THE POLITICAL WRITINGS OF

William Penn
WILLIAM PENN
The Political Writings of William Penn

INTRODUCTION & ANNOTATIONS

BY ANDREW R. MURPHY

LIBERTY FUND

INDIANAPOLIS
To
BERNARD YACK, BOOTH FOWLER,
and PATRICK RILEY—
scholars, mentors, colleagues, and friends
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INTRODUCTION

William Penn: His Life, His Times, and His Work

William Penn was born in London on 14 October 1644, and died in Buckinghamshire on 30 July 1718. His life spanned the two great political and religious upheavals in seventeenth-century England: the Civil Wars of the 1640s and the 1688 Revolution. Son of an admiral who served the parliamentarian cause during the Civil Wars and Commonwealth but who made his peace with the restored monarchy after 1660, Penn found himself involved in the turmoil of the 1680s because of his friendship with King James II and his relentless pursuit of religious liberty.

Expelled in 1662 from Christ Church College, Oxford, for religious non-conformity, Penn traveled to France and studied for a time at the Protestant Academy at Saumur. He later returned to England and studied law at Lincoln’s Inn, then converted to Quakerism in 1667 while in Ireland on business for his father. His conversion marked the beginning of a lifelong career as religious controversialist, preacher, writer, and spokesman for the Society of Friends (or, as they were commonly known, Quakers). During the course of a public career that spanned over four decades, Penn worked tirelessly to promote religious liberty as a general principle as well as to advance the specific interests of Friends and his colonizing endeavor in America. This volume reprints Penn’s primary political writings from the 1670s and 1680s, writings that illustrate his approach to toleration as an English, a European, a Christian, and indeed a human value, and which provide a background against which to view Penn’s efforts to achieve a level of religious liberty in America that was not possible in his homeland.

The Society of Friends had emerged from the religious and political ferment of the English Civil Wars, and their denial of the Trinity, their doctrine of inner light, and their refusal to swear oaths and show social deference instantly attracted charges of anarchism, atheism, and disloyalty. William Penn

1. The best account of Penn’s religion is Melvin B. Endy, Jr., William Penn and Early Quakerism (Princeton, 1973). An invaluable new source on the Friends is Rosemary Moore, The Light in Their Consciences: The Early Quakers in Britain 1646–1666 (University Park, Pa., 2000). The most important primary sources are George Fox’s Journal (London, 1694); and Penn, A brief account of the rise and progress of the people, called Quakers (London, 1694).
had ample opportunity to respond to these accusations: Not only was he a man of means, but he also put his several imprisonments to good use, writing many tracts defending his particular religion and advocating liberty of conscience as a principle. Penn spent the decade following his conversion writing and traveling throughout England, Europe, and America on behalf of Quaker causes. He was also increasingly interested in the possibility of founding a colony based on principles of religious freedom.

In 1681, calling on an old friendship and debts owed his father by the Crown, Penn received his colonial charter from Charles II. The next year he crossed the Atlantic, and, in the following spring, the first Pennsylvania General Assembly adopted the *Frame of Government* by which the colony would be ruled for the next ten years. Although business and legal matters, including a protracted border dispute with Lord Baltimore and activities on behalf of toleration in England, would keep Penn away from Pennsylvania for most of his remaining days, he always considered his colony an attempt to instantiate the principles of political and religious liberty he articulated in his writings. Penn’s close association with James—and his support for the king’s extralegal efforts to implement toleration—landed him under house arrest after the 1688 Revolution. Financial woes were almost continuous for Penn as well, and he spent time in debtor’s prison in 1708. A series of strokes incapacitated him in 1712, and he died six years later.

As the reader of this volume will soon discover, William Penn’s political writings present an impassioned and richly articulated—though not always highly systematic—vision of the political, philosophical, theological, and pragmatic foundations of liberty of conscience. For Penn, religious liberty was part and parcel of English liberty more generally, a fundamental right and a necessary element of legitimate government. Penn’s arguments for liberty of conscience followed all of the conventional routes rehearsed in English political rhetoric over the course of the seventeenth century. None of his justifications for liberty of conscience was entirely original. But in his synthetic corpus, Penn provides a coherent encapsulation of the many and varied routes to toleration sought by early modern English thinkers and actors. Insofar as Penn attempted to put his principles into practice in his colonial ventures, the texts reprinted in this volume possess a continuing relevance to scholars not only of English political and religious history but also of American political development, colonial history, and the constitutional foundations of American religious liberty.
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Penn's Times

Though Penn was a young child during the Civil Wars and strife of the 1640s and 1650s, the events of those decades cast a long shadow over English public life for the rest of the century. The political instability following the death, in 1658, of Oliver Cromwell—who had commanded parliamentary forces during the Civil Wars, overseen the execution of Charles I in 1649, militarily subdued Scotland and Ireland, and ruled as Lord Protector since 1653—had paved the way for the restoration of Charles II and the Stuart monarchy in 1660. Restoration parliaments were hostile to religious dissent, associating it with the unrest of the Commonwealth period and Cromwell’s Protectorate and becoming increasingly concerned about the possibility of toleration serving as a cover for introducing Catholicism into England. Formally reestablishing the Anglican supremacy, Parliament passed the Clarendon Code, a series of measures aimed at suppressing religious dissent, between 1661 and 1665. These acts restricted the rights of independent congregations to assemble, reinstated the Book of Common Prayer, and required assent to its liturgy by all clergy. With the revival of the Conventicles Act in 1670—and the passage of the Test Act, which required abjuration of Catholic doctrine and papal supremacy of all public officeholders, three years later—Parliament sought to construct a solid edifice against religious dissent.

Stuart kings after the Restoration, on the other hand, were decidedly more receptive to the idea of religious toleration. (The fact that Charles II, who reigned from 1660 to 1685, was a discreet Catholic, and James II, who reigned from 1685 to 1688, was an openly practicing one, played no small part in this position.) Charles II had signaled a willingness to “indulge tender consciences” in his Declaration of Breda, issued just prior to the Restoration, and in declarations issued in 1662 and 1672. He was blocked, however, by parliamentary resistance. Parliamentary opponents asserted that such royal actions ignored their role in governing the commonwealth under the traditional understanding of the English ancient constitution, in which monarch and Parliament shared responsibility for governance. Such procedural dis-

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putes between king and Parliament had figured prominently in the troubles of the 1640s as well, and would eventually contribute to James II’s ouster in 1688.

Ubiquitous anti-Catholicism and anti-French sentiment, as well as parliamentary suspicion of royal motives, received additional force in the early 1670s, when Charles entered into an alliance with Louis XIV (and, at the same time, war with England’s sometime Protestant ally, the Dutch). Charles’s 1672 Declaration of Indulgence appeared in the context of hostilities with the Dutch and plans for a French alliance and standing army. Many influential English political figures saw signs of a growing conspiracy to assert divine right theory, achieve absolute monarchy, and overthrow Parliament. Though it seems unlikely that such a plot was ever seriously planned, rumors of a “popish plot” during the later 1670s (with tales of a conspiracy to bring Catholicism into England under the cover of religious toleration) fueled the Whig effort to keep James off the throne. In this Exclusion Crisis (1679–81), the emerging Whig party raised concerns about the safety of English liberties, both political and religious, under a Catholic monarch. As one contemporary put it, “As soon as ever the papal authority is admitted among us, all the Protestants in these nations are dead men in law. . . . Our estates, lives, and souls are in extreme hazard.” Their Tory opponents, however, skillfully raised the specter of political and religious radicalism, linking Whigs and “excluders” to the radicalism of the 1640s and 1650s. The lessons of history, for Tories, were clear: To allow dissidents and dissenters to challenge royal power, especially given human nature, the likelihood of human error, and recent English history, would result in chaos, civil war, and irreligion. In other words, they claimed, Whigs were using fears of a Catholic monarch to mask the same aim that they shared with their parliamentary predecessors of 1642: political rebellion. After Charles’s dissolution of Parliament in 1681, the Exclusion Crisis was effectively over and a Tory reaction set in at the local level, supplanting Whigs from many of their positions in local governments.

The short reign of James II confirmed the worst Whig fears about a Catholic king, his propensity for extralegal political activities and the perceived Stuart attempt to achieve absolute government. James maintained a standing army. He received papal emissaries, instituted a policy of exempting Roman

3. The case of protestants in England under a popish prince (London, 1681), in Somers Tracts: A collection of scarce and valuable tracts, but chiefly such as relate to the history and constitution of these kingdoms, 2d ed. (13 vols., London, 1809–15), VIII:153, 164.
Catholics from the requirements of the Test Act, and reinstituted celebration of the Mass in the royal household. None of those events, of course, took place in a vacuum: in 1685 Louis XIV revoked the Edict of Nantes, which had guaranteed toleration to French Protestants, and Huguenot exiles who reached England with tales of persecution fueled fears of Catholic absolutism and its threat to English liberties. In April 1687, James issued a Declaration of Indulgence, granting liberty of worship to Roman Catholics and Protestant Dissenters. Legally speaking, the declaration was based upon the king’s suspending power, but James went one step further and claimed authority to halt enforcement of ecclesiastical laws, such as the Test Act, for entire classes of people (namely, English Catholics). James hoped to receive parliamentary approval for his declaration and began an unsuccessful campaign to pack the next Parliament with members willing to codify it into law. These actions progressively alienated his staunchest allies, Anglican royalists opposed to the toleration of religious dissent (whether Catholic or Protestant), who had supported James’s cause during the Exclusion Crisis and had trusted his promises to maintain the Church of England in its privileged social position.

Shrewdly, James reissued his Declaration of Indulgence in the spring of 1688, commanding that it be read from all Anglican pulpits. He was clearly attempting to drive apart Anglicans and Dissenters, the nation’s two major Protestant groups. James’s reasoning was clear: If, on the one hand, Anglicans refused to read the declaration, Dissenters would (continue to) view them as persecutors hostile to religious liberty. If, on the other hand, Anglicans complied and read the declaration, James’s tolerationist policy would receive the Church’s imprimatur, in appearance if not in reality. James’s demands met with surprising resistance from Anglican bishops and other clergy. Anglican bishops refused to read the declaration, yet managed to convince most Dissenters—with the notable exception of Penn—not to endorse the King’s toleration as offered. (Penn, as the reader will note, sought religious liberty by whichever route it could be had and was not willing to forfeit the opportunity presented by James’s declaration.) These events culminated in the acquittal of seven bishops who had refused to read the declaration, a united front of Anglicans and Dissenters opposing the royal declaration. With opposition to James at new heights, William of Orange invaded and James fled.  

4. Ironically, then, one of the chief reasons for James’s overthrow lay in the almost unanimous opposition among the English political nation to his dogged pursuit of toleration. We might also note that the Toleration Act of 1689, so often viewed as a watershed
Questions of toleration during the Restoration period, then, were always twofold: Did one support or oppose toleration, and for which groups; and did one support or oppose the ways in which Charles II (and later James II) sought to achieve such toleration? Both Charles and James, in choosing to issue Declarations of Indulgence, attempted to institute toleration without prior parliamentary assent. Even many who favored liberty of conscience were deeply disturbed by the precedent they saw in this extralegal pursuit of toleration by royal decree, involving as it did the contested legal and political claim to an extensive royal prerogative. To parliamentary advocates, such claims of authority struck at the heart of their idea of England as a law-governed society, in which the monarch and Parliament shared in the task of legislation.

Penn’s Political Thought: A Brief Overview

Penn’s early political writings (Part I of this volume) illuminate his Whig understanding of legitimate English politics as grounded in the ancient constitution. The values of liberty, property, and consent provide the basis for Penn’s advocacy of liberty of conscience in Restoration England. Penn’s views on consent as the foundation of political legitimacy, and the ways in which these concerns intersect with religious liberty, are notably particularist: He refers almost exclusively to English practice and precedent.

We, the Commons of England, are a great part of the fundamental government of it; and three rights are so peculiar and inherent to us, that if we will not throw them away . . . they cannot be altered or abrogated. . . . The first of these fundamentals is property, that is, right and title to your own lives, liberties and estates.

The second . . . is legislation, or the power of making laws; No law in the history of religious liberty, rejected James’s broad toleration proposals. Despite the fact that the act represented a huge advance for dissenting Protestants and discreet Catholics, the religious liberty granted by the Toleration Act was far less extensive than Cromwell’s Protectorate, not to mention James’s Declarations of Indulgence, had guaranteed. The Test Act remained in effect into the nineteenth century, barring Catholics and non-Trinitarian Protestants from serving in public office. I develop these claims more fully in my Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America (University Park, Pa., 2001), ch. 4.

5. I explore Penn’s political thought and its relationship with his colonizing endeavor in Pennsylvania more thoroughly in chapter 5 of Conscience and Community.
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can be made or abrogated in England without you. . . . No law can be made, no money levied, nor a penny legally demanded (even to defray the charges of the government) without your own consent: Than which, tell me, what can be freer, or what more secure to any people?

[The third is] . . . your share in the judicatory power, in the execution and application of those laws, that you agree to be made.6

Penn makes no reference to Old Testament exegesis, as did Puritan conve­nantal theorists, nor does he theorize about how individuals might behave in a natural state, as did his more famous contemporaries Thomas Hobbes and John Locke. Rather, Penn asks how English subjects—who, he argues, do not hold their property by virtue of church membership but rather by established custom and usage—can be deprived of such property (in the form of forfeitures and fines) for religious nonconformity.

[W]e are English men . . . a title full of liberty and property, the foun­dation of the government of this kingdom to claim which, is not only our interest but our duty. . . . We have a right to our lives, liberties, and estates, and that none of these are to be taken from us but by the judgment of twelve of our peers . . . this has for ages been the com­mon and fundamental law. . . . We take further leave to remind you that the civil society or government of this country is antecedent either to protestancy or popery.7

The ancient constitution was a lifelong political commitment for Penn. In 1687, he based his case for repeal of penal laws and the Test Act on “native rights, the Great Charter, what we all of us call, our birthright.”8


8. [Penn], A Letter from a Gentleman in the Country . . . upon the Penal Laws and Tests, this volume, p. 394. See also Good Advice to the Church of England, this volume, p. 372: “You claim the character of Englishmen. Now, to be an Englishman, in the sense
Part II of this volume presents Penn’s argument for religious liberty, born out of the experience of persecution and Penn’s own broad reading and thought on the nature of human belief and the requirements of Christian conduct; Part III presents several shorter texts relating those general principles of liberty to particular events in English politics. Perhaps the most fundamental objection to compulsion in religious affairs, according to Penn, was an epistemological one: It does not work. Belief, he argued, was a function of the understanding and not of the will: Force can make hypocrites, but “never did it convert or preserve one soul to God.”9 Persecution was a category mistake, since “the understanding can never be convinced by other arguments than what are adequate to her nature.”10 Even if an individual’s religious beliefs were demonstrably erroneous, coercion remained unjustified, “for though their consciences be blind, yet they are not to be forced; such compulsion giveth no sight, neither do corporal punishments produce conviction.”11

While attempting to remove religious belief from the sphere of coercive civil power, Penn consistently sought to enlarge liberty of conscience to include religiously inspired conduct. In this regard, he rejected standard anti-tolerationist arguments that postulated a belief-action dichotomy, in which the civil magistrate was justified in restricting the latter though not the former.12 “Liberty of conscience . . . is this; namely, the free and uninterrupted exercise of our consciences, in that way of worship, we are most clearly persuaded, God requires us to serve him in . . . which being [a] matter of faith, we sin if we omit . . .”; elsewhere, Penn defined liberty of conscience as the “free and open profession and exercise of [man’s] duty to God.”13
Not only was the use of force inappropriate from a psychological or epistemological point of view, and not only did belief imply action, but the fallibility of human knowledge argued against persecution. This argument contained both epistemological and ecclesiastical connotations, since the assumption of infallibility (be it papal or conciliar) was seen by many Protestants as the great error of the Roman Catholic Church. “We must never reproach the papists with persecuting Protestants, if Protestants themselves will persecute Protestants because of some different apprehensions about religion,” Penn wrote to the Prince of Orange.\(^\text{14}\) Epistemologically, Penn stressed the inherent partiality of understandings of truth and the humility called for by such an admission.\(^\text{15}\) In one of his earliest battles with the English legal system, Penn accused the judge of forgetting his English Protestant forefathers for liberty of conscience. . . . Twas then plea good enough, my conscience won’t let me go to Mass, and my conscience wills that I should have an English testament. But that simple plea, for separation then reasonable is now by you that pretend to succeed them, a judged unreasonable and factious. I say, since the only just cause of the first revolt from Rome was a dissatisfaction in point of conscience, you cannot reasonably persecute others, who have right to the same plea.\(^\text{16}\)

For Penn, however, saying that one must be convinced in one’s own mind regarding the truth of religion was not an invitation to anarchy and license. Since the sects that had emerged from the English Civil War were often accused of just such anarchic tendencies, Penn hastened throughout his writings to clarify the magistrate’s role in suppressing vice and enforcing moral behavior. Penn affirmed the duty and right of civil magistrates to punish evildoers in *The Great Case* and in petitions to Parliament in April 1671.\(^\text{17}\) Although he opposed the use of force to impose religious practice on individuals, Penn did assert that certain moral and ethical transgressions simply could not be held

conscientiously, since they violated fundamental dictates of nature or widely accepted standards of behavior. “There can be no pretense of conscience to be drunk, to whore, to be voluptuous, to game, swear, curse, blaspheme, and profane. . . . These are sins against nature; and against government, as well as against the written laws of God. They lay the ax to the root of human society.” Penn later wrote that “I always premise this conscience to keep within the bounds of morality, and that it be neither frantic nor mischievous, but a good subject, a good child, a good servant, in all the affairs of life.”

Certainly the magistrate could and should punish those who violated standards of civil behavior. Penn separated moral and ecclesiastical functions of civil magistracy and affirmed the right, even the duty, of political leaders to uphold the former. The distinction, for Penn, echoed his clarification that Christian liberty was not to be equated with license. In early Pennsylvania, as the founder envisioned it, civil magistrates were to be empowered to enforce observance of the Sabbath, to regulate, if not outlaw, taverns, and to restrain vice more generally. Penn did not view public enforcement of the Sabbath as equivalent to the imposition of a religious worship on his colony: In his words, refraining from labor on the Sabbath “may the better dispose [citizens] to worship God according to their own understandings.” The first draft of the Fundamental Constitutions declared that “there shall be no taverns, nor alehouses, endured in the [province], nor any playhouses, nor morris dances, nor games as dice, cards, board tables, lotteries, bowling greens, horse races, bear bai­tings, bull bai­tings, and such like sports, which tend only to idleness and looseness.” Since “the wildness and looseness of the people provoke[s] the indignation of God against a country,” Penn restated these prohibitions in his final version of the Frame of Government and Laws Agreed Upon in England. When Penn did draw up a tavern law, he included a number of very detailed

18. An Address to Protestants, this volume, p. 138.
22. Ibid., p. 225.
regulations regarding the rates that innkeepers could charge and the personal conduct that was to be permitted by the guests at such establishments.\footnote{23}{"Tavern Regulations," ca. 23 March 1683, \textit{PWP}, II:367–68.}

The psychological or epistemological arguments concerning belief, action, judgment, will, and understanding were always firmly and fundamentally anchored in Penn’s Christianity. His restriction of the magistrate’s role in religion was, for Penn, largely derived from the example of Jesus and the early history of the Christian Church. He often attributed persecution to mistaken notions about the nature of Jesus’ ministry and kingdom. Coercion is unchristian, says Penn, because Jesus “defined to us the nature of his religion in this one great saying of his, My kingdom is not of this world.”\footnote{24}{\textit{Great Case}, this volume, p. 88; see also “To the King of Poland,” 4 August 1677, \textit{PWP}, I:437; and \textit{Good Advice}, this volume, pp. 331–33.} He attributed the rise of persecution in the Christian Church to earthly designs of power-seeking clergy, giving voice once again to the long tradition of English anticlericalism stretching back at least to the fourteenth-century Lollard movement. Penn unified the arguments from reason and those from Scripture in his letter to the Prince Elector of Heidelberg: Religious toleration is both “natural, because it preserves nature from being made a sacrifice to the savage fury of fallible, yet proud opinions . . . [and] Christian, since the contrary expressly contradiceth both the precept and example of Christ.”\footnote{25}{“To the Prince Elector Palatinate of Heidelberg,” 25 June 1677, \textit{Works}, I:75 (also in \textit{PWP}, I:451–54).} In Penn’s words, the failure to understand Christ’s “unworldly way of speaking” of his kingdom lay at the root of all persecuting policies: “This gross apprehension of the nature of Christ’s kingdom may well be an occasion of their mistake about the means of promoting it, else it were not credible, that men should think, clubs, prisons, and banishments the proper mediums of enlightening the understanding.”\footnote{26}{“To William, Prince of Orange,” 26 February 1680, \textit{PWP}, II:27; see also “Petition to Parliament,” ca. November 1680, \textit{PWP}, II:54; and “To the Earl of Arran,” 9 January 1684, in which Penn calls on the earl not to “vex men for their beliefs and modest practice of that faith with respect to the other world, into which providence and sovereignty, temporal power reaches not, from its very nature and end” (\textit{PWP}, II:511).}

The summation toward which all of Penn’s arguments for liberty of conscience point is the notion of England as a civil commonwealth, characterized
by a reverence for traditional standards of political legitimacy (the ancient constitution) and united in a general Protestantism and basic Christian moral code. This commitment to civil unity, for Penn, contained within it the standard dichotomization proposed by many tolerationists, most notably Roger Williams and (later) John Locke, between the carnal and spiritual realms. The idea of civil interest as the cement of civil society runs throughout Penn’s works. “Certainly there is such a thing as civil uniformity, where a religious one may be inobtainable, and methinks there can be nothing more irrational, than to sacrifice the serenity of the one, to an adventurous (if not impossible) procurement of the other,” he wrote in 1673. “Civil interest is the foundation and end of civil government,” Penn argued, and elsewhere he maintained that, “as Englishmen, we are . . . mutually interested in the inviolable conservation of each other’s civil rights.” Assuming that English subjects lived peaceably with their neighbors, Penn wondered “whether going to parish churches, hearing of common prayer, and receiving confirmation by the hands of a bishop are such absolute and necessary qualifications to being good shipwrights, clothiers, masons, husbandmen, etc.”

Such civil-interest arguments implicitly or explicitly cast doubts on the political allegiance of English Catholics, and Penn did not hesitate to raise the same questions about their political loyalty that John Locke later did, noting the “fundamental inconsistency they carry with them to the security of the English government and constitution unto which they belong, by acknowledging a foreign jurisdiction in these kingdoms.” The difference between Catholic and Protestant in England, Penn stressed repeatedly, was a political one at root. Still, although Penn’s society was shot through with anti-Catholic prejudice, he never suggested persecuting Catholics and concluded a letter to an imprisoned Roman Catholic by saying that, although he disagreed on many points of theology, “I am, by my principle, to write as well for toleration for the Romanists.” Penn would not persecute law-abiding Catholics who affirmed civil allegiance. “For though I give the true liberty of soul and

27. See Roger Williams, The bloody tenent of persecution (London, 1644); and John Locke, A Letter Concerning Toleration (London, 1689).
29. Good Advice (1687), this volume, p. 373.
31. One Project for the Good of England (1679), this volume, p. 129.