the construction of reliable fences and the challenge of controlling runaway pigs. Sad experience taught the lesson that, unless village pigs were "ringed" or strong fences built around fields and orchards, these animals would destroy everyone's gardens and crops. Keeping pigs under control may seem a trivial matter, yet townspeople knew better: without good fences, neighbors would quarrel with each other about the damage pigs were causing and disputes of this kind erode the ethics of "peace" that the colonists were hoping to sustain. Another local issue concerned trees or timber. Within a decade it was becoming apparent that the demand for firewood and lumber was outrunning the supply of trees on the "common land" that towns had set aside. Regulating the amount of wood any one family could take for itself was easy to do on paper, but much harder to do in practice. On the other hand, deciding on taxes and a town budget was less troublesome, if only because of the principle that every household be "rated" fairly, a rule most towns seem to have observed. Handing out licenses for selling alcohol or allowing someone to open a tavern was certain to make some people complain that alcohol was already too available (Thistlethwaite 1989).

Starting from scratch, and with no landlords or feudal manors to work around, the colonists designed a form of government that drew the heads of every household into the process of decision-making. Thus came into being the town meeting. Something of its importance as an institution that enabled householders met to argue openly among themselves is indicated by a single statistic: in the town of Sudbury, Massachusetts, "every major issue was discussed in open town meetings," 132 of them "in the first fifteen years," with "more than 650 orders" adopted by the town during this same period. No transcript of what was said in any town meeting has come down to us, and it is unlikely that any record was made of anything more than a bare-bones reporting of what was decided or discussed. Nonetheless, these sources allow us to glimpse a freedom to argue back and forth. Hence the reference in one source (1660) to "many and Serious debates" about the rules for distributing land (Chapin 1919, vol. 2, p. 94; Daniels 1983) and, in the town records of Northampton, Massachusetts, to "Tumults and many speaking at one time" (Trumbull 1898: 101). That local people welcomed vigorous debate is suggested by a few elementary statistics. In newly founded Providence (1636), the "masters of Families" were meeting every fort night" (two weeks) without any "Magistracie on hand. In the mid-1640s, the nearby town of Portsmouth was holding monthly meetings. And, as already noted, the townspeople of Sudbury seemed to have a remarkable appetite for argument and free speech (Hall, 2011, ch. 2).

Keeping up this pace was wearying. By the mid-1640s the town meeting in Hartford, Connecticut, was levying fines on any townsman who was absent without a good excuse. No wonder, then, that by 1640 or thereabouts, towns were beginning to delegate some aspects of debate and deliberation to a smaller group of officers

known as "select men." Delegates also carefully defined what this meant, for in town after town, the meeting voted to keep these selectmen on a short leash, a practice rooted in deep-seated anxieties about allowing power to concentrate in the hands of a few, as happened in England during the "Personal Rule" of Charles I, when he governed without the assistance of Parliament. Everywhere, selectmen were elected annually, and everywhere, their authority was strictly limited. The town meeting in Hartford was unusually specific in ruling that, on their own, the selectmen could not admit newcomers, levy fees or taxes (with one exception), change the location of roads, or make land grants except "an Acre or Two at most to any Inhabitant that in case of present necessity." A few years later, the same town meeting reminded everyone that grants of land must be made with "the knowledge and Consent of the whole and If any such Divisions shall be made to be void and no effect" (Hall 2011, chap. 2).

Annually, when electing these selectmen, town meetings reminded them of their accountability. Another means of keeping selectmen on a short leash was to appoint an additional group of men to work alongside of or separate from the selectmen in making "rates" (for levying taxes) or divisions of land; for example, the Hartford meeting added no fewer than ten extra persons to the selectmen to decide on a particular division of common lands. Always, these towns were insisting on the accountability of the men they were electing to the office of selectman. In another Connecticut town, Guildford, the town meeting was unusually emphatic: selectmen could "make no laws nor orders . . . but before all the planters, then and there inhabiting and residing," until the townspeople had been given "due warning and notice of their meeting." Springfield followed suit, ordering that any decision made by the selectmen would remain "in force" only if these orders were "openly published, before the generality of the Towne after a lecture" or other public occasion. And, with accountability of such importance, town meetings also insisted on keeping careful track of who got what: that is, the size and boundaries of each person's holdings. In the opening pages of the town records of Southampton, Long Island, founded in 1640 by a group of people who moved there from Massachusetts, it was noted that "the delaying to lay out the bounds of towns and all such land within the said bounds hath been generally the ruin of towns in this country." Hindsight was foresight for these twice-seasoned immigrants (from England to Lynn, from Lynn to Southampton) who, facing the sometimes-thorny task of levying taxes, looked around "for the most peaceable way of doing so" (Hall 2011, pp. 62-65).

It is not far from the truth to argue that the economic and social importance of owning land lay behind the establishing of town meetings. Who could be trusted to do this fairly, and what rules should guide the process? The quest for faithfulness prompted a few towns to entrust a local church with decisions, almost certainly in

the hope that the "saints" would do the right thing. Far more commonly, however, it was the town meeting as a whole that laid out a set of rules and voted on major grants. According to the first of these rules, or "proportionality," the households with more children or greater wealth or valuable skills (millwrights who knew how to build and manage a mill for grinding grain were much needed) received larger grants of land than the less wealthy. The second was the principle that sometimes went by the name of "competence," namely, giving even the poorest of households enough land to ensure their economic well-being. Doing so was a means of avoiding the poverty of the typical English village and the problems that poverty created. A third principle was fairness or "equity," to which the word "equal" was sometimes attached. In Dedham, after nearly twenty years of experience with the distributing of land, the town was continuing to look after its "poor men" and, on the grounds of "equity," assigning them extra allocations (Worthington 1827, p. 18). In Providence, the initial grants of land were house lots of the same size, perhaps in response to Roger Williams' feeling that there should be "Equalitie . . . in Land." In Dedham, the town gave every household equal rights "to all undivided land," and Hartford, the town meeting intervened to insist that land distributions should be "Just and Equall" after learning that the rule of proportionality had been misapplied, some "having more than is . . . their due" (Hall 2011, p. 64). More forcefully, town meeting in Woburn committed itself to allowing any one with a grievance to carry it to the meeting, in the hope of preserving "mutual love" and of "taking off the burden from the oppressed." Here as in other places, equity or equality and proportionality met and became intertwined in artful compromises (Sewall 1868, p. 25).

Compromises of this kind blur any distinction between the secular and the religious. Handing out land and curbing runaway pigs were most certainly of this world, forced upon the colonists by circumstances and resolved in ways that drew upon communal practices in England. Town meetings were singular to New England, yet they owed a great deal to the participatory nature of early modern English society (Withington 2005; Allen 1981). Where the secular-legal-political and the religious converged was around certain terms and practices. By the early seventeenth century, equity and its near synonyms of "fairness" and "justice" had become moral imperatives almost wholly detached from the law, moral imperatives invoked during the distribution of land as well as during moments of religious, political and social conflict. The moral and social skills associated with "neighborliness" were highly valued in early modern England and New England, but neighborliness was really a means of preserving peace, which Jesus had extolled as normative in the "sermon on the mount" [Matt. 5]), whence the word passed into town and church covenants in New England. "Consent" may seem intrinsically political-structural, yet as noted earlier, it owed much of its significance to the assumption that the divine-human relationship is framed around willing activity on the part of

humankind; faith cannot be coerced, nor is obedience to divine law meaningful unless it is rooted in a voluntary, i.e., freely willed, commitment. (Little 1969; Hall 2011 ch. 4). Most historians overlook the presence of these values in their rush to emphasize the entrepreneurial aspects of colonization or the social and economic tensions that rose to the surface in every town (Martin 1991). Human nature being what it was in the seventeenth century, tensions were quite real and remain so in the context of deliberative democracy—perhaps more so in the twenty-first century than four hundred years ago.

Any insistence on town meetings as a site of deliberative democracy must be tempered in two major respects. Although it is surprising to see how often the word "equal" appears in town documents, the colonists brought a strong sense of hierarchy to church, town, and colony governments, to which they added a considerable anxiety about instability and rebellion of the kinds that punctuated the history of early modern Europe. For governments to work, people had to obey. A government based on annual elections, as became the norm in towns and colonies, was especially vulnerable. Thus the importance of tying citizenship (that is, access to the franchise) to "interest," the assumption being that citizen freemen would vote according to that interest. Fortunately for the colonists, it was easy to allocate land to every household and, this step taken, create a broad "interest" in a fair and equitable set of rules for distributing more land. Just as imperative for the founders was establishing an "interest" in sustaining ministers and churches. Here, the key step was to rethink the nature of the franchise, or who could vote. Anxious about the consequences of giving every adult male the liberty of voting in colony and town elections, the leaders of the colony of Massachusetts devised a rule that tied the status of "freeman" to church membership. On the one hand, this was a daring measure, for it severed the customary connections between owning property and the franchise, connections that, in England, prevented a substantial share of men from ever being part of elections to the House of Commons. On the other, the rule of 1631 threatened to be severely restrictive given the decision—possibly not made until the mid-1630s—that church membership would be granted only to those deemed "visible saints." Any judgments about how inclusive or exclusive the new rule was depends on knowing what percentage of adult men became members of a local congregation. In most towns, it seems that half or more qualified for membership, but never more than seventy per cent. Even without knowing the exact figures, however, we learn from John Winthrop, the long serving governor of Massachusetts, that "no smale Company" was "left out of Church fellowship, and Civill Offices, and freedome [i.e., certain privileges]." By the mid-1640s, however, towns were allowing others to vote, and in 1647 the rule vanished for town elections, after a decade or so in which irregular voting seems to have been widespread (Hall: 2008: ch. 2).

Looked at from the standpoint of community values, a franchise limited to church members was in keeping with the ethical-religious norm that voting should never be an expression of self-interest but aligned with what God was expecting these people to do. A God-aligned society is not the same thing as a society aligned with deliberative democracy. On the other hand, it was also not a society aligned with aristocratic privilege. When a member of the English aristocracy told the governor of the colony that law tying voting to church membership troubled him and he would not come to the colony unless it were waived in his case, the minister John Cotton replied that the law was "a divine ordinance," citing Exodus 189: 21 ("Moreover, provide thou among all the people men of courage, fearing God . . . and appoint such over them to be rulers"). Cotton sensed that what really alarmed Lord Say and Sele was the openness of the Massachusetts system of government, which empowered the freemen to elect or turn out of office the colony's governor and magistrates and, unlike Parliaments in England, to initiate legislation in the "General court." When he told Say and Sele that "none are so fit to be trusted with the liberties of the commonwealth as church members," we are tempted to read this as acutely undemocratic when what Cotton was endorsing was the principle of interest. In Massachusetts, it was not the nobility and its interests that were front and center, but the interests of a new religious system based upon the men deemed "godly," a more inclusive group than those that were allowed to vote in England (Hall 2011: 116; Hall 2004; Gunn 1969).

These circumstances complicate Tocqueville's enthusiasm for the town meeting and mine for the church even as it strengthens his core argument, that democratic society needs counterweights to self-interest or individualism. It is tempting to mythologize town meetings as a remarkable example of popular participation. I come close to doing this in *A Reforming People: Puritanism and the Transformation of Public Life in New England* (2011), an attempt at recovering the ethical and social rules that enabled such a robust culture to take root and flourish. We are not in the realm of myth when we recognize the oppositional aspects of the Puritan movement as it developed in England and its preference for a de-centered system of governance in local churches and other communities. Nor are we in the realm of myth when we recognize the significance of the two-kingdom framework for church state or the imperative of aligning the distribution of land with "equity" and fairness. Ethical imperatives of this kind do not weigh on twenty-first century celebrations of democracy or on theories of participation. Perhaps because these restraints were forcefully present in early New England, we may hesitate to include the town meeting in any larger story of deliberative democracy. Yet this would be a mistake, as I trust is demonstrated in this essay.

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