

“You that sit at the stern”:  
Quaker Thought on Law and Magistrates in the Age of Fox, Penn, and Pastorius

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Abstract

When Francis Daniel Pastorius came to Pennsylvania to create a godly community, one important piece of that mission was reform of government. Pastorius’ Quaker contemporaries had critiqued the injustice of the English legal system, particularly the imperious and unjust behavior of magistrates. Pastorius read those critiques and extended them in the *Bee Hive* and his textbook, *A New Primmer*. He gave instructions in his *Bee Hive* entry on “magistrates” to “you that sit at the stern” of government. He also left an extensive manuscript law book, *Young Country Clerk’s Collection*, which provided assistance in prosecution of criminals, as well as forms for contracts, wills, real estate sales, and mediation of disputes. Pastorius, thus, provided a critique of the legal system and ways to improve it.

My paper returns to Pastorius’ writings on justice, law, and magistrates. I link his writings to the Quaker critique of magistrates, particularly in George Fox’s *Journal* and his *Instruction to Judges and Lawyers* and William Penn’s *No Cross, No Crown* and his *Fruits of Solitude*.

I seek to make three contributions. First, to fill out a piece of our understanding of Pastorius’ thought and show how he sought to have magistrates who were humble and followed written rules in an equitable fashion (simple but important goals, obviously); second, to link a commonplace book with the larger world of ideas; finally, to give a sense what a Quaker government should be. Pastorius’ goal was to remake life in America – a dream that many had before him and many, many after him as well.

“You that sit at the stern”:  
Quaker Thought on Magistrates in the Age of Fox, Penn, and Pastorius

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Reflecting, at the end of his life, on why he left his family and his home in Germany, Francis Daniel Pastorius wrote he had been unfilled by his work as a practicing lawyer in Germany. He had spent his time "marching from one Nobleman's house in the Province unto the other . . . and in short making nothing but work for Repentance." And when his friends among the Frankfurt Pietists contemplated migrating to Pennsylvania, Pastorius felt "a desire in my soul to continue in their Society and with them to lead a quiet, godly and honest life in a howling Wilderness."<sup>2</sup> Pastorius sailed from England for Pennsylvania aboard the aptly named ship *America* and arrived in August, 1683. The next year, in 1684, William Penn recognized Pastorius' substantial talent and his importance in the German community by appointing him a Justice of the Philadelphia County Court.<sup>3</sup>

Justices (also known as magistrates) occupied an important position, as moral leaders of their community and settlers of disputes. Indeed, when William Penn appointed the justices of New Castle County in 1701, he reminded them of their position as models for the community:

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<sup>2</sup> *Bee Hive*, Van Pelt Library, University of Pennsylvania Rare Book Room, at 229.

<sup>3</sup> See Marianne S. Wokeck, “Francis Daniel Pastorius.” in 1 *Lawmaking and Legislators in Pennsylvania: A Biographical Dictionary* 586, 587 (Craig W. Horle.1991); *Umständige Geographische Beschreibung Der allerletzt erfundenen Provintz Pennsylvaniae* (1700), at 54-55; *Acta Germanopolis: Records of the Corporation of Germantown, Pennsylvania, 1691-1707* (J.M. Duffin ed., 2008).

I need not putt you in mind, I hope, what Efficacy & Influence the Example of Authority has always had on the minds of the people, nor can you be insensible that the management of those that stand invested with the power of the Laws often works stronger in the minds about them than the Apprehensions of the Laws themselves. . . . You are intrusted with the administration of justice; you are her officers and are not called so much to serve me or any interest of mine, as to serve the Publick, to whose Good each man is a born debtor.<sup>4</sup>

Penn, therefore, sought Justices who would lay "the Line of Equity and true Judgment."<sup>5</sup>

This paper returns to Pastorius' writings on law, justice, and magistrates, and to that of his contemporaries William Penn and George Fox. Much of the extraordinary recent scholarship on Pastorius has looked at his writings as a whole;<sup>6</sup> however, I approach him somewhat differently. I look in a cross-sectional way, at how Pastorius' writings on limited but important areas fit with and drew upon those of his contemporaries.<sup>7</sup>

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<sup>4</sup> 1 *Pennsylvania Archives* at 142, 143 (Philadelphia, 1838).

<sup>5</sup> See Penn to Sussex County Justices, Dec. 25, 1682, 3 *Papers of William Penn, Microfilm Edition*, at 719.

<sup>6</sup> See, e.g., Patrick Erben, "'Honey-Combs' and 'Paper-Hives' Positioning Francis Daniel Pastorius' Manuscript Writings in Early Pennsylvania," 37 *Early Am. Lit.* 157-94 (2002). Margo Lambert, "Francis Daniel Pastorius: Early American German" (Ph.D. Dissertation, Georgetown University, 2007); John David Weaver, "'Franz Daniel Pastorius (1651-c.1720): Early Life in Germany with Glimpses of his Removal to Pennsylvania'" (Ph.D. Dissertation, University of California, Davis, 1985).

<sup>7</sup> This essay recycles work I did many years ago, though I am now trying to look at Pastorius' ideals rather his practical legal treatise. See Alfred L. Brophy, "'*Ingenium est Fateri per quos profeceris*': Francis Daniel Pastorius' *Young Country Clerk's Collection* and Anglo-American Legal Literature, 1682-1716," 3 *University of Chicago Law School Roundtable* 637-742 (1996); "'For the preservation of the King's peace and Justice': Community and English Law in Sussex County, Pennsylvania, 1682-1696," 40 *Am. J. Legal Hist.* 167-202 (1996); "The Quaker Bibliographic World of Francis Daniel Pastorius' *Bee Hive*," 122 *Pennsylvania Magazine of History and Biography* 241-91 (July 1998); Book Review, 69 *Temple Law Review* 846-860 (1996) (reviewing William M. Offutt, *Of "Good Laws" and "Good Men": Law and Society in the*

## Pastorius, Pietism, and Law

Overriding all human concerns, in Pastorius' mind, was a sense of love and a need for love between humans. He observed that love superceded law—that with love, law might be unnecessary. "There is no Law to be compared to Love. Between just laws and righteous men [there is] no antipathy."<sup>8</sup> He asked in one poem why people did not follow the Christian command of love?

With his own kind deals bad  
neither wolf nor leopard  
why then should put Christ the man  
Christian against Christian  
when he commands constantly  
Love and Peace and Unity. John 13:24 etc.<sup>9</sup>

Indeed, he thought love of other humans a divine command. Before the entry in his commonplace book for Jeremiah Dykes' *Treatise of Good Conscience*, Pastorius wrote:

Our Duty is to reverence  
the good of God in everyman  
and Labour too, as much we can,  
To get and keep good Conscience.<sup>10</sup>

And when people failed to abide that command, they risked destruction. He identified seven elements that permeated human society and governed the cycle of societies, from their rise to

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*Delaware Valley, 1680-1710*); "The Intellectual World of a Seventeenth-Century Jurist: Francis Daniel Pastorius and the Reconstruction of Pietist Thought," in *German? American? Literature? New Directions in German American Studies* 44-63 (Winfried Fluck & Werner Sollors eds., 2002).

<sup>8</sup> See Law Entry, *Bee Hive*, *supra* note 2.

<sup>9</sup> Francis Daniel Pastorius, Commonplace Book, HSP 582.

<sup>10</sup> Pastorius, *supra* note 9, at 608.

their destruction. "The Revolution or changeable character course and Recourse of the present world;/viz of all Empires, kingdoms, and Provinces thereof, yea of all particular Inhabitants of the Same, prefigured in a wheel of seven spokes: Poorness (Armüth), Humility, Peace, Traffik, Wealth, Pride, War."<sup>11</sup>

### **The Biblical Grounding of the Concept of Law**

Pastorius applied those broad moral principles in his writings about law and government. Perhaps the place to begin an investigation of Pastorius' ideas about law is the title page of his copy of the laws of Pennsylvania and Germantown, a book that contained the basic rules governing the colony. He wrote three maxims, two taken from the Bible:

All the law is fulfilled in one word, in this: Thou shalt Love thy neighbor as thyself. Job 5:14. Therefore all things whatsoever ye would that men should do to you, do ye even so to them, for this is the Law and the prophets. Matthew 7:12  
*Salus populus suprema lex est.*<sup>12</sup>

Moreover, in a 1692 letter to his father in Germany, Pastorius wrote that he had identified what he called the *Leges Concepirte* – legal ideas to guide the Germantown court in deciding cases. He reported that he had written the "following heavenly memoranda on his copy" of the Germantown law book:

It is without authority, unless from God. Romans 13:1. ... For that reason let the search of men and take not a bribe. Exodus 23:8. Afflict no widow nor orphan. Exodus 22:22. Create right for the poor and help the wretched and destitute. Psalms 82:[3] Judge right between everyman, stand with no person but hear the

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<sup>11</sup> *Id.* at 605. Pastorius phrased this similarly in the *Bee Hive*: "war begets Poverty, Poverty Peace/Then People will traffick, & Riches increase/Riches produceth Pride; Pride is War's ground/War begets Poverty, So we go round." *Bee Hive*, supra note 2, poem 12.

<sup>12</sup> *Pennsylvania Leges*, reprinted in *Acta Germanopolis*, supra note 3, at 90. He also cited Romans 13:8 ("Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law."). *Id.*

small [in like manner] as the great. Deuteronomy 1:16. You shall also not follow unjust bargaining in law courts. Leviticus 19:15. You also ought not to make favor. 1 Timothy 5:11. In your election set importance on bold, honest, wise, experienced, and sensible people, who seek God, and are the enemy of haste and meanness. Deuteronomy 1:13. Pious men have no twisted heart nor proud attitude and arrogance, so also they are not slanderous, false, and lying. Psalms 101:4 How you wish people to treat you, so treat them. Luke 6:31.<sup>13</sup>

On the second page of Pastorius' copy of the laws, he wrote "The law is good, if a man use it lawfully," a paraphrase of Paul's first letter to Timothy.<sup>14</sup> In a similar sentiment, he wrote on his copy of the laws, "Extreme Right is Extreme Wrong," a popular phrase in the seventeenth century, which also suggested that it is inappropriate to exact the utmost in legal rights from an adversary.<sup>15</sup>

### **The Quaker Background to Pastorius' Thought**

Pastorius cited and quoted Quaker writers often in his writings. Prime among these were George Fox and William Penn, whose extensive writings circulated in early Pennsylvania. The need for justice occupied a central position in Quaker political and religious thought in the seventeenth century. Particularly because Quakers had themselves been left without justice so frequently – by legislation aimed against them in Parliament, by failure of judges to protect them from attacks, and by outright mistreatment by judges – Quaker writings are vigilant to note the need for justice for a well-functioning country.<sup>16</sup>

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<sup>13</sup> "Brieffe aus Pensylvanian von 10 Oct. 1691," *Umständige*, *supra* note 3, at 50-51 (original in German).

<sup>14</sup> *Acta*, *supra* note 3, at 71. *See also id.* ("good laws bind the fists of angry people").

<sup>15</sup> *Acta*, *supra* note 3, at 71.

<sup>16</sup> *See generally* Craig W. Horle, *The Quakers and the English Legal System, 1660-1689* (1988).

George Fox's *Journal* catalogs a series of unjust application of the law against Quakers.

For instance, after suffering imprisonment in Derby in 1650, Fox wrote to the magistrates who imprisoned him and asked them:

to consider what you do, and what commands of God call for. He doth require justice and mercy, to break every yoke and to let the oppressed go free. But who calleth for justice or loveth mercy or contendeth for the Truth? Is not judgment turned backward and doth not justice stand afar off? Is not Truth silenced in the streets, or can equity enter? And do not they that depart from evil make themselves a prey? O consider what ye do in time, and take heed whom ye imprison . . . .<sup>17</sup>

Fox wrote to several justices independently to remind them of God's commands and to the mayor of Derby, reminding him that "thou art set in place to do justice; but, in imprisoning my body, thou hast done contrary to justice, according to your own law. . . . Remember who said, 'I was a stranger, and ye took me not in; I was in prison and ye visited me not.'"<sup>18</sup>

Fox also expressed concern for injustice to others. In 1651 he opposed the execution of both men and women for mere theft of cattle or money. Again relying on the Bible, Fox reminded justices to "mind the laws of God in the Scriptures and the Spirit that gave them forth and let them be your rule in executing Judgment; and show mercy, that you receive mercy from God, the judge of all." Fox pointed out that the Biblical punishment for theft of cattle was

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<sup>17</sup> George Fox, see George Fox, *Journal of George Fox*, at 54 (London, Thomas Ellwood ed. 1696) (Henry J. Cadbury ed. 1952). For a strikingly similar letter from Elizabeth Hutton, who was imprisoned along with Fox, to the Derby Justices, see *Early Quaker Writings* 381-82 (Hugh Barbour ed. 1973). See also Edward Burrough, *Message of Instruction to All the Rulers, Judges, and Magistrates to Whom the Law is Committed* (London, 1658) (arguing that Quakers should not be punished for following God's law rather than English law); William Penn, *Summons or Call* (London, 1677) (criticizing judges); Thomas Rudyard, *The Second Part of the Peoples Ancient and Just Liberties Asserted* (London, 1671); Thomas Rudyard, *The Case of Protestant Dissenters* (London, 1670).

<sup>18</sup> Fox, *Journal*, *supra* note 17, at 55.

restitution, not death, and that justices should show mercy. Lest the justices forget that they too would be judged, Fox concluded with an allusion to judgment day: "fear God and serve him, for he is a consuming fire."<sup>19</sup> He also tells of questioning New England magistrates who, relying upon an unspecified law allowing the execution of Jesuits, executed four Quakers. Fox told the magistrates they had committed murder, because even the magistrates recognized that the Quakers were not Jesuits. "For by this it plainly appears that you have put them to death in your own wills without any law."<sup>20</sup>

Some of Fox's specific injunctions to magistrates appeared in his *Instruction to Judges and Lawyers*, a tract published in 1659 to encourage judges to conform their behavior to Biblical precepts. Fox urged the abolition of the death penalty for property crimes; the punishment was inconsistent with "the Scripture, the Law of God, and the Apostles Doctrine."<sup>21</sup> He also argued against legal fictions as "not a form of sound words" but "a form of lyes" and thus inconsistent with Moses' teaching that lies should be punished. Similarly inconsistent with Biblical teachings, Fox thought, was the requirement that defendants be forced to appear in court through an attorney rather than in person, even though the writs issued to defendants were issued in the defendants' names. Fox reserved special scorn for the judges who prosecuted Quakers for

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<sup>19</sup> *Id.* at 66.

<sup>20</sup> *Journal, supra* note 17, at 414-15. *See also id.* at 51-55 (Fox committed to goal without proper authority); *id.* at 161-63 (same).

<sup>21</sup> George Fox, *An Instruction to Judges and Lawyers: that they may act and consider these as the judges did of old* . . . 6 (London, 1658) Wing F1848.

refusing to remove their hats in the presence of the court, a practice itself rooted in Quaker opposition to elevating one group of human beings over others.<sup>22</sup>

And when the Judge is askt by the prisoner concerning the hat, what Law and custom is for it, and where he may read it? Oh, cryes the Judge, and swells, and rages, and full of fury, I doe not carry my Law books upon my back; I but faith the poor prisoner, the Judges of old was legs to the lame, and eyes to the blind, and a help to the helpless, and why wilt not thou and you inform me of that Law and custome that sayes, I must be fined a hundred mark, and forty pounds, if I will not put off my hat to you. . . and thus the poor prisoner goes away uninformed in the Law and custom, not knowing the ground and the author of it, the Judge not informing him, contrary to Moses and the Judges of old, and the Scripture, which saith, They shall teach them in the Law, and instruct them in the Law . . . that all might know it and fear.<sup>23</sup>

William Penn, who himself suffered imprisonment, postulated that there could be no valid government without justice. In his pamphlet *One Project for the Good of England*, Penn raised the specter of revolution; he argued that when government left its citizens without justice, the citizens would be unlikely to support the government. He left it to others, such as John Locke and Algernon Sydney, to postulate that governments that failed to operate by well-defined rules were illegitimate.<sup>24</sup>

### **Linking Quaker Thought and Pastorius' Thought**

Pastorius grouped his thoughts about the nature of law and the legal system into three honeycombs in the *Bee Hive* – justice, law, and magistrates. Together those entries allow us to see what pieces of Quaker thought he collected. While there is substantial overlap between the

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<sup>22</sup> *Id.* at 22-23, 10 (discussing importance of humility).

<sup>23</sup> *Id.* at 24.

<sup>24</sup> See generally Melvin Endy, *William Penn and Early Quakerism* (1973); Mary Maples Dunn, *William Penn: Politics and Conscience* (1968).

material in the entries, as with much of the *Bee Hive*, there is a seamless web quality to the entries, I will discuss these in something of the order of increasing specificity – from the most abstract, “Justice,” to the more specific “Law,” to the more specific advice to “Magistrates.”

### **Justice**

Pastorius adopted some of Penn's pragmatic grounds for ensuring justice. The "Justice" entry in the *Bee Hive* consists largely of maxims from William Penn's *Fruits of Solitude*, a book of advice Penn wrote for his children and then published in the 1690s. Penn's thoughts on justice, which Pastorius quoted, included "Impartiality is the life of Justice, as that is of Government" and "Justice is a great support to Society, because an Insurer to all men of their Property. This vitiated, there's no Security, which throws all into Confusion to recover it."<sup>25</sup> Less pragmatic reasons also supported Pastorius' call for justice, however. He simply believed that people should treat each other justly, because it was commanded by God. "Deal Rightfully upon earth," he warns, "that you may find heaven." Most of the “Justice” entry, however, consists of general concerns about the nature of justice. It begins by paraphrasing Penn's *Fruits of Solitude*: "Justice is justly represented Blind because she sees no difference in the Parties concerned. She has but one scale and weight for the rich and poor, great and small. Her sentence is not guided by the person, but the cause." It goes on to emphasize the need for impartiality: "the impartial judge in judgment knows nothing but the law, the Prince no more than the Peasant, kindred than a stranger. Nay, his enemy is said to be on equal terms with his friend, when he is on the

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<sup>25</sup> Justice Entry, *Bee Hive*, *supra* note 2 (quoting William Penn, *Some Fruits of Solitude*, Maxims 2:352, 2:181 (London, 1696)).

bench."<sup>26</sup> Following Penn's maxims, Pastorius added, from Cicero, that "None should lose his right to any thing, because another has a longer Sword."<sup>27</sup>

Justice also had a substantive component for Pastorius. Elsewhere in the *Bee Hive* he discussed the evils of exacting too much legal payment from another person and how he willingly forgave the people who had extracted too much from him:

As what I have I owe to one Above, to You on Earth beneath nothing but Love/  
Except some trifling sums to such as wrought for me, and those of whom I lately  
bought, the which I hope I shall now shortly pay; oh, that my Debtors too the self  
same way. But many wronged and wrong me while I live, to whom heartily and  
Frankly [I] forgive. I willing to lay down my hand in peace, I herewith put my  
hand to this Release.<sup>28</sup>

In another Poem he drew upon the Golden Rule to urge equitable dealings with others:

To do to Others as We would be done by them  
This was Christ's doctrine and, if fully understood  
Is the Eternal Band of Peace, the noblest Good  
With this runns parallet what holy Prophets taught,  
To shun the Sin as hell: Be Vertuous, and not nought.<sup>29</sup>

### **Practical Applications of the Golden Rule**

Those injunctions, such as the Golden Rule, guided Pastorius' writings in two areas in particular – slavery and usury. When Pastorius wrote his anti-slavery protest, addressed to the Dublin Monthly Meeting, he relied upon the Golden Rule as a key piece of its argument. It

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<sup>26</sup> *Id.* (citing Penn, *Fruits of Solitude*, *supra* note 25, maxims 348, 349, 351). Similarly, Pastorius wrote in his Equity entry, "A just weight is God's delight. Prov. 11:1 with an equal and just hand . . . on the one side & on the other square dealing upright dealing. Justice mixed with mercy." Equity Entry, *id.*

<sup>27</sup> Equity Entry, *Bee Hive*, *supra* note 2.

<sup>28</sup> *Bee Hive*, *supra* note 2, at 367.

<sup>29</sup> *Bee Hive*, *supra* note 2, at 176, stanza 331.

began by noting that no one would themselves want to be treated as a slave. "How fearful and fainthearted are many on sea when they see a strange vessel, being afraid it should be a Turck, and they should be taken and sold for slaves into Turckey," the Protest asked. It went on to argue, based on the precept that "we shall doe to all men, licke as we will be done our selves," that no one should not be enslaved, no matter what "Generation, descent, or Colour they are."<sup>30</sup>

Closely akin to slavery in Pastorius' mind was usury. In fact, one poem combined an attack on slavery and usury:

If in Christian Doctrine we abide, then God is surely on our side;  
But if we Christ's Precepts transgress, Negroes by Slavery oppress,  
And white ones grieve by usury (Two evils, which to Heaven cry),  
We've neither God, not Christ his son, But straightways travel  
Hellwards on.

...

Among Christ's followers Are no Extortioners,  
No biting Usuers, not Negro (worryers) butchers  
All these are Satan's tools, Abominable Fools,  
Not worthy of Christ's Name, to which they bring but Shame.<sup>31</sup>

Later he further criticized usury:

It is a great Mistake at best  
To call that Monster Interest,  
Which God and good men, as we see,  
Have ever stiled Usury;  
But now our Saints this name refuse,  
And to their Brethren lend on use:  
On Usury, says Christ our Lord,  
Though they abbreviate the word;  
Yet surely, 'tis not His Intent,

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<sup>30</sup> Marion Dexter Learned, *Life of Francis Daniel Pastorius* at 261-2 (reprinting Protest); John Greenleaf Whittier, "The Pennsylvania Pilgrim," in *The Complete Poetical Works of John Greenleaf Whittier* 103-12 (1891). See also George Keith, *An Exhortation & Caution to Friends Concerning Buying or Keeping of Negroes* (Philadelphia, 1693) Evans 636.

<sup>31</sup> *Bee Hive*, *supra* note 2, stanzas 471, 474.

T' abbreviate their Punishment.<sup>32</sup>

The principle of Golden Rule is, of course, a central component of contemporary legal thought and practice—from the Fourteenth Amendment's equal protection principal, to the ideas of African American intellectuals in the early years of the twentieth century, through to John Rawls' *Theory of Justice*. The arc of the golden rule is long and it bends towards justice, to paraphrase Theodore Parker.<sup>33</sup> Pastorius was concerned with the ways to make the law serve humanist ends. He was particularly concerned with the idea of law as incorporating certain just principles that should be followed to the extent that they created justice.

### **Law**

Pastorius recognized, as did other reformers, however, that ideas about justice were insufficient to properly order society. Pastorius, therefore, invoked the aphorism that "[t]he law is made for Disobedient Persons," which is a principle we hear about everywhere from the book of Timothy to Oliver Wendell Holmes.<sup>34</sup>

Pastorius began his *Bee Hive* entry for Law by recognizing the importance of respecting and observing the law. As with the Justice entry, most phrases were taken from William Penn, often from Penn's 1696 book, *No Cross, No Crown*, a collection of stories designed to show that Quaker principles had existed throughout history. Pastorius' first phrase, which was taken from Penn, referred to the Ten Commandments: "The Law He delivered to Moses upon Mount Sinai, for a Rule to his People, the Jews, to walk by," was "confirmed by thunderings and other sensible

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<sup>32</sup> *Id.*, stanza 479.

<sup>33</sup> *See, e.g.*, Fox, *Journal*, *supra* note 17, at 38; Fox, *Instruction*, *supra* note 21, at 20.

<sup>34</sup> *Bee Hive*, *supra* note 2, maxim 197 (citing 1 Timothy 2:10).

solemnities to strike the people with the awe of keeping it."<sup>35</sup> Pastorius thus expressed the common belief that a primary goal of society was to impress people with the need to follow just laws.

Pastorius also elaborated on the Biblical basis for such obedience in the 1698 schoolbook that he published for his students, *A New Primmer*. The *Primmer* consisted of passages, mostly taken from the Bible, that prescribed good behavior. Students reading the *Primmer* learned that subjects must:

obey magistrates, Tit. 3:1, subject themselves to every Ordinance of Man, for the Lord's sake, 1 Pet. 2:13, despise not Government, [be] afraid to spread evil of Dignitaries, 2 Pet. 2, . . . not resist the Power, Rom. 13:2, but render unto Caesar the things which are Caesar's, and unto God things that are God's, Math. 22:21, paying Tribute, Custom, Rom. 13:7, and making supplications for all that are in Authority. 1 Tim. 2:2.<sup>36</sup>

There was also a strong sense in Quaker writings that the law came from God and that each person had an intuitive sense of the law. Pastorius emphasized the source of law in his *Leges Conceptiret*, written on the first page of his Germantown lawbook: "it is without authority if not from God" and "you are given the authority by Him and the power from heaven which will

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<sup>35</sup> See William Penn, *No Cross, No Crown*, 246 (London, 1686) Wing P1328 (referring to the prohibition of Exodus 23 on stealing); Law Entry, *Bee Hive*, *supra* note 2 (quoting only the latter part of the sentence).

<sup>36</sup> *Primmer*, *supra* note 28, at 35. Pastorius' pamphlet on taxation rested almost entirely upon the Bible for its discussion of individuals' duties (particularly wealthy individuals' duties) to pay taxes. See Henry J. Cadbury, ed., Francis Daniel Pastorius, "Essay on Taxes," 58 *Penn. Mag. Hist. & Bio.* 255-59 (1934). See also "The Tithe-Teacher Plaintiff and the Poor Man Defendant," in *Bee Hive*, *supra* note 2, at 297-300.

tell you how to act."<sup>37</sup> Pastorius also quoted from George Fox's *Journal* that "the thunder of Moses, the law of God is perfect and written in the heart."<sup>38</sup>

The idea of law incorporated one other element--that it be executed without passion. Perhaps from Seneca, he took the maxim that "Law is reason without the passions."<sup>39</sup> Pastorius realized that laws might be misinterpreted. He recounted the story from Penn's *No Cross, No Crown* about the Spartan leader Lycergus, who refused to allow the Laws to be written in order to avoid barratry.<sup>40</sup>

Pastorius also recognized, however, in keeping with the most sophisticated writings on law that there were human-made regulations as well as the God-given natural law that Fox wrote about. The division was between immutable, natural and changeable, "superficial" law. Pastorius drew the idea from Penn's *Ancient Liberties Asserted*, a pamphlet Penn wrote explaining his 1670 trial for sedition, in which he asserted the supremacy of the common law over more recent statutes prohibiting preaching.<sup>41</sup>

Pastorius supported the idea of democracy for legislation and for choosing judges: "People should have a share in the making of their own Laws and likewise in the judicatory

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<sup>37</sup> See *Umständige Beschreibung*, supra note 3, at 50.

<sup>38</sup> Law Entry, *Bee Hive* (citing Fox's *Journal* and an unidentified "Statute of Parliament"); see Fox, *Journal*, supra note 17, at 15-18.

<sup>39</sup> Law Entry, *Bee Hive*, supra note 2.

<sup>40</sup> Penn, *No Cross, No Crown*, supra note 35, at 382.

<sup>41</sup> See Law Entry, *Bee Hive*, supra note 2 (citing William Penn, *The People's Ancient and Just Liberties* 31 (London, 1670)).

Power to apply these laws made."<sup>42</sup> Again, Pastorius drew upon William Penn's writings popularizing the idea of democracy. Pastorius cited Penn's 1679 pamphlet *England's Present Interest in the Choice of this New Parliament*, which Penn wrote to foster support for religious toleration in the Parliamentary elections. *England's Present Interest* argued that there were three fundamental rights: property, legislation "or the power of making laws" and judicatory power-- "the application and execution of the laws that you agree to be made." Penn went on to suggest that those three fundamental rights could be best protected by electing to Parliament people who "will not sacrifice their neighbor's property to the forwardness of their own part in religion."<sup>43</sup> Penn was advancing the cause of democracy in general at the same time he advanced the cause of religious toleration.

One of Penn's most influential writings in America was his pamphlet, *The Excellent Privilege of Liberty and Property*, published by William Bradford in Philadelphia in 1687. Penn designed the *Excellent Privilege* to help Pennsylvanians "who may not have leizure from their Plantations to read large Volumes" to understand "the unparrallell'd Priviledge of Liberty and Property" so that they might preserve their rights "from unjust and unreasonable men." Penn was concerned that many colonists were "strangers" to the rights of liberty and property and that the colonists did not have an understanding of "the eminent Case, Wisdom and Industry of our Progenitors in providing for themselves and Posterity so good a Fortress that is able to repel Lust, Pride and Power of the Noble, as well as Ignorance of the Ignoble." To inform the colonists of

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<sup>42</sup> See *id.* (citing William Penn, *England's Present Interest* 14, 17 (London, 1679)). Penn further explored these ideas in *The Continued Cry of the Oppressed for Justice*, which was in Pastorius' library. See Learned, *supra* note 30, at 264.

<sup>43</sup> See Penn, *England's Present Interest*, *supra* note 42, at 4.

the "Inheritance that every Free-born Subject of England is Heir unto by Birth-right" Penn included five key documents: the Magna Charta, Edward I's Forrester Charter, the Statute *De Tallageo non Concedendo* purportedly passed during Edward I's reign, which in essence prohibited the King from imposing a land tax without the consent of the leaders of English society, Charles II's Charter to Pennsylvania, and Penn's Charter of Liberties. His ultimate goal was to impress upon the readers the common law's "excellent and discreet Ballance that gives every man his even proportion, which cannot be taken from him, nor [can he] be dispossessed of his Life, Liberty or Estate, but by the tryal and judgment of Twelve of his Equals, or Law of the Land, upon the penalty of the bitter Curses of the whole People." He hoped that diffusion of knowledge about English liberties would then enable the readers to protect their rights and thus "take up the good Example of our Ancestors, and understand, that [it] is easie to part with or give away great Priviledges, but [they are] hard to be gained, if once lost."<sup>44</sup>

One other document, *Exemplum Sine Exemplo, Or the Cheats and the Projectors*, conveys some of Pastorius' views about law in a concrete context. He wrote it to discuss litigation for control of the Frankfurt Land Company.<sup>45</sup> The litigation arose from the attempt of Daniel Falkner and John Henry Sprogel to obtain the right to sell the Company's land. In January 1701 the Frankfurt Land Company directors conferred joint, not several, power of attorney on Johann Jawert and Daniel Falkner. Falkner, according to Pastorius and Jawart, proved untrustworthy, even profligate with the Company's money, causing Jawart to ask in April 1705

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<sup>44</sup> Penn, *Excellent Priviledge*, supra note 3, at i-ii.

<sup>45</sup> Francis Daniel Pastorius, *Exemplum Sine Exemplo*, reprinted in *Pennsylvania Colonial Cases* 171 (Samuel W. Pennypacker ed. 1892)

that no one conduct any of the Company's business with Falkner. Then in November 1705 John Henry Sprogel appeared, with an apparently forged letter giving him title to the Company's land. At the January 1708 meeting of the Philadelphia County Court of Common Pleas, Philadelphia County's civil court, Faulkner and Sprogel appeared with two attorneys and filed an ejectment action to obtain title to the Company's land. No one contested the action, because none had notice, and the court granted the petition. When Pastorius and Jawert appealed to the Provincial Court in March 1708 they observed that all four lawyers in Pennsylvania had been retained by Falkner and Sprogel, thus making it impossible to obtain legal advice. Pastorius' petition further complained that ejectment was a legal fiction "wherewith your Petitioner is altogether unacquainted." Pastorius' account of the litigation disparagingly referred to one lawyer's role as "fictionem juris ad re ipsa detrudendos veros possessores"--legal fiction abhors the true owner. He concluded his account of the litigation with a universal condemnation of Sprogel, which summarized his attitude toward law and religion:

I . . . heartily wish that the LORD (who is called a Father to the fatherless and a Judge of Widows, whereof there are at this instant in the abovesaid Company) may prosper their just Proceedings, and all, who reverence Righteousness and Equity countenance them therein, and no be partakers of the Spoil, nor of the Curse entailed thereon with the aforesaid John Henry Sprogel, for whom notwithstanding the foregoing discovery of his unheard of Villanies I retain that sincere Love as to pray God Almighty to . . . Convert him . . . from his Perverseness, that he may forsake his diabolical lies, pride, bragging and boasting, and not longer continue the Vassal of Satan and heir of Hell, but become a child of Heaven and a follower of Christ . . . [who is] meek and lowly in heart, leading out of all cozening Practices into the way of holiness and eternal Felicity.<sup>46</sup>

Although he opposed the use of law to extract undue advantage from an adversary, like others interested in legal reform in the seventeenth and eighteenth century, Pastorius was

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<sup>46</sup> *Id.* at 174.

concerned with the payment of just debts. He also believed that the courts should be used to enforce just debts. Some Quakers suggested that one should never resort to law suits. Pastorius explicitly sided with those Quakers supporting use of the legal system to compel payment of fair debts and to punish wrongdoers.<sup>47</sup>

Concern over the payment of debts likewise occupied an important place in Pastorius' thinking. He began his discussion of "Debt," by imploring "Christians, you owe love to one another. Will ye not be honest men and pay your debt." And then, quoting Penn's *Fruits of Solitude*, he warned do not "ruin him to get that which will not ruin thee to lose." Nevertheless, he concluded that one should pay one's debt. "Whatever we owe, it's our part to pay it; for whether the Creditor be good or bad, the Debt is still the same."<sup>48</sup> His final warning was to stay out of debt completely: "he that cannot pay, let him pray; he is rich who has no debt."<sup>49</sup>

### **The Magistrates**

Magistrates, as the people charged with enforcing the laws and maintaining control of society, occupied a particularly important role in Quaker thought. Penn, in his Frame of Government, explicitly recognized the importance of virtuous authorities. "I know that some say," Penn wrote, "let us have good laws, and no matter for the men that Execute them: but let

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<sup>47</sup> Contrast Daniel Leeds, *New England's Spirit of Persecution Transmitted to Pennsylvania* 82-83, 90 (New York, 1699) (suggesting that Quakers should never sue at law) with Caleb Pusey, *Satan's Harbinger Refuted* (Philadelphia, 1699). Pastorius' entry for Magistrates cited Pusey to show that law suits were appropriate. He thereby avoided the tendency of Pietists to move entirely away from law. See A.G. Roeber, *Palatines, Liberty, and Property* chap. 3 (1993) (discussing Pietism, Christian liberty, and the problem of worldly goods).

<sup>48</sup> Penn, *Fruits*, *supra* note 25, maxim 43.

<sup>49</sup> Debt Entry, *Bee Hive*, *supra* note 2.

them consider, that though good laws do well, good Men do better; for good Laws may want good Men, and be abolished or invaded by ill Men; but good Men will never want good Laws, nor suffer Ill Ones." Pastorius was similarly attuned to the importance of the magistrates. He told magistrates that "you that sit at the stern, whether of little bargues or greater ships, whether counties or countries, you should not (like the heads of Hrael) injure Justice and pervert equity for the love of money."<sup>50</sup>

There was much in recent English history to warn about the dangers of justices selling their positions or favoring their friends. The concept of virtuous judges was central to Pastorius' vision as well as that of Penn and Quakers in general. Having suffered at the hands of capricious judges in England, who prosecuted them for their religious beliefs, Quakers were particularly wary of the discretion accorded magistrates. Isaac Penington asked on behalf of Quakers that

no laws formerly made contrary to the Principle of equity and righteousness in man, may remain in force; nor new ones be made, but what are manifestly agreeable thereunto. All just laws, say the Lawyers, have their foundation in right reason, and must agree with, and proceed from it, if they be properly good for, and rightly serviceable to mankind. Now man hath a corrupt and carnal Reason, which sways him aside from Integrity and Righteousness towards the favoring of himself and his own party; And whatever Part is uppermost, they are apt to make such new Laws as they frame, and also the interpretation of old ones bend towards the favor of their own party. Therefore we would have any man in Authority wait in favor of God, to have that Principle of God raised up in him, which is for righteousness and not selfish, and watch to be guided by that in all he does, either in making Laws for Government or in governing by Laws already made.<sup>51</sup>

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<sup>50</sup> Magistrates Entry, *Bee Hive*, *supra* note 2.

<sup>51</sup> 1 Isaac Penington, *Works* 326-27. *See also* Thomas Rudyard, *The Second Part of the People's Ancient and Just Liberties* (London, 1670).

Fox explored these themes in depth in his *Journal* and in individual pamphlets.<sup>52</sup>

In his entry on "Justice" in the *Bee Hive*, Pastorius refers to Henry Clark's 1660 pamphlet *Here is True Magistracy Described*, which suggests the attributes that magistrates should possess. Clark stated that "the way to rule well is to take Counsel of God." The Magistrates were to "walk with the Lord God" and "to do justly and to love mercy, and govern the People by the law that is Holy, Just, Pure, and good, as it came from God." Clark's suggestions were general and probably few disagreed with his advice, but at bottom was the implication that if an individual disagreed with the law as it was applied, he could disobey it. Clark's pamphlet concluded that love and obedience are owed magistrates, but if magistrates order people to do something contrary to the command of God, the people should "underg[o] the Penalties of their unjust laws."<sup>53</sup>

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<sup>52</sup> George Fox, *Quakers Testimony Concerning Magistracy* (London, 1669) Wing F1818; George Fox, *Something in Answer to a law lately made at the first sessions of the General Court* (London, 1679) Wing F1911; George Fox, *The Christian Judge, so called their words judged by the holy men of God* (London, 1676) Wing 1759; George Fox, *The Beginning of Tithes in the law and the ending of tythes in the Gospel* (London, 1676) Wing F1752; George Fox, *The Law of God the Rule of Law-makers* (London, 1658) Wing F1856.

Thomas Ellwood, a Quaker lawyer, provides a useful study window into the ways that the suffering caused by the English criminal justice was remembered by Quakers. Ellwood left an extended autobiography (published posthumously in 1714) detailing his sufferings. While I am aware of no evidence that Pastorius read Ellwood's autobiography, Pastorius referenced several of Ellwood's pamphlets in the "*Bee Hive*." See Thomas Ellwood, *The History of the Life of Thomas Ellwood* (London, 1714) (C.G. Crump ed. 1900); Thomas Ellwood, *A Discourse Concerning Riots* (London, 1682). The pamphlets that Pastorius cited included Thomas Ellwood, *A Caution to Constables and other Inferiour Officers concerned with Execution of the Conventicle-Act* (London, 1683); Thomas Ellwood, *Sacred History: Or, the Historical Part of the Holy Scriptures of the Old Testament* (London, 1705); and Thomas Ellwood, *Truth Defended and the friends thereof Cleared* (London, 1695).

<sup>53</sup> Henry Clark, *Here is True Magistracy Described* 6 (London, 1660).

In his search for ways to create a virtuous magistracy, Penn turned to classical examples. Sparta, the republic famous throughout antiquity for its self-denying and hence virtuous citizens, occupied a central place in many of their writings. William Penn told the story in *No Cross, No Crown* of "Archidemus, King of Sparta": "being askt, who was Master of Lacedemonia[,] the laws, saith he and after them the Magistrates." Pastorius included the story in his *Bee Hive* entry for Law.<sup>54</sup> The colonists realized that the magistrates were responsible for guiding the state. And it was the establishment of a virtuous magistracy that occupied much of the thoughts of Quakers. If judges began to sell their positions or favor friends, then they ran the risk of tearing down the structure of government.<sup>55</sup>

Virtue was important for magistrates not only because they affected people's fortunes, but also because they served as models. Penn himself warned about the dangers in his *No Cross, No Crown*. Penn included in the second part of *No Cross, No Crown* examples from ancient history to illustrate his points. Pastorius copied several of Penn's examples into his *Bee Hive* entry for Law. First, he used the example of Xenophanes, who was jeered for refusing to gamble. "They that make laws must keep them saith Xenophanes" in response.<sup>56</sup> Pastorius also took the example of "Pericles, [who] mounting the tribunal prayed to God, not a word might fall from

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<sup>54</sup> Penn, *No Cross, No Crown*, supra note 35, at 382.

<sup>55</sup> Despite the warnings of Penn and Pastorius, the magistrates in Pennsylvania were subject to reproach. Samuel Carpenter warned Penn in 1684 after the Free Society of Traders, a joint stock company that Penn had an interest in, received favorable treatment from the county courts. See Carpenter to Penn, Dec. 25, 1684, 2 *Papers of William Penn* 610.

<sup>56</sup> Penn, *No Cross, No Crown*, supra note 35, at 341.

him, that should scandalize the people, wrong the public affairs, or hurt his own."<sup>57</sup> Penn explained the context of Pericles' statement:

One of his friends praying him to speak falsely; we are friends, saith he, but not beyond the Alter; meaning, not against Religion and Truth. Sophocles being his companion, upon sight of a Beautiful woman, said to Pericles, Ah! What a lovely creature is that! To which Pericles reply'd, It becometh a Magistrate not only to have his hands clean, but his Tongue and Eyes also.<sup>58</sup>

Pastorius concluded with a general aphorism, that "He cannot be a competent judge of another's crime that is guilty of the like himself." From Seneca, Pastorius added the idea that judges must be passionless when they decide a case or pass judgment. "The Publick magistrate begins with persuasion and his Business is, to beget a Detestation for vice, and a Veneration for Virtue: From Thence, if need be, he advances, to Admonition, and Reproach, and then to Punishment; but Moderate and Revocable, unless the Wickedness be incurable, and then the Punishment must be so."<sup>59</sup> Pastorius expressed similar sentiments, about the need for humility among magistrates in a poem addressed to James Logan, a Justice in Philadelphia: "Do not say that your social rank demands that you do what Christ has forbidden . . . Woe to you eternally, if you seek honors and riches opposed to the meekness of Christ."<sup>60</sup>

Seneca, Pastorius, and Penn all thought that the magistrate had the duty of maintaining control of society. When the magistrates failed to fulfill that duty, government suffered. "Where

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<sup>57</sup> Law Entry, *Bee Hive*, supra note 2 (citing *No Cross, No Crown*, supra note 35, at 383).

<sup>58</sup> Penn, *No Cross No Crown*, supra note 35, at 383-84.

<sup>59</sup> Judges Entry, *Bee Hive*, supra note 2 (quoting Robert L'Estange, *Seneca's Morals* 71 (London, 1696)).

<sup>60</sup> See *Bee Hive*, supra note 2, Poem 354 (poem to James Logan); *Umständige Beschreibung*, supra note 3, at 45, 48.

the reins of Government are too slack," Penn warned, "there the Manners of the People are corrupted; and that destroys Industry, begets Effiminacy, and provokes Heaven against it."<sup>61</sup>

The chief job of magistrates, Pastorius thought, was to uphold morals. In the *New Primmer*, Pastorius summarized the duties of magistrates. Magistrates must, he thought:

rule in the fear of God, 2 Sam. 23:3, with Diligence, Rom. 12:8, as wise and understanding men, 2 Deut. 1:17, Know the law, Ezra 7:25, judge righteously, respect not person, but judge the small as well as the great, Vers. 16, 17, and chap. 16-19, condemn not the just, Prov. 17 15, pervert not the judgment of the poor in his Cause, Exod. 23:6, slay not the innocent, . . . take no Gift, Vers. 8 (Acts 24 26) . . . not vex nor oppose the stranger, 12.9 afflict not any widow or fatherless child, chap. 22 Isa. 1:23, do justice to the needy, defend and deliver him, Pal. 82:3, stem and passions Zech. 7:9, justify not the wicked for reward, Isa. 5:23, but rebuke him, Prov. 24, 23, execute wrath upon evil Doers, Rom. 13:3,4, that good men may lead a quiet and peaceable life in all goodness and honesty. 1 Tim 2:2, [be] blameless themselves, John 8:3, [and] not d[o] the same things. Rom. 2:1.<sup>62</sup>

Related to this is Pastorius' statement that judges should interpret and not make law, taken from Lord Bacon's *Essays*. Pastorius begins his entry on Judges by quoting Bacon: "Their proper virtue is integrity; their office not to make Law, but to interpreting Law."<sup>63</sup> Pastorius meant that judges should be bound by the law; otherwise, they would not maintain integrity, because they would substitute their own thoughts for the law and in that way introduce improper results.

Not only should judges be bound by the law, they should compel others to follow the law. Pastorius adopted Francis Bacon's belief that statement from "On Judicature," that the role of the law and magistrates was keeping the peace: the "principle duty of a Judge is to suppress Force

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<sup>61</sup> Penn, *Fruits of Solitude*, *supra* note 25, at 72.

<sup>62</sup> Pastorius, *A New Primmer*, *supra* note 28, at 34.

<sup>63</sup> See Judges Entry, *Bee Hive*, *supra* note 2; Francis Bacon, "Of Judicature," *Essays* 316 (London, 1654).

and Fraud." And, therefore, it is unsurprising that Pastorius believed that magistrates should be obeyed. "By nature it is ordained that the better command the worse," he wrote—a classic statement of natural law.<sup>64</sup> Magistrates were some of the superiors who ought to be obeyed. Nevertheless, just as Lord Bacon had written, Pastorius thought that "the Magistrate is bound to act according to the law, and not to set up his Will in the stead thereof."<sup>65</sup> He concluded the *Bee Hive* entry on magistrates with the stern warning that "A good Government is a ship and [a] Magistrate [is a] shipmaster, that takes the shortest and safest course, but a wicked Magistrate is a wolf made leader of the fold. [He] Will not protect us in our lives, liberties and estates."<sup>66</sup>

### Lawyers

In addition to his ample instructions to magistrates, Pastorius gave instructions to lawyers as well. He summed up his pessimistic attitude toward lawyers in one stanza of his poetry in which he criticized them for taking money to plead cases:

Those who for money's sake Doe Preach and Plead and Cure,  
May of the Fiery Lake Fulwell Themselves Assure.  
But they that Preach, Plead, Cure as Christ, our Lord, has done  
For Love's sake, free & pure, Are Blessed ones anon. Forever & ever.  
Good Teachers, Lawyers and Physicians surely grieve,  
When others do bemoan more than themselves would give.<sup>67</sup>

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<sup>64</sup> Magistrates Entry, *Bee Hive*, *supra* note 2. Quaker writings were frequently addressed to magistrates, as the people who carried the power to enforce the laws. George Fox's *Journal*, for example, contained numerous instances of his addresses to magistrates. *See, e.g.*, Fox, *Journal*, *supra* note 17, at 45, 435.

<sup>65</sup> *See* Magistrates Entry, *Bee Hive*, *supra* note 2.

<sup>66</sup> *Id.*

<sup>67</sup> *See* Pastorius, *Bee Hive*, *supra* note 2, stanza 334. *See also id.* at stanza 393 (opposing 8% interest rate as usurious).

Lawyers were particularly problematic in Pastorius' vision of a peaceful community. He related the parable of "a poor man [who] complained to a king that a L[awyer] took a Cow from him. I will hear (:saith the king) what the L[awyer] will say to the matter. Nay (:saith the poorman) if you hear him speak then have I lost my Cow indeed."<sup>68</sup>

Pastorius' critique of lawyers mirrors that of George Fox. In his *Journal*, Fox argued that lawyers pretend to cure "the property of the people." But they do so "out[side] of the equity and perfect law of God." The lawyers might be reformed, Fox thought, if they were "brought into the law of God." God would in turn answer for their transgressions and bring them to love their neighbor as they loved themselves. "This [love of God] lets man see if he wrongs his neighbors he wrongs himself; and this teaches him to do unto others as he would they should do unto him."<sup>69</sup> Fox believed, as did Pastorius, that lawyers, physicians, and priests might be reformed if they "believe in the light and walk in the light."<sup>70</sup>

Even the appearance of magistrates and lawyers in black robes and white whigs drew criticism. Pastorius criticized the physical appearance of lawyers with white wigs, what he called "A lawyer with a bushy powdered whig on his head."<sup>71</sup> While it was lawyers' white dress that drew Pastorius' attention, George Fox directed his comments to the "lawyers black, their blacks robes as a puddle, and like unto a black pit, almost covered over with blackness."<sup>72</sup>

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<sup>68</sup> Lawyer Entry, *Bee Hive*, *supra* note 2.

<sup>69</sup> Fox, *Journal*, *supra* note 17, at 26-27.

<sup>70</sup> *Id.* at 29.

<sup>71</sup> See *Bee Hive* sec. 27, *supp.* (citing 1 Corinthians 11:14 and Revelations 9:8).

<sup>72</sup> George Fox, *Law of God the Rule of Lawmakers* 3 (London, 1658).

While many of Pastorius' writings concern the need for justice, fair dealing, love and peace, he recognized the need for strict enforcement of law and the duty of both magistrates and those they governed to follow the law. His very practical legal treatise, *The Young Country Clerk's Collection*, thus, contains forms for business transactions and for criminal prosecution, but not for civil suits. The practical treatise followed and put into operation the theoretical injunctions in the *Bee Hive*, the *Primmer*, and in Quaker writings more generally.

This paper is about the aspirations of people who wanted to remake their world as they sought refuge in Pennsylvania beginning in the 1680s. Yet, there's a human dimension, too, of people who had served time in person for their religious beliefs.<sup>73</sup> Sometimes the magistrates appointed by William Penn had spent time in narrow jail cells.<sup>74</sup> Through Pastorius' writings and those of others like Fox and Penn, we may come to view Pennsylvania as a site of what we have come to call "transitional justice" – a society emerging from an oppressive regime and grasping to redefine its notions of justice. It was an elegantly simple world – of individual justice and

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<sup>73</sup> Horle, *supra* note 16, and Offutt, *Of Good Laws*, *supra* note 7, look at how Quakers' treatment by the English legal system influenced their beliefs.

<sup>74</sup> Thomas Wynn, was a justice of Sussex County from 1687 through 1691. Wynn spent six and one-half years in prison in England for his staunch defense of Quakers. Thomas Wynn, *An Antichristian Conspiracy Detected and Satan's Champion Defeated* (London, 1679) Wing W3781; Thomas Wynn, *The Antiquity of the Quakers Proved, Out of the Scriptures of Truth* (London, 1677) Wing W3782; *Biographical Dictionary*, *supra* note 3, at 574-76. William Stockdale, who served as a justice for New Castle County in the 1680s, wrote *The Great Cry of Oppression* to criticize the legal mistreatment of Quakers by the courts in Ireland and co-authored *The Doctrines and Principles: The Persecution ... Contrary to the Doctrine of Christ and the Apostles*, which recorded the sufferings of Quakers in Scotland. *Biographical Dictionary*, *supra* note 3, at 687-89.

humanity, of the Golden Rule, and disseminating and following the written word – which we sometimes actually create.