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THE OLD WHIG COMES TO AMERICA:

A STUDY IN THE TRANSIT

OF IDEAS

by

GARY LIDDLE HUXFORD

A dissertation submitted in partial fulfillment

of the requirements for the degree of

DOCTOR OF PHILOSOPHY

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Date April 19, 1963

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Date: 19 March 1963

We have carefully read the dissertation entitled "The Old Whig Comes to America"

_____ submitted by
Mr. Gary Huxford _____ in partial fulfillment of
the requirements of the degree of Doctor of Philosophy
and recommend its acceptance. In support of this recommendation we present the following
joint statement of evaluation to be filed with the dissertation.

Mr. Gary Huxford's dissertation, entitled "The Old Whig Comes to America", is a study in the history of ideas. It is concerned with the nature of "Old Whig" ideas, as they were current in eighteenth-century England, the transit of these ideas to the English colonies in America, and the role of these ideas in the colonies in the generation just preceding that of the American Revolution. It is based upon a very large amount of reading of the writings of the "Old Whigs" in England and of those of the Old Whig persuasion in the colonies, as well as upon a study of the circulation of Old Whig books and other writings in the bookstores, libraries, and newspapers of the colonies.

It is our opinion that this is a very scholarly and well-written study, and that it is a genuine contribution to the study of early American intellectual history.

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Preface

This study has three objectives; first, to isolate a few basic ideas held by a group of English political thinkers who were known generally as "Old Whigs," second, to trace the transit of these ideas across the Atlantic, and third, to show their reappearance in the thirteen British colonies in North America. The value of this study, as I see it, is threefold. The Whig tradition of James Harrington, Algernon Sidney, and John Locke was carried on into the eighteenth century by a number of men who, although less known than the earlier giants, continued to speak for an extension of political freedom and the creation of more responsive political institutions. These men are seldom mentioned in more general works. Next, in focusing on ideas, as this study does, with a minimum of extraneous historical data, it is hoped that these ideas may appear in sharp relief against the background of the colonial experience. Finally, although it is taken for granted that the writings of the Old Whigs appeared in America, no study has attempted to discover the means by which, and the extent to which these writings became known in the colonies.

The period covered is 1700 to 1770. Investigation to date has shown that few, if any, of the men dealt with in this paper appeared in print in the colonies before 1700. Newton's Principia reached the colonies in 1708 and Locke's Essay on Human Understanding at about the same time. The works of these two men set the tone for the

American thinkers who followed.

The closing date was more difficult to determine. The decade of the 1760's was a transitional period during which the rather well developed systems of colonial political thought became focused on the increasingly ominous problem of colonial relations with Great Britain. The change was fairly abrupt and by the 1770's the historical setting and the political arguments growing out of that setting have taken on such proportions as to make them almost unrecognizable. The story of the Old Whig in the American Revolution must be told at another time. It should be obvious from this study, however, that the colonists had some already well developed systems of political thought. One such system borrowed extensively from the Old Whigs of the mother country. I have made one exception to the rule which designates 1770 as the closing date of this study. In the chapter on the Old Whig concept of empire I have carried the discussion to the year 1776, the year in which Richard Price published his important work. My rationalization for this exception is that I see no decided alteration in the basic argument of the Old Whigs, but rather a consistent line of development that culminates in the views of men such as Price, John Cartwright, James Burgh, and Joseph Priestley.

The problems confronting a study of this nature are obvious. To be complete it would have to include the results of a study of all the writings of all the men concerned, a search of all the newspapers, periodicals, speeches, sermons, letters, and diaries of this seventy

year period, and an intense analysis of all possible connections of thoughts across the Atlantic. Obviously, this study does not begin to exhaust all these possibilities; therefore, any conclusions cannot be considered entirely final. A second very real problem stems from the necessity of trying to synthesize the ideas of a score of men, living over the span of a century, whose ideas at times just do not agree. This problem is minimized to a degree by a rather remarkable unanimity of thought among the Old Whigs, but for every broad generalization made in the summary of ideas there will be some exceptions.

The settlement and growth of the colonies took place during a remarkable time in the world's history. These transplanted Europeans, removed from a centuries-old pattern of tradition and faced with a wilderness, carried with them an intellectual baggage made of the formal, authoritarian elements of the past and the first brilliant flashes that illuminated hitherto hidden areas of individual freedom and rights. The sometimes subtle, sometimes spectacular clash of tradition and innovation is one of the more dramatic stories of this period. The results of this struggle have left a tremendous legacy in America.

Introduction

The violent political upheavals of seventeenth-century England accelerated the processes of change that had marked the slow, methodical evolution of English institutions and practices. The Civil War of the forties, the period of the Interregnum, the restoration of the monarchy, the final "Glorious" revolution and the emergence of Parliament, these events, compressed as they were into a relatively short span of years, brought into sharp contrast conflicting ideas of the nature of man and his institutions. The changes had to be rationalized, criticized, and defended. The same adventurous attitude that had extended England's empire to many parts of the world now sought to find new answers to some age-old questions. What was the nature of man and to what end was he destined? What was the relationship between the individual and the various organized forces that sought to direct a portion of his activities? By what means did men enter into a political union? What rights and powers did such an union have, and which were withheld from it? What were the legitimate ends of government, and what forms best achieved those ends? Finally, increasingly important as the years passed, what forms were the developing British Empire and its institutions to take?

Among those who sought answers to these problems were a group of men living in England, Scotland, and Ireland who were known at various times as "Common-wealthmen," "Old Whigs," "Real Whigs,"

or "Honest Whigs."¹ Such designations, originally intended as terms of derision, they proudly bore to set them apart from the "trimmers" who, in their estimation, had betrayed the ideals of the great republicans and commonwealthmen of the seventeenth-century. The foundations of the Old Whig doctrine (for such they shall be called throughout this study) were laid by such men as James Harrington, Algernon Sidney, John Milton in his political writings, and, of course, John Locke. In an age in England when these giants were all but forgotten, their ideas were kept alive and expanded by the Old Whigs who lived on the radical fringe of political thought.

A great deal need not be said about these men of the seventeenth century. They are the best known of those who formulated the political ideas to be discussed. James Harrington (1611-1677), of Oceana fame, composed his most famous work during the interregnum. The Oceana appeared in print in London in 1656 and was a thinly disguised discussion of England and proposed recommendations that would make its institutions stable and yet preserve the maximum of individual liberty. Publication of the Oceana led, as was customary, to an extensive pamphlet warfare in which Harrington gladly participated. In 1659 he organized a political discussion club, the Rota,

¹ Caroline Robbins has done a great deal of study on the subject of the Old Whigs. A brilliant synthesis of her findings appears in The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies.

which, although of short duration, allowed a rather illustrious group to exchange views. In 1661 he was arrested for plotting to change the form of government. He was detained by the authorities but allowed in time to move about quite freely. His later years were clouded by physical and mental disorders that deprived him of the use of his astute intellectual abilities.

Harrington's views, which at the time of their writing had received rather wide circulation and attention, became known to later generations of Englishmen.² Harrington's orientation was toward a rather medieval concept of land holding and the direct influence that men in semi-feudal relationships held over other men. As English institutions developed along different lines, his ideas became less applicable and, save for his recommendation of the secret ballot, largely forgotten.

The stormy petrel, Algernon Sidney, became the earliest martyr in the Whig canon. Born of a noble family in 1622, he served both the parliamentary party and the royal party but was pleased with neither. His famous inscription in the visitor's book in Copenhagen³ led friends to recommend that he exile himself from England. He spent

²Theodore W. Dwight, "Harrington and His Influence upon American Political Institutions and Political Thought," Political Science Quarterly, II, 1; H. F. Russell Smith, Harrington and His Oceana. A Study of a 17th Century Utopia and Its Influence in America, 120-21, 151.

³"Manus haec inimica tyrannis."

these years mostly in Italy and returned to England in 1677. Sidney appears not to have been involved in the preparations for armed resistance initiated by Shaftesbury in August, 1682. He was, however, deeply involved with Russell, Essex, and other whig leaders who made up the "council of six." He was arrested in June, 1683, after the discovery of the Rye house plot and was brought to trial on three counts of treason. His subsequent trial and execution assured him a secure place in Whig legend.

Of Sidney's famous work, Discourses Concerning Government, which was published after his death, Judge Jeffreys, who sat in the trial of Sidney said, "[it] contains all the malice, and revenge and treason that mankind can be guilty of; it fixes the sole power in the Parliament and in the people."⁴ Certainly there was much in the Discourses to make any authority tremble, for Sidney felt that conflict between the governor and the governed was frequently necessary to preserve the rights of free men. Sidney's reputation, in contrast to Harrington's, continued to grow during the eighteenth century in England, as well as on the continent, and in the American colonies.

Two figures mark the point of departure for any study of the ideas that emerge from this period and become increasingly important during the eighteenth century. Isaac Newton's work in the math-

⁴Quoted in Caroline Robbins, "Algernon Sidney's Discourses Concerning Government: Textbook of Revolution," William and Mary Quarterly, ser. 3, IV, 294.

emathical and natural sciences was matched by the essays of John Locke in the realm of human relationships. Both contributed significantly to the fund of new knowledge and thought. It is, however, as authors of systematic formulations of ideas in their respective fields that they made their greatest contributions.⁵ Newton's Principia appeared in 1687 and, while not dealing directly with political thought, it was, nevertheless, to have a profound effect in altering the frame of reference within which later political philosophers were to operate. The apparently formidable mass of confusion and conflict coupled with ignorance from which man had long attempted to rationalize his life on earth was now shown to be, in reality, governed by a number of simple, understandable, invariable laws which could be isolated and described. And that which could be reduced to simple components and analyzed could also be interpreted in various ways to yield new shapes and functions, particularly in the realm of political phenomena. It was possible for man not only to explain what is, but to suggest what ought to be and, even more important, how to achieve it. The Biblical injunction that urged man to seek perfection now seemed within the realm of possibility. The optimism, the confidence that marked the first half of the eighteenth century looked to the work of Newton and his followers for scientific sanctions.

⁵Frederick E. Brasch, "The Newtonian Epoch in the American Colonies," American Antiquarian Society, Proceedings, XIX, pt. 2, 315.

The last of the great Whig theorists of the seventeenth century was John Locke. His wide interests covered such areas as the church, medicine, law and administration. This familiarity with, and interest in, many facets of his world is reflected in his abundant writings. Locke was educated at Westminster and at Oxford. In 1666 he began his mutually rewarding friendship with Lord Ashley, later earl of Shaftesbury. Through Shaftesbury's influence he received an appointment as secretary to the Lords of Trade. It seems now quite apparent that the earliest drafts of what later became his Two Treatises of Government were written in the late seventies or early eighties.⁶ Locke was forced to leave England on the eve of the Glorious Revolution and returned after the parliamentary settlement with William and Mary. He enjoyed a wide circle of friends both in governmental circles and among those who chose to criticize certain aspects of the settlement of 1690. He died in 1704 having contributed substantially to the basic works of Old Whig dogma.

The legacy of Harrington, Sidney, and Locke was carried on in the eighteenth century in England by a small group of talented men who lived during a time when the pendulum had completed its swing to the left and had begun its return to a more neutral position. This century was marked by an attitude of complacency and relative inactivity in the great world of English statesmanship and legislation. This group of thinkers, the Old Whigs, found themselves more

⁶Robbins, Eighteenth-Century Commonwealthman, 28.

and more out of tune with the men of the "Whig" supremacy in Parliament. They sought to preserve the achievements of the seventeenth century in political philosophy and reform against what appeared to them to be the defection of the eighteenth.

The first quarter of the eighteenth century was dominated in Old Whig circles by the figure of Robert Molesworth (1656-1725). His written works were relatively few and consisted chiefly of the Account of Denmark (1693), and his preface to Francis Hotoman's Franco-Gallia, in which he gave his famous definition and defense of the Old Whig. Molesworth's prominence rested, however, on the man himself, and his ability to rally those of like mind to his side and to correlate their activities. The Molesworth circle included at various times such men as Locke, William Molyneux, also a friend of Locke, Thomas Trenchard, Walter Moyle, Lord Ashley, and many others. The Molesworth family had estates in both England and Ireland and Robert divided his time almost equally between the two related but tragically hostile nations. He attended Trinity College, Dublin, at about the same time as both Trenchard and Molyneux. He fled from Ireland in 1689 and entered the service of the Dutch monarch as a representative to Copenhagen. There he became interested in the Danish conservative revolution of 1660 and the Account grew out of this interest. It was an analysis of the transformation of the "Gothick," or balanced, constitution, very much beloved by the Old Whigs, into an absolutism. At the same time it was a warning to English-

men and a recommendation as to how such a change could be avoided. It goes without saying that the Danish ruling house was furious but the publication of the Account in 1693 won Molesworth fame overnight.

William Molyneux (1656- 1698) was a fellow-countryman of Molesworth. Indeed, it is significant to point out the number of the Old Whigs who came from the periphery of the United Kingdom, especially Ireland and Scotland. The explanation perhaps lies in the peculiar relationship of these two nations to England, a relationship that made them much more sensitive to political encroachments, whether real or imagined. The contribution of the Old Whigs of Ireland and Scotland is substantial.

The Molyneux family had resided in Ireland since the fifteenth century. William was educated at Trinity and wrote extensively on mainly scientific subjects. He became known and remembered, however, for his one work published in 1698, The Case of Ireland. The Case was inspired by the general problem of the relation of the Irish parliament with that of England. The more immediate inciting factor was the passage of the Woolens Act of 1698. It is a lengthy citing of court cases and precedents interspersed with some strikingly modern views on the relationships that should exist between segments of an empire still in the formative stage. In the course of his argument, Molyneux of necessity became involved in the question of colonies and the extent of the allegiance due by them to the mother country.

Molyneux died in the year of the publication of The Case of Ireland and thereby was spared the extensive and heated debate that was centered around his essay.

In 1720, while England was feeling the reverberations of the South Sea scandal, two men met in a London tavern and struck up a friendship that was to result in two of the most popular works in the Old Whig canon. John Trenchard (1662-1723), the elder of the two, was trained at Trinity and entered the law in London. He married well and was able to devote his mature years to pamphleteering. His first essays on standing armies, published in 1697 and 1698, made a center of controversy. Little is known of his younger amanuensis, Thomas Gordon. That Gordon was from Scotland, that he came to London to seek his fortune as a writer and became embroiled in the Bangorian controversy, this is almost the extent of our knowledge of him prior to his association with Trenchard. The first of their joint ventures was the Independent Whig, an attack on the high church and an eloquent plea for toleration. Trenchard and Gordon next turned their attention to the political arena and in a number of essays in the London Journal in the years 1720-23 over the name of "Cato" the writing team turned out a popular series that was both a critique and an effort at constructive recommendations. The essays were bound in book form in 1724 and were circulated as the famous Cato's Letters.

Trenchard died in 1723. Gordon married his widow, Anne

Blackett, and turned his attention to other pursuits. There is a story to the effect that Walpole took Gordon into his pay, making him commissioner of wine licenses, and thereby diminished somewhat his patriotic ardor. He spent his remaining years working on commentaries on the Roman historians; his studies on Tacitus and Sallust were completed in the years 1728 and 1744 respectively. Gordon seems to have been little noted among literary critics. Bolingbroke is reported to have stated, upon hearing of the death at approximately the same time of Conyers Middleton and Gordon, "then there is the best writer in England gone and the worse." Respected by the critics or not, Gordon was an extremely popular political polemicist.⁷

Two more who shared in the Molesworth circle must be mentioned, John Toland and Anthony Ashley Cooper, third earl of Shaftesbury. Toland contributed to the flow of pamphlets that marked the Old Whig war of words in the early decades of the 1700's, but it is as a preserver of the works of his contemporaries and the writers of the seventeenth century already mentioned that he is best remembered. Shaftesbury is difficult to classify. His lengthy book, Characteristics, deals only incidentally with political theory. And yet, as with Newton, his influence was profound. Whereas Newton sought to describe the material world, the stage, as it were, upon which the

⁷John M. Bulloch, "Thomas Gordon, the 'Independent Whig'," Aberdeen University Bulletin, III, 598-99.

human drama unfolded, Shaftesbury was concerned with the players themselves, the many faces they put on, the inner motivations that prompted behavior. He stressed man's innate moral goodness and argued that his social instincts led him to seek the good for all concerned. Therefore, political institutions should reflect this nature and allow the free expression of men's desires and interests.

One figure dominates the field of Old Whig thought in the half-century following the death of Molesworth in 1725. Frances H Hutcheson, the respected and admired professor of the University of Glasgow, was born in Armagh, northern Ireland, in 1694. His family was from Scotland. Throughout his life he divided his love between his ancestral home in Scotland where, indeed, he was to win his fame, and the soft, beautiful Armagh countryside where he had received his early training. The family's Presbyterian attachment closed the doors of the schools of Ireland and England to Hutcheson and therefore he turned to the University of Glasgow. He returned to Dublin to set up an academy of his own and while in Dublin wrote the first and most popular of his philosophical works, An Inquiry into the Original of Our Ideas of Beauty and Virtue. In 1730 he accepted a position at Glasgow and there he spent the remainder of his days. He was a popular lecturer. His letters to students, to worried parents, to his friends, all indicate a warm human quality. His lecture notes which were compiled after his death by his son indicate a profound mind at work on a variety of

subjects. Unfortunately the written word of his numerous essays serves as the most familiar introduction to Hutcheson, and these essays are heavy, prolonged analyses that partake of little of the vitality and freshness that was such a prominent part of the man.

Hutcheson borrowed extensively from many sources. His concept of human nature is strikingly similar to the thoughts expressed by Shaftesbury. Many of the political ideas of Harrington re-appear in his discussions of the state and government. His fertile mind was creative as well as imitative. He anticipated the utilitarian school with his thoughts about the greatest good to the greatest number. His discussion of the colonies and at what point they are justified in striking out on their own course of development has a strikingly prophetic ring. It was not as a writer, however, that Hutcheson made his most significant contribution, but in the training of those students who came under his influence at Glasgow. In the words of Shaftesbury he was "a maker of moral men, not a constructive thinker."⁸

A rather significant tributary contributing to the broad stream of Old Whig thought came from religious malcontents of the period, both dissenters and Anglicans. The nonconformists lived in a

⁸Quoted in William Robert Scott, Francis Hutcheson: His Life, Teaching and Position in the History of Philosophy, 287. Scott says of Hutcheson, "[his] strength lay in his personality. He was a preacher, not a system builder. His personal magnetism and method of lecturing were his main influences" (Ibid., 285.).

shadowy world that allowed them neither the dignity of persecution nor the honor of acceptance. There were enough restrictions to let the dissenter know that what concessions had been given were given grudgingly. Unpopular though the dissenters were, they successfully established themselves at several academies and from the semi-sanctity of the classroom gave voice to their ideas.⁹ They were of many faiths, but those who espoused the Old Whig tradition could speak a common political language.

Isaac Watts, now remembered almost exclusively through his hymns, was one of the most beloved of the dissenters. He often set his pen to work writing eloquent pleas for toleration, the complete separation of church and state, the right of private judgment, the right and the obligation the individual has to improve himself and develop to the fullest his God-given faculties. His essay on the Improvement of the Mind (1741) must still rank as one of the best studies on the achievement of the full life. Watt's death in 1748 was noted with sadness by those both within and without the established church.

Others of the dissenting interest included Benjamin Avery (d. 1764), editor of the Independent Whig and the Occasional Papers,

⁹One unknown poet coined the following couplet:

From our old track whole colleges depart,
And preach new doctrines with Hodleian art.

Keith Grahame Feiling, The Second Tory Party, 1714-1832, 20.

An excellent and seemingly little noted work on the dissenters during the latter part of this period is Anthony Lincoln, Some Political and Social Ideas of English Dissent, 1763-1800, 72-84.

George Benson (1699-1762), and James Foster (1697-1753?), a frequent contributor to the Independent Whig. Still one more dissenter, Michaijah Towgood (1700-1792), enjoyed a long, productive, and controversial life. In 1737 Towgood began a series of essays culminating in the Dissenting Gentleman's Letters (1746-48). These essays became the classic nonconformist argument.

Contributions to the Old Whig canon from the Anglican persuasion came largely from the controversial Bishop of Bangor, Benjamin Hoadley (1676-1761). Hoadley preached a famous sermon before the Lord Mayor in 1705, in which he argued that St. Paul's injunction to be obedient to the constituted power could only be interpreted as meaning obedience to those powers that ruled in accord with the original contract existing between them and the people. His sermon brought his name before the lower house of the convocation of Canterbury where it was determined that his speech brought dishonor to the church. Hoadley engaged in a pamphlet battle with the convocation, extended it to Francis Atterbury, leader of the high church party, and finally included among his antagonists Offspring Blackall, Bishop of Exeter. His reply to Atterbury in 1709, to which was attached his most profound analysis of political institutions, his Essay on the Origins of Civil Government, established him as a leader of thought among the Old Whigs. His sermon before the king in March, 1717, entitled The Nature of the Kingdom or Church of Christ, began the famous "Bangorian controversy." It involved him

in a debate with Andrew Snape, chaplain to the king, and fired the imagination of such men as Thomas Gordon.

Some twenty-five years after the death of Molesworth and the breakup of the Molesworth circle a new group of like-minded men began to form around the wealthy and rather eccentric heir to the Hollis fortune, Thomas Hollis "of Lincoln's Inn," so called to distinguish him from the other four Hollises who bore the name of Thomas. For several generations the Hollis family had concerned itself with the progress of England's overseas empire, especially the American colonies. Books, scientific equipment, and financial contributions were sent abroad in an effort to stimulate the growth of learning. Thomas "of Lincoln's Inn" received his education both at home and abroad, then set himself to the task of serving his country as he saw fit. This service consisted of supplying to as many libraries as possible donations of books made up chiefly of the great English writers of the seventeenth century. Since the books were in English, the Swiss, the Swedes, all to whom his books were sent, must be able to read that language, according to Hollis' way of thinking; hence the inclusion of books on the English language and its grammar.

The Hollis circle included Thomas Brand, who accompanied Hollis on his tour of the continent in 1748-53 and who was to honor his friend by adding the Hollis name to his own after Thomas' death. Richard Baron, another associate of Hollis, had been educated at

Glasgow under Hutcheson, whom he greatly admired.¹⁰ Baron did extensive work in compiling and re-editing the works of the earlier Whig writers. The Gordon tracts were published in 1751 and again, with additional inclusions, in 1752. Also in 1751, the Baron edition of Sidney's Discourses appeared, followed in 1753 by Milton's prose works. Archdeacon Francis Blackburne, still another of the close friends of Hollis, wrote The Confessional in 1766, and edited the memoirs of Hollis after his death.

The increasingly strained relations within the British empire in the last half of the eighteenth century, particularly after the close of the Seven Years War, brought forth a wave of political comment unmatched since the close of the previous century. In many ways this period, by the writings of a number of men, brought to a climax Old Whig literature: Thomas Pownall, former colonial governor and author of Principles of Polity (1752); James Burgh, who wrote Britain's Remembrancer (1746) and the extremely popular Political Disquisitions (1775); Richard Price, the quiet man who provoked Burke to such anger; Joseph Priestley; and "Major" John Cartwright. Although these men were privileged to carry on the ideas of the Old Whigs at a time when they were convinced that in the colonies they had a perfect example of what their intellectual

¹⁰Archdeacon Blackburn writes of Baron that he 'entertained a reverential regard [toward Hutcheson] during his whole life. Mr. Hutcheson was likewise one of Mr. Hollis's favorite philosophers' ([Francis Blackburn], Memoirs of Thomas Hollis, Esq., II, 585).

progenitors had been talking about for a century, still, it must be remembered that the arguments they advanced had been abroad in Old Whig literature for many years.

These, then, are some of the Old Whigs; a small, self-conscious group of men, never formally joined together in anything that could be called a "party," yet tied together by friendship, by an intellectual allegiance to a body of thought, by a rather fantastic system of inter-marriages, and by the sense of mission bequeathed to them by their awareness that few at home, save themselves, were aware of the dangers that confronted Britain and how far she had departed from an immediate illustrious past which had given such promise for the future. Not being formally organized, they relied on various means of promulgating their ideas, the press, academies, informal clubs and coteries, personal correspondence and the myriad means of personal influence. How successful were they in having their ideas adopted? Their efforts met with little success in England. The arguments they advanced, however, were well suited to the situation in which the colonists in Anglo-America found themselves. As a result, it is in America that the ideas and the traditions of the Old Whigs and their faith in the validity of revolution were carried forward -- more clearly and more effectively, it may be, than in England.

Chapter I -- Of Man and Nature

In a moment of rare honesty, Mephistopheles says of Faust:

Only look down on knowledge and reason,
The highest gifts that men can prize,
Only allow the spirit of lies
To confirm you in magic and illusion,
And then I have you body and soul.

The Old Whig was convinced that "magic and illusion" had all too often been called upon as a justification for one man's control over another. In an age when the physical sciences had made great advances through the use of man's limited abilities, would it not also be possible by using these "highest gifts" to probe the mysteries of his political and social institutions? For several centuries the process of state-building had proceeded with little regard for the philosopher whose job was to explain. The rise of the new leviathan placed some old problems concerning individual freedom and authority in a new context.

One of the chief problems facing the Old Whig was to find a new source of political authority to which he could, with enthusiasm and a clear conscience, render all due obedience. One by one the traditional sources of authority had fallen before the advances of time and learning. The church, the monarchy, the nobility, all had shown weaknesses and become objects of severe criticism. The problem was further complicated, not only for the Old Whigs, but

for anyone seeking to legitimize political control, by the fact that, whatever the source of authority to be found, it must recognize that the political and social community was no longer made up of like-minded believers. The unity that had long been the strength of the medieval world had finally given way to the potential weakness that was inherent in it and had left an European society of individuals joined by geographical boundaries, past traditions, and, in each distinct area, a sense of nationality. While these factors, geography, tradition, and nationalism, were certainly a strong argument for legitimacy, they were not sufficient justification in the minds of the Old Whigs. A community of men was not a natural growth endowed with the power of justly demanding the allegiance of all within its jurisdiction, nor was it a phenomenon directly and especially created by God and endowed by Him with divine authority. The demonstration of the human derivation of the state was the task to which the Old Whig, along with many of the philosophers of the Enlightenment, turned his attention.

In order to determine what form of political organization and control was in keeping with the nature of man, it was necessary, first of all, to determine just what that nature was. Locke opened his famous essay on human understanding with a paragraph that sought to place man in a new relationship with his surroundings:

Since it is the understanding, that sets man above the rest of sensible beings, and gives him all the advantages and dominion, which he has over them; it is certainly a subject,

even for its nobleness, worth our labour to enquire into. The understanding, like the eye, whilst it makes us see, and perceive all other things, takes no notice of itself: and it requires art and pains to set it at a distance, and make it its own object. But, whatever be the difficulties that lie in the way of this enquiry; whatever it be, that all the light we can let in upon our own minds, all the acquaintance we can make with our own understandings, will not only be very pleasant, but bring us great advantage, in directing our thoughts in the search of other things.¹

The work of the sciences that achieved a climax in the discoveries of Newton had indicated that man lived in a well-ordered universe capable of being understood, and, in the degree in which men understood it, controlled. It was, then, with supreme confidence that the followers of Locke faced the future. Locke stated that it was man's understanding that gave him whatever advantage he had over the other creations. The Old Whig found in Locke's idea the basis of an optimism that saw progress as an inevitable result of the use of reason. The progress, to be sure, was not progress in the Darwinian twentieth century interpretation. For one thing it depended upon man's own conscious, intelligent effort. It was, moreover, advancement within a relatively static world where the goal of perfection was not entirely out of the question and the feeling of eventual final achievement was an incentive to action. This optimism was based on the premise that "Nature" operated according to the laws that were in the process of being discovered even as these men wrote. Frances Hutcheson found a great source of com-

¹ John Locke, "Essay on Human Understanding," The Works Of John Locke, I, 1.

fort in the thought that the Universe was governed "not by particular Wills, but by general Laws, upon which we can found our Expectations and project our Schemes of Action."² Were there no order resulting from such laws, man could not expect nor predict effects from certain causes and, he implies, would be excused from acting in a rational manner.

It was man's understanding and use of reason, in the view of the Old Whigs, that set him apart from the rest of creation, and, indeed, from other men; yet, he saw in this use of reason the potential of a new unity founded on more just principles because it was self imposed. Man comes into the world, said Locke, with a mind like "white paper, void of all characters, without any ideas."³ How does he come by the vast store of impressions and thoughts that make up the endless variety of the mind? Locke summed it up in one word, "experience." Experience itself was a twofold process: first, the individual received external impressions. This Locke termed "sensation." Then the mind reflected on that which it received. This was "reflection." Together, these two formed "the fountainheads of knowledge, from whence come all the ideas we have, or can naturally have. . . ." It was by the orderly sorting and arranging of these ideas into structures of varying complexity that man received his greatest happiness. He was, in a sense,

²Frances Hutcheson, An Inquiry Into the Original of Our Ideas of Beauty and Virtue, 102-3.

³Locke, "Essay on Human Understanding," Works, I, 32.

playing the role of the Creator and could perhaps feel the thrill of bringing order out of disorder and speaking the words, "Let there be light." Hutcheson equated it with a "Sense of Beauty."⁴ The process of receiving impressions, pondering them, and reconstructing them into true patterns by the use of his reason was the means by which man could "obtain and secure to [himself] and others both the noblest internal enjoyments, and the greatest external advantages and pleasures, which the instable condition of terrestrial affairs will admit."⁵ The two great principles of natural law and reason formed the basis upon which the Old Whig structure of ideas was built.

The method which man was to follow in his use of reason to arrive at truth was that developed by the physical sciences and adapted to the human situation by Locke. It was a process of finding the available proofs, arranging them in a regular and methodical order, noting the connections that appeared, and, finally, making correct deductions from these observations.⁶

The new unity of the Enlightenment was threefold. All men shared the light of reason. They participated in a world directed in all its phases by law. The method by which the physical and social world could be understood was simple and could be universal-

⁴Hutcheson, An Inquiry . . . Beauty and Virtue, 73-4.

⁵Frances Hutcheson, A System of Moral Philosophy, II, 377.

⁶Locke, "Essay on Human Understanding," Works, I, 319.

ly applied. The Old Whig was exuberant when he viewed the great possibilities that confronted him.

The over-simplification of the very real problems of the direction and control of human activities was a characteristic of the Old Whigs. This, coupled with a natural distrust (as will later be seen) of too much government, had a detrimental effect on Old Whig thought the eighteenth century. He was suspicious of "systems" of thought. He sought to solve problems by the manipulation of institutions. In his efforts to reduce politics to a science he gradually stripped government of more and more of its functions and with great faith bestowed the care of these functions on "society."

Truth to the Old Whig was natural law and therefore absolute and unchanging. Man's awareness of truth, however, was relative. Since man was the measure of all things, the partial, relative knowledge which he took to be truth and upon which he acted became important, indeed, perhaps even more important than truth itself. Ideally, since all truth could be reduced to law and such law was capable of being understood, it ought to be possible at some time to come to a common agreement. But differing concepts of the values contributing to human welfare and happiness led to disagreement.

From what has been said, it is easy to give account, how it comes to pass, that tho' all men desire happiness, yet their wills carry them so contrarily, and consequently some of them to what is evil. And to this I say, that the various and contrary choices, that men make in the world, do not argue that they do not always pursue good; but that the same thing is not good to every man alike. This variety of pursuits shews,

that every one does not place his happiness in the same thing, or chuse the same way to it.⁷

Certainly such a position boded well for toleration. The gentle Isaac Watts, who had few kind words for his generation, had to admit that "it must be acknowledged indeed, to the Honour of the present Age, that we have some Pretences above our Predecessors, to Freedom and Justness of Thought, to Strength of Reasoning, to clear ideas, to the generous Principles of Christian Charity. . . ."⁸

There was fairly common agreement among the Old Whigs that man was blessed with reason. Likewise there was a great degree of unanimity as to where his use of reason would lead him. There was, however, wide disagreement as to the motives that prompted men to action. The pessimistic "Cato" lamented that his study had revealed "there is nothing so terrible or mischievous, but human Nature is capable of it. . . ." Man was innocent, but only too prone to fall into the practice of vice. Extremes of both good and evil could be found in the same person. The guiding motive of man, in "Cato's" opinion, was self love; as a result he could be controlled only through the appeal to his pleasure or his fear of pain.⁹ A more moderate view had been sounded by Algernon Sidney who, although not overly concerned with the nature of man, felt confident

⁷Ibid., I, 114.

⁸Isaac Watts, Sermons on Various Subjects, Divine and Moral, X.

⁹John Trenchard and Thomas Gordon, Cato's Letters, I, 77, 237-39.

that he would work for the good of society even though pursuing "that which seems adventagious to [himself]." ¹⁰ A contrary opinion was voiced by Frances Hutcheson. That course of life which seemed most commendable, he said, was that which contributed to the general good of mankind as that good was perceived by observation and reason. There was in human nature "a disinterested ultimate Desire of Happiness of others." Hutcheson felt that the "Moral Sense determines us only to approve Actions as virtuous, which are apprehended to proceed partly at least from such a Desire." ¹¹

Whatever might be the intent of man as an individual, the Old Whig was quite sure that he could be depended upon to behave himself in the group, if for no other reason, merely because his own selfish instincts lead him to realize that to hold as inviolable certain rights for himself, he must extend the same privilege to others. And what were the rights that every individual possessed? Here the Old Whig spoke in firm tones.

In determining any course of action for, or any form of control over man it was necessary to arrive at a correct understanding of the state in which all men naturally were before they entered into association one with another. The Old Whig advocated the semi-

¹⁰Algernon Sidney, Discourses Concerning Government, 218.

¹¹Hutcheson, An Inquiry . . . Beauty and Virtue, 152.

"When we despair of glory, and even of executing all the good we intend, 'tis a sublime exercise to the soul to persist in

idyllic "state of nature" as the common starting point for any study of man. The idea of a pre-political and pre-social condition in which an individual existed isolated from an allegiance to any outside influence was not new. The seventeenth century merely placed a new emphasis upon the old idea of a state of nature. It is interesting to compare the Old Whig view of this natural state with that of, say, Thomas Hobbes of the early seventeenth century. To Hobbes the acceptance of such a condition was far from a mere intellectual device upon which the political structure could be built. Living under the shadow of war and the overthrow of time-hallowed institutions, the state of nature was to Hobbes a frightening condition of anarchy and confusion. As the passing years dimmed the memory of the English conflict Hobbes had dreaded, the outline of the state of nature became, among the philosophers, less dark and forbidding. Even so, there seemed to flow beneath the surface of the more influential thinking the tacit agreement that the eighteenth century should not be allowed to witness a repetition of the scenes of the seventeenth.

The Old Whig did not look on the state of nature with apprehension. The period of revolution before and after the "Glorious" events of 1688-89 had given birth to his thought. He had not lived

acting the rational and social part as it can; discharging its duty well, and committing the rest to God. Who can tell what greater good might be attainable if all good men thus exerted their powers even under great uncertainties of success. . . ." (Hutcheson, Moral Philosophy, I, 225).

on the edge of political nothingness and therefore experienced only the end result, not the anxiety that brought it about. Locke lived during the period of transition, and his view of the state of nature bears the imprint of both the earlier and the later schools of thought. Living in such a condition, men were in

. . . a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the laws of nature, without asking leave, or depending on the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another. . . .¹²

The state of nature had its drawbacks, however, and thus men were prompted to enter into a union with others. It is important to note that an individual's rights were his by the very fact of birth. They were not derivative rights, but inherent, inalienable rights. "Man is naturally free," said Sidney, "he cannot justly be deprived of that Liberty without cause, and . . . he doth not resign it . . . unless it be in consideration of a great good, which he proposes to himself."¹³ Watts declared that every man born into the world had a right to "Life," "Liberty," and "Safety," and to "the good Things of this world."¹⁴

The Old Whig soon developed the distinction between those rights which could be exchanged for some convenience, and those

¹²John Locke, "Two Treatises of Civil Government," Works, II, 168.

¹³Sidney, Discourses Concerning Government, 5.

¹⁴Watts, Sermons, 391.

rights which could under no circumstances he surrendered, nor, with justice, demanded. Hutcheson borrowed extensively from Locke in his discussion of rights and is worth noting because of his rather full treatment of the subject. In one of his early essays he made the distinction between "alienable" and "unalienable" rights. He established criteria by which rights might be judged to see in which category they belong. First, was it possible to actually make the transfer of right, and, if so, then second, did such a transfer serve any valuable purpose? From the answers to these two questions he concluded that among the inalienable rights were the right of private judgment and inner sentiments and affections, of worship, and finally of life and limb.¹⁵

In a later, more developed discussion Hutcheson listed "natural" and "adventitious" rights.¹⁶ Natural rights were, as the name indicates, those rights that each man had by virtue of birth and which could not be taken from him. Adventitious rights were those arising from human institutions, compacts, or actions. A rather lengthy list of natural rights was enumerated beginning with life, happiness, and interestingly enough, self-improvement.

Let men instruct, teach, and convince their fellows as far as they can about the proper use of their natural powers, or persuade them to submit voluntarily to some wise plans of civil power where their important interests shall be secured. But till this be done, men must enjoy their natural liberty as

¹⁵Hutcheson, An Inquiry . . . Beauty and Virtue, 284.

¹⁶Hutcheson, Moral Philosophy, I, 293-99.

long as they are not injurious, and while no great publick interest requires some restriction of it.¹⁷

Each man had the right to his own opinions. He had the right to offer his life in the preservation of any cause he felt worth the sacrifice. Property was a natural right and led Hutcheson into a rather detailed discussion. He reflected the concern felt by the Old Whigs for property and preservation of the right to acquire it and to be protected in their holding of it. Much that was of value to man was the product of his labor. To deprive him of the fruits of his work was to destroy all incentive for self improvement and, incidentally, the advancement of society. To deprive him of the means of safeguarding his property, once acquired, was to place him at the mercy of the slothful.

. . . This is the Ground of our Right of Dominion and Property in the Fruits of our Labours; without which Right we could scarce hope for any Industry, or any thing beyond the Product of uncultivated Nature.¹⁸

Closely connected with and arising out of property was the privilege each had of commerce and trade with anyone who was willing to deal with him. Next, the individual had the right to be accepted into society on an equal basis. Finally, each individual had the right to enter into marriage "with any one who consents." These, then, were the natural, inalienable rights of men and were shared equally by all.

¹⁷Ibid., I, 295.

¹⁸Hutcheson, An Inquiry . . . Beauty and Virtue, 284-85.

The natural equality of men consists chiefly in this, that these natural rights belong equally to all: this is the thing intended by the natural equality, let the term be proper or improper. Every one is a part of that great system, whose greatest interest is intended by all the laws of God and nature. These laws prohibit the greatest or wisest of mankind to inflict any misery on the meanest, or to deprive them of their natural rights, or innocent acquisitions, when no public interest requires it.¹⁹

The Old Whigs lived during the flush of liberalism's youth. Their situation in England placed them in the role of the critic standing outside the stream of events and divorced from political responsibility. Partially as a result of these factors, he saw man as a divinely endowed, reasonable creature who, armed with the discoveries and methods of the physical sciences, was capable of perfection. In the final analysis, all human institutions must contribute to the attainment of this goal.

¹⁹Hutcheson, *Moral Philosophy*, I, 299.

The theme of equality was sounded by others. "All men naturally are equal," said Harrington, "for tho Nature with a noble Variety has made different the Features and Lineaments of men, yet as to Freedom . . . she has made every one alike" ("The Grounds and Reasons of Monarchy Consider'd," The Oceana and Other Works, 11.). Cato believed that "men are naturally equal, and none ever rose above the rest but by Force or Consent" (Trenchard and Gordon, Cato's Letters, II, 85.). A similar thought was expressed by Sidney: "'Tis hard to comprehend how one Man can come to be master of many, equal to himself in Right, unless it be by Consent or Force" (Discourses Concerning Government, 76.).

Chapter 2 -- Of Man and the State

. . . I was certain, that there was a true and a false in politics, as in all other objects of human understanding.

I determined to take the sense of mankind on the great and interesting points of government; and to see what experience teaches to expect from wise and upright, as well as from blundering and corrupt administration.

I applied the leisure hours of many years to the perusal of the best historical and political books. . .

I considered that history is the inexhaustible mine out of which political knowledge is to be brought up.

James Burgh¹

The Old Whig was quite confident, as he turned his attention to an explanation of man in a political situation. There was, in truth, little justification for such confidence. The situation he faced was a complicated one. England had passed through a period of intense internal disorder. Parliament had emerged with an extended role to play. The nature of the executive was changing with the increasing importance of the prime minister and the development of the cabinet. At the same time the empire was becoming an ever present problem. The failure of the Old Whig to realize the seriousness of the problem can partially be explained by the newness of the factors involved, some of which could only become apparent with the passage of time. The situation was further complicated by the frame of reference within which the Old Whig sought his solutions. He found it necessary to adapt the methods that had been used to analyze and explain the physical

¹Political Disquisitions. . . ., I, v-vi.

world and apply them to the world of human relationships. Moreover, his own set of values created a strange inner conflict within his philosophy. On the one hand human institutions had a very definite role to play in aiding the individual to reach the limits of his potential. On the other hand, the Old Whig was painfully aware of certain areas of control over the life of the individual into which outside agencies could not intrude. In reality, politics, in the classical definition of the term, was in danger of being pushed to the outer perimeter of those vital relationships that controlled man's activities. The factors that gave birth to the Old Whig contributed substantially to his approach to political questions. The civil strife of the seventeenth century had given rise to his progenitors and the canon of his scripture. He had sided with Parliament in the struggle with the king, and as Parliament emerged triumphant, so, it seemed, did the Whig philosophy. It was not long before some of the supporters of the revolutionary settlement began to have the uneasy feeling that all was not well. Unlimited power was found to be equally untenable whether held by a king ruling by Divine Right or by a self-perpetuating Parliament claiming vast prerogatives. The followers of Locke, Harrington, and Sidney found it necessary to announce that as "Old Whigs" they had not betrayed the ideals of the Revolution as had the Whigs, the "trimmers," in Parliament. Thus they were forced to live on the outskirts of organized political activity and found themselves

relegated to the role of critics.

The question of the relationship between man and the state has concerned thinkers since the time when the foundations of western thought were being laid. For those whose emphasis is on the state the problem is simplified to a great extent, reducing itself largely to a question of how best to extract the greatest benefit from the human resources of the state. When man is the essential factor, however, the problem becomes more complicated, especially when he is blessed with certain enumerated "rights" and given reason with which to judge his institutions. This was the situation to which the Old Whig turned his attention:

Such as have Reason, Understanding, or common Sense, will, and ought to make use of it in those things that concern themselves and their Posterity, and suspect the Words of such as are interested in deceiving or perswading them not to see with their own eyes, that they might be more easily deceived. This Rule obliges us so far to search into matters of State, as to examine the original principles of Government in general, and of our own in particular. We cannot distinguish Truth from Falsehood, Right from Wrong, or know what obedience we owe to the Magistrate, or what we may justly expect from him, unless we know what he is, why he is, and by whom he is made to be what he is.²

The Old Whig, as has been noted, found man in a state of nature enjoying the liberty, equality, and rights which were his. He proceeded to bring man, via the compact, into political union under a form of government, but not until a very important intermediate step had been taken. The Old Whig saw isolated individ-

²Sidney, Discourses Concerning Government, 9.

uals moving first into a "society". Hutcheson felt that civil power was founded on three acts, the first being "an agreement or contract of each one with all the rest, that they will unite into one society or body. . . ."³ Once in a society they contrive a "plan of power" and then agree to a political agent to be entrusted with such power. Sidney stated that God had "written into the Heart of every man . . . to prefer the Benefits of Society, before a savage and barbarous Solitude. . . ."⁴ By entering into society man sought to alleviate certain "inconveniences" arising from the state of nature. He aimed at a division of labor, he desired greater security against those who chose to place themselves in a state of war against the laws of nature, he sought to establish an arrangement that would curb the imperfections arising from the depravity of men and direct the united effort toward community happiness.⁵ The importance of this intermediate stage of the "society" or "community" is threefold. For one thing, it meant that there existed a common will outside of, apart from, and antecedent to, the political source of authority. The importance of this will become even more evident in the Old Whig discussion of the right of resistance. Second, and closely related to the

³Hutcheson, Moral Philosophy, II, 227.

⁴Sidney, Discourses Concerning Government, 16.

⁵Locke, "Two Treatises of Government," Works, II, 195.

previous observation, the society took over many of the functions that had formerly been considered the exclusive domain of the political power. "Society" posited goals, determined methods, and decided on results. Finally, government ended up severely cramped for operating space. It became more and more linked with the idea of the necessary institutions of coercion essential to keep order while the more lofty worthwhile goals were those of the society. Thus the Old Whig had to strain himself even to allow government the right of a contractual arrangement with society. A contract implied obligations on both parts while, in truth, the government held only a fiduciary trust and could be called into account at any time by the majority of society.

The method by which man entered into his association with others was the contract. The idea of the contract was not new with Locke. He made it the basis of his social and political structure, however, and his discussion of the contract was copied extensively by later Old Whig writers. The contract implied, as has been suggested, reciprocal duties, rights, powers, and services. The individual finding himself in a state of nature and desiring some greater good which he could not bring about unaided, contracted with others to surrender a portion of his natural rights, with the agreement that the others would do likewise, in return for which he would receive some desired good. As "Cato" said,

Hence grew the necessity of Government; which was the

mutual Contract of a Number of Men, agreeing upon certain Terms of Union and Society, and putting themselves under Penalties, if they violated these Terms, which were called Laws, and put into the Hands of one or more Men to execute. And thus Men quitted Part of their Natural Liberty to acquire Civil Security.⁶

Hutcheson said that the only natural method "of constituting or continuing . . . civil power must be [by] some deed or convention of men."⁷

Locke concerned himself only slightly with the argument that the idea of the social contract and a previous state of nature was a mere fiction. Benjamin Hoadley was more concerned with the extent to which an individual owed allegiance to the civil and religious powers. He was, therefore, very interested in the origin of government and the extent to which it could require obedience. He argued that it mattered little whether such a condition as a state of nature ever existed. Even if a voluntary compact was not the original source of government, this did not alter the fact that "Voluntary Compact is . . . the only Foundation of Rightful Government:"

Whether therefore there ever was one Hour without Civil Government, or no; whether there ever was a Compact actually made in any one Place in the World, or no: Yet this Judgment may stand good, that there cannot be a Right to Government, properly so called, without the Consent and Agreement of the Community and Society which is to be Governed.⁸

⁶Trenchard and Gordon, Cato's Letters, I, 257-9.

⁷Hutcheson, Moral Philosophy, II, 226.

⁸Benjamin Hoadley, "The Original and Institution of Civil

The idea of the contract was a godsend to the Old Whig who regarded all government with intense suspicion. He had been betrayed, as had his fathers before him, by the institutions of political control. The contract implied agreement on both sides, limits, and, most important, a superior power doing the contracting. To the Old Whig it meant that the citizen could withhold from the contractual obligations those rights which to him were "inalienable". He rested secure in his idea of "limited" government. Moreover, the contract destroyed whatever vestiges may have remained of any ideas of divine right or unlimited submission. It also shook the foundations of any and all governments that rested their claim to authority on history, tradition, or an inherited right to rule:

There is no Government now upon Earth, which owes its Formation or Beginning to the immediate Revelation of God, or can derive its Existence from such Revelation. . . . Government therefore can have no power, but such as Men can give, and such as they actually did give, or permit for their own Sakes. . . .⁹

The "People," that great enigmatic body never clearly defined, became the sole source of authority via the contract. Perhaps no

Government," The Works of Benjamin Hoadley, D. D., II, 256-60. A similar thought was expressed by Hutcheson in his discussion of the threefold contract that brought individuals into a political union. "Tho' 'tis not probable that in the constitution of the several states men have generally taken these three regular steps; yet 'tis plain that in every just constitution of power there is some such transaction as implicitly contains the whole force of all three" (Moral Philosophy, II, 227.).

⁹Trenchard and Gordon, Cato's Letters, II, 226.

theme dominated the thought of the Old Whig to a greater extent than the "sovereignty of the people." Whatever form government took, it must recognize that the ultimate source of its authority and power was the people and that it must at some point be accountable to them if it desired stability and justice.

Magistrates who held positions of authority were custodians of a trust and held their position by the consent of the people and only so long as they, the people, desired. He was bound by his public:

The Administration of Government is nothing else, but the Attendance of the Trustees of the People upon the Interest and Affairs of the People: And as it is the Part and Business of the People, for whose Sake alone all publick Matters are, or ought to be, transacted, to see whether they be well or ill transacted, so it is the Interest, and ought to be the Ambition, of all honest Magistrates, to have their Deeds openly examined, and publickly scanned:¹⁰

It was commonly agreed among the Old Whigs that the end of government was the happiness of the people living under such government. The basic principle that was to be expressed in later Utilitarian terms as "the greatest good to the greatest number" was stated many years earlier by Hutcheson. This principle, that the good is what the majority desires, is as close as the Old Whig came to answering the problems that were a rather obvious outgrowth of his thought. He never adequately solved the question

¹⁰Ibid., I, 97.

of numbers. His problem was further complicated by his emphasis on property and how to have it adequately represented in the community. All the minor problems facing the Old Whig in this and many other phases of his thought could be summed up under the one major problem of the liberty of the individual versus the authority that he recognized was a necessary concomitant of liberty.

The Old Whig spent much time and effort in categorizing the various "rights" of man, those that were unalienable "natural" rights and those that arose from political union, "political" rights and liberties. The natural rights were the familiar ones of life, liberty, property, self improvement, all that were associated with man in a state of nature and were not surrendered by him upon entrance into society and the formation of government. The privileges and liberties provided under political union varied, however, by common consent, as did the frame of government itself. The laws, the way in which "natural" political powers were delegated, these factors of man's political life took on various hues according to the instruments of control which were created. Therefore, ideally, the political liberties should reflect as closely as possible the natural rights and equate them with the particular circumstances of time and place. The "Rights of Englishmen," so dearly held by the Old Whigs, rested upon, and were derived from natural rights as they were interpreted by the representa-

tives of the people themselves.

Before turning to the specific recommendations made by the Old Whigs as to the structure and operation of government, it is worthwhile to note the extremely relativistic position that any form of government occupied in his thought. He did not entirely agree with Pope, who would leave fools to contend over government, but he was willing to acknowledge that government as a creation of man must suit man's more immediate needs if it is to be stable. To be sure, his ideological commitments narrowed the field of acceptable forms quite drastically, but he was unwilling to impose his conclusions on others in differing circumstances or will his institutions to later generations. Bishop Hoadley stated that "whatsoever methods of Government, or Persons to Govern, a whole Society, or Community, do voluntarily pitch upon, for the good, and support of themselves, and carrying forward the Ends of Humane Society, are approved of by God. . . ."¹¹

One of the founders of the Whig canon, Algernon Sidney, advanced some of his most profound and progressive ideas in his discussion of the relativism of government. Perhaps nowhere in his writings is his keen perception as evident as in this discussion.¹² It was absurd, he argued, to search for the one accept-

¹¹Hoadley, "The Original and Institution of Civil Government," Works, II, 257.

¹²Sidney, Discourses Concerning Government, 14, 76, 93-4.

able form of government. God had given all men liberty and judgment in the disposal of that liberty. Any group may agree to place themselves under certain restrictions in hopes of receiving, in return, equal benefits. Each society could choose that form of government which best supplied what it perceived to be the most desirable objects. This choice, Sidney recognized, would be influenced by several factors, reason, past experience, and the nature of the compact that created the political union. These and other variables rendered universal agreement impossible. It also meant that governmental institutions and practices would follow closely the common experience of the community. Adjustments in government as to "name, number, or form" did not signify irregularity as long as it was done by "those who have the right of doing it" and suited "the time and the circumstances." Because the unpredictables of time and circumstance change and no man can foresee what is to be, it was foolish to attribute to man or the product of man's thoughts a quality of infallibility:

. . . 'tis a rare thing for a City at the first to be rightly constituted: Men can hardly at once see all that may happen in many ages, and the changes that accompany them ought to be provided for. . . . All human Constitutions are subject to corruption, and must perish, unless they are timely renewed, and reduced to their first principles.¹³

Again, behind the Old Whig argument we see the workings of a community mind operating apart from the political center.

¹³Ibid., 117.

This common spirit sets goals and determines the methods to be used. The idea that men may consciously create government and that whatever form it takes is valid is an extremely important concept in Old Whig thinking. Since he did not clearly define what constituted a distinct "community" or "people," supposedly any group which felt itself to be a society might declare itself capable of self direction. Moreover, it was important that first principles be resorted to frequently in an effort to keep the development of the community in line with them. Government could never be allowed either in its structure or operation to depart far from the wishes of the body of the people from which it obtained power, neither could it direct the people along a course of development for which they were not prepared.

It must not be assumed that because the Old Whig was willing to pronounce almost any government acceptable if it suited man's requirements, he was unconcerned about political practices and institutions. Indeed, 'tis the business of rational agents . . . to exercise their sagacity in contriving the best plans of civil power, and such amendments to those already constituted as are requisite for obtaining the ends of it."¹⁴ The first step in the "science of politics" was to determine what powers were to be exercised within the society by government.

¹⁴Hutcheson, Moral Philosophy, II, 219.

It was necessary that the community be directed toward the common good by laws rewarding good acts and prohibiting bad acts by threat of penalties. The various rights and duties of the individuals making up the political order, both citizens and magistrates, must be defined and safeguarded by law. The public expenses must be portioned out in the form of taxes, customs, and tribute. All these powers came under the heading of legislative functions. The operation of the law depended on the establishment of courts and judges and an enforcing power. With regard to foreign powers two areas of activity required the attention of the government. The first area included the defense of the state and the necessary measures of training subjects for military service and appointing officers over them. The second area was the treaty-making power by which a state could conclude hostilities and enter into various agreements and negotiations with other states.¹⁵ Thus a little more was involved than merely "to pay well, and hang well, to protect the Innocent, and punish the Oppressors" as "Cato" would have us believe.¹⁶

There were certain general criteria by which the effectiveness of any government could be judged and its efficiency preserved. That government operated best which showed "wisdom in discerning the fittest measures for the general interest, " fidelity in choosing them,

¹⁵Ibid., II, 235-36.

¹⁶Trenchard and Gordon, Cato's Letters, I, 131.

and expedition and secrecy in carrying them out. Where the several parts of the supreme political power was given to several segments of the government, there must be some arrangement by which no one part could act separately and to the detriment of the others. Power, to be legitimate and stable, must rest on property: property, in turn must not be allowed to concentrate in a few hands. The size in which a political unit could operate was of some importance. Too large an area and population becomes unwieldy, and yet too small a size is an open invitation to factions. There are many undertakings that require great size and wealth. The problem of large size can be minimized somewhat by subdividing and carrying on the functions of government at various levels. In addition, greater size is a safeguard against the rise of factions in a state.¹⁷

The Old Whig accepted the classical three-part classification of the forms of government: monarchy, aristocracy, and democracy. He found a great source of inspiration in the Glorious Revolution which, in his eyes, restored the "balanced" form of government, the "Gothick balance" as he liked to call it. This mixture of the three forms, monarchy, aristocracy, and democracy as represented by King, Lords, and Commons, was to the Old Whig the surest

¹⁷Hutcheson, Moral Philosophy, II, 244-50. "Cato" introduced a significant thought by noting that the natural wealth of a nation does not in and of itself denote power but much depends on "how much of that Wealth can be brought together, [and] how it may be most skilfully applied to the publick Emolument and Defence" (Trenchard and Gordon, Cato's Letters, I, 51.).

safeguard against tyranny.

My Notion of a Whig, I mean of a real Whig (for the Nominal are worse than any Sort of Men) is, That he is one who is exactly for keeping up to the Strictness of the true old Gothick Constitution, under the Three Estates of King . . . Lords and Commons; the Legislature being seated in all Three together, the Executives entrusted with the first, but accountable to the whole Body of the People, in Case of Male [mal] Administration.¹⁸

William Molyneux mourned the fact that "this noble Gothick Constitution, " once so widespread over Eutope, "is now almost Vanished from amongst the Nations thereof."¹⁹ Sidney had early proclaimed that good government consisted of "the three simple Species of Monarchy, Aristocracy and Democracy. . . ."²⁰

The Old Whig's emphasis on balance of government was coming to be challenged increasingly during the eighteenth century, first by the domination of Parliament, then by the evolution of the cabinet form of executive. In addition, the king became active in parliamentary politics through the manipulation of placemen and the influence of his vast patronage. Thus the Old Whig was witnessing the gradual change of one of his most cherished institutions. He was never able to bring himself to accept this departure from the revolutionary settlement.

¹⁸Francis Hotoman, Franco-Gallia . . ., vii. Robert Molesworth's introduction to this work set forth the creed of the Old Whig and was considered the best summary of Whig thought.

¹⁹William Molyneux, The Case of Ireland . . ., 174.

²⁰Sidney, Discourses Concerning Government, 130.

The "Gothick balance" advocated by the Old Whig illustrates well his intense fear of governmental tyranny from whatever source. The seventeenth century had witnessed the encroachment of kings who sought to rule by divine right. The Old Whig was, however, equally afraid of an unchecked democracy. His constant, seemingly democratic emphasis on "the people" was doubly tempered by the implication that "the people" were those who, like himself, owned property, and the rest were a well behaved lot who recognized their role and did not try to extend it.²¹

The rule of the presiding authority, were he magistrate, Prince, or governor, was a matter of grave concern to the Old Whig. His progenitors had lived during the time that "divine right" and "unlimited submission" had been asserted. The evolution of the cabinet with the prime minister as an increasingly dominant figure worried him. The question of the amount of authority to be vested in one man was discussed extensively. It had long been argued that it was the natural right of superior wisdom and ability to rule. The problem, as seen by the Old Whig, was that of trusting to such intangibles,

²¹ Thomas Gordon summarized this attitude quite well in his commentary on Tacitus. "After so much said about the people it may not be improper to add something concerning the nobility. As by the people I mean not the idle and indigent rabble under which name the people are often understood and traduced, but all who have property without the privileges of nobility; so by the latter I mean such as are possessed of privileges denied to the people" (Quoted in Robbins, Eighteenth-Century Commonwealthman, 122.).

which are difficult enough to observe and impossible to predict.

Therefore, those attributes alone were not a valid claim to authority.

²² Sidney wrote his essay on government as a protest against Richard Filmer's Patriarcha. Filmer had defended the right of the ruler to be esteemed and obeyed by virtue of the office he held. This he called "rendering unto Caesar." To this Sidney replied, "he ought to have considered that the Question is not whether that which is Caesar's should be rendered to him. . . but who is Caesar, and what doth of right belong to him. . . ." ²³

Unlimited submission to the authority of any magistrate was, of course, out of the question. Uncontrolled power was the great fear of the Old Whig, and to bestow such authority on man is to trust him with that which "no Man is equal to." ²⁴ The people who institute magistrates "may proportion, regulate, and terminate their Power, as to time, measure, and number of persons, as seems most convenient to themselves. . . ." ²⁵ It is a wise ruler who seeks the happiness of his people and leads by gentleness and persuasion. In the words of Hutcheson,

Every rational creature has a right to judge for itself in these matters: and as men must assent according to the evidence

²²Hutcheson, Moral Philosophy, I, 267.

²³Sidney, Discourses Concerning Government, 11.

²⁴Trenchard and Gordon, Cato's Letters, I, 262-63

²⁵Sidney, Discourses Concerning Government, 55.

that appears to them, and cannot command their own assent in opposition to it, this right is plainly unalienable; it cannot be a matter of contract; nor can there be any right of compulsions as to opinions, conveyed to or vested in any magistrate.²⁶

The main focal point of the Old Whig interest in government lay in the legislature. Here it was that the people could most effectively offer their consent to laws passed. True freedom of man under government, according to Locke, "is to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it. . . ."²⁷ And he continues,

The great end of men's entering into society, being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society; the first and fundamental positive law of all commonwealths, is the establishing of the legislative power. . . .²⁸

The rights of men were best guarded by a representative body, responsive to the electorate, and duplicating in miniature the numbers and interests of the nation. This was the ideal of the Old Whig. But the Parliament of the eighteenth century fell far short of the ideal. The use of placemen, the existence of rotten boroughs, the manipulation of patronage plus the various restrictions on voting and office holding made Parliament the political preserve of a fairly small self-perpetuating aristocracy. The attitude of Parliament can perhaps be summed up in a rather well known statement by one of

²⁶ Hutcheson, Moral Philosophy, II, 311.

²⁷ Locke, "Two Treatises of Government," Works, II, 173.

²⁸ Ibid., II, 204.

of its more illustrious members:

. . . Sir, I pay no regard whatever to the voice of the people: it is our duty to do what is proper, without considering what may be agreeable: their business is to chuse us: it is our business to act constitutionally, and to maintain the independency of parliament: whether it is attacked by the people or by the crown, is a matter of little consequence; it is the attack, not the quarter it proceeds from, which we are to punish. . . .²⁹

Such an attitude was contrary to the very foundation of the Old Whig concept of government. Government was a creation of the people and the making of laws was to be only with the knowledge and consent of those to whom the laws could apply. This was the whole sum and substance of man's entering into a political union. To deny him access to the law-making councils, to allow him no voice in the formation of the laws he was to live by, was this not the very definition of tyranny? The Old Whig became increasingly concerned as it became more and more apparent that the "Gothick balance" was indeed far from an arrangement of equal members. At the center of the problem was the concept of the nature of a truly representative body. The right of each Englishman to feel that his interests were represented in the law-making assembly had become part of that body of rights hallowed by the English tradition. The doctrine that Parliament, once constituted, was free from the pressure of outside influences and no longer amenable to the electorate was regarded as an innovation with serious consequences. The protests of the Old

²⁹Charles Fox in the debate in the House of Commons of 25-27 March, 1771, Cobbett's Parliamentary History of England, XVII, 149.

Whigs went largely unheeded and government in eighteenth-century England was marked by the aloofness and solidarity of the self-perpetuating law-making bodies characteristic of much of Europe.³⁰

Direct participation by the people in the making of laws was not possible, in the opinion of the Old Whigs, in a nation of any size; indeed, it was not desireable under any conditions. The only institution that preserved man's inherent right to be governed by his own consent was a legislative body of representatives to whom individuals collectively delegated the authority to act in their name. Just what constituted an adequate representation and how was it brought about, the Old Whig was not willing -- or able -- to say. In general, Parliament was to represent as closely as possible the interests of society at large. The Old Whig realized that two factors had to be considered, the representation of numbers and that of wealth. He saw the solution primarily in a two-house legislature, the lower branch representing the people in general, the upper house more closely associated with the interests of property.³¹

The Old Whig was well aware of the fact that much of the inequality in representation in Parliament could be traced to the manner in

³⁰ An interesting study of the nature of these "constituted bodies" around the year 1760 is contained in R. R. Palmer, The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800. The Challenge, 27-52.

³¹ Harrington, "Oceana," Oceana and Other Works, 47-8; Hutcheson, Moral Philosophy, I, 260-61; Locke, "Two Treatises of Government," Works, II, 207.

which the members were elected. He advocated the removal of placemen and the rotten boroughs. Elections must be placed as much as possible beyond bribery, corruption, and undue influence. These abuses called forth criticism from the Old Whig, but two areas in particular attracted his attention, the frequency of elections and the question of rotation in office.

As has been frequently indicated, the fear of unchecked power was an obsession with the Old Whig. He realized that power had a tendency to enlarge its jurisdiction and consolidate its tenure if, for no other reason, merely for the sake of additional power. An elective assembly, once removed from the direct control of the people, was only too prone to forget from whence it came. A prolonged interval between elections was an invitation to a violation of trust. "Cato" saw no means of preserving public liberty but "by frequent fresh Elections of the People's Deputies. . . ."³² Said Alexander Campbell,

That the Representative be frequently chosen, is necessary to the very Essence and Being of a Representative, which gradually ceaseth to be such, unless frequently elected; for, People are not truly Representatives, meerly because they were formerly chosen, and once lik'd, but should be such as the People at the present Time would chuse and have to represent them. The power of Changing, if not at Pleasure, yet at least often, is requisite to preserve a due Regard and Faithfulness in the Deputy, to the Interest of the Persons, who have deputed him.³³

³²Trenchard and Gordon, Cato's Letters, II, 239; Hutcheson, Moral Philosophy, II, 261-62.

³³Alexander Campbell, Maxima Libertatis Custodia Est . . ., [a broadside].

Molesworth had early stated as a part of the Whig canon that "a right Whig looks upon frequent Parliaments as such a fundamental Part of the Constitution, that even no Parliament can part with this right."³⁴ By frequent elections the Old Whig sought to keep his representatives close to the source of power.

The second method proposed to aid in making Parliament a more truly representative body was by the use of the secret ballot instead of the voice vote. Harrington had helped popularize the idea of the use of the ballot, but little had been done by way of introducing the practice in England. The Old Whig advocated the use of the ballot as a method of checking the pressures on the voter. "By the ballot men can vote as they please," wrote Hutcheson, "without incurring resentments of the powerful, or a popular odium, or the anger of their party."³⁵

In addition to frequent elections and the use of the secret ballot, the Old Whig advocated a rotation in office as one more method by which undue influence could be avoided. Again, Harrington was one of the early supporters of such a practice. He defined "equal Rotation" as "equal vicissitude in Government, or succession to Magistracy. . . ."³⁶ Hutcheson recommended that his proposed Senate "should continue for a limited term, changing by rotation, and

³⁴Hotoman, Franco-Gallia . . . , xvi-xvii.

³⁵Hutcheson, Moral Philosophy, II, 264.

³⁶Harrington, "Oceana," Oceana and Other Works, 54.

not all at once. . . .³⁷ It was hoped that such a rotation would accomplish four things. It would, first of all, prevent the rise of a demagogue who, through fair means or foul, might delude the people into maintaining him permanently in office. Next, by returning the office-holder to the ranks of the common man it would make him feel the application of the very laws he had passed. A rotation would lessen the tendency for offices to become hereditary. Finally, a rotation in office would prevent the accumulation of several offices by the same person, a practice which was dangerous not only because of the accumulation of power, but also because it violated the principle of the separation of powers.

"An equal Commonwealth," said Harrington by way of summary, "is a Government establish'd upon an equal Agrarian, arising into the superstructures or three Orders, the Senate debating, and proposing, the People resolving, and the Magistracy executing by an equal Rotation thro the suffrage of the People given by the Ballot."³⁸

Several other political practices were advocated by the Old Whig. One of the more interesting of these was the so-called "Agrarian Law." Harrington was the first to introduce what he called the "balance of Dominion or Property." He suggested that power follows property and the manner in which property, chiefly in land, is held would determine the form taken by the political authority. In order

³⁷Hutcheson, Moral Philosophy, II, 261.

³⁸Harrington, "Oceana," Oceana and Other Works, 55.

to establish a "Commonwealth" Harrington saw the need of assuring a fairly wide distribution of land. This was to be accomplished by an "equal Agrarian", a law preserving the "balance of dominion" by making sure that land was not concentrated in a few hands.³⁹ The idea of an Agrarian law was seconded by others but became less prominent in Old Whig thought as the years passed.⁴⁰

The Old Whig was an advocate of a written constitution not, however, as a source of rights, but as a physical evidence of the areas in which political and social institutions could operate. He frequently reiterated the idea that rights were not derived from such "rotten foundations" as mouldy parchments, charters, and constitutions. Moreover, there was nothing sacred about a constitution once set down in writing. It was essential to refer frequently to first principles and see whether the constitution still fit the development of the community. Certain fundamentals remained unchanged, to be sure, but political institutions and practices sufficient for one generation may prove inadequate for the next.

The Old Whig believed that public "virtue" was essential to the maintenance of a vigorous, free society. In the last analysis it was an alert public, jealous of its liberties and ever watchful of attempted encroachments on them that deserved to be called a society of free

³⁹Ibid., 34-40, 54.

⁴⁰Trenchard and Gordon, Cato's Letters, III, 157, 160; Hutcheson, Moral Philosophy, I, 327.

men. There had to be within man enough of a spirit of public good, integrity, and willingness to exercise both rights and duties, to enable him to live in a mutually beneficial relationship with others.

Harrington described the achievement of a well-governed state as "an Art whereby a Civil Society of Men is instituted and preserv'd upon the Foundation of common Right or Interest. . . . It is the Empire of Laws, and not of Men."⁴¹ As such it was an impersonal thing, devoid of such human passions as greed and a lust for power. The Old Whig sought to find the invariables that must always be taken into consideration in any union of individuals. He looked for, and found in the contract, the agreement by which man obligates himself to live in a community. He noted carefully what rights were withheld from such a union; he surrounded the political arm of such a union by a vast array of safeguards which sought to preserve ultimate authority where it belonged, with the people. He had, he thought, been extremely methodical about the whole affair. He had consulted history, philosophy, and the practices and theory of the new science. It must have been a consolation to him to think that although his own age ignored his suggestions, he had worked hard "that politics may be reduced to a science."

The Old Whig's political thought was concerned not only with the state and the creation of a legitimate political authority, but

⁴¹Harrington, "Oceana," Oceana and Other Works, 37.

also with the concept of law. None of the Old Whigs embarked on a detailed discussion of law but they commented on it in conjunction with so many facets of their thought that it is possible to outline their basic attitude with regard to law. They held law, or rather the concept of law, in great respect. They lived in an age that had witnessed great advances in the physical sciences merely, so it seemed to them, by the discovery of a few basic laws upon which universal order could be predicated. Was not the discovery of natural law and the conformity of human law to that of nature the means by which a well regulated society progressed toward perfection? Laws were the cement that held both the physical world and the social structure together. There was, however, a rather well defined hierarchy of laws, so the Old Whigs argued, at the top of which was the "Law of Nature."

The idea of a higher, or "Divine," law was not new to the eighteenth century. It had been one of the elements that made up the Greek idea of true tragedy. It had been stressed during the feudal era, and had finally received its formalization in Thomistic thought. But the eighteenth century had placed some rather subtle changes of emphasis on the traditional idea of the higher law. For one thing, the higher law had been robbed of its religious connotations. To be sure, God was still acknowledged as the author of natural law, but this God was not of this world and whatever punishments and rewards he held were reserved for another time and place. Although the Old

Whigs frequently referred to "Nature" or "Nature's God," the divine sanction somehow lacked much of the awesome mystery of the God of the fifteenth century.

The law of nature, as understood by the Old Whigs, was that law that prevailed before the world was. It was the law by which the earth was set in motion and received its times and seasons. It was, finally, that law operative in the pre-social state of man, and from that law of nature man derived his natural rights. The law of nature was not to be found in the scriptures to which an earlier age had turned, although certainly the holy writings could be used as a guide; nor could the higher law be revealed by the labored logic of the scholastic arguments. It was found by man's use of his reason. Since man could, by the free unfettered use of his faculties, discover this law, he was no longer under the necessity of rendering obeisance to individuals or institutions that had formerly claimed such an ability. Thus the higher law became more secularized; knowledge of it became the common possession of anyone who would make the effort to find it. Although in the case of the Old Whigs familiarity did not breed contempt, it did bring the divine much closer to the earth.

The law of nature was at work in human affairs in much the same way as in the physical world. It was the source of that great body of rights that belonged to all men. As such it became extremely important to the Old Whig as the foundation upon which he built his philosophy. It was the source of his natural rights. "True and im-

partial Liberty, " that which most closely resembles natural liberty, said "Cato", "is . . . the Right of every Man to pursue the natural, reasonable, and religious Dictates of his own Mind; to think what he will, and act as he thinks. . . ."42

Natural law still applied to men after they had joined in a community and had created a government and the rights and liberties still pertained. To be sure, it was tempered and modified somewhat by the common agreement of the contracting members of the society, but it was still the source of certain universal human rights. "Civil Government," said "Cato", "is only a partial Restraint put by the Laws of Agreement and Society upon natural and absolute Liberty. . . ."43 Sidney argued that the justification of obedience must be based on the fact that "the Law, which being . . . Sanctio recta, must be founded upon that eternal Principle of Reason and Truth. . . ."44 This argument added a note of universality to the political thought of the Old Whigs. It gave them a basis of sympathy for peoples the world over who were deprived of their natural rights. It was one of the elements in his philosophy that helped carry his ideas far beyond British shores.

The Old Whigs readily admitted that in drawing up the basic

⁴²Trenchard and Gordon, Cato's Letters, II, 248.

⁴³Ibid.

⁴⁴Sidney, Discourses Concerning Government, 301.

fabric of government, the natural law was at best only a guide, a framework within which the constitutional designers must work. Although the principle of natural law was absolute, its application would differ with circumstances. Sidney had expressed the thought well:

. . . It ought to be consider'd that the Wisdom of man is imperfect, and unable to see the Effects that may proceed from an infinite variety of Accidents, which according to Emergencies, necessarily require new Constitutions, to prevent or cure the mischiefs arising from them, or to advance a good that at the first was not thought on. . . .⁴⁵

A necessary concomitant of this attitude is that there will be differing forms of political control and practice among societies and, for that matter, within the same society at different stages in its development. Thus Sidney would argue that while the noblest work of man would be to constitute the perfect and lasting form of government, it was an impossible task; "the next to that is to sute [sic] Laws to present Exigencies, and so much as is in the power of man to foresee. . . ." From this he concludes "the Constitution of every Government is referred to those who are concerned in it, and no other has anything to do with it."⁴⁶ This problem of the relationship of a transitory human law being measured against an absolute natural law was well summed up by the usually sarcastic "Cato" in one of his most profound passages:

Positive Laws, deriving their Force from the Law of

⁴⁵Ibid., 136.

⁴⁶Ibid., 37.

Nature, by which we are directed to make occasional Rules, which we call Laws, according to the Exigencies of Times, Places, and Persons, grow obsolete, or cease to be, as soon as they cease to be necessary. And it is as much against the Law of Nature to execute Laws, when the first Cause of them ceases, as it is to make Laws, for which there is no Cause, or a bad Cause. This would subject Reason to Force, and to apply a Penalty where there is no Crime. Law is right Reason, commanding Things that are good, and forbidding Things that are bad; it is a Distinction and Declaration of Things just and unjust, and of the Penalties or Advantages annexed to them.

The Violation therefore of Law does not constitute a Crime where the Law is bad; but the Violation of what ought to be Law, is a Crime even where there is no Law. The essence of Right and Wrong does not depend on Words and Clauses inserted in a Code on a Statute-Book, much less upon the Conclusions and Explications of Lawyers; but upon Reason and the Nature of Things, antecedent to all Law.⁴⁷

Once the society had identified itself, the political authority defined and established, men came under the control of human laws which, ideally, reflected the natural laws and adapted them to the local environment. These human laws defined the day-to-day rights and liberties the individual citizens lived under. The Old Whigs took pride in the fact that "the Liberties of Englishmen are Founded on that Universal Law of Nature, that ought to prevail throughout the whole World. . . ."⁴⁸ Hoadley drew an analogy from the world of trade:

. . . the Laws of this particular Nation are, with respect to the great and universal Law of Nature and reason, just as the By-Laws of particular Corporations are, with respect to the Law of this Land. And as these are never valid when they contradict the universal Law of the Nation; so the Laws of the Nation cannot

⁴⁷Trenchard and Gordon, Cato's Letters, II, 65.

⁴⁸Molyneux, The Case of Ireland, 48.

be valid, when they contradict the Universal Law of Reason, which is the Law of the whole World.⁴⁹

It was here, in the realm of human law and civil rights and liberties, that the Old Whigs found their most serious area of disagreement with the Whigs in power. What were the legitimate powers of Parliament? What constituted taxation without representation? To what extent did the "Rights of Englishmen" extend to Ireland, Scotland, or the overseas colonies? The Old Whigs were of the opinion that, operating from a firm basis of a few commonly accepted premises, the powers of government must stand ready to keep the laws in line with the natural rights of all men, and up to date with the advance of man's, and society's, reason and ability. But who, in the final analysis, was to act as the omnipotent, omniscient power that sits above the mundane affairs of state and sets limits, observes performance, and declares all to be good or otherwise? The only acceptable judge was "the people" in whom sovereign power ultimately rested.

The Old Whigs strongly advocated the right, nay, the obligation, of the people collectively, and individually, to take an active interest in the affairs of government. After all, it was the people who brought the instruments of political control into existence; it was up to the people to determine how well their servants performed. "Every private Subject has a Right to watch the Steps of those who

⁴⁹Hoadley, "Defense of the Sermon Preached before the Lord Mayor," Works, II, 69.

would betray their Country. . . . This is the Principle of a Whig."⁵⁰

There are a number of significant implications stemming from the Old Whig's views of the law and the law making agencies. There was a distinction in his mind between the supreme law of the nation as contained in some charter, grant, or constitution, and the statutory law growing out of these more basic definitions of authority. This distinction was evident in the original contract that justified the existence of government. The contract supposedly defined the legitimate bounds of the functions of government. Any violation on the part of government was clearly against the rules prescribed in the contract. Moreover, the individual had rights which were beyond the power of the civil law to touch. Finally, the presence of a community mind outside the political center and contained in a "society" at large meant that it was always potentially possible to have a conflict of opinions. The sum total of all these possibilities to the Old Whigs was that a law was not a law merely because the recognized law-making agencies decreed it to be so. It had to meet some rather stiff requirements. If it failed the test, if it was "unconstitutional" according to the original contract, or against the natural law, or contrary to general opinion, then it was not law. "No moral agent," said Hutcheson, "can upon close reflection approve himself in adhering to any special rule . . . when he discerns, upon the best evidence

⁵⁰Trenchard and Gordon, Cato's Letters, I, 86.

he can have, that doing so is contrary to the universal interest or the most extensive happiness of the system in the whole of its effects."⁵¹

The Old Whigs found this original, constituting power in the people, in "society", but they were not clear as to how it actually operated. Their problem was that they could not reduce man to a state of nature and have him re-create the original acts that had brought government and society into existence. In addition, they were not clear as to the methods by which the people were to maintain a close check on the laws, except, of course, through their recommendations for electoral reform, and to require of government that it occasionally re-examine the basic grants of power to see that all was in harmony. The Old Whigs' lack of clarity, however, should not obscure the fact that they had laid the philosophical groundwork for a constitutional republic at least semi-popularly controlled.

The Old Whigs felt that human law, operating within its various spheres and in accordance with the higher law of nature, was one of the keys to man's development. His writings are filled with expressions of admiration for the law. Said Harrington,

Again if the liberty of a man consists in the Empire of his Reason, the absence whereof would betray him to the bondage of his passions; then the Liberty of a Commonwealth consists in Empire of her Laws, the absence whereof would betray her to

⁵¹Hutcheson, Moral Philosophy, I, 256.

the lust of Tyrants.⁵²

"The Law," said "Cato", "is the great Rule in every Country, at least in every free Country, by which private Property is ascertained, and the Publick Good, which is the great end of all Laws, is secured."⁵³

However, the Old Whigs again and again cautioned that the acts of government were to be watched with a critical eye. As man turned his thoughts toward the state and in all seriousness weighed the decisions of government in the balance of his own reason and the evidence he had, and found them wanting, then he was forced to make a choice between conflicting allegiances. If, after all due consideration, the law was not acceptable and the means of redress were not open, only one course of action remained. Numbered among the inalienable rights of man was the right of revolution.

⁵²Harrington, "Oceana," Oceana and Other Works, 45.

⁵³Trenchard and Gordon, Cato's Letters, I, 10.

Chapter 3 -- Of the Right of Revolution

The Old Whig was a camp-child born on the field of battle between king and Parliament in seventeenth-century England. He was conceived in protest and nurtured in revolution. It was perhaps inevitable that he should frequently turn his attention to the legitimacy of resistance to constituted authority. By rights a discussion of the Old Whig's emphasis upon the right of revolution should be included under the larger topic of his concept of law. It occupied such a prominent part of his writings, however, that it may well be singled out for special attention.

The political unrest of the seventeenth century was looked at from two quite different points of view by later Whigs. The parliamentary party who participated in the eighteenth-century era of the so-called "Whig supremacy" regarded the civil conflict of the earlier century as an episode in England's history never again to be repeated. "The abstract right of the people . . . was exercised at the revolution," stated Richard Watson, "and we trust that there will never, in this country, be occasion to exercise it again." A common Whig toast was "may the example of one revolution prevent the necessity of another!"¹ These Whig "trimmers" and, of course, those of Tory principles, recognized the revolutionary potential in

¹Quoted in G. H. Guttridge, English Whiggism and the American Revolution, 12.

the Whig doctrine and detested it as the famous dialogue between Dr. Johnson and Boswell indicates:

Johnson: The first Whig was the Devil.

Boswell: He certainly was, Sir. The Devil was impatient of subordination; he was the first who resisted power. "Better to reign in Hell than serve in Heaven."²

Many years earlier, at the trial of Algernon Sidney, Judge Jeffreys, who officiated at the trial, did his best to awaken the authorities to the dangerous tendencies let loose by those early statements of Whig doctrine:

This book [Discourses] contains all the malice and revenge and treason that mankind can be guilty of; it fixes the soul power in the Parliament and the People; so that he carries on the design still, for their debates of their meetings were to that purpose. And such doctrines suit with their debates; for there a general insurrection was designed, and that was discoursed of in this book, and encouraged. They must not give it an ill name; it must not be called a rebellion, it being the general act of the People. The king, it says, is responsible to them, the King is but their trustee; that he had betrayed his trust, he has misgoverned, and now he is to give it up, that they might all be kings themselves. Gentlemen, I must tell you I think I ought more than ordinarily to press this upon you, because I know the misfortune of the late unhappy rebellion, and the bringing of the late blessed king to the scaffold was begun by such kind of principles; they cried, he had betrayed the trust that was delegated to him from the people.³

To the Old Whig, however, the right of resistance was a combination sword of Damocles hanging over the head of the magistrate and a final refuge to which he could resort when he felt his rights

²James Boswell, The Life of Samuel Johnson, LL. D., III, 32.

³Quoted in Robbins, "Algernon Sidney's Discourses Concerning Government: Testbook of Revolution," 294.

being violated. It must be remembered that the Old Whig regarded government as a device called into existence by a compact among agreeing parties to achieve certain ends. Various restrictions were placed upon that government by the natural rights of man and the nature of the compact agreed upon. Laws directed the course of the state and to be valid had to be in keeping with, first, the rights of man, and second, that degree of awareness of its needs to which the society of men had advanced. Thus the political authority labored under a heavy load of restrictions and rules. What would be the result if these rules were broken? Locke summed up the consequences in a passage that has since become quite well known:

For all power given, with trust for the attaining an end, being limited by that end, whenever that end is manifestly neglected, or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those that gave it, who may place it anew, where they shall think best, for their safety and security.⁴

Few themes were echoed so consistently by the Old Whig. The English constitution, as all good constitutions, was based on the mutual exchange of allegiance and protection, "when one fails, the other falls of Course."⁵ Earlier, John Milton had argued that because the magistrate holds authority from the people, the people have the right to "choose him or reject him, retain him or depose him. . . ."⁶ The Whig martyr, Sidney, said that if normally accept-

⁴Locke, "Two Treatises of Government," Works, II, 209-10.

⁵Hotoman, Franco-Gallia, X.

⁶John Milton, "The Tenure of Kings and Magistrates," The

ed channels of protest were not sufficient to obtain redress of wrongs, then men may "defend themselves against injustice by their own natural rights."⁷ Harrington reasoned that the "making of a compact" should not oblige anyone to obedience "when it is once broken."⁸

A lengthy discussion of the conditions under which resistance is necessary was given by Francis Hutcheson. He had carefully designated which of man's rights were alienable and able to be exchanged for some great good, and those rights which were inalienable. All authority that one person may exercise over another was derived from the right transferred to that person to administer in the bounds of the delegable authority of the other. Whenever any invasion was made upon the inalienable rights of an individual, there arose a legitimate right to resistance. The only moral restraint upon the subject under such circumstances was the fear that forceful resistance may occasion greater evils than those that were to be removed:⁹

. . . the supreme civil magistrates or rulers are subject to the laws of God and Nature, and are bound by some contract, express or tacit, which they entered into upon their admission to power; and that they have no more power than the 'constitution' gave them: and that, since all civil power is granted and received avowedly only for the publick good, he who employs it for a contrary purpose, by this perfidy on his part, frees the other party from all obligation, and consequently the subjects have

Works of John Milton, 403.

⁷Sidney, Discourses Concerning Government, 267.

⁸Harrington, "The Grounds and Reasons for Monarchy," The Oceana and Other Works, 10.

⁹Hutcheson, Inquiry . . . Beauty and Virtue, 294-98.

the natural right of defending themselves against wrongs.¹⁰

Bishop Hoadley became widely known for his staunch defense of the right of private judgment in both civil and religious affairs. The exercise of man's judgment made him a free agent, reasoned the Bishop. It was foolish to coerce him for he could not be forced, nay, it was an impossibility for him to accept what could not be sanctioned by his own intellectual conviction. Thus Hoadley became a firm advocate of the right of resistance to any outside authority that sought to force the mind and actions of men. He injected into the Old Whig argument the idea of Divine sanction to resistance when it was for the sake of public happiness. The magistrate's power may be opposed "without the Shadow of a Crime; nay, the Honour and Glory" whenever it was used contrary to the original purpose for which it was intended. "There is nothing in Nature, or in the Christian Religion," Hoadley believed, "that can hinder [the] People from redressing their Grievances, and from answering the Will of Almighty God, so far as to preserve and secure the Happiness of the public Society."¹¹

The importance of "society" as an entity apart from the political order became evident in the Old Whig analysis of man in revolt. When the political authority as manifest in government acted contrary to the will of "society," power reverted back to the society. The tyrannical

¹⁰Hutcheson, A System of Moral Philosophy, II, 271.

¹¹Hoadley, "A Sermon Preached Before the Right Honourable the Lord-Mayor, September 29, 1705," Works, II, 22.

government was faced not by a mob but by a coherent group.¹² The Old Whig did not have a fear of the political nothingness that earlier theorists had. To him there was still a collective mind and will that could again accomplish the creation of a political structure.

All those that compose the Society, being equally free to enter into it or not, no man could have any Prerogative above others, unless it were granted by the consent of the whole; and nothing obliging them to enter into this Society, but the consideration of their own Good; that Good, or the opinion of it, must have been the Rule, Motive and End of all that they did ordain. 'Tis lawful therefore for any such Bodies to set up one, or a few men to govern them, or to retain the Power in themselves; and he or they who are set up, having no other Power but what is so conferred upon them by the Multitude, whether great or small, are truly by them made what they are; and by the Law of their own Creation, are to exercise those Powers according to the proportion, and to the ends for which they are given.¹³

There were many questions concerning the right of revolution that were not explicitly treated by the Old Whig and must be inferred from related statements. The right of revolution was a moral right. The Old Whig recognized that according to the human law by which states were directed in their daily affairs there could be little legal right of revolution. By appealing over the head of human law, however, and basing legal arguments on the universal rights of man derived from the law of nature, the Old Whig could find strong legal justification for the right of revolution. Other perplexing problems are less readily answered. Who may exercise the right of revolution? Must a

¹²Sheldon S. Wolin, Politics and Vision. Continuity and Innovation in Western Political Thought, 308.

¹³Sidney, Discourses Concerning Government, 76.

majority act, or is one man justified in expressing his discontent in open revolt? Is there a "consensus" among the people, a mystic sameness of mind that leads to revolt? What makes the difference between a morally justified revolt even of a minority and a self-seeking faction in rebellion against the majority? The question of numbers was never solved, nor even considered by the Old Whig. He attempted to surround the right of revolution with certain safeguards, as will be seen, and in this way create a situation wherein grievances had to be long standing and widespread before action would be taken. Perhaps the vagueness of the Old Whigs on these points stems from their dealing continually with abstract situations. As the period of the American Revolution neared, those who carried on the Old Whig tradition dealt more explicitly with these problems and suggested more concrete answers.

The Old Whig was not anxious that the institutional fabric be frequently torn by civil strife. To a great extent he had dedicated his life to an effort to bring political institutions in line with the universal order and thereby increase their stability.¹⁴ Revolution was to be a

¹⁴"But must frequent Blood-lettings be indispensibly necessary to preserve our Constitution? is it not possible for us to render vain and untrue that Sarcasm of Foreigners, who object to us that our English Kings have either too little Power, or too much, and that therefore we must expect no settled or lasting Peace? . . . Methinks a method to preserve our Commonwealth in its legal state of Freedom, without the necessity of a Civil War once or twice every Age, were a benefit worth searching. . . ." (Robert Molesworth, An Account of Denmark as it was in the Year 1692, preface).

last resort and not to be used until every other means had failed. The argument was advanced, however, by opponents of the Old Whig that the right to resist authority led to license. The state, they argued, would be in a condition of constant turmoil by every faction professing a grievance whether real or imaginary. The Old Whig countered by stating that man's reason and naturally cautious nature would prevent him from violent protests over insignificant events:

. . . Revolutions happen not upon every little mismanagement in publick affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the steps of human frailty, will be borne by the people without mutiny, or murmur. But, if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel, what they lie under, and see whither they are going; 'tis not to be wondered, but they should then rouse themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which government was at first erected. . . .¹⁵

Hutcheson developed this theme in greater detail. He agreed with Locke that men do not withdraw from regularly appointed rule over every small mismanagement. He suggested that disagreements be submitted to arbitration, by an unconcerned party if the two conflicting groups cannot reach agreement. The passage of time tended to mitigate the effects of acts passed unwisely or in anger. Moreover, natural feelings of restraint and compassion would deter men from rash acts. Hutcheson was worried that revolution, no matter how justified, might set a precedent which might be used by others in

¹⁵Locke, "Two Treatises of Civil Government," Works, II, 231.

unlike cases and to bad effect. He was, in a sense, echoing the earlier thought of Molesworth that it was difficult to halt the process of change once set in motion. Hutcheson concluded,

But a good man, as he weighs all the advantages expected from an unusual step [such as revolution], must also weigh all the disadvantages probably to ensue even by the mistakes of others, especially of such as have some sense of virtue: and he will decline to take not only such liberties as would be pernicious to the publick if all men took them in like cases, but also such as would have the like bad effects by the misapplication of others in unlike cases. . . .¹⁶

The Old Whig realized that the distinction between being hanged as a traitor or revered as a hero depended to a great degree on the success or failure of arms. If the attempt succeeds, 'tis a Revolution; if not, 'tis call'd a Rebellion: 'tis seldom consider'd, whether the first Motives be just or unjust.¹⁷ Thus the life of a revolutionary was a dangerous one. He could expect no quarter nor did he ask for any. The Old Whig saw himself as the friend of the oppressed the world over and seconded his efforts to establish himself in his rights. This mode of thinking had far reaching implications in the eighteenth century as England was rounding out the boundaries of a scattered empire.

¹⁶Hutcheson, Moral Philosophy, II, 137-38.

¹⁷Hotoman, Franco-Gallia, xxxiii.

Chapter 4 -- Of the Concept of Empire

In 1711, Governor Robert Hunter of New York wrote to the Secretary of State, Viscount Bolingbroke, complaining that the Assembly had usurped power not rightfully theirs. Their claims, he noted, if allowed, would make the Assembly a miniature House of Commons. The Governor included in his letter a warning:

A great assertor of liberty, one at least that understood it better than any of them, has said: That as Nationall or independent Empire is to be exercised by them that have the proper balance of dominion in the nation; soe Provinciall or dependent Empire is not to be exercised by them that have the ballance of dominion in the Province; because that would bring the government from Provinciall and dependent, to Nationall and independent. Which is a reflexion that deserves some consideration for the sake of another from the same person, to witt: That the colonies were infants sucking their mother's breasts, but such as, if he was not mistaken, would weane themselves when they came of age.¹

The "great assertor of liberty" quoted by Hunter was James Harrington. Years later, another colonial governor called upon Harrington's well known prophecy in a letter to the Board of Trade. He ended his remarks by stating, "now as the assembly of this island [Jamaica] have long (though contrary to his Majesty's instructions) assumed to themselves the sole power of raising and appropriating money exclusive of the council . . . they are indeed the govern-

¹Governor Hunter to Secretary of State St. John, 12 September, 1711. In E. B. O'Callaghan (ed.), Documents Relative to the Colonial History of the State of New York, V, 256.

ment."²

The problems faced by Governors Hunter and Knowles were not unique to their particular time or situation. They were problems that had developed to a great extent from the rather haphazard growth of an overseas empire without a commonly accepted agreement as to the organs of control. The dominant question was one of sovereignty; and although the good Dr. Johnson could argue that "In sovereignty, there are no gradations," it was increasingly evident to the men concerned, both the colonials and those in the mother-country, that a division of responsibility, power and services was involved in maintaining the empire. There was wide disagreement, however, on the form that such an arrangement would take. That the problem was a lasting one is evident from a statement by a loyal servant of His Majesty's government at a time when the failure to reach agreement was manifesting itself in the bitter fruit of rebellion. "It is my Opinion," wrote Governor Bernard of Massachusetts, "that all the Political Evils in America arise from the Want of ascertaining the Relation between Great Britain & the American Colonies."³

In the eighteenth century, the language and thinking of royal officialdom had changed little since the works of the Hakluyts and

²Governor Knowles to Board of Trade, 18 November, 1752. In Leonard Labaree, Royal Government in America, 432-33.

³Governor Bernard to Lord Barrington, 23 November, 1765, in Edward Channing and Archibald C. Coolidge (eds.), The Barrington-Bernard Correspondence and Illustrative Matter, 1760-1770, 96. Hereafter cited as Barrington-Bernard Corr.

others laid down the political and economic bases of colonial expansion in the closing decades of the sixteenth century. According to this philosophy the colonies were prizes in the struggle for national survival. The only possible justification for their existence was that they served a useful purpose to the mother-country. It is important to note that a colony was an object with an identity and a use all its own, entirely divorced from the interests of population of the colony. The dangerous potential of such thought and practice was mitigated to a great extent by several factors; isolation, the preoccupation of England with internal conflicts and affairs in Europe, and, most important, the never sharply defined "Rights of Englishmen." The colonies, by virtue of their "Rights" as Englishmen, were given, or allowed, the basic ingredients of sovereignty: a basic constitution, the common law, and a representative body. Years of experience added a growing body of statutory law and gave the colonists increasing mastery over all these institutions of autonomy. At the same time the colonists watched and profited from the internal struggles of England in the seventeenth century.

The voice of official England was not a unanimous voice. The problem of empire caused some to raise a dissenting note. For the Old Whig the colonies presented a challenge and an opportunity. The challenge was to arrive at an arrangement that would be of benefit to both the colonies and England and still preserve the rights of man so dear to the Whig heart. On the other hand the Old Whig saw in the

colonies the "last, best hope" of employing the ideas and practices so long advocated by him.

James Harrington was not directly concerned with the matter of colonization. His remarks about them were incidental to more important matters that concerned him. And yet he constructed a system of thought that became extremely important when applied in a colonial setting. Harrington's basic idea may be summed up in the phrase "power follows property." He divested government of the aura of sanctity given by time, tradition, or history. The political development of a nation followed closely the social development and, especially, the distribution of wealth.⁴ His statement about the "balance of Dominion" in a state has been previously noted.⁵ In still another statement concerning dependencies he stated "In a Province, if the Native that is rich be admitted to Power, the Power grows up native, and overtops the foren. . . ."⁶ The status of colonies is only indirectly controlled by the mother country. England might control the economic development of her colonial empire and thereby keep it subordinate, but when a colony reaches economic maturity, and Harrington implied this was to be expected, then it will endeavor to bring its political institutions in line with such development. At

⁴R. H. Tawney, "Harrington's Interpretation of His Age," Proceedings of the British Academy, 1941, XXVII, 207-8.

⁵James Harrington, The Oceana and Other Works, 42-3.

⁶Harrington, "The Prerogative of Popular Government," Ibid., 250.

this stage both parties are relatively helpless in halting the change; they are both victims of impersonal forces.

Harrington introduced what might be termed a sociological approach to government. His thought along these lines was amplified by Algernon Sidney, the great republican martyr who served as a source of inspiration for a long line of Whig writers. It would be years before any philosopher would match Sidney's keen insight into the value of the relation between social development and its political manifestations. Sidney began by immediately dismissing as absurd the thought that any one form of government was God-given and sanctified. He argued that "having given to all Men in some degree of capacity for judging what is good for themselves, he hath granted to all likewise a liberty of inventing such Forms as please them best, without favouring one more than the other."⁷ The rules by which one society seeks to govern its internal and external relationships does not mean that others are bound by the same rules. Each society will have its own guide to conduct based on "the variety of men's Judgments" and the relative position of that society in its development. A variety of practices will be the result, "and such Ordinances being good for men, God makes them his own."⁸ Such practices will not remain constant even within the society. A governmental form, for instance, may

⁷Algernon Sidney, Discourses Concerning Government, 14.

⁸Ibid., 93-4.

well change "according to time and other circumstances." Indeed, it is rare that men arrive at a rightly constituted society at the first try. It is important that all human constitutions be "timely renewed, and reduced to their first principles."⁹

The problem of superior-subordinate relationships emerges from Sidney's analysis of society. It might be asked at what point may a collection of people claim for themselves the right of determining the structure of their political institutions. Sidney answered that such rights belonged to "such nations as are naturally strong, stout, and of good understanding, whose vigour remains unbroken, manners uncorrupted, reputation unblemished, and increasing in numbers; who neither want men to make up such Armies as may defend them against foreign or domestick Enemies, nor leaders to head them." Such a people cannot be imposed upon with impunity. They remain subordinate only so long as it is in their interest. "He is a fool who knows not that Swords were given to men, that none might be Slaves, but such as know not how to use them."¹⁰

Both Harrington and Sidney contributed to the canon of Old Whig scripture and their thought was enlarged upon time and time again in the next century. Neither was vitally concerned with the growth of the empire or the position of the colonies within the empire. Still,

⁹Ibid., 117.

¹⁰Ibid., 269-70.

there emerged from the thought of these men some concrete suggestions and, even more important, an approach to the problem of sovereignty that introduced a new way of thinking with regard to the colonies. Of prime importance was the idea that government was a product of men who, in turn, are largely shaped by their environment. The thought that men, guided by reason and experience, may call government into being and that such a product of their labors is legitimate is significant. Whatever form government may take is largely a reflection of the society from which it came and that form is best which most closely serves its creator. The implications of this thought in the eighteenth century were profound. The colonial societies, developing along unique lines, were justified in calling into existence political institutions more adequately to represent their situation, and these institutions were, according to Harrington and Sidney, valid. If such is the case, then the old colonial relationship based on a system of superior-subordinate roles was no longer applicable. England must be prepared to deal with a number of co-equal bodies. If the empire was to be maintained, a new basis had to be found for imperial relationships.

This new basis of empire was sought for by a new generation of Old Whigs. They were steeped in the tradition of the great philosophers of the seventeenth century. Indeed, Molesworth and Molyneux were friends of the great John Locke. A new note was introduced by these men, however, largely as a result of their experience

in a "colonial" situation. Robert Molesworth and William Molyneux lived a great part of their lives in Ireland. Thomas Gordon was from Scotland. Gordon's partner, John Trenchard, was, along with Molesworth and Molyneux, educated at Trinity College in Dublin. These men participated in the broad and deep stream of liberal thought that flowed from Ireland and Scotland to the colonies. Unlike the earlier writers, the Whigs of this era were directly concerned with the colonial situation and made specific suggestions. They openly attacked the mercantilist theories that had dominated the direction of the empire and suggested a more equitable arrangement of authority.

Robert Molesworth had an influence far out of proportion to his writings.¹¹ He was the link between the early writers of the Whig tradition and the second generation that sought to carry on their ideas. He had a wide range of friends. He was the center of Whig thought and activity for almost forty years. His introduction to Hotoman's Franco-Gallia became a foundation of the Whig creed.

Molesworth's Account of Denmark attracted the attention of Liberal writers in England and, later, in the colonies not because of any particularly new doctrine, but by the single thought that prompted him to write it.¹² Denmark had undergone a bloodless coup in 1660 and

¹¹Caroline Robbins, The Eighteenth-Century Commonwealthman, 88-133.

¹²Robert Molesworth, An Account of Denmark as it was in the Year 1692. The story is told that the Danish ambassador complained to the English king that if one of his Danish majesty's subjects had

forsaken its representative institutions in favor of an absolute monarchy. To Molesworth, who saw in travel and a study of history the best means of education, this event had a profound meaning to England. Freedom was the result of an eternal watchfulness. It was Molesworth's desire to awaken a slumbering nation to its heritage of liberty. The preface to *Franco-Gallia* was an attempt to define true Whig principles. A true Whig, Molesworth believed, was "exactly for keeping up to the Strictness of the true old Gothick Constitution, under the Three Estates of King . . . Lords and Commons."¹³ This "balance" in government became a Whig watchword. The "Glorious Revolution" 1688-89 had restored this balance, they thought, but Molesworth wisely pointed out that there was always the problem of halting the wheels of change at exactly the right point.

Molesworth felt that the strength of the commonwealth was based on "the thriving of [every] single person by honest Means."¹⁴ If the individual enjoyed liberty and property, then the nation as a whole flourished. The State, therefore, should not interfere with an individual's use of "his Body, Estate, and Understanding."

taken such liberties with the king of England he would, on complaint, have his head taken off. "That I cannot do," replied the king, "but, if you please, I will tell [Molesworth] what you say; and he shall put it in the next edition of his book." See Francis Blackburne, Memoirs of Thomas Hollis, Esq., I, 235.

¹³Francis Hotoman, Franco-Gallia, vii.

¹⁴Ibid., xv.

Molesworth was opposed to monopolies such as those which had played havoc with sections of the Irish economy. All efforts should be made to remove economic restrictions on individuals and colonies and, instead, unite the parts of the empire by love and common interest.

Molesworth's interest was attracted by a broad range of subjects, and as a result he touched on many subjects lightly, but none in depth. Not so with his friend William Molyneux. Molyneux lived in comparative isolation from the social and political milieu of England. He felt more deeply the injustice arising from the situation in Ireland and wrote a number of tracts advocating freedom from English restraint. His most famous work indicated his concern, the full title being The Case of Ireland's Being Bound by Acts of Parliament in England.

Molyneux began with the usual Whig assertion of the equality of men and the contractual basis of government.¹⁵ By obvious implication this theme, common to all the Old Whigs, included all mankind as the recipients of the blessings of a basic liberty derived from a state of nature. It remained for Molyneux, however, to be the first to make a positive assertion of the right of all nations to share in such blessings.

No one or more Men, can by Nature challenge any Right,

¹⁵William Molyneux, The Case of Ireland Being Bound by Parliament, Stated, 150-51.

Liberty or Freedom, or any Ease in his Property, Estate or Conscience, which all other Men have not an Equally Just Claim to. Is England a Free People? So ought France to be.¹⁶

And so ought Ireland and any other society that has within it the essentials that constitute a nation.

The dominant question for which Molyneux sought a solution was upon what grounds and to what extent was the English Parliament justified in legislating for Ireland. He discussed the justice of the various claims advanced by one nation that seeks to subordinate another. Conquest alone bestowed anything like a valid title, and that title was, at best, only temporary, extending only to the generation involved in the struggle. A truly just agreement between nations could come only by a compact in which limits and conditions were decided upon. Molyneux found in the early history of Irish-English relations such a compact. The passing years had confirmed the agreement and had established precedents and a body of law, and it had clarified areas of authority. Ireland had its Parliament to legislate on the internal affairs of the island. The English Parliament legislated for England and, by virtue of the terms of agreement, had the right to regulate the external trade of Ireland. This right of trade regulation, Molyneux argued, had only recently been employed, much to the discomfort of Ireland. He complained about the Tobacco Act, Navigation Act, and Woolens Act, stating that they were without precedent. "I must confess," he said, "I have nothing to urge, to

¹⁶Ibid., 153.

take off their Efficacy; Name us they do most certainly, and Bind us so, as we do not transgress them." Then he added significantly, "But how Rightfully they do this, is the matter in Question."¹⁷ Ireland had long contributed economically to England in the form of taxes, duties, and favorable trade agreements. These, however, had been, in Molyneux's opinion, voluntary offerings voted upon by the Irish Parliament. England's move from the realm of requesting to that of demanding prompted him to issue a warning:

If I voluntarily give my Money to a Man when I please, and think it convenient for me; this does not Authorize him at any time to command my Money from me when he pleases. If it be said, this allows Subjects to Obey only whiles tis convenient for them. I pray it may be considered, whether any Men Obey longer, unless they be forced to it; and whether they will not free themselves from this Force as soon as they can. 'Tis impossible to hinder Men from desiring to free themselves from Uneasiness, 'tis a Principle of Nature, and cannot be eradicated. If Submitting to an Inconvenience be a less Evil than endeavouring to Throw it off, Men will Submit. But if the Inconvenience grow upon them, and be greater than the hazard of getting rid of it, Men will Offer at putting it by, let the Statesman or Divine say what they can.¹⁸

The trade restrictions were a warning to Molyneux of things to come. He felt that all laws arise from the same source and "if One Law may be Imposed without Consent, any Other Law whatever, may be Imposed on us Without our Consent; and this necessarily destroys our Property."¹⁹ It is not wise to introduce new practices upon "Old

¹⁷Ibid., 104.

¹⁸Ibid., 112-13.

¹⁹Ibid., 170.

Settled Constitutions: No one knows how fatal the Consequents of that may be. ²⁰

Molyneux closed his Case by listing ten reasons why it was "against Reason, and the Common Rights of all Mankind, that Ireland should be bound by acts of Parliament in England. It was against the natural equality of men; against the claim that all men had to liberty and property; it was contrary to the statute laws of both countries; it was contrary to the "several Charters of Liberties" given to Ireland; Ireland was a separate and distinct kingdom with its own representative body; it was "against the Kings Prerogative, that the Parliament of England should have any Co-ordinate Powers with Him, to introduce New Laws, or Repeal Old Laws"; it was against all precedents; it violated all court decisions in times past; it introduced a dangerous precedent; finally, it resulted in a great confusion as a result of a divided sovereignty. ²¹ As he put it,

If England assume a Jurisdiction over Ireland, whereby they think their Rights and Liberties are taken away; That their Parliaments are rendred [sic] meerly nugatory, and that their Lives and Fortunes Depend on the Will of a Legislature wherein they are not Parties; there may be ill Consequences of this. Advancing the Power of the Parliament of England, by breaking the Rights of an other, may in time have ill Effects. ²²

Molesworth and Molyneux were voices of protest. Both had wit-

²⁰Ibid., 51-2.

²¹Ibid., 173-4.

²²Ibid., 173-4.

nessed first hand the results of the mercantilist approach to empire. Both realized a new structure of empire must be formed, but what form it was to take neither was prepared to say. That it must have a foundation in mutual confidence and benefit with a minimum of external control was their chief recommendation.

The British "Cato" approached the problem of empire from a different viewpoint from that of the two Irish Whigs, but came to much the same conclusion.²³ "Cato" discussed the colonies in the bitter, sarcastic tone that became his trademark. His initial approach was rather conservative, much the same as the dominant mercantilist thought of his day. Colonies, he said, were planted for one purpose only, to do a service for the mother-country. The two most common services rendered were defense, now seldom used, and trade. Colonies of the latter type existed to increase the wealth and power of that nation responsible for planting them and this they would do "if managed prudently, and put and kept under a proper regulation."²⁴ By "proper regulation" he meant that the colonies should be encouraged to develop economies complimentary to that of England. "Cato" saw in the colonies of the West Indies the best example of his suggestions. "Cato" warned, however, that

²³The essay by Trenchard and Gordon on plantations and colonies used as a basis for this discussion, was reprinted in Hollis' Memoirs. I have used this source for my material in this section.

²⁴[Blackburne], Memoirs of Thomas Hollis, II, 663.

It is not to be hoped, in the corrupt state of human nature, that any nation will be subject to another any longer than it finds its own account in it and cannot help itself. Every man's first thought will be for himself and his own interest, and he will not be long to seek for arguments to justify his being so when he knows how to attain what he proposes.²⁵

When this time came, said "Cato", it would not be sufficient to plead the cause of past loyalties or ties, for no country would remain in subjection "only because their great grand-mothers were acquainted. "

There were only two ways to prevent a move for independence on the part of a colony. The colony must either be rendered powerless, and this could only be done by force, or it must be convinced that it is the best interest of the colony to remain dependent.²⁶ The latter was achieved by "using them well. " "Cato" felt that a "few prudent laws" would do much more to secure the riches of America than a show of force.

The northern colonies presented a serious problem to the maintenance of the empire. Their climate was similar to that of England. They raised and manufactured approximately the same goods as did England. "Cato" feared that if they followed the normal course of economic development they would soon interfere with most branches of English trade. At that time the colonies might find it in their interest to strike out on a separate path. He warned England that,

²⁵Ibid., 664.

²⁶Ibid.

. . . there are so many exigencies in all states, so many foreign wars and domestic disturbances, that these colonies can never want opportunities, if they watch for them, to do what they shall find their interest to do; and therefore we ought to take all the precautions in our power, that it shall never be their interest to act against that of their native country; an evil which can no otherwise be averted than by keeping them fully employed in such trades as will increase their own, as well as our wealth; for it is much to be feared, if we do not find employment for them, they may find it for us.²⁷

In order to have two nations continue in amicable relationships it was necessary to have a "cement of union." This could include several aspects--past friendships, mutual service, blood ties. But when these failed there remained only mutual interest to bind the two together. "But when these interests separate," "Cato" believed, "each side must assuredly pursue their own."²⁸

"Cato" had begun from the mercantilist position that saw the wealth of a nation consisting in its population productively employed at home or abroad. He advanced beyond this position, however, by acknowledging that relations between colony and mother-country must be mutually beneficial. Finally, in a note of despair, he stated that when it was in the interest of the colony to declare independence there was relatively little that could be done to halt such a move.

The death of Trenchard brought the popular writing team to an end. Gordon continued writing political tracts of the times and turned his attention to the translation of Tacitus and Sallust. Molesworth

²⁷Ibid., 665.

²⁸Ibid.

and Molyneux were both dead, but their ideas and the cliques that surrounded them during their life continued to be a powerful influence in Old Whig thought. Twenty years passed, however, from the time of "Cato" until another keen intellect was turned to the question of the empire. Once again the voice raised in protest was from an outlying region of the island kingdom, this time from Scotland. It was the voice of the beloved professor of Glasgow, Francis Hutcheson.

It is difficult to evaluate precisely the influence exerted by Hutcheson. Anyone who devotes the majority of a lifetime to the teaching profession, as did Hutcheson, can never tell for certain where his influence ends or what ramifications it may have. Hutcheson's main philosophical works began as lecture notes and later became a study guide. His chief work, A System of Moral Philosophy, was printed in shortened form during his lifetime to be used as a textbook. Only after his death did his son compile the full notes and fragments of his lectures and publish them. Hutcheson's Philosophy became a standard text in many of the liberal schools of England and was an almost universally accepted guide in the colonial colleges.²⁹ Student notebooks of the time reveal the wide use of Hutcheson's Philosophy and many who came forth from his classroom were to become leading figures in the years immediately prior to the Revolution.

²⁹Horace Wemyss Smith, Life and Correspondence of the Rev. William Smith, D. D., I, 54-64, 124-25.

Hutcheson might well be regarded as marking the turning point in Old Whig thought concerning the empire.³⁰ In many ways his thinking was a culmination and refinement of the earlier writers. He borrowed heavily from Harrington for his political thought. He adapted such Harringtonian ideas as "power follows property" and an emphasis on an agrarian law. He shared with Molesworth and Molyneux a sympathetic understanding of the problems faced by a nation living in partial subordination to another, although the Scotland of Hutcheson's day was a vast improvement over the Ireland of the turn of the century. Hutcheson had progressed beyond these earlier writers, however, and his philosophy displayed a cohesiveness and a logical development that was lacking in earlier works.

Hutcheson's Moral Philosophy displays both the modern and the medieval influences that so much marked the thought of the eighteenth century. It is a study of man blessed with inalienable rights, guided by an innate reason, and held in paths of righteousness by his own moral sense that has only to be educated and it will choose the right. There is a strong utilitarian theme running through Hutcheson's writing that suggests the public good is that which the majority desires. Hutcheson's political philosophy is a direct outgrowth of his moral philosophy and finds its roots in the twofold assumption of the rights of man and his

³⁰Caroline Robbins, "'When it is that Colonies May Turn Independent.' An Analysis of the Environment and Politics of Francis Hutcheson," William and Mary Quarterly, 3rd series, vol. VI (April, 1954), 214-251. This entire issue of the Quarterly is devoted to Scotland and its influence on early American development.

moral goodness. His study seeks to combine into one whole, in a manner reminiscent of an earlier age, a rational explanation of man and his institutions.

Government was, to Hutcheson, a product of men's minds. Indeed, men could engage in no more worthy endeavor than to "contrive the best plans of civil power."³¹ Borrowing from Locke, he argued that the only valid way of constituting civil power was by an agreement or "deed" between the participating parties. Civil power, once constituted, must be conducted within the bounds established by the agreement and must have as its aim the security of the happiness and well being of the whole civil body. Anything in violation of this was unjust, no matter what the cause or explanation offered.³²

The right of constituting civil power rested with any group, whether independent or not, so long as it had within itself "all the essential parts of a civil power."³³ The argument might well be advanced, as it frequently was by some, that the colonies were peopled by citizens of the mother-country and they still owed allegiance and subordination to it. It would be neither just nor wise, answered Hutcheson, in effect to punish former subjects with regard to their rights and liberties because they had courageously ventured forth to settle in distant lands. The desire to increase the trade and

³¹ Francis Hutcheson, Moral Philosophy, II, 219, 285.

³² Ibid., 221.

³³ Ibid., 238.

widen the dominion of the state was not an acceptable reason for such a course of subjection.³⁴ It would be foolish to think that large numbers of men would bind themselves "to sacrifice their own and posterity's liberty and happiness, to the ambitious views of their mother-country" particularly when they can enjoy such happiness without being placed in such a position of subjection.³⁵

Hutcheson saw an odd situation developing in the relationships between Britain and the colonies of his day. As he put it,

There is something so unnatural in supposing a large society sufficient for all the good purposes of an independent political union, remaining subject to the direction and government of a distant body of men who know not sufficiently the circumstances and exigencies of this society; or in supposing this society obliged to be governed solely for the benefit of a distant country; that it is not easy to Imagine there can be any foundation for it in justice or equity.³⁶

It was ruinous for a state to have to depend on any foreign agency for the exercise of part of sovereign power. Such alien bodies may very well have opposite views. Therefore, all intervention by foreign interests in domestic affairs should be resisted, Hutcheson argued, and added "we must not in this matter be deluded by names of office."³⁷

The Old Whig was often accused of basing his arguments on a foundation that rendered impossible the erection of any stable govern-

³⁴Ibid., 309.

³⁵Ibid.

³⁶Ibid.

³⁷Ibid., 325-27.

ment.³⁸ Hutcheson firmly protested that if the form of civil control exercised, whether in a nation or an empire, be built upon propositions that destroyed the obvious maxims of humanity, then it was well that such should perish. Men and governments were only too prone to argue old claims and conventions in an effort "to extend civil powers over distant nations, and form grand unwieldy empires." Such efforts have been "one great source of human misery."³⁹

Finally, in a paragraph captioned "when it is that colonies may turn independent," Hutcheson said,

If the plan of the mother-country is changed by force, or degenerates by degrees from a safe, mild, and gentle limited power, to a severe and absolute one; or if under the same plan of polity, oppressive laws are made with respect to the colonies or provinces; and any colony is so increased in numbers and strength that they are sufficient by themselves for all the good ends of a political union; they are not bound to continue in their subjection when it is grown so much more burdensome than was expected.⁴⁰

When such a situation arises, Hutcheson saw, with rare and delicate insight, that the self-interest of even the best men may render them

³⁸" . . . in Process of Time the Notion, that Dominion was founded on Grace, grew out of Fashion . . . but . . . the Colonists continued to be Republicans still, only Republicans of another Complexion. They are now Mr. LOCKE'S Disciples, who has laid down such Maxims in his Treatise on Government, that if they were to be executed according to the Letter, and in the Manner the Americans pretend to understand them, they would necessarily unhinge every Government upon Earth" (Josiah Tucker to Edmund Burke, 1775, in Josiah Tucker, A Series of Answers to Certain Popular Objections Against Separating from the Rebellious Colonies. . . , 98-9.)

³⁹Hutcheson, Moral Philosophy, II, 309.

⁴⁰Ibid., 308.

incapable of a detached view. Thus, well-meaning men, intending on both sides to do what is right, but acting from different opinions of the right, may injure one another. Once their anger is aroused they are incapable of "receiving convictions from those against whom they are provoked."⁴¹

Events moved rapidly in the years following the death of Hutcheson. Britain found itself victorious in a war that left its empire vastly extended and its debt greatly increased. A new interest was taken in the colonies, and, at the same time the reins of imperial control were being tightened, the first positive, concrete suggestions as to the reorganization of the empire were made. In order to understand the conflict of the pre-Revolutionary period as viewed by the Old Whig it is essential to note that some rather basic changes had occurred. These changes were a result not of altered thinking on the part of the Old Whig--indeed, he remained remarkably consistent--but in the changed political environment in which he found himself.

The original Old Whig doctrines, as has been suggested, grew out of the civil conflict of seventeenth century England. The Glorious Revolution served as an inspiration to a long line of political thinkers. The Revolution of 1688-89, as the Old Whig viewed it, was a revolt against arbitrary rule as manifest in the monarchy and resulted in the re-establishment of the "Gothick balance" so dear to the Whigs. This balance had contributed greatly to the power of Parliament, and to the

⁴¹Ibid., 141.

Whigs, as parliamentary supporters, this was merely establishing one of the institutions of government on an equal basis with others. The Whigs supported the Hanoverian succession as long as the king played his role.

Molesworth had noted that it was hard to halt the wheels of change once set in motion and even harder to guard against almost imperceptible shifts that tallied up to be great movements in the balance of power. Throughout the eighteenth century the Old Whig was forced to watch as Parliament, that supposed champion of the rights of man, became more and more the preserve and tool of a favored few. Old Whig loyalty to the Crown faded as the king himself became deeply involved in the manipulation of power and influence in Parliament. Thus the Old Whig became a wanderer without a country amid new and strange surroundings. To him it seemed he still trod the familiar road of the natural rights philosophy, but the road failed to lead to the once familiar places.⁴² Left without hope and living in violent times, his arguments took on a new note of urgency. He occasionally skirted dangerously close to the brink of treason.

Thomas Pownall was the most moderate of the Old Whig writers who took pen in hand during the pre-Revolutionary crisis. Perhaps his years of experience in public service, including over three years as colonial governor, had made him more practical (some would

⁴²Anthony Lincoln, Some Political and Social Ideas of English Dissent, 1763-1800. 27.

argue "reactionary"). Whatever the reason, Pownall maintained a calm detachment in his views of the empire and his recommendations were along lines that would clarify chains-of-command and strengthen the empire as a unit.

Pownall spent many years on his major work, The Administration of the Colonies, enlarging it with each subsequent edition. He was committed to a mercantilist approach to the colonial problem but it was mercantilism with important modifications. For him the colonies existed for the benefit of Britain, but Pownall recognized that Britain's best interest was to be served by a prospering empire which, in turn, relied on thriving colonies. He regarded the colonists as fellow Englishmen and opposed an authoritarian colonial policy or any policy based on principles other than cooperation, prosperity, and mutual exploitation of the material wealth of the empire.⁴³ The more pressing problems in colonial affairs could be best solved by a thorough revamping of the entire colonial administration. Pownall desired a secretariat to be established with broad powers to establish and enforce colonial policies. This, however, was only a beginning and did not attack the main problem, which was the position of the colonies with the empire.

In the 1768 edition of The Administration of the Colonies, Pownall advanced the idea of an imperial federation.⁴⁴ It is to his credit that

⁴³John A. Schutz, Thomas Pownall, British Defender of American Liberty, 185-192.

⁴⁴Randolph G. Adams, Political Ideas of the American Revolu-

he was one of the very few men who realized that the empire had already outgrown its infant state of dependence. The day was past when one small nation could demand obedience from all quarters of the earth. Pownall argued that "the British Isles, with our possessions in the Atlantic and in America, are in fact united into one grand marine dominion and ought therefore by policy to be united into one imperium, in one center where the seat of government is."⁴⁵ Some central institution should be established in which all members of the empire would have a voice. Granted, this would place the colonial legislatures in a subordinate position, but to Pownall the benefits of the empire preserved through union would more than compensate for any loss of legislative sovereignty on the part of individual colonies. Significantly, Pownall recognized that the ingredients of such a federation did, in fact, already exist and that "a real union and incorporation of all these parts of the British Dominions . . . wants only to be avowed and actuated by the real spirit in which it moves and has its being."⁴⁶

The early years of the 1770's witnessed a barrage of pamphlets and books concerned with the acute colonial problem. One of the strongest pro-American writers was "Major" John Cartwright. He welcomed the colonial problem as an incentive to cause men to re-

tion, 57.

⁴⁵Thomas Pownall, The Administration of the Colonies. Quoted in Adams, Political Ideas of the American Revolution, 57.

⁴⁶Ibid.

examine "self-evident" truths which were forgotten during times of complacency.⁴⁷ Cartwright attacked the two propositions of taxing the colonies and parliamentary sovereignty over them. He made short work of the question of taxation arguing that, after all, it was merely one phase of the right of legislation. The jurisdiction of parliament occupied more of his attention. Parliament could not advance any just claim for retaining the colonies in a subordinate position according to Cartwright. All arguments crumbled before the overwhelming right of all men to liberty:

It is a capital error . . . [to] consider the liberty of mankind in the same light as an estate or chattel, and go about to prove or disprove [a] right to it by the letter of grants and charters, by custom and usage, and by municipal statutes. . . . a title to the liberty of mankind is not established on such a rotten foundations: 'tis not among mouldy parchments, nor in the cobwebs of a casuist's brain . . . it is the immediate, the universal gift of God. . . .⁴⁸

Cartwright wanted to hear no more of the rights of Parliament over the colonies as argued from earlier exercises of sovereignty. The time had come to recognize that the colonial governments in America were no longer subordinate; "they are independent nations."⁴⁹ There was no question in Cartwright's mind as to when a nation may declare itself independent. "They have the rights of independency

⁴⁷ [John Cartwright], American Independence, The Interest and Glory of Great Britain, 85.

⁴⁸ Ibid., 32-3.

⁴⁹ Ibid., 33-4.

whenever they should think proper to assert them."⁵⁰ Nor did the assertion of independency create any insurmountable problems. It merely cleared the air and placed the national units in proper perspective. To those who clung tenaciously to the old idea of empire and viewed with alarm its seeming collapse, Cartwright suggested that when any empire grows so large as to render it unwieldy and unable to secure the good of the people, then it is, in fact, no empire at all. What exists is a tyranny among nations.⁵¹

The real challenge that Cartwright saw was to establish a new and more humane "principle of lasting union between our colonies and the mother-country." He had already placed the stamp of approval on the withdrawal of the colonies from the old imperial system. Now he stood ready to welcome them back into a new union as "sister kingdoms." Cartwright pictured a "Grand British League and Confederacy" where each member would maintain a separate and independent state. The individual states would be tied together by "sincere brotherly affection, a reciprocation of good offices, and a fair representation of the general advantage of the whole."⁵² This "League" was to operate along the following lines. As new colonies were founded either totally removed from established ones or adjacent to them, they would be under the control of Britain. Cartwright urged that the North Ameri-

⁵⁰Ibid., 56.

⁵¹Ibid., 80.

⁵²Ibid., 41-2.

can continent be partitioned as much as possible along natural boundaries and that new colonization be encouraged. When the new colony reached a population of 50,000, it was free to petition for entrance into the "League" as an independent state. In order to be admitted to the "League" it was necessary to acknowledge the king as sovereign, maintain the supremacy of the Protestant faith, and submit to British control as "common maritime protector and umpire."⁵³

Several other Old Whig writers found themselves enmeshed in the controversy with the colonies. They sided almost to a man with the colonists. Several took up the colonial argument and seconded the case against taxation and the authority of Parliament, but offered little in the way of constructive suggestions. James Burgh quoted from a wide range of authorities, including most of the earlier Whigs, to support the colonial claim against taxation and the demand for

⁵³Ibid., 123-25. Cartwright was offered a position as one of the ranking officers of the fleet, a position he very much desired, under the command of Lord Howe, a man he greatly admired. The fleet was being outfitted to sail to the colonies to take part in putting down the rebellion. Cartwright was torn between conflicting loyalties. He finally wrote to Lord Howe the following. "Your Lordship will make candid allowances for my weakness . . . but thinking as I do on the most unhappy contest between this kingdom and her colonies, it would be a desertion of my principles . . . were I to put myself in a situation that might probably cause me to act a hostile part against them. . . . my opinions are somewhat singular; but still, such as they are, they are opinions which much reflection and a sincere endeavor to arrive at the truth have given birth to . . ." (Cartwright to Lord Howe, February 6, 1776; F. D. Cartwright, Life and Correspondence of Major Cartwright, I, 76-6.).

parliamentary reform.⁵⁴ Joseph Priestley, a "politician by mistake," was pleased to note what he felt was a new discovery, that the end of political union was happiness for the majority that made up the union. Priestley approached government with a scientist's detachment and decided that there was little to reverence in past precedents. He felt that periodic constitutional revision was inevitable, nay, desirable. He proposed the provocative thought that

The sum of what hath been advanced upon this head is a maxim than which nothing is more true, that every government in its original principles and antecedent to its present form, is an equal republic.⁵⁵

Not only were all men equal, but, apparently, so were all governments originally. Priestley warned that any system of political control is too strict when the means of realizing the public happiness are under such restraint that such happiness cannot be realized except from some outside quarter.

One more important work appeared early in 1776. Richard Price wrote his Observations on the Nature of Civil Liberty after the opening of hostilities brought to an end the hope of a peaceful solution to the colonial problem. Price, however, was still concerned with the justice of a war to maintain unrighteous dominion.

In many ways Price was the culmination of the Old Whig thought on empire. He exemplified both the strengths and the weaknesses of

⁵⁴James Burgh, Political Disquisitions, 3 vols.

⁵⁵Joseph Priestley, Thomas Cooper, and William Christie, Memoirs of Dr. Joseph Priestly, 353.
Priestley, An Essay . . . First Principles, 259-60.

the Whig theories and expressed them with a quiet sincerity that won the respect of even his enemies. He resembled Hutcheson, from whom he borrowed extensively in both his Observations and in his later Additional Observations. Like Hutcheson, Price's political thought was a direct outgrowth of his moral philosophy.⁵⁶ Man was born free and equal and, in the eyes of Price, was capable of infinite growth and development. He was not concerned with the form government took. It was the obligation of the state to provide man with the means to aid him in his moral development or, at the very least, not stand in his way. Price's lofty concepts lifted the revolutionary struggle out of the mire of mere self interest to the high plane of a mission to establish human freedom. This was a consistent theme, with several variations, of the Old Whigs, but few expressed it as well as Price.

Price was concerned with the question of the justice of any one nation's claim to sovereignty over another. He felt that no nation could rightfully be joined to another with which it was unable to participate in government through representation. No rightful authority could be transferred either by conquest, agreement, or obligation. No nation could surrender its liberty nor agree to bind itself to another beyond the lifetime of those who made such an

⁵⁶Carl B. Cone, Torchbearer of Freedom, 26. See also Lincoln, Some Political and Social Ideas of English Dissent 1763-1800, 101-150.

agreement.⁵⁷ Nevertheless, custom and training usually served to make men submissive and willing to tolerate all but the most flagrant abuses. When they did awaken to their condition, then there was nothing that bound them but the laws of God and nature.

Price recognized that it was difficult, indeed, to allow the principle of parliamentary sovereignty over the colonies and then place limits as to how far such sovereignty extended. "If any part of their property is subject to our discretion, the whole must be so. If we have a right to interfere at all in their internal legislation, we have a right to interfere as far as we think proper."⁵⁸ With regard to the colonies themselves Price said,

. . . I have chosen to try this question of the colonies by the general principles of Civil Liberty; and not by the practice of former times; or by the Charters granted the colonies. . . . But I wish to have this question brought to a higher test, and surer issue. The question with all liberal enquirers ought to be, not what jurisdiction over them Precedents, Statutes, and Charters give, but what reason and equity, and the rights of humanity give.⁵⁹

The conclusion arrived at by Price was that the colonies should be free and independent states. Did this mark the end of the empire? Not necessarily, argued Price. An empire might well be built on a

⁵⁷Richard Price, Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America, 11-15. This essay was immediately reprinted twice in Philadelphia and once each in Boston, New York, and Charleston.

⁵⁸Ibid., 20.

⁵⁹Ibid., 18-9.

a more acceptable basis. True empire was based on common bonds arising from free constitutions of government. Taxation and internal legislation were to be independent from all other states. The various states were to be united "by compacts or alliances, or to one monarch entrusted with the supreme executive power." Only under such conditions can the empire be called "an Empire of Freemen."⁶⁰ Such an arrangement would give a British empire all the unity it needed. Looking beyond the immediate problems facing his homeland, Price envisioned a united Europe:

Let every state, with respect to all its internal concerns, be continued independent of all the rest; and let a general confederacy be formed by the appointment of a SENATE consisting of Representatives from all the different states. Let this SENATE possess the power of managing all the common concerns of the united states, and of judging and deciding between them, as a common Arbiter or Umpire, in all disputes; having, at the same time, under its direction, the common force of the states to support its decisions.⁶¹

The Old Whig opinion of the empire had remained consistently critical during the three quarters of a century from Molesworth and Molyneux to Price. That criticism had matured, however, as a result of both the personal experience of the Old Whigs and the changing relationship between Britain and the colonies. They opposed the narrow mercantilist view of the empire that sought to exploit the colonies for the singular benefit of the mother-country. They

⁶⁰Ibid., 16.

⁶¹Ibid., 5.

realized that a new basis of empire was not only desirable, but mandatory. It was argued that the economic prosperity of the colonies was as much in the interest of Britain as it was of benefit to the colonies. With regard to the all-important problem of sovereignty and economic relationships, the Old Whig maintained that the colonies had a right to be independent states, or at least to operate with a great deal less external restraint, and that any form of union with Great Britain must acknowledge that fact. The empire, then, was to consist of a number of self directing states united in a "League" or "Confederacy" under the Crown which had power to regulate imperial affairs.

Perhaps even more important than any concrete suggestions made by the Old Whig was the ideal that motivated his theories of the empire. The problem of empire was seen as merely one phase of the larger problem of achieving the natural rights to which all men were entitled by birth. The Whig argument was carried on at two levels, one concerned with the various acts of Parliament and their effect, the second and higher level concerned with the universal "Law of God and Nature." Men like Burgh, Pownall, and, at times, Cartwright and Molyneux, argued the wisdom of various laws taxing the colonies or in some other manner legislating for them. Throughout their arguments, however, there runs a deep current of the "higher law" which might always be appealed to in order to render null and void any act that deprived man of his inalienable rights. No matter what the immediate cause of controversy, the Old Whig argument could advance to a

level that destroyed, in the minds of the Whig adherents, any claims to justice on the part of the supporters of parliamentary superiority and the imperial relationships of the old colonial system. The thought was well expressed by Governor Bernard of Massachusetts in speaking of the colonial attitude:

I understand it is a prevailing Opinion on your Side the Ocean, that America, if let alone, will come to herself and return to the same Sense of Duty and Obedience to Great Britain which she professed before. But I believe no considerate Man on this Side of the Water has any such Expectation. If indeed the late Animosity had arose wholly from a Particular Transaction which stood on its own Bottom and had no Relation to any other Matters, upon removing the Cause, the Effect might cease. But when it is founded upon Principles equally applicable to other Transactions which may arise in the Course of Government, the Animosity may seem to die, but it will only sleep; & will revive whenever such principles are again applied to other transactions. . . .⁶²

Thus Governor Bernard sensed that there were more deeply rooted issues involved in the protests of the colonists and that the more open signs of rebellion were only symptoms of another illness. What was needed, so the Old Whigs thought, was a new definition of the relations within the British empire. Such a definition would have to take into account the fact of equality among both the citizens of the empire and the geographical units of the empire. For three-quarters of a century the Old Whigs had warned of impending dangers and had recommended various courses of action. Adjustment had not come through peaceful means; the colonies were not justified in

⁶²Bernard to Barrington, January 28, 1768, in Barrington-Bernard Corr., 133.

seeking a settlement by the force of arms.

Chapter 5 -- Old Whig Writings Reprinted in the Colonies

The writings of the Old Whigs were available to the colonial reader through several media. Booksellers were active in supplying the colonial demand for books from England. Private and semi-public libraries found a place for their works on their shelves. Excerpts from the Old Whigs appeared in colonial newspapers and periodicals. This chapter will focus on those works of the Old Whigs that were reprinted in the colonies.

Benjamin Franklin wrote the following words to his friend and agent in London, William Strahan:

Your authors know but little of the Fame they have on this Side the Ocean. We are a kind of Posterity in respect to them. We read their Works with perfect Impartiality, being at too great a Distance to be bypassed by the Fashions, Parties and Prejudices that prevail among you. We know nothing of their personal Failings; the Blemishes in their character never reach us, and therefore the bright and amiable part strikes us with its full Force. They have never offended us or any of our Friends, and we have no Competitions with them, and therefore we praise and admire them without Restraint.¹

The written word formed a bond between Great Britain and her "Posterity" across the Atlantic. The colonists resisted to a surprising degree the almost inevitable narrowness and provincialism that comes from being removed from the centers of thought. That this was possible can be attributed in no small degree to the continual

¹Benjamin Franklin to William Strahan, 12 February, 1744/5. Leonard W. Labaree and Whitfield J. Bell, eds., The Papers of Benjamin Franklin, III, 13.

flow of the written word between the two communities. The writings of the Old Whigs were included in this exchange.

For many years, Massachusetts, -- Boston, in particular, -- was the center of printing activity in the colonies. Throughout the seventeenth century the only presses in the colonies, with the exception of those of William Bradford in Philadelphia and later, New York,² were operating in Cambridge and Boston. Massachusetts maintained this early lead and even as late as 1740 still produced more printed works than all the other colonies combined. The press was kept busy by a steady flow of material from the pens of New England authors and this despite the fact that some of the principle writers preferred to send their works to England to be printed.³ By mid-eighteenth century the number of presses had increased until each of the colonies had at least one active press.

The colonial press was not extremely active in reprinting the works of the Old Whigs, or any other "outside" writing, prior to the eve of the Revolution. There were many reasons for this. The scarcity of presses in the colonies, coupled with a rather heavy load of local material, kept the printer, if he was a good one, busy enough. It was comparatively easy, and much cheaper, for the interested reader to get books from England through the booksellers

²Isaiah Thomas, The History of Printing in America, I, 208-23, 291-95.

³Ibid., I, 15-18.

operating between London and the colonies. An interesting selection of the writings of the Old Whigs was reprinted, however.

Benjamin Hoadley's An Answer to the Reverend Dr. Shape's Letter to the Bishop of Bangor (London, 1717), was reprinted in New York in 1717.⁴ The Answer was a product of the famous "Bangorian controversy" which was triggered by Hoadley's refusal to acknowledge that the Church of England had the right to exercise authority in areas that were the concern of the civil authority. In addition, the Church could not use the influence of the civil authorities to coerce in religious matters. Hoadley maintained that "a Spiritual Kingdom . . . cannot in the Nature of the thing be supported by Temporal Methods"⁵ The Answer was reprinted by William Bradford, one of the first men to establish a press outside of Massachusetts. After coming into conflict with the authorities in Philadelphia, Bradford established himself in New York in 1693 where he became official government printer for the colony.⁶

A more important work appeared in 1724 in Philadelphia. Samuel Keimer, the printer with whom Benjamin Franklin was to quarrel quite violently, reprinted the popular essays of John Trenchard and Thomas Gordon, The Independent Whig (London, 1722).⁷ Keimer,

⁴Boston, William Bradford, 1717.

⁵Ibid., 51.

⁶Thomas, The History of Printing in America, I, 294.

⁷Philadelphia, S. Keimer, 1724.

who was also the publisher of the Pennsylvania Gazette at the time, issued the first twenty installments at weekly intervals. Midway through publication of the series, Keimer decided to include all the essays in one volume and make them available to the reader in a more convenient form. In a sense, the Independent Whig can be considered the first periodical published in the colonies. The Independent Whig was reprinted in Philadelphia a second time in 1740. The essays that made up the Independent Whig had first appeared in England in 1720. They were an immediate success and served to familiarize the reading public with the writing team of Trenchard and Gordon. The essays were designed to awaken the people of England to what the authors felt was the danger of the growing power of the Anglican Church, especially the "high church" party. The Independent Whig urged that a tolerant attitude be manifested toward men of all faiths and that men be asked to adhere only to that which was evident to them through use of reason.

In 1742, Gamaliel Rogers established a partnership with Daniel Fowle in Boston, a partnership that was to result in the contribution of some outstanding printing achievements. The American Magazine was published by this team beginning in 1743. In 1748 the controversial Independent Advertiser, of which more will be said later, was begun.⁸ Rogers and Fowle reprinted Locke's Letter Concerning

⁸Thomas, The History of Printing in America, I, 122-25, 129-36.

Toleration (London, 1689), in 1743.⁹ In 1746 they also reprinted two volumes of the sermons of Isaac Watts.¹⁰ Watts was the English writer most widely reprinted in the colonies. The Sermons, and Orthodoxy and Charity United, also reprinted by Rogers and Fowle in 1749,¹¹ are Watts at his best. Both works breathe an air of tolerance, kindness, and common sense that made Watts a very popular author.

James Burgh, who was later to become widely known for his Political Disquisitions, also wrote a rather strange polemic entitled Britain's Remembrancer (London, 1746). The Remembrancer was an historical sermon. It sought to summarize the historical crises that had confronted Britain at various stages in its development, and to indicate how the hand of God had preserved the nation and made it great. The great fear of Burgh was that the people of his day would forget these lessons from the past. The Remembrancer was printed almost simultaneously in Philadelphia and in New York. One of the two Philadelphia printers who issued Burgh's work was Benjamin Franklin;¹² the other was the little known Godhard Armbruster,¹³

⁹3rd ed., Boston, Rogers and Fowle, 1743. The Letter was reprinted at a later date in Wilmington, by James Adams, in 1764.

¹⁰Sermons on Various Subjects, Divine and Moral . . ., London, 1721(?). Reprinted, 7th ed., 2 vols., Boston, Rogers and Fowle, 1746.

¹¹2nd ed., Boston, Rogers and Fowle, 1749.

¹²5th ed., Philadelphia, B. Franklin, 1747.

¹³7th ed., Philadelphia, Godhard Armbruster, 1748.

a recent German immigrant who had arrived in Philadelphia in 1743. The New York edition of the Remembrancer was printed by James Parker,¹⁴ who will be dealt with again in connection with the Independent Reflector, a periodical of rather radical political views.

The year 1748 also saw the printing in the colonies of the first installment of what was to become an Old Whig classic, Michaijah Towgood's The Dissenting Gentleman's Answer to the Reverend Mr. White's Three Letters (London, 1746). Towgood's work was reprinted in New York by Parker,¹⁵ and in Boston by Rogers and Fowle.¹⁶ The final form of this protracted controversy between Towgood and his adversaries, A Dissent from the Church of England Fully Justified (London, 1753), was also reprinted in the colonies in 1768.¹⁷ The entire controversy revolved, once again, around the question of the separation of the functions of civil and ecclesiastical authority and a plea for toleration.

A rather unique type of publication came from the New York press of James Parker, in 1753. The Craftsmen (London, 1720),¹⁸ a rather lengthy essay attributed to Thomas Gordon, was printed as a part of the violent conflict between the New York Mercury and the

¹⁴6th ed., New York, James Parker, 1748.

¹⁵4th ed., New York, James Parker, 1748.

¹⁶4th ed., Boston, Rogers and Fowle, 1748.

¹⁷4th ed., Boston, Thomas and John Fleet, 1768.

¹⁸5th ed., New York, James Parker, 1753.

and the Independent Reflector.¹⁹ The Craftsmen was a discourse on the book of "Acts," chapter nineteen. The verses of the chapter are quoted and then expounded at some length in an effort to show the wide departure of the Christianity of that day from the devout worship of the Apostles.

In surveying the activity of the colonial press in reprinting Old Whig works prior to 1770, several thoughts come to mind.²⁰ With the possible exception of the Independent Whig and Locke's Letter Concerning Toleration, none of the standard works of the Old Whigs was reproduced in the colonies. The works that were reprinted were all centered around religious questions and were only secondarily concerned with political affairs. This is in decided contrast to the period following 1770 when many of the basic political writings of the Old Whigs were reprinted in America.

¹⁹See below, pp. 157-66.

²⁰An interesting analysis of the product of the colonial press shows the divergent emphasis of the different sections:

	<u>New England</u>	<u>Middle Col.</u>	<u>So. Colonies</u>
Education	4.0	4.0	1.0
Social Science	5.5	3.0	1.5
Economics	1.0	1.0	4.0
Political Science	3.5	11.0	9.0
Law (Statutes, Assembly Proceedings, Executive Utterances)	17.0	21.0	52.0

(Continued on next page)

Literature	15. 5	21. 0	13. 5
Theology	46. 0	27. 5	11. 5

These figures were compiled by Benedict Berthold and included in the chapter by Lawrence C. Wroth, "Printing in the Colonial Period," in Hellmut Lehmann-Haupt, The Book in America, 32.

Chapter 6 -- The Bookseller

Anyone who notes carefully the book titles that appeared in the colonies especially after the turn of the eighteenth century, must be impressed with the rather complete sampling of both the latest and the best of European authors represented. The colonial press furnished only a small percentage of the English works found on the bookshelves of the colonists. By far the largest number of books came from England either with the initial family possessions or through the activities of booksellers.

In bookselling, as in printing, Boston took the lead.¹ The men who were involved in purchasing books in London and then selling them in the colonies provided an important link between Britain and America. They were responsive to the tastes of their readers, and their booklists may be presumed to be a good reflection of what was popular. In addition, these men were responsible, on frequent occasions, for disposing of books left in the estates of prominent individuals. Book auctions provide a glimpse into the personal collections of some of the men who were leading figures in the colonial community. The number of booksellers grew rapidly after the beginning of the eighteenth century. These men were significant for the role they played in keeping the colonists informed as to the

¹ Worthington Chauncey Ford, The Boston Book Market: 1679-1700, 65.

latest in European thought. Their activities varied from those of the large merchants, who maintained agents in London, to the small "hawkers" who peddled their wares about the countryside. Unfortunately, the colonial bookseller left few records and a detailed analysis of his activities is impossible. A rather exhaustive study made of the book auctions held in the colonies has located only nineteen catalogues of the 473 indicated by the evidence as having been held during the eighteenth century.² If the few remains we do have of the activities of the colonial bookseller can be taken as representative of the whole, it is possible to arrive at some tentative conclusions as to the taste of the colonial reader.

A few of the Old Whigs, Harrington, Sidney, Locke, Molesworth, and Molyneux, had written during the seventeenth century. An examination of the lists of booksellers prior to 1700 indicates that very few, if any, of their works had reached the colonies.³ After 1700, however, a small but rather consistent stream of Old Whig writings began to appear regularly in the catalogues of booksellers. The following lists include only those books imported and advertised for sale by booksellers. Those lists that contain personal libraries that were turned over to booksellers to be sold at auction will be noted later in a discussion of libraries.

²George L. McKay, American Book Auction Catalogues, 1713-1934: A Union List, x.

³Ford, The Boston Book Market, 71-182.

Thomas Cox, a London bookseller, established himself in Boston in 1733. He spent the majority of his time in London and operated his business in the colonies through an agent. His first catalogue of books for sale, printed in 1734, included Locke's Works (the first three-volume edition printed in London, 1714) and Letters to the Bishop of Worcester (London, 1697-99). Watts' Logick: or, the Right use of Reason in the Enquiry after Truth (London, 1725) is also included as is Hutcheson's An Inquiry into the Original of Our Ideas of Beauty and Virtue (London, 1725). Hoadley's Answer to Dr. Hare rounded out the Old Whig works offered for sale by Cox.⁴

In 1744, Benjamin Franklin advertised for sale a number of "Choice and Valuable Books."⁵ As might be expected, the list contains a rather impressive number of Old Whig works. Hoadley's two most important works, The Reasonableness of Conformity to the Church of England (London, 1703) and The Original and Institution of Civil Government (London, 1710), were offered for sale. Included also were Hutcheson's Inquiry and An Essay on the Nature and Conduct of the Passions and Affections (London, 1728). Two works by Locke were included, the famous Essay Concerning Human Understanding (London, 1690) and his Letter Concerning Toleration. Watts'

⁴A Catalogue of Books to be Sold by Thomas Cox (Boston, [1734]).

⁵A Catalogue of Choice and Valuable Books. These Books Offered for Sale by Benjamin Franklin beginning 11 April, 1744 [Philadelphia: B. Franklin, 1744].

Philosophical Essay on Various Subjects (London, 1742) and Trenchard and Gordon's The Independent Whig complete the list.

A supplement to the New York Gazette of May 28, 1753, offered the following selections for sale; Watts' Logick and Philosophical Essays, The Independent Whig, and Trenchard and Gordon's other popular work, Cato's Letters (London, 1724).⁶ Hugh Gain's New York Mercury advertised Cato's Letters, The Independent Whig, Locke's Essay on Human Understanding and Some Thoughts Concerning Education (London, 1693) in an advertisement dated July 16, 1753.⁷

William Bradford, "the Younger", established himself as a printer and bookseller in Philadelphia. A catalogue of 1755 notes the following works for sale: The Independent Whig, Watts' Logick, The Improvement of the Mind (London, 1741), Philosophical Essays, and Shaftesbury's Characteristicks (London, 1711).⁸

An impressive list of Old Whig works is contained on a list by Garrat Noel of New York. Noel was both a publisher and a bookseller; indeed, he appears to have been one of the largest booksellers in the colonies. There are two of Noel's lists available, one dating from 1755 and one from 1759. The 1755 list includes Cato's Letters, a collection of tracts of Thomas Gordon, Hutcheson's newly published

⁶New York Gazette (Supplement), May 28, 1753.

⁷New York Mercury, July 16, 1753.

⁸Books Just Imported from London and to be Sold by William Bradford (Philadelphia, 1755).

Moral Philosophy (London, 1755) and Inquiry, a collection of Locke's Letters and selections from his Essays, Shaftesbury's Characteristicks, Watts' Supplement to Logick (this appears to be the sub-title of his Improvement of the Mind), Sermons, Orthodoxy and Charity United, and The Strengths and Weaknesses of Human Reason.⁹ The 1759 list repeats such items as Cato's Letters, Hutcheson's Moral Philosophy and Inquiry, and Locke's Essays.¹⁰

Benjamin Franklin's partner, David Hall of Philadelphia, advertised the following for sale: Hutcheson's Moral Philosophy and Inquiry, Watts' Logick, Cato's Letters, and Robert Molesworth's Account of Denmark (London, 1693).¹¹ It is interesting to note that Hutcheson's Moral Philosophy is listed twice, the second time as a textbook. Hall's rival in the book trade, William Bradford, informed would-be customers that they could purchase from him copies of Cato's Letters, The Independent Whig, Shaftesbury's Characteristicks, and the three volume set of Locke's Works.¹²

⁹A Catalogue of Books in History, Divinity, Law, Arts and Sciences, and the Several Parts of Polite Literature, to be Sold by Garrat Noel (New York: Hugh Gaine, 1755).

¹⁰A Catalogue of Books in History, Divinity, Law, Physics, Arts and Sciences, and the Several Parts of Polite Literature, to be Sold by Garrat Noel, and Company (New York: Hugh Gaine, 1759).

¹¹Books Imported in the Last Vessel from London, and to be Sold by David Hall (Philadelphia [1760]).

¹²A Catalogue of Books Just Imported from London and to be Sold by William Bradford (Philadelphia [1760]).

Still another Philadelphia firm, that of William Dunlap, who was trained as a printer but turned to bookselling, advertised the following works for sale: Watts' Discourses and Logick, a selection of Locke's Familiar Letters (probably the 1737 edition), and Thoughts (Thoughts Concerning Education[?]), and Sidney's Discourses Concerning Government (London, 1698).¹³

Strangely enough, one of the most impressive lists of Old Whig works came from the firm of James Rivington and a partner named Brown. The firm of Rivington and Brown opened offices in New York, Philadelphia, and Boston. Rivington entered the printing business during the mounting tension of the 1770's and thoroughly antagonized the American patriot party. His staunchly royalist press was destroyed in 1775.¹⁴ In 1762, however, his book lists bulged with works of the Old Whigs.¹⁵ Cato's Letters and The Independent Whig are both included on the 1762 list. Locke's Works and his Essay on Human Understanding are included, and an almost complete list of Hutcheson's works, Synopsis Metaphysicae (London, 1744), Natural Philosophy (it is not evident from the title which book this is), Inquiry and Essay on the Nature of the Passions. Sidney's Discourses, Shaftesbury's Characteristicks, and the seldom seen Oceana (London,

¹³Books and Stationary Just Imported from London and to be Sold by William Dunlap (Philadelphia, 1760).

¹⁴Thomas, A History of Printing in America, II, 120-24.

¹⁵A Catalogue of Books Sold by Rivington and Brown (New York and Philadelphia, 1762).

1700), of James Harrington, complete the list.

A list of books to be sold at public auction in Philadelphia contains many of the writings of the Old Whigs.¹⁶ Because of the manner in which they are described it is difficult to be sure what work is actually referred to. The list includes the "Works" of Harrington and Locke, Sidney's Discourses, Hoadley's Sermons, Answer to the Convocation (London, 1718), and On Submission (The Measures of Submission to the Civil Magistrate consider'd, perhaps. London, 1706). A work by Watts listed as On Government is noted. This may possibly be his Essay on Civil Power (London, 1739) but it is not at all a certainty. Watts' Logick, Molesworth's Account of Denmark, Shaftesbury's Characteristicks, and Cato's Letters complete the list.

Works of the Old Whigs seem to have made up a portion of the trans-Atlantic book trade that flourished between Britain and the colonies. The booksellers themselves seemed to have been more interested in stocking what was popular rather than being concerned about the nature of the message of the particular book in question. Thus men who held such diversified political views as Benjamin Franklin and James Rivington or Hugh Gaine and Garrat Noel, would still see fit to keep the public supplied with Cato's Letters or some of the works of Hutcheson. The frequency with which some names on the

¹⁶ A Catalogue of Books to be Sold by Public Auction at the City Vendue-Store [Philadelphia, 1769] .

booklists occur is significant. The popularity of Locke has long been recognized. He appears consistently but, surprisingly enough, no oftener than, say, Hutcheson, Watts, Hoadley, or Trenchard and Gordon. The relatively infrequent appearance of the works of Sidney and Harrington cannot be explained by arguing that their works were no longer being issued. The work of John Toland during the early part of the century, and Thomas Hollis later, kept alive the printing of the writings of these two. Their unpopularity with the booksellers is probably due to a rather dated prose style that made them hard to read and probably limited their reading public. It should be noted that the most popular works, evidenced by the booksellers lists, were the lighter works such as Cato's Letters and the writings of Watts. The time lag between the appearance of books in England and their availability in the colonies does not seem overly significant. Usually there was a lag, but, as in the case of Hutcheson's Moral Philosophy, the colonial booksellers could be quick to supply the colonists with new works.

Were a full study ever to be made of the colonial bookseller, it would probably reveal that the colonist in, say, Boston, New York, or Philadelphia, was no further removed from the London book centers than the residents of Glasgow or Dublin.¹⁷ The colonists, in the words of Franklin previously noted, looked for "the bright

¹⁷ Thomas Goddard Wright, Literary Culture in Early New England, 1620-1730, 61; Hellmut Lehmann-Haupt, The Book in America, 47.

and amiable parts" of the British writers, and "admire[d] and
praise[d] them without Restraint. "

Chapter 7 -- Colonial Libraries

A long-standing tradition in American intellectual history has assigned the terms "Miltonian" to the New England colonies and "Shakespearian" to the southern colonies. These terms were supposedly derived from the reading tastes of the colonists and indicated, or so it was thought, the contrast in interests and outlook between the two sections. This traditional view has been challenged more recently and there is good evidence to indicate that the reading tastes of the book-buying class of all the colonies was similar and most cosmopolitan.¹ One authority suggests that a count of books in New England prior to 1700 would perhaps reveal over 10,000 separate titles, these titles indicating a wide variety of subjects and not theology alone.² A study of the remaining catalogues of the colonial libraries would substantiate the argument that the American colonist was rather catholic in his reading habits.

The earliest book collections were, of course, the private libraries of the early colonial leaders. Later, the colonial college became a valuable center of book collections; still later, the semi-public or "social" library came into existence. By mid-century the

¹Samuel Eliot Morison, The Intellectual Life of Colonial America, 149-50; Ford, The Boston Book Market, 59-61; Lehmann-Haupt, The Book in America, 47.

²Morison, The Intellectual Life of Colonial America, 150-51.

Library Company of Philadelphia, the library of Durham, Connecticut, and the famous Redwood Library of Newport were some of the more outstanding semi-public libraries. These libraries were usually set up on a corporate basis with books available for circulation only to those who invested in the company. Although the Philadelphia Library changed the rules, it was still not a "public" library in the present sense of the word.³

By far the largest number of books in the colonial libraries were obtained by outright purchase through agents in London and on the European mainland. Some books, however, were gifts from interested benefactors. Almost every colonial college received books from benefactors in England, who were fairly consistent with their gifts.⁴ The Hollis family is the best example. In addition to the Hollises, however, Harvard received books from Samuel Holden. Yale was aided by gifts from Isaac Watts and Jeremiah Dummer. The Earl of Burlington sent books to William and Mary College. The activities of Dummer are revealing and give an indication of the methods used by one of the more industrious benefactors.

Dummer's earliest gift of books, about the year 1713, included, in the words of the accompanying catalogue, "all the Tatlers and

³C. Seymour Thompson, Evolution of the American Public Library, 1653-1876, 38.

⁴Andrew Keogh, preface to Anne Stokely Pratt, Isaac Watts and His Gift of Books to Yale College, v.

Spectators," a personal gift from Richard Steele.⁵ Subsequent shipments of books from Dummer included Newton's Principia, a gift from Newton himself, Hoadley's gift of a collection of his works, plus such items as Sidney's Discourses Concerning Government, Locke's Essay on Human Understanding, Shaftesbury's Characteristicks, and the political writings of Milton.⁶ Dummer was anxious to know of the progress of the "Young Academy." He urged Timothy Woodbridge to acknowledge publicly the receipt of the books and the gratitude of the college community to the benevolent contributors in England.⁷ Dummer's efforts received a partial setback when he was accused of being partially responsible for the defection of Timothy Cutler and Samuel Johnson to Anglicanism. It was said that the books Dummer sent to Yale had been strongly slanted toward the established church. He denied the accusation, stating that "there never was an Eminent

⁵Anne Stokely Pratt, "The Books Sent from England by Jeremiah Dummer to Yale College," Papers in Honor of Andrew Keogh, 15, 17.

⁶Louise Bryant and Mary Patterson, "The List of Books Sent by Jeremiah Dummer," Ibid., 423-476.

⁷Jeremiah Dummer to Timothy Woodbridge, 6 July, 1716, Publications of the Colonial Society of Massachusetts: Transactions 1899, 1900, 179.

"I should be glad . . . if some oration at your Commencement might take notice of what Books you have already receiv'd . . . and acknowledge your obligations to your Friends here, and that then a proper paragraph of it might be prepar'd for the Boston Gazette, and the Gazette sent over to me. I could perhaps make use of this contrivance to the great advantage of the Colledge . . ." (Dummer to Woodbridge, 21 February, 1716/17, Ibid., 180.).

Dissenter and Author whose works were not in that Collection. . . ."⁸

He survived the temporary furor and continued to send books to Yale.

In addition, he attempted to persuade the prominent Hollis family, who had taken a special interest in Harvard, to turn part of their attention to Yale, but his efforts were unsuccessful.⁹

The Hollis family for several generations maintained a continual interest in the college at Cambridge. Besides contributing books, they supplied the college with scientific instruments and other equipment and established professorships in divinity and, later, mathematics and natural philosophy. The last Thomas Hollis "of Lincoln's Inn, " of whom more later, kept Harvard well supplied with the books that made up his "Library of Liberty." This collection included most of the works of the earlier Whig writers, Locke,

⁸Dummer to Woodbridge, 3 June, 1723, Ibid., 195. Pratt, "The Books Sent from England by Jeremiah Dummer to Yale College," Papers in Honor of Andrew Keogh, 26-7.

⁹Ibid., 25.

The following tribute to Dummer's efforts was part of the Commencement ceremony of 1733:

Noelimen does honour to thy name,
And owns the hand from whence the blessings came,
By which she gains a glorious prize,
And learns how to be good, as well as wise.
By Dummer nurs'd as by a Patron's care,
Still Science grows and grows divinely fair:
His opening hand her numerous wants supplies
And next to Heav'n on that her hope relies.
Yalensia's Sons in gen'rous Dummer find
Maceanas's bounty and the great Tully's mind:
This, his judicious presents sweetly prove,
And that, the constant tenders of his love.

John Hubbard, The Benefactors of Yale College. A Poetical Attempt (Boston: Kneeland and Green, 1733), 5.

Sidney, Milton, Molesworth, Trenchard, Gordon, and Somers.¹⁰

Andrew Eliot wrote to him in 1767 to express his thanks "as a friend of Harvard" for Hollis' "liberality to that society."¹¹

The community libraries came into being as either the beneficiaries of large personal book collections, as in the case of the Redwood and Loganian libraries, or through the co-operative efforts of several men uniting to form a library company. The Library Company of Philadelphia, an illustration of the cooperative type of venture, started as an outgrowth of Benjamin Franklin's "Junto." James Logan was consulted, as "a gentleman of universal learning, and the best judge of books in these parts," to submit a list of suggested works to be purchased. The initial order was sent to Peter Collinson of London on March 31, 1732.¹²

The catalogues of the colonial libraries, those that have survived, are extremely valuable. They indicate what books were considered important by the men who established and supplied them, men who, themselves, were usually the intellectual leaders in their

¹⁰Caroline Robbins, "Library of Liberty--assembled for Harvard College by Thomas Hollis of Lincoln's Inn," Harvard Library Bulletin, v (1951), 5-23, 181-196; see also Robbins, "The Strenuous Whig, Thomas Hollis of Lincoln's Inn," William and Mary Quarterly, 3rd ser., VII (1950), 412.

¹¹Andrew Eliot to Thomas Hollis, 7 January, 1767, Massachusetts Historical Society, Collections, series 4, IV, 402.

¹²George Maurice Abbot, A Short History of the Library Company of Philadelphia: Compiled from the Minutes with Some Personal Reminiscences, 5.

respective communities.¹³

The earliest eighteenth-century catalogue lists the books in the personal library of the deceased Reverend Ebenezer Pemberton. This 1717 catalogue indicates the Rev. Mr. Pemberton owned copies of Sidney's Discourses and Locke's Thoughts Concerning Education, The Reasonableness of Christianity (London, 1695), and the Exchange between Locke and the Bishop of Worcester.¹⁴ Two catalogues from the year 1718 list the books contained in the libraries of three men, Joshua Moody, Daniel Gookin,¹⁵ and George Curwin.¹⁶ None of the writings of the Old Whigs appear on these lists. Gookin died in 1686/7 and, therefore, there would be no chance for his library to contain the Whig works. The Curwin list is badly blurred and illegible in places.

The first catalogue of the Harvard Library is a bit disappointing

¹³ Benjamin Franklin wrote in 1771, "These libraries have improved the general conversation of the Americans, made the common tradesman and farmers as intelligent as most gentlemen from other countries, and perhaps have contributed in some degree to the stand so generally made throughout the Colonies in defence of their privileges" (Franklin, Autobiography, Ferrand, ed., 86.).

¹⁴ A Catalogue of Curious and Valuable Books Belonging to the Late Reverend and Learned Mr. Ebenezer Pemberton (Boston: B. Green, 1717).

¹⁵ A Catalogue of Rare and Valuable Books, Being the Greatest Part of the Library of the Late Reverend and Learned Mr. Joshua Moody, and Part of the Library of the Reverend and Learned, Mr. Daniel Gookin (Boston: Samuel Kneeland, 1718).

¹⁶ A Catalogue of Curious and Valuable Books which mostly Belonged to the Reverend Mr. George Curwin (Boston: J. Franklin, 1718).

if looked at from the standpoint of the Old Whigs. Harrington's Oceana is the only work included.¹⁷ The first supplement, published two years later, lists, in addition to Harrington, a collection of Locke's works, Watts' Sermons on Various Subjects, and Hoadley's The Common Rights of Subjects Defended (London, 1719).¹⁸

Mention has been made of the Library Company of Philadelphia that grew out of the Franklin "Junto." The Library had some of the most active minds selecting the works to be included. Franklin, James Logan, their London agent, Peter Collinson, and others cooperated in selecting the books to be purchased. On April 13, 1741, "at a monthly meeting at the Widow Roberts" the catalogue committee made its report and it was agreed to have two hundred catalogues printed by Franklin.¹⁹ The 1741 catalogue of the Library Company of Philadelphia reveals an impressive list of Old Whig writings.²⁰ Sidney's Discourses, Harrington's Oceana, and A Complete Collection of Historical, Political, and Miscellaneous Works (probably the 2 volume, 1738 London edition) are included as are the two Trenchard and Gordon collections, The Independent Whig and Cato's Letters.

¹⁷Catalogus Librarum Bibliothecae, Collegij Harvardini (Boston: B. Green, 1723).

¹⁸Continuatio Supplementi Catalogi Librarum (Boston: B. Green, 1725).

¹⁹Abbot, A Short History of the Library Company of Philadelphia, 9.

²⁰A Catalogue of the Books Belonging to the Library Company of Philadelphia (Philadelphia: B. Franklin, 1741).

The Account of Denmark by Molesworth is listed and also the edition of Hotoman's Franco-Gallia with the Molesworth preface. The Hutcheson works listed are his Inquiry and Essay on the Passions. The Locke works listed are A Collection of Several Pieces (London, 1720), the Essay on Human Understanding (described by the catalogue as a work "esteemed the best Book of Logick in the World"), Two Treatises of Government (London, 1694), Thoughts Concerning Education, and a collection of his Works.

The Yale Library catalogue of 1743 lists Watts' Logick and Supplement, and three works of Locke, the Essay on Human Understanding, Thoughts Concerning Education, and a collection of his Works.²¹ Certainly neither Harvard nor Yale could claim to be in the forefront of the popularizers of the ideals of the Old Whigs if one is to judge by their libraries alone. Indeed, a fact that should become quite apparent in this discussion of the colonial library is that the college libraries, at least the few whose catalogues were published, contained relatively few of the writings of the Old Whigs when compared with the semi-public libraries.

The Union Library Company of Philadelphia had two catalogues printed, one in 1754, the other in 1765. The 1754 catalogue includes the following items: Locke's Essay on Human Understanding and Thoughts Concerning Education, Watts' The Improvement of the

²¹ A Catalogue of the Library of Yale College (New London: Green, 1743).

Mind and Doctrine of the Passions, Explained and Improved,
Molesworth's Account of Denmark, and The Independent Whig and
Cato's Letters.²² The 1765 catalogue includes, in addition, Shaftes-
 bury's Characteristicks, Hutcheson's System of Moral Philosophy,
 Sidney's Discourses, and Watts' Logick, Doctrine of the Passions,
 and Improvement of the Mind.²³

The year 1754 was an important one in New York intellectual and political circles. The feud between the Independent Reflector, the voice of the New York triumvirate of William Livingston, John Morin Scott, and William Smith, Jr., and Hugh Gain's New York Mercury, had just ended, but the feeling remained high. King's College was founded in 1754, and, at the same time, another lesser known institution came into existence, the New York Society Library.²⁴ The founding of the two institutions in the same year was not accidental. The same group of men played a prominent role in the founding of both. Six men were chiefly responsible for the Society Library. Philip Livingston and his brother William, together with their cousin Robert, were important figures. William Smith, Jr., the historian and law partner of William Livingston,

²² A Catalogue of Books Belonging to the Union Library Company of Philadelphia (Philadelphia: James Chatten, 1754).

²³ A Catalogue of Books Belonging to the Union Library Company of Philadelphia (Philadelphia: Henry Miller, 1765).

²⁴ Austin Baxter Keep, History of the New York Society Library, 128-35.

John Morin Scott, and William Alexander, whose mother, tradition has it, first suggested the idea of the library to her son and his friends.²⁵ Thus in March, 1754, the groundwork for the library was laid. Within a month the Board of Trustees was named and a sufficient sum was raised to begin the project in earnest.

The strong Whiggish leanings of the majority of the founders of the New York Society Library is reflected in the books ordered for the Library.²⁶ The 1758 catalogue lists the following works:

Harrington's Oceana, Locke's Works, Sidney's Discourses, Shaftesbury's Characteristicks, Cato's Letters, The Independent Whig, and Watts' Logick. Several of Hoadley's writings are listed; The Common Rights of Subjects Defended, Answer to the Convocation, On Conformity, and a collection of sermons.

One other catalogue of 1758, that of the Burlington Library, includes Sidney's Discourses, Cato's Letters, The Independent Whig, Hutcheson's Inquiry, Watts' Logick, and Locke's Familiar Letters.²⁷

The College of New Jersey printed a catalogue in 1760. Again, as in the case of the earlier Yale and Harvard catalogues, the list of Old Whig writings is not overly long. Locke's Works and Reasonableness of Christianity, Hoadley's Answer to the Convoca-

²⁵Ibid., 132-35.

²⁶A Catalogue of Books Belonging to the New York Society Library (New York: Hugh Gaine, 1758).

²⁷The Charter, Laws, and Catalogue of Books of the Library Company of Burlington (Philadelphia: William Dunlap, 1758).

tion and A Preservative Against the Principles and Practices of the Nonjurors (London, 1716), Sidney's Discourses, Hutcheson's Inquiry, and Watts Works complete the list.²⁸

The Loganian Library of Philadelphia was a contribution of the Logan family and was made up largely of the books belonging to the extensive collection of James Logan. Logan was reputed to be the possessor of one of the largest, and one of the most diversified, libraries in the colonies. The 1760 catalogue of the Loganian Library notes the following works: Harrington's Oceana, Molesworth's An Account of Denmark, Locke's Essay on Human Understanding and Two Treatises of Government, and Hutcheson's Inquiry and On the Passions.²⁹

The famous Redwood Library of Newport, Rhode Island, can trace its intellectual conception to the period immediately after the visit of George Berkeley in 1729.³⁰ The Bishop, seemingly delighted at the possibilities in Newport, selected the city as the site for a proposed college. His plans failed to materialize, but after his departure the impetus he bestowed on the intellectual circles of Newport gave birth to the Literary and Philosophical Society. In

²⁸A Catalogue of Books in the Library of the College of New Jersey (Woodbridge: James Parker, 1760).

²⁹Catalogus Bibliothecae Loganianae . . . (Philadelphia: Peter Miller and Co., 1760).

³⁰Jesse H. Shera, Foundations of the Public Library: The Origins of the Public Library Movement in New England, 1629-1855, 34-40.

1747, Abraham Redwood contributed five hundred pounds "to be laid out in a collection of useful books suitable for a public library to be erected at Newport."³¹ The books were purchased in London through John Thomlinson. Land was contributed by Henry Collins, and what has become America's oldest library structure was begun.

The first catalogue of the library was printed in 1764. Included in the works listed were Locke's Works, Hutcheson's On the Passions, Inquiry, and Moral Philosophy. Watts' Strengths and Weaknesses of Human Reason, Hoadley's On Civil Government, and Molesworth's An Account of Denmark.³²

Following the founding of the Redwood Library in 1747, there was a rash of small libraries springing up in the New England colonies. Among these was the Providence Library Company in 1753. In that year, eighty-six residents of Providence, believing that a "Collection or Library of useful and Edifying Books will most certainly tend to the Benefit and Instruction of the Inhabitants of this Town and County of Providence," contributed £1,500 toward such a goal.³³ Within a year the Library was operating. In 1758, a Christmas eve fire destroyed all but the few books in the hands of borrowers. The Library was not allowed to disappear, however, and new books were

³¹Ibid., 37.

³²A Catalogue of the Books Belonging to the Company of the Redwood Library (Newport: Samuel Hall, 1764).

³³Shera, Foundations of the Public Library, 117-18.

ordered. The 1768 catalogue lists Shaftesbury's Characteristicks, Hoadley's On Civil Government, Hutcheson's Inquiry, Locke's Works, Molesworth's Account of Denmark, Watts' Logick and Sermons.³⁴

The catalogue of the Charlestown Library Society is one of the very few from the southern colonies. The abundance of Old Whig writings indicated by this catalogue would be more impressive if substantiated by other catalogues from the South. By itself, however, it reveals that at least one library was well-stocked with Whig literature. The catalogue of 1770 lists Harrington's Oceana, Milton's Prose Works, Cato's Letters, The Independent Whig, Molesworth's An Account of Denmark and Franco-Gallia, Thomas Pownall's The Administration of the Colonies (London, 1768), Sidney's Discourses, and Shaftesbury's Characteristicks. Two works of Locke are included, Two Treatises of Government and Works. Hutcheson's Moral Philosophy, Inquiry, and On the Passions are listed, and Watts' Logick, Improvement of the Mind, and Philosophical Essays complete the list.³⁵

A glance at the personal libraries of three influential colonists reveals something of their reading tastes and habits. The library of Daniel Dulaney included Locke's Works, Molesworth's An Account

³⁴Catalogue of all the Books Belonging to the Providence Library (Providence: Waterman and Russell, 1768).

³⁵A Catalogue of Books Belonging to the Incorporated Charlestown Library Society with the Dates of the Editions (Charlestown: Robert Wells, 1770).

of Denmark, and a work listed as Treatise of Government, perhaps Locke's.³⁶ The Robert Morris library contained copies of Locke's Works and Two Treatises of Government, Hutcheson's On the Passions and Moral Philosophy, Shaftesbury's Characteristicks, Cato's Letters, and The Independent Whig.³⁷ Finally, the William Byrd library contained Locke's Works and Thoughts Concerning Education, Molesworth's An Account of Denmark, Sidney's Discourses, Harrington's Oceana, and Watts' Logick.³⁸

Thus the works of the Old Whigs found their way into the hands of the colonists through the activities of booksellers and the colonial libraries. The Old Whig writings make up a small part of the total volume, to be sure, but it is a consistent part, and in the narrow area of political thought, for example, these writings make up a sizeable portion of the overall total. No well-stocked library would be without its copies of Locke, a few Hutcheson selections, the popular Cato's Letters and Independent Whig, plus a few of the old classics of Sidney, Harrington and Molesworth. No bookseller would submit his requests to London without including some of the more

³⁶Joseph T. Wheeler, "Reading and Other Recreations of Marylanders, 1700-1776," The Maryland Historical Magazine, XXXVIII (March, 1943), 52-3.

³⁷Ibid., XXXVIII (June, 1943), 168-70.

³⁸"A Catalogue of the Books in the Library at Westover Belonging to William Byrd, Esq.," John Spencer Bassett, ed., The Writings of Colonel William Byrd, 413-43.

popular Old Whig works. Moreover, this popularity is widespread. Lists of books from the northern, middle, and southern colonies all contain many of the same selections. Through these books the American Whigs could share the ideas of their British brethren.

Chapter 8 -- Newspapers

The most striking fact about the colonial newspaper during the long formative years before 1760 was its heavy reliance on England for both format and content. Fortunately for the colonial editor, this was the period of the great essayist who set a style of writing that was to leave a strong impression on both sides of the Atlantic for half a century. As a result of this dependence on England, colonial newspapers were to play a significant role in familiarizing their readers with the stream of English thought. The Old Whig occupied a prominent place among the English writers who appeared in the pages of these newspapers.

The first attempt at publishing a newspaper in the colonies was made September 25, 1690. On that day, Benjamin Harris of Boston published a news sheet under the heading Publick Occurences Both Foreign and Domestick. After one issue the paper was suppressed. It was fourteen years before another attempt was made, this one more successful, and the people of Boston saw the first issue of James Campbell's Boston News-Letter. Campbell was the postmaster and, as such, was in a good position both to receive the news and to distribute his paper. By 1719, Boston had a new postmaster and a new paper, The Boston Gazette. Two years later James Franklin began publishing The New-England Courant. By the end of the decade, newspapers were established in New York,

Pennsylvania, and Maryland, in addition to those in Boston.

The early colonial editors did not stray far from the day-to-day factual reporting of months-old European news and bits of local color. The precedent was set by Campbell and followed by many of the newspapers in the colonies during the first sixty years of the eighteenth century. Franklin's New-England Courant was a rather radical departure from the uninspired reporting of the Boston News-Letter. Franklin used the extremely popular English essay papers such as The Spectator, largely the work of Addison and Steele, as his model. He was the first of the editors to introduce the practice of editorial discussions in his paper. His example was followed by an increasing number of editors as the years passed. It was this type of editor who frequently included selections from the more popular English writers in his columns.

The Old Whig found himself in the colonial newspapers in several different ways. Frequently he was quoted directly, as when the South Carolina Gazette published "Cato's" essay on freedom of speech in 1736.¹ Earlier the Gazette had borrowed from the Philadelphia Weekly Mercury to publish an article by "the great and judicious Mr. Locke," a selection from his Treatise of Civil Government.² The Pennsylvania Gazette was urged to "insert . . . the

¹The South Carolina Gazette, June 5-12, 1736.

²Ibid., March 2-9, 1733/34.

following Extracts from the Discourses on Government, wrote by the great Algernon Sidney, whose Life and Death rendered him truly illustrious. . . ."³ The Massachusetts Spy included a lengthy selection from Hutcheson's Moral Philosophy.⁴ More frequent than the direct quotation, however, was the paraphrase or the article copied from and embodying the sentiments of an Old Whig writing. It is, of course, impossible to determine the number of articles in colonial papers inspired by the Old Whig but if the number were known it would probably indicate a substantial influence. Thus Andrew Bradford's American Weekly Mercury of September 18, 1729, the issue that finally brought him before the Pennsylvania proprietary officials, was a summary of several of "Cato's" essays. The introduction to the Independent Reflector of 1752 was, as we shall see, strikingly similar to the opening paragraph of the Independent Whig. Many of the Old Whig arguments were well stated in an article appearing in the Rhode-Island Gazette:

By our Charter, our Legislature and the Executive Power are more agreeable to the Equality of Nature, and do better serve the true Ends of Government, than any other Form or Method whatever. The Annual Choice of Magistrates and all other Officers, is a wise Provision to keep them honest and faithful, and makes Way for that Rotation in Government which has always been found and acknowledged the surest Support and Defence of a just Liberty. . . . The Distribution of Lands at first, and the Preservation of Property in so many hands, is a great Bulwark to our Constitution. And so has been our Custom

³Pennsylvania Gazette, November 20, 1755.

⁴The Massachusetts Spy, February '3, 1772.

of changing and varying several Officers. . . .

Liberty of Conscience, which is Freedom to worship God
in the Way we are perswaded, is most agreeable to his Will
5
. . . .

Examples could be multiplied ad infinitum.

The Old Whig appeared in still other ways. The New York Weekly Journal ran a three-week summary of Molesworth's Account of Denmark.⁶ The American Weekly Mercury devoted the largest part of one issue to a biography of Samuel Clarke and closed the article with the words, "Farewell, thou Friend to Mankind! til I meet Thee incircled with Glory, in the Company of NEWTON, LOCKE, TILLOTSON, and the late Lord SHAFTESBURY; all whose Learning, Judgment, and Virtue were united in Thee!"⁷ There was even an occasion or two when the Old Whig showed up in the advertisements, as in the following case:

Lent, but forgot to whom, Locke's essay on human understanding, and two volumes of the Guardians. The persons that borrowed them, are desired to return them, to William Logan.

N. B. Locke's essay has my father J. Logan's name in the title page.⁸

By far the most frequently quoted of the Old Whigs was the famous writing team of John Trenchard and Thomas Gordon. These

⁵The Rhode-Island Gazette, January 11, 1733.

⁶New York Weekly Journal, October 27; November 3; November 10, 1735.

⁷American Weekly Mercury, October 16, 1729.

⁸Pennsylvania Gazette, November 6, 1746.

men, Gordon in particular, were the authors of the extremely popular Independent Whig and Cato's Letters. The colonists apparently never grew tired of discussions of liberty and the editors found a rich source of material in the writings of Trenchard and Gordon. Cato's Letters were quoted at one time or another in almost every paper in the colonies and one author gives them a great deal of credit for bringing about the degree of political unity that existed by 1760.⁹

The series of articles under the name of "Cato" first appeared in the London Journal, November 5 to 12, 1720. They were compiled into book form and issued in four volumes in 1724 thereby rendering them more easily accessible to the colonial editors. Trenchard and Gordon began their "Cato" series just as their first venture, the Independent Whig, was approaching its end. Both the Independent Whig and Cato's Letters were frequently used by colonial editors. It is worth noting that they were both available to the colonists at an early date.¹⁰

One of the earliest editors, Andrew Bradford, realized the value of the essays by the English "Cato". The first of Cato's Letters appeared February 20, 1722. "The Political Letters of Cato meeting with great applause in England, the following is in-

⁹Elizabeth Christine Cook, Literary Influences in Colonial Newspapers, 81, 89; Frank L. Mott, American Journalism: A History of Newspapers in the United States Through 250 Years, 1690 to 1940, 33.

¹⁰Charles B. Realey, "The London Journal and Its Authors, 1720-23," Bulletin of University of Kansas, Humanistic Studies, no. 3, vol. V (1935), 237-242.

serted here," and then Bradford included the essay of July 22, 1721, on "The Right and Capacity of the People to judge of Government."¹¹ It is significant that a "Cato" essay was being used by Bradford just seven months after its initial appearance in England.

Bradford relied heavily on "Cato" during the period from 1722 to early 1724. He was pleased to note the favorable response of "Americo-Brittanus" who said,

You have obliged these Western Parts of the World with several valuable Letters from Cato, and we have found them worthy of that Name, since they give us the true Notions of Liberty, and the Policy of a free Government. . . .¹²

Bradford reintroduced "Cato" to his readers by way of Joseph Breintnall's "Busy-Body" series in 1729 and 1730. As has been mentioned, one of the issues of the Mercury so provoked the provincial authorities that Bradford was required to appear before them.¹³ This did not, however, halt the use of "Cato." Early in 1738 Bradford began a series under the heading "Cato, Jr." He prefaced the series by commending the authors of "Cato" essays "which letters being full of noble and generous sentiments, I shall blend some of them with my own in this publication."¹⁴

¹¹American Weekly Mercury, February 20, 1722.

¹²Ibid., May 31, 1722.

¹³Minutes of the Provincial Council of Philadelphia, III, 369, 370.

¹⁴American Weekly Mercury, April 20, 1738. The essays by "Cato" are frequently prefaced by such remarks as "The following is taken from Cato, an author who has acquired an immortal Fame in the Memory of all honest Men. . . ." and "This paper is . . .

"Cato" became involved in some colonial disputes which, while rather important in their own right, take on added significance in the light of the use made of the Old Whig by the colonists and the precedent set. These conflicts involving "Cato" are important enough to the story of the Old Whig in America to be described in some detail.

Readers of the New-England Courant were probably quite amused at the following announcement:

We are advis'd from Boston, that the Government of the Massachusetts are fitting out a Ship to go after the Pirates, to be commanded by Capt. Peter Papillion, and 'tis thought he will sail sometime this Month, if Wind and Weather permit. ¹⁵

If the readers were amused, the authorities were not. The matter was taken before the General Court the following day, June 12, 1722, where it was decided that "the said paragraph is a high affront to this Government," and that "the Sheriff of the County of Suffolk, do forthwith commit to the Gaol in Boston, the Body of James Franklin, Printer, for the gross affront. . . ." ¹⁶

The Courant had been printing of late the extremely popular Dogood papers which were being written secretly by James' younger brother, Benjamin. These papers imitated the style of the Spectator essays. The Courant office contained most of the popular London

from the great English Cato. The Subject is deep and sublime; and was never, by any other Writer in my Reading, treated with so much Perspicuity of Argument and Plainness of Style. "

¹⁵ The New-England Courant, June 11, 1722.

¹⁶ Journals of the House of Representatives of Massachusetts, 1722-1723, IV, 23.

magazines and among the more recent ones was the London Journal. With James' arrest, responsibility for the publication of the Courant fell on the shoulders of Benjamin. The tone of the Dogood papers changed drastically as Franklin shot back his answer to the authorities for the imprisonment of his brother. The July 9th issue of the Courant carried the eighth Dogood essay which opened with a brief preface by Franklin. "I prefer the following Abstract from the London Journal to any Thing of my own, and therefore shall present it to your readers this week without any further preface." What then follows is the famous letter by "Cato" on freedom of speech:

Without Freedom of Thought there can be no such Thing as Wisdom; and no such Thing as publick Liberty, without Freedom of Speech; which is the Right of every Man, as far as by it, he does not hurt or Controul the Right of another: and this is the only Check it ought to suffer, and the only Bounds it ought to know.¹⁷

Two weeks later Franklin again called on "Cato" to bolster his argument, aimed this time at hypocrisy. "I shall conclude with a Paragraph or two from an ingenious Political Writer in the London Journal, the better to convince your Readers, that Publick Destruction may be easily carr'd on by hypocritical pretenders to Religion:"

Upon the whole we must not judge of one another by their best Actions, since the worst men do some Good, and all Men make fine Professions: But we must judge of Men by the whole of their Conduct, and the Effects of it. Thorough Honesty requires great and long Proof. . . . and it is from judging without Proof, or false Proof, that Mankind continue Unhappy.¹⁸

¹⁷The New-England Courant, July 9, 1722.

¹⁸Ibid., July 23, 1722.

Again it should be noted that "Cato" is here appearing in the colonies less than a year after he appeared in London.

James Franklin was soon released and resumed editorship of the Courant. His continued provocation of the authorities caused the General Court to decide that the Courant should not be sold until "perused and allowed." Franklin's paper was forced to take on a more subdued tone. The Courant case was an example of the rather oppressive official censorship under which the colonial editor labored. It was, however, a first feeble step toward a more free operation of the press.¹⁹

Benjamin Franklin moved on to Philadelphia and after writing for a time for Bradford's Mercury, he bought out Samuel Keimer's Pennsylvania Gazette or, more accurately, The Universal Instructor in all Arts and Sciences, and Pennsylvania Gazette. The paper, under Keimer, had been as cumbersome as its name. In order to insure adequate material for his paper, Keimer had adopted the unusual policy of printing an article each week from the huge Chamber's Universal Dictionary. When Franklin took over in September, 1729, he saw little value in such a procedure. "We find that besides their [the dictionaries'] containing many Things obstruse and insignificant to us, it will probably be fifty years before the Whole can be gone thro' in this Manner of Publication."²⁰ Franklin again adopted the

¹⁹Clyde A. Duniway, The Development of Freedom of the Press in Massachusetts, 102-03.

²⁰Pennsylvania Gazette, September 25-October 2, 1729.

practice of inserting occasional essays on items of current interest and on occasion quoted his beloved "Cato".²¹

In Pennsylvania's neighboring colony of New York, the stage was being set in 1733 for a conflict that was to exert a powerful influence throughout later colonial developments. The colonial Governor of New York, John Montgomerie, died in 1731. The man selected to replace him, William Cosby, was an unfortunate choice. Arrogant, demanding, and headstrong, he had become involved in some rather shady maneuvering in Minorca and had been removed from his post. He spent a year in England after his appointment as Governor of New York, during which time, he claimed, he had been fighting against passage of the Molasses Act. During the interim, the colony was led by the president of the Council, Rip Van Dam. Cosby finally arrived in the colony and immediately demanded a portion of the salary which had been voted Van Dam by the Assembly in the absence of Cosby. A furor developed. Cosby manipulated the courts in an effort to get one that would return a verdict favorable to him. Cosby's efforts were opposed by Van Dam's lawyers, James Alexander and William Smith, who were joined in their opinion by the Chief Justice, Lewis Morris. Thus were united the men who were to become the guiding force behind the New York Weekly Journal.²²

New York's only newspaper, the Gazette, printed by William

²¹Ibid., June 3-10, 1736.

²²Vincent Buranelli, The Trial of Peter Zenger, 8-13.

Bradford, was under the control of Cosby, who influenced the editorial policy of the Gazette's editor, Francis Harison. The Van Dam faction felt that the most effective opposition to Cosby would be through the publication of a rival newspaper. They found a willing printer in John Peter Zenger, who was just becoming established, and the Journal, under the editorial direction of James Alexander, first appeared November 5, 1733. The Journal consistently portrayed the actions of Cosby in the worst possible light. Alexander stated his feelings in a letter to ex-Governor Robert Hunter:

Our Governor, who came here but last year, has long ago given more distaste to the people than I believe any Governor that ever this Province had during his whole government. . . . He has raised such a spirit in the people of this Province that, if they cannot convince him, yet I believe they will give the world reason to believe that they are not easily to be made slaves of, nor be governed by arbitrary power. . . . Inclosed is also the first of a newspaper designed to be continued weekly, chiefly to expose him [Cosby] and those ridiculous flatteries with which Mr. Harison loads our other newspaper, which our Governor claims and has the privilege of suffering nothing to be in but what he and Mr. Harison approve of.²³

The readers of the Journal were almost immediately initiated as to the design of the paper by a bold article that appeared in the second issue on November 12th. This article read, in part, as follows:

The Liberty of the Press is a Subject of the greatest Importance, and in which every Individual is as much concern'd as he is in any other Part of Liberty: Therefore it will not be improper to communicate to the Publick the Sentiments of a late excellent Writer upon this Point. Such is the Elegance and

²³Alexander to Hunter, (n. d.), Ibid., 26.

Perspecuity of his Writings, such the inimitable [sic] Force of his Reasoning, that it will be difficult to say any Thing new that he has not said, or not to say that much worse which he has said.²⁴

The "late excellent Writer" mentioned was "Cato," and the article continued with "Cato's" discussion of the value of a limited monarchy. The writers of the Journal borrowed extensively from the writings of Trenchard and Gordon, either quoting them directly or paraphrasing them as in the issue of November 26th. "Civil Government was first introduced to guard the Safety of Mankind, and to take off almost the infinite Miseries of a State of Nature; and every Man in his Wits will confess, that 'tis a Sin of a very heinous Kind to oppose a lawful Ruler, whilst acting within the Limits of his Authority. . . ."²⁵

The Journal followed with almost weekly excerpts from "Cato" with an occasional selection from the Spectator or some other popular English publication. The editors of the Journal resorted to a device commonly used among colonial editors, i. e., writing letters to themselves. In the December 10th issue, for instance, "Cato's" essay on the right of private individuals to be active in government is supposedly included in a letter to the editor and is prefaced by these remarks:

"If you'll give a Place in your Paper to the following Sentiments of (I had almost said, the Divine) English CATO; I have Reason to

²⁴New York Weekly Journal, November 12, 1733.

²⁵Ibid., November 26, 1733.

believe they will not be disagreeable to your Subscribers." ²⁶

Occasionally the Journal launched more pointed attacks on the governor in general and his entourage in particular. The following notice appeared among the public announcements of the November 26th issue. Only the extremely dull reader could have missed the insinuations:

A Large Spaniel, of about Five Foot Five Inches High, has lately stray'd from his Kennell with his Mouth full of fulsom Panegericks, and in his Ramble dropt them in the NEW YORK GAZETTE; when a Puppy, he was marked thus  and a cross in his Forehead, but the mark being worn out, he has taken upon him in an heathenish Manner to abuse Mankind, by imposing a great many gross Falsehoods upon them. Whoever will strip the said Panegericks of all their Fulsomness, and send the Beast back to his Kennell, shall have the Thanks of all honest Men, and reasonable Charges. ²⁷

The Gazette made an attempt to answer the biting sarcasm of the Journal but could not compete against the pens of Alexander and Smith. One attempt at rebuttal is of special interest because it indirectly names those responsible for the Journal.

Some of Peter Zenger's Correspondents are so ungenerous, and have so little of the Gentleman, and the Man of Honour, as to represent their Adversaries, or those whom they take to be such, under the Fictitious and Scandalous Characters of A Mare, a Fox, a Monkey, a Spaniel, a Catamount, etc. . . . Supposing another should turn the Tables upon the authors of those infamous and fictitious advertisements, how easily might it be done? The real or imaginary Defects of the Amsterdam Crane [Rip Van Dam], the Connecticut Mastiff [William Smith], Phillip Baboon, senior [Lewis Morris, Sr.], Phillip Baboon,

²⁶Ibid., December 10, 1733.

²⁷Ibid., November 26, 1733.

jun. [Lewis Morris, Jr.], the Scythian Unicorn [James Alexander], and Wild Peter from the Banks of the Rhine [John Peter Zenger], might be enlarged upon, and placed in a most Ludicrous light.²⁸

Governor Cosby protested on several occasions to the Lords of Trade about the Journal and Alexander, "whome I have too much occasion [sic] to mention."²⁹

It is of interest to note the Gazette's attitude toward the use of "Cato" by the writers of the Journal. Although the Gazette was extremely bitter in its denunciation of Zenger and all other associated with the Journal, it took a surprisingly mild attitude about the quotations from the extremely liberal "Cato". The Gazette of January 28 to February 4, 1733, was one of the very few issues that singled out "Cato" for specific comment. The summation of the Gazette's argument was that the Journal was guilty of no greater crime than quoting "Cato" out of context. "For my part, I can compare them [the Journal articles quoting "Cato"] to nothing more justly, than to so many very rich pieces of Embroidery tacked together with very course Pack-thread, and Cobler's Ends."³⁰ It seems almost as though "Cato" had come to be regarded as part of the canon of political scripture. It could not be argued that he could not be used, but only that he should be used correctly.

²⁸New York Gazette, March 25 to April 1, 1734.

²⁹E. B. O'Callaghan (ed.), Documents Relative to the Colonial History of the State of New York, VI, 21.

³⁰New York Gazette, January 28 to February 4, 1733.

The Journal continued for about ten months to be the constant critic of the administration. "Cato" appeared, interspersed with comments on the local scene, with essays on freedom of speech,³¹ libel,³² the necessity of controls on power,³³ and another article on the danger of too much power in the magistrates.³⁴ On November 11, 1734, the Journal repeated the well known essay on freedom of speech and the press.³⁵ In less than a week after the November 11th edition, Zenger was arrested.

It is not within the scope of this work to discuss in detail the famous trial of John Peter Zenger. Suffice it to say that Zenger was acquitted; Harison, the editor of the Gazette, left for England; Governor Cosby saw his forces scattered and died within a year of Zenger's release; liberty of the press had a strong precedent to which it could point.

While Zenger was in prison, the Journal continued to be printed by his wife. The interest in the trial moved "Cato" into the background, but not entirely out of the picture. On July 7th, 1735, less than a month before Zenger was acquitted, the Journal printed "Cato's"

³¹New York Weekly Journal, February 18, 1733.

³²Ibid., February 25, March 4, 1733.

³³Ibid., March 11, 1733.

³⁴Ibid., May 27, 1734.

³⁵Ibid., November 11, 1734.

famous essay on law. It read, in part, as follows:

The violation therefore of Law does not constitute a Crime where the Law is bad; but the Violation of what ought to be Law, is a Crime even where there is no Law. The Essence of Right and Wrong doth not depend upon Words and Clauses inserted in a Code or a Statute Book . . . ; but upon Reason and the Nature of Things.³⁶

Zenger's release and Cosby's death brought to an end the crusade that had brought the Journal into existence. The paper continued to be a watchdog of liberty, but its editorials took on a more subdued tone. Six weeks after the close of the Zenger trial, the Journal ran a three-week summary of Molesworth's An Account of Denmark and closed the series with these comments:

What is here copied I believe has given an English Reader a surfeit of such kind of Entertainment, but if any desire to know more of it, let them read my Lord Molesworth's Book, and other Books of the kind, and if any after that think Liberty can be preserv'd at too dear a Rate, I wish they may leave this Country, and be exchanged for some of these poor Sufferers that would recover their Liberty at any rate were it in their Power.³⁷

The fight with Governor Cosby, a struggle in which "Cato" had played such a prominent part, was over; it would be another seventeen years before the people of New York would see a battle of words to rival that of the Journal and Gazette.

A rather curious publication appeared in Boston on January 4th, 1748. The Independent Advertiser, as it was named, was of a

³⁶Ibid., July 7, 1735.

³⁷Ibid., November 10, 1735.

strongly political cast. It contained a bare minimum of foreign and domestic news but consisted mainly of political essays. It had a number of contributors, among whom, perhaps, was Samuel Adams.³⁸ The policy of the paper was stated in its first issue:

As our present political state affords Matter for a variety of Thoughts . . . we purpose to insert every thing of that Nature that may be pertinently and decently wrote. For ourselves, we declare we are of no Party. . . . We are ourselves free, and our Paper shall be free. . . . Whatsoever may be adapted to State and Defend the Rights and Liberties of Mankind³⁹ . . . shall at all times find a most welcome reception.

The Advertiser's attitude toward government was summed up in an article in the second issue:

Civil Government is of all human Things the Most inestimable Blessing that Mankind enjoy. . . . all Men are by Nature on a Level; born with an equal Share of Freedome, and endow'd with Capacities nearly alike; but there being in every Man a strong Propensity to Superiority and Dominion, and a natural Inclination to act for his own Interest, however destructive to that of his Neighbor, it soon became necessary to enter into Political Society, to protect themselves from the Injuries of one another.

All Things are subjected to the King's Authority, and it is the Duty of every Subject, for Conscience Sake, to submit to his Authority, while he acts according to the Law.⁴⁰

The Advertiser continued for about two years and quoted extensively from Cato's Letters. "Cato" was never acknowledged as the author, but occasionally his remarks were introduced by a comment such as "I now send you an Extract from a late celebrated

³⁸Thomas, History of Printing, II, 51.

³⁹Independent Advertiser, January 4, 1748.

⁴⁰Ibid., January 11, 1748.

Writer."⁴¹ In the issue of May 16th, 1748, the Advertiser published a selection from the writings of Algernon Sidney and prefaced the quotation by saying "the following Extract may therefore not be unseasonable, and if it needed any Commendation, it might receive a sufficient one from the approved Character of its Author, who thought and wrote as well as any Man in the age wherein he lived and at last fell a Sacrifice to Tyranny."⁴² The selection is Sidney's discussion of the character of good and evil magistrates. The partnership of Rogers and Fowle, printers of the Advertiser, ended in April, 1750, and the paper ceased to be published. During its brief span, however, the Advertiser had printed a number of "Cato's" essays, plus selections from other English writers who typified the best in English liberal thought.

Meanwhile, in New York, forces were aligning themselves for a struggle reminiscent of the Journal-Gazette conflict two decades before. The New York of the mid-eighteenth century was already taking on the cosmopolitan atmosphere that later characterized the city. There was, in the minds of a great many, a serious flaw in the development of their city and that was the lack of a college. In 1746 the Assembly had paved the way for the removal of this handicap by authorizing a public lottery to raise funds for a proposed

⁴¹Ibid., December 19, 1748.

⁴²Ibid., May 16, 1748.

college; £2250 was raised and turned over to a board of Trustees.⁴³ Trinity Church offered to help the cause by donating a tract of approximately ten acres of land for the use of a college. The grant was made, however, with the stipulation that the president of the proposed college must be of the Anglican faith and that all religious services be conducted in accordance with the rites of the Church of England.

This incident triggered a long-smouldering religious rivalry between the Anglicans, who, although in the minority, possessed both wealth and position, and the various dissenting groups, led, in this case, by the Presbyterians. This rivalry also had political overtones, for the combatants were grouped in factions that traced their origins back to the old DeLancey-Morris feud in the days of the Zenger trial, the only difference being that the Morris forces were now lining up behind William Livingston. Livingston was a member of the board of trustees, and he violently opposed any measures to make the planned college Anglican. He was aided in his fight by two other members of the "triumvirate", John Morin Scott and William Smith, Jr. Smith was the son of the William Smith who had played a prominent role in the Zenger affair. Livingston had served part of his apprenticeship in the office of

⁴³Dorothy Rita Dillon, The New York Triumvirate: A Study of the Legal and Political Careers of William Livingston, John Morin Scott, William Smith, Jr., 32-3.

James Alexander, editor of the Journal. Borrowing a leaf from the pages of the past history of New York, Smith, Livingston, and Scott found a willing printer in James Parker, and on November 30, 1752, the Independent Reflector appeared for public consideration.

The Reflector cannot be termed a newspaper. It contained no news as such, but only essays and articles on various controversial topics of public interest. The editorials concerned themselves with subjects that ranged from public roads to the suppression of tyranny. By far the most important item of discussion, at the time, was the proposed college and, as a very significant sidelight, religious toleration. Again the writings of Trenchard and Gordon were used, along with the ever-popular Spectator. Emphasis was placed, not on Cato's Letters, however, although they were quoted, but on the Independent Whig. These essays were aimed primarily at what Trenchard and Gordon felt to be the danger of the growing power of the high church. The arguments they used were ready-made for Livingston and his friends in combating the feared usurping of power by the Church of England in New York.

It is interesting to compare the opening paragraphs of the Independent Whig of 1720, and the Independent Reflector of 1752.

The Whig:

Whoever goes about to reform the World, undertakes an office obnoxious to Malice, and beset with Difficulties. It speaks a Confidence of his own Capacity, which prompts him to set up for the School-master of Mankind; and it infers a Charge of Corruption or Ignorance in his Pupils, out of which he assumes to

whip them.

But neither these, nor any other Difficulties, or Discouragements, shall hinder me from the generous Attempt of endeavoring to reform Mankind.⁴⁴

The Reflector:

Whoever sets up for a Reformer of public Abuses, must expect to encounter innumerable Difficulties. It seems to carry with it an Air of Superiority, to which Mankind submit with the greatest Reluctance.

None of these Discouragements shall, however, deter me from vindicating the civil and religious RIGHTS of my Fellow-Creatures: From exposing the peculiar Deformity of Publick Vice, and Corruption; and displaying the amiable charms of Liberty. . . .⁴⁵

The Reflector's opponents found a vehicle for their arguments in the Mercury, reprinted by Hugh Gaine. As the battle progressed, the Gazette became involved as a third party. The Reflector had established the editorial policy of not using its pages to engage in disputes. The Mercury would not allow retaliations by the Reflector to appear in its pages. The Gazette, then, became the sounding board for the Reflector.

The Mercury early accused the Reflector of using the writings of Trenchard and Gordon as a model. Livingston replied in a letter to the Gazette signed "Philo-Reflector."

You could not, Sir, have done greater Honour to the abilities of the Independent Reflector, than by allowing him a Capacity to imitate the Independent Whigg, who had one of the finest Pens in Europe, and is justly esteem'd, a signal Ornament to the

⁴⁴Trenchard and Gordon, The Independent Whig, 1.

⁴⁵The Independent Reflector, November 30, 1752.

Republic of Letters.⁴⁵

The Reflector's use of the Whig aggravated the Anglican clergy and prompted some to spend time proving the editors to be "Gog and Magog of the Apocalypse."⁴⁷ On April 16th, 1753, Livingston addressed a letter to the Gazette in which he quoted from the Spectator and stated his idea of government and liberty:

That Form of Government appears to me the most reasonable which is most conformable to the Equality we find in human Nature, provided it be consistent with public Peace and Tranquility. This is what may properly be called Liberty, which exempts one Man from Subjection to another, so far as the Order and Economy of the Government will permit.

Liberty should reach every Individual of a People, as they all share one common Nature, if it only spreads along particular Branches, there had better be none at all, since such a Liberty only aggravates the Misfortune of these who are deprived of it, by setting before them a disagreeable Subject of Comparison.⁴⁸

Having touched on a multitude of subjects in earlier issues, the editors of the Reflector turned to the matter of vital concern, the proposed college. Beginning with the issue of March 22nd, a series of articles on the college ran for five consecutive weeks. A number of points were suggested, among them the proposal that the college should be non-denominational, the college should be incorporated by an act of the Assembly as the ultimate guiding force behind the school, and that no religious profession be established at the

⁴⁶The New York Gazette or the Weekly Post Boy, February 19, 1753.

⁴⁷The Independent Reflector, January 11, 1753.

⁴⁸The New York Gazette or the Weekly Post Boy, April 16, 1753; see also The Spectator, IV, 171-2.

college.⁴⁹ The Mercury replied with a series of articles scattered throughout the months of April, June, and July.⁵⁰ Its stand was, of course, just the opposite. The college must, the Mercury argued, be incorporated consistently with the powers that be in the colony and since the Crown is the supreme authority and the Church of England the recognized religion, then it is only wisdom to have the college called into being by a charter which would recognize the dominant position of the Church.

The argument over the college continually involved the Church, and the Reflector persisted in calling upon the Independent Whig for broadsides against the formidable foe. The Mercury continued to chastise the Reflector for its attempts:

It was hoped that the Reflector, seeing himself so universally contemned, and so lately convicted of glaring Inconsistency, Falsehood, Scandal, Stealing, etc., would by this Time, either have dropp'd his iniquitous Paper, or made some Attonement. . . . But, far from this, still he continues his old Practices; . . . still he trumpets his own Fame, in Letters wrote to himself, by himself . . . still he has the consummate Impudence to boast of the growing Reputation of his Paper, which has now but one Christian Qualification left in it, namely That IT DIES DAILY; . . . Still he continues to pilfer from the Independent Whig. . . . Any old Women could also have copied from the Independent Whig.⁵¹

Two weeks later the Mercury printed this short verse in honor of the Reflector's editors:

⁴⁹This series appeared in the Reflector in the issues of March 22, and 29, April 5, 12, 19, and 26, 1753.

⁵⁰New York Mercury, April 30, June 4, and July 30, 1753.

⁵¹Ibid., July 9, 1753.

He rose, dread Foe to Priests and Fetters,
 Deep skill'd in Church and civil Matters;
 For he had read all Cato's Letters.⁵²

As the year advanced the conflict became more severe. The editors of the Mercury resorted to publishing material outside of the newspaper in an effort to counteract the impression made by the Whig. This pamphlet warfare involved one Francis Squire who sought to warn his readers in these words:

As few Readers at present, and perhaps none in a very short Time, may know the particular Motive to reprinting the following excellent Treatise, at this Time; 'tis thought proper to acquaint them, That the indecent Attack, of late, made upon the externals of Religion, and solemn Rites of Christian Worship, with the Malevolence expressed in an insulting Manner against the Clergy of all Sorts and Professions; evidently tending to promote the Cause of Infidelity, and to bring the whole Christian Institution into Contempt: is the Inducement to this Edition; . . .⁵³

Livingston retaliated by publishing a rather lengthy tract by Gordon entitled The Craftsmen, and accused Francis Squire and others of the clergy, who were loud in their protests, of having "rail'd without Shame, [and] scribbled without End . . . and being wonderfully instrumental in cheapning the Linings of Trunks, as well as forming Foundations for Christman-Pies with out Number:"⁵⁴

What then must an impartial Reader think of Parson Squire, and those of his Craft, who in Defiance of Christianity, of Candour, and of Breeding, represent such a writer as a foe to

⁵²Ibid., July 23, 1753.

⁵³Francis Squire, An Answer to . . . The Independent Whig . . ., iv.

⁵⁴The Craftsmen, ii.

Christianity, and harbouring a covert Design for its Extirpation and Ruin. What of those still more shameless Slanderers, who think themselves licenc'd to malign, to belie, and in one Word, to Out-squire the Memory of the Great and the Good GORDON and TRENCHARD! Men of whom the World was not worthy. Geniusses sublime and inimitable. . . .⁵⁵

Meanwhile, the battle between the Reflector and the Mercury was becoming more heated. Livingston closed an article on the use and abuse of liberty of the press with a tirade aimed directly at Hugh Gaine, publisher of the Mercury. Gaine had, Livingston said, sold himself to a party he despised and in so doing he had "deserted his Religion, and made himself a tool." He not only printed falsehoods, but refused to print any answers or vindications of the opposition. In spite of all this, Livingston stated, "this Wretch, had the Impudence to talk of Liberty of the Press. God forbid! . . ."56

This brought an immediate reply from Gaine, who emerged from the anonymity of the printer's chair to address himself directly to Smith, Scott, and, by implication, Livingston. He justified his actions and accused his opponents of printing The Craftsmen, "the Preface to which . . . [was] filled with the greatest absurdities [these Gentlemen] could invent. . . ."57

Publication of the Independent Reflector was brought to a sudden halt after the issue of December 22. James Parker, the printer, had

⁵⁵Ibid., xxvi.

⁵⁶The Independent Reflector, August 30, 1753.

⁵⁷The New York Mercury, September 3, 1753.

evidently been threatened with the loss of public business by influential men in the society if he continued to print the Reflector. As a result, Livingston and his faction were temporarily silenced. About a month later, however, William Smith managed to have printed what he called, strangely enough, the "preface" to the Independent Reflector.⁵⁸ In it he stated that his "well meant labours have, by the rage of piety, been most tyrannically suppressed."⁵⁹ In reality however, Smith continued, it must be expected, when one sets out to reform the world, that vested interests will rise in opposition. The influence of these men and their interests is "founded on the stupidity of their admirers." As long as this ignorance remains unquestioned, their power is secure. When a writer strikes at the very basis of their power "by promoting liberty of thought, and an uncontracted enquiry" then he must be prepared to be the object of their displeasure.⁶⁰

In turning to the cause that had brought the Reflector into existence, Smith said:

When one religious persuation, in defiance of the equal rights of the rest, and in contradiction to the plain dictates of law and reason, openly advance[s] a claim destructive of

⁵⁸[William Smith], The Independent Reflector: or Weekly Essays on Sundry Important Subjects. More particularly adapted to the Province of New York. Preface. "Printed (Until tyrannically suppressed) in 1753", 1754.

⁵⁹Ibid., 2.

⁶⁰Ibid.

these rights; to sit as a calm and unconcerned spectator, would, in a writer of my class, have been a treasonable neglect of the interest of the community. At this conduct indeed I took the alarm; It was my duty, my bounden, my indispensable duty: Had not the Church thought proper to insist on the sole and exclusive superintendency of our future Academy, my papers had, as to her, been silent as the grave. But when that reasonable claim was loudly asserted, and, with an unblushing confidence, maintained by almost every son of the Church from the highest to the lowest, . . . What in the name of Heaven, could prohibit me, as a writer in the public cause, to oppose the growing evil, with a spirit vigorous and undaunted!⁶¹

Smith was convinced that "trifling peculiarities" of Protestant worship were never intended to be the basis of discrimination. He closed his remarks by issuing a warning to those who "by the basest arts have put a stop to my writing." He would continue to write in the cause of virtue and liberty in the hope that a printer would be found valiant enough to print it. In the meanwhile he was preparing a history of New York which would be presented to the world "when the press is restored to its former liberty."⁶²

Thus ended the Reflector-Mercury feud. Ironically, Livingston later persuaded Gaine to allow him access to the Mercury and his series appeared under the heading of "The Watch Tower." King's College opened July, 1754, in, of all places the vestry room of the Trinity Church, "an ominous beginning" from the point of view of Livingston, Smith, and Scott.⁶³

⁶¹Ibid., 30-1.

⁶²Ibid., 31.

⁶³Dillon, The New York Triumvirate, 38.

The colonial editor realized at an early stage in the development of the editorial policy of the colonial newspaper that he had a firm friend in the Old Whig of England. These men who wrote for the newspapers were among the first to recognize the revolutionary potential of the Old Whig doctrine. The few local conflicts discussed here were relatively minor when looked at after the passage of many years. Even at the time they occupied the attention of relatively few of the colonists and even fewer of the royal authorities. Certain procedures were becoming more clearly defined, however, and a language of protest was experimented with. The men involved recognized the role of the newspaper as a potentially powerful influence on public opinion. They found in the natural rights doctrine of the Old Whigs the most popular form by which to express their arguments. The lesson would not be forgotten, although a decade would pass before another conflict would arouse the colonial editor. This one, however, would be much more widespread and would call forth the efforts of the colonial writers themselves.

The high-water mark of editorial insertions based on English sources such as have been the primary concern of this study was reached in the period between 1720 and 1755. News was scarce. Colonial interest was still focused upon the old country and it was months before news events from Europe, especially the mainland, reached America.⁶⁴ By the mid-eighteenth century, news was more

⁶⁴"We have little news of Consequence at present, the English

regular and the time lag had been cut to about two months. Moreover, colonial editors were becoming increasingly aware of the colonies themselves as a source of news items. By mid-century newspapers had become more news-oriented and less concerned with comments by editors. The exceptions required the existence of burning issues, plus more than one newspaper. These ingredients were not always present in the colonies.

The newspaper played a prominent part in acquainting the colonists with English thought of English writers. Chief among the writers quoted were the Old Whigs. There were several reasons why the colonial editor placed such a reliance on outside authors. As has been suggested, there was a lack of news, especially in the early days, and the editor was forced to turn somewhere for material. Since the colonists themselves were somewhat reluctant to write for the newspapers, the editor had to turn elsewhere. To the colonists living in a frontier situation, England was the seat of learning to which they must turn for real wisdom. To a colonial editor pleading a cause, it meant a great deal if he could add weight to his argument by quoting from "the judicious Mr. Locke" or "the

Prints being generally stuffd with Robberies, Cheats, Fires, Murders, Bankrupcies, Promotions of some, and Hanging of others; nor can we expect much better till Vessels arrive in the Spring In the mean Time we hope our Readers will be content for the present, with what we can give 'em, which if it does 'em no Good, shall do 'm no hurt. 'Tis the best we have, and so take it." (Pennsylvania Gazette, December 24, 1728).

Divine Cato." ⁶⁵ This was an age blessed with masters of the essay. The flourishing London periodicals were standard works of the colonies as well.

The reader of colonial newspapers will be impressed with the preoccupation of the colonists with politics. Politics, marriage, and morals made up the bulk of their newspaper diet. The editors must have felt assured that if things were slow an essay on some provocative political subject would be sure to stir up interest and entertain their readers. This was not merely a passive interest, however, as one would be interested in an athletic event in which one is not a participant. The "average" Englishman in America was, in the eighteenth century, involved to a greater extent than was his counterpart in England in some phase of political activity. He was vitally concerned with the thoughts being put forward by those he looked to as intelligent men.

The special popularity of the writings of Trenchard and Gordon can be attributed to several factors. They could be lifted from the pages of the London Journal and inserted very easily into the newspapers in the colonies. Each essay had one point to put across and did it in plain, forceful style that could be understood by the average

⁶⁵ At times the colonial editor felt he could hide behind the authority of a quoted source. "As I am not sure any Thing I can offer of my own will not be deemed Libel, I chose to send you Part of one of Cato's Letters, the Publication of which I hope will be acceptable to your Readers." (New York Weekly Journal, November 11, 1734).

reader and yet appreciated by the scholar. Direct quotations from Cato's Letters and the Independent Whig can readily be identified.

It is more difficult to measure the number of articles which were influenced by and patterned after these essays. It is reasonably safe to say, however, that the political and religious writings of Trenchard and Gordon, together with the social writings of Addison and Steel, established the form followed by the colonial essayist during at least the first half of the eighteenth century.

The colonial newspapers were an important instrument in popularizing the ideas of the Old Whig. The newspapers reached a wider reading public than did the books that contained the writings of the Whigs. In the years following 1760 the colonial newspapers were to exert a much greater influence on public opinion and were to rely more on local contributors. Although the editors were to shape their arguments to meet a new crisis, they would employ the methods and ideas that had been used by two generations of newspapermen before them.

Chapter 9 -- The Old Whig Community

The problem of tracing the influence of ideas is a difficult one. It can never be known whether a system of thought merely substantiates attitudes toward which individuals are already predisposed or whether really new channels of thought are introduced. Probably both effects are present. The true political philosopher frequently runs in advance of his time and it is only when the conditions of society are such that his ideas express more or less accurately the existing status that the full ramifications of a system of thought may be examined from a standpoint other than that of a mere intellectual exercise. The desire for an ordered existence prompts the adoption of an apology for the status quo. Dissatisfaction must express itself partly in the form of a suggested remedy. Thus both critics and defenders of government operate within a frame of reference that is an amalgam of traditional practice, physical environment, and political philosophies that seek to explain what is and what might be.

Several influences contributed to the political theory, or, better, the theories, of the colonists. They were the recipients of the traditional rights of Englishmen. The strong influence of Puritanism had made an indelible impression, and not only in New England. The settlement of the early colonizers in a new land had a two-fold effect. Old practices and institutions had to survive the

test of utility and in the process many traditions were modified. Moreover, the absence of the restraining influence exerted by a large population with a long moderating history meant that the more aggressive elements among the colonists could have their program adopted more easily. In the eighteenth century a new influence, participating in the larger spirit of the enlightenment but giving it a peculiar English twist, began to exert itself in the colonies. This new influence was largely the work of the Old Whig. The colonists found him to be a congenial friend, completely at home in the colonial environment. As the years passed, especially after the quarrel between England and the colonies grew to major proportions, the ties between the Old Whig and the Whigs in America became more and more involved. "Americans . . . ought for ever to acknowledge their obligations to English writers," said John Adams in later years. "The original plantation of our country was occasioned, her continual growth has been promoted, and her present liberties have been established by these generous theories."¹ Adams, along with many other colonial leaders, expressed in one way or another a tribute to the Old Whig. In some cases they acknowledged their debt to the writings of the Whigs.

Adams, in his earlier Thoughts on Government, paid tribute to the influence of Sidney, Harrington, Locke, Milton, Hoadley, and

¹ John Adams, "A Defense of the Constitutions of Government of the the United States of America," Charles Francis Adams, ed., The Works of John Adams, IV, 3.

others. He was aware that in England the tradition that these writers sought to uphold was no longer popular. "No small fortitude is necessary to confess that one has read them."² Adam's diary contains frequent references to the work he was reading at the time of a given entry. "Staid home reading the Independent Whig," reads an entry for February 14, 1756. Earlier he had read Hutcheson's Introduction to Moral Philosophy and in April of 1756 was engaged in reading the works of Milton. "That man's soul, it seems to me, was distended as wide as creation."³

Benjamin Franklin, whose interests ranged over a broad field of subjects, was a great admirer of the Old Whigs. The office of the New England Courant became a receptacle for many of the Old Whig works, among them Cato's Letters and The Independent Whig. Franklin published in the Pennsylvania Gazette an article on Freedom of the Press which paid tribute to Algernon Sidney, "the British Brutus, the warm, the steady friend of liberty, who, from a diffusive love to mankind, left them that invaluable legacy, his immortal 'Discourses on Government'."⁴ The books in the library of the

²John Adams, "Thoughts on Government," Ibid., IV, 194.

³Ibid., II, 4, 5, 14. "All my time seems to roll away unnoticed. I long to study sometimes, but have no opportunity. I long to be a master of Greek and Latin. I long to prosecute the mathematical and physical sciences. I long to know a little of ethics and moral philosophy. But I have no books, no time, no friends. I must therefore be contented to live and die an ignorant, obscure fellow" (Ibid., II, 13).

⁴"On Freedom of Speech and the Press," Pennsylvania Gazette, November 17-24, 1737.

Library Company of Philadelphia probably reflect the interests of Franklin and his associates. The impressive number of Old Whig titles is indicative of the high esteem in which they were held.⁵

Franklin's Dissertation on Liberty and Necessity, Pleasure and Pain reflects the strong influence of Locke, Shaftesbury, and the free-thinker Anthony Collins.⁶ In his Proposals Relating to the Education of Youth in Pensilvania, Franklin cites several authorities, among them Milton, Locke, and, by mistake, Hutcheson.⁷ In the Proposals themselves, he recommends that grammar may be taught by the use of "some of our best Writers, as Tillotson, Addison, Pope, Algernon Sidney, Cato's Letters. . . ."⁸ In later years Franklin was to become the leading figure in a vast network of personal contacts between the Whigs of England and those of America.

Other colonists acknowledged the debt they owed to the Old Whig. Josiah Quincy, Jr., willed to his son "when he shall arrive to the age of fifteen years, Algernon Sidney's works, -- John Locke's works, -- Lord Bacon's works, -- Gordon's Tacitus, -- and Cato's

⁵See above, p. 131-32.

⁶Frank L. Mott and Chester E. Jorgenson, Benjamin Franklin: Representative Selections, with Introduction, Bibliography, and Footnotes, cxvii.

⁷Benjamin Franklin, Proposals Relating to the Education of Youth in Pensilvania (Philadelphia: B. Franklin and D. Hall, 1749), 4.

⁸Ibid., 13-14.

Letters. May the spirit of liberty rest upon him."⁹ Arthur Lee based his Appeal to the Justice and Interests of the People of Great Britain on the writings of Locke, and mentioned also Sidney, Milton, Gordon, and "the gallant Lord Molesworth."¹⁰ Elisha Williams argued that men in a state of nature had a right to read Milton and Locke for their own instruction and wondered why they were discouraged from doing so under a government established, supposedly, for the preservation of such rights:

But I am considering Things as they be in their own Nature, what Reason teaches concerning them: and herein have given a short Sketch of what the celebrated Mr. Lock in his Treatise of Government has largely demonstrated; and in which it is justly to be presumed all are agreed who understand the natural Rights of Mankind.¹¹

Benjamin Rush, during a stay in England, visited the controversial John Wilkes in prison. He later wrote that he "heard a number of sentiments from him that would have done honor to a SIDNEY and a
¹²
HAMDEN [sic]." Andrew Eliot wrote to Thomas Hollis that Sidney "was the first who taught me any just sentiments on government."¹³

⁹Josiah Quincy, Memoir of the Life of Josiah Quincy Jun. of Massachusetts, 350.

¹⁰Arthur Lee, An Appeal to the Justice and Interests of the People of Great Britain . . . (London: J. Almon, 1774), 62.

¹¹Elisha Williams, The Essential Rights and Liberties of Protestants . . . (Boston: S. Kneeland and T. Green, 1744), 5, 7.

¹²L. H. Butterfield, ed., Letters of Benjamin Rush, I, 72.

¹³Eliot to Hollis, May 13, 1767, Massachusetts Historical Society, Collections, ser. 4, IV, 403.

There were occasional visual representations of the role played by the Old Whig writers. Bickerstaff's Boston Almanac of 1769 contained a picture of the hero, John Wilkes, and beneath the picture the open books of Locke's Works and Sidney's Discourses.¹⁴ One political cartoon is of special interest because it appeared in the London Register and indicates that it was fairly well known in England that the colonists had welcomed the Old Whig as an advocate of the colonial position. The cartoon depicted the controversy that had arisen over the efforts to establish an American episcopate. A group of colonists are pictured on a dock keeping a ship with a bishop on board from landing. One of the flags being waved above the crowd bears the motto "Liberty and Freedom of Conscience." Several books are being held aloft, among them the works of Locke and Sidney.¹⁵

As the colonies matured and it became increasingly apparent that their desires were no longer consistent with those of Great Britain, the colonists found support from the Old Whigs in England who became increasingly aware of the colonial position. This awakening of interest in the colonies on the part of the Old Whigs led to a closer personal contact that amounted, in most cases, to more than

¹⁴ Benjamin West, Bickerstaff's Boston Almanac, 1769 (Boston: Mein and Fleming).

¹⁵ Caroline Robbins, "Algernon Sidney's Discourses Concerning Government: Textbook of Revolution," William and Mary Quarterly, 3rd ser., IV (1947), opposite page 267.

a mere academic interest. While the ties with the mother country remained firm, the Old Whig thought he saw in the colonies the correction of the abuses he criticized in aged and decadent England. A virtuous, unspoiled people had built a civilization in the wilderness, had founded it upon the rights that had for centuries been the birthright of Englishmen, and had sought to maintain the rights that preserved the dignity of the individual. When it was evident that the independence of the colonies from Great Britain was a very real possibility, the Old Whigs saw a situation that had never before existed but one that presented unlimited possibilities. Here, at last, was a society of individuals on the verge of being reduced to a condition very similar to the "state of nature." This was an opportunity that could not be overlooked. The Old Whig reminded the colonists that they were to have the responsibility, the blessed privilege, of building a political order upon the best plans presented by all ages. "Remember," the Old Whig repeated frequently, in effect, "remember who you are, what rights are yours, and what arrangements best preserve those rights. Do not betray yourselves, and mankind, by submitting to a tyranny that will, in time, be worse than that under which you suffer at this moment." Thus the Old Whigs' view of the colonists changed during the first three quarters of the eighteenth century. What had been a courageous but isolated society living on the edge of civilization and in need of intellectual as well as physical help from home became, finally, the last best hope for the realiza-

tion of the Old Whig dream.

Several of the Old Whigs had taken a personal interest in the colonies at a relatively early date. Mention has already been made of the gifts of Watts, Hoadley, the Hollis family, and others, and their efforts to enrich the intellectual climate in the colonies. Frances Hutcheson wrote in 1746 that he had received "a letter from a Presbytery of Pensilvania . . . regreting their want of proper ministers and books; [and] expecting some assistance here." He agreed to send them his advice on "books and philosophy" and buy what books he could to send to them.¹⁶ Hutcheson died shortly after this, and it is doubtful whether he was able to aid the colonists in question. This benevolent but condescending attitude was to change and one of the men chiefly responsible for the change was Jonathan Mayhew.

Mayhew was one of the first of the colonial political thinkers to come to the attention of the Old Whig community in Britain. He was well versed in the literature of the Old Whigs and was singled out by Hollis, as will be discussed later, and supplied with a "Library of Liberty" containing the works of Milton, Sidney Harrington, Molesworth and others.¹⁷ In his sermon, The Snare Broken, Mayhew said,

Having been initiated, in youth, in the doctrines of civil liberty, as they were taught by such men as Plato, Demosthenes,

¹⁶William Robert Scott, Francis Hutcheson: His Life, Teaching and Position in the History of Philosophy, 271.

¹⁷Alden Bradford, Memoir of the Life and Writing of Reverend Jonathan Mayhew, D. D., 462.

Cicero and other renowned persons among the ancients; and Such as Sidney and Milton, Locke and Hoadley, among the moderns; I liked them; they seemed rational."¹⁸

A collection of Mayhew's sermons was published in the colonies in 1749. In these sermons Mayhew displayed an acquaintance with the best in Old Whig thought. The Seven Sermons was republished in England the following year, 1750, and brought him to the attention of some of the leading Old Whigs. Benjamin Avery, the principle force behind the Occasional Papers and The Old Whig, two prominent dissenting publications, wrote Mayhew telling him that Benjamin Hoadley had been given a copy of his sermons. "He, as well as I, regard them as suited to do a great service here, as well as to prove a credit to the country in which they were first preached and published."¹⁹ Mayhew also received congratulatory letters from James Foster and George Benson. Avery, Foster, and Benson, were among those who recommended Mayhew for an honorary doctorate from the University of Aberdeen.

Mayhew returned his thanks to those who had received him so favorably. In writing to Benson he stated that the spirit of "liberty and charity" which Benson had found in his sermons, "has in part been imbibed from your works." To Foster he wrote, "I have been indebted to you, almost ever since I was able to read, for those

¹⁸Jonathan Mayhew, The Snare Broken (Boston: R. & S. Draper, 1766), 43.

¹⁹Bradford, Memoir of . . . Jonathan Mayhew, 87.

excellent sermons, and other writings, which you have published."²⁰

Mayhew acknowledged his familiarity with the Occasional Papers in a letter to Avery. "I have loved and honored you as a benefactor to my country," he wrote, "and a friend to mankind." Mayhew was extremely pleased to hear that his thoughts had met with the approval of Hoadley, who had become almost a legend among the dissenting interests in both England and the colonies. Both Avery and Hoadley had expressed surprise that such advanced sentiments had come from the colonies. Mayhew was prompted to include a couplet from Pope:

"The Things, we know, are neither rich nor rare--
But wonder how the d--l they got there."²¹

Mayhew was hesitant to write directly to Hoadley. He included a letter to him in a letter to Avery and asked Avery to read it first and, if acceptable, then pass it on to the Bishop. Mayhew expressed his humble thanks to Hoadley "for the notice you condescended to take of me." The good men of three nations, Mayhew said, owed the Bishop a debt of gratitude for his writings "both political and theological:"

And, while I am asking favors, suffer me to make one request more; which is, that your lordship would please to accept the discourse herewith sent you. You have an undoubted right to a copy of it: so that I could not omit sending it, without manifest injustice--if that be true which some here have

²⁰ Mayhew to Benson, October 17, 1750, Ibid., 93; Mayhew to Foster; no date, Ibid.

²¹ Mayhew to Avery, no date, Ibid., 94-5.

asserted, viz.: "that the greater part of it was stolen from your lordship's original"²²

And here, unfortunately, the letter as we have it ends. The "dis-course" Mayhew mentioned was his famous sermon Concerning Unlimited Submission, which was to make him a leading spokesman of the Hoadlian school of thought. This sermon was reprinted by Richard Baron, a leading exponent of the Old Whig doctrine and trained under Hutcheson, and thus came to the attention of the great colonial benefactor Thomas Hollis.²³ Hollis singled Mayhew out for special attention and sent him a shipment of books. Hollis preferred to remain anonymous and made his initial contact with Mayhew through Jasper Mauduit. In February, 1755, Mauduit wrote to Mayhew:

At the request of a gentleman, lately returned from his travels on the continent, and who has brought home a confirmed sense of English liberty, I have put on board capt. _____, a box . . . containing prints of that great statesman, Algernon Sidney--a set for Harvard college and a Sidney, bound, as a present to yourself.²⁴

The first box of books appears to have been lost. A second shipment finally arrived in 1759, and in August, 1759, Hollis sent additional books, this time with a note identifying himself.²⁵ From 1759

²²Ibid., 97.

²³[Francis Blackburne], Memoirs of Thomas Hollis, Esq. (2 vols.; London, 1780), I, 81.

²⁴Jasper Mauduit to Mayhew, February, 1755, Bradford, Memoir of . . . Jonathan Mayhew, 185.

²⁵Blackburn, Hollis Memoirs, I, 81-2.

until Mayhew's death in 1766, these two men kept up a continual correspondence. Hollis supplied Mayhew with a great number of books, particularly the new editions of the old masters which Hollis was instrumental in having published.

Mayhew entered into a conflict with the Society for Propagating the Gospel and published a series of pamphletes on the controversy. His stand brought him the plaudits of the dissenting interest among the Old Whigs, men who were fearful of the extension of influence of the Anglican Church. Michaijah Towgood read and enjoyed Mayhew's Observations on the Charter of the Society and wrote a letter which Mayhew received just a few months before his death. "We think we see a flourishing and great empire rising on your continent," Towgood stated, "where civil and religious liberty will be better understood, and more fully enjoyed than it ever has been on this side of the Atlantic." Then he added significantly, "You must increase, but we must decrease."²⁶ The death of Mayhew was noted with sadness by his friends on both sides of the Atlantic.

Frequent mention has been made of the Hollis family and particularly Thomas Hollis "of Lincoln's Inn," the last of the Hollis line. The Hollis family had maintained the tradition for several generations of contributing to worthy institutions and individuals in the colonies, especially Harvard College. Thomas Hollis continued the tradition and in addition maintained a correspondence with select colonists.

²⁶Towgood to Mayhew, April, 1766, Bradford, Memoir of . . . Jonathan Mayhew, 371.

He seems to have been very careful to avoid either a correspondence or a personal contact of any kind with the political leaders in the colonies.²⁷

Hollis' position guaranteed him an adequate income and allowed him, in his early years, to travel extensively on the continent. He returned from his travels with a plan which was to occupy most of his efforts the remainder of his life. He was convinced that England was the seat of liberty, that the great English writers of the seventeenth and early eighteenth centuries had best expressed the true meaning of liberty and the best way of preserving it. In order that all nations could profit from such writings Hollis formulated a plan for systematically supplying various libraries with a "Library of Liberty." In addition he supplied copies of various English grammar books in order that the recipients would be able to train themselves to read the books. He also sent pictures, busts of the great writers, and medallions that he had struck off. He had the books bound in beautiful covers to attract the attention of the reader.²⁸ Hollis was responsible for having many of the earlier works of the Old Whigs reprinted in new and attractive volumes and also reprinted several

²⁷[Blackburne], Hollis Memoirs, I, 443-44.

²⁸"The books you have sent are vastly curious and valuable, and the binding elegant. I hope their external appearance will invite our young gentlemen to peruse them, which I am persuaded was your principal design in sending them" (Eliot to Hollis, January 7, 1767, Massachusetts Historical Society, Collections, 4th ser., IV, 402.).

pieces from the colonial press. His methods were quite unique and, eccentric as he may have appeared, he did a great deal to restore an interest in the "Whig" legacy of earlier years.²⁹ "I sail," he wrote to a friend, "jack, ensign, and pennant, WHIG, with a few frigates, amidst whole fleets of treasurists and jacobites."³⁰

Following the death of Mayhew, Hollis turned his attention to Andrew Eliot and forwarded to him some books that had been intended for Mayhew.³¹ In time, Eliot received the standard works of the Old Whigs which made up the basic library sent out by Hollis.³²

²⁹ Caroline Robbins, The Eighteenth Century Commonwealth-man, 262-70 see also Robbins, "The Strenuous Whig, Thomas Hollis of Lincoln's Inn," William and Mary Quarterly, 3rd ser., VI (1950), 407-453. Blackburn summed up the general opinion of Hollis in his preface to the Memoirs. "Among other causes which have prevented the justice due to the character of Mr. Hollis from having its free course, is the political fashion of the times. A subscriber to Lord Molesworth's political creed is not to expect applause in an age when the present doctrines of the majority are so loudly echoed through the land, and when the loyalty of the day is chiefly distinguished by execrations on the principles of Milton, Sidney, Locke, and other patriot writers of past times" (Blackburne, Hollis Memoirs, I, iii-iv.).

³⁰ Hollis to Jenkins, July 6, 1764, Ibid., I, 235.

³¹ "The similarity of turn, as appeareth by your sermon, to my late honored friend, the regularity of your education, the fullness of your character, your age, station, power, will render public service, all have concurred with me . . . to take this measure . . ." (Hollis to Eliot, September 6, 1766, Massachusetts Historical Society, Collections, 4th ser., IV, 398).

³² "Harrington, Sidney, Locke, almost any man may study his whole life to advantage. I am particularly obliged to you for Milton's prose works" (Eliot to Hollis, December 10, 1767, Ibid., 412). "Governor Pownall's book is curious, and contains many valuable thoughts" (Eliot to Hollis, January 29, 1769, Ibid., 440). "Trenchard's History of standing armies, with which you formerly obliged me is

In 1768, after several shipments of books had arrived, Eliot wrote to Hollis:

The books you have enriched me with, are all curious; many of them are excellently adapted to the present state of this country. I shall not fail to put them into the hands of those who will know how to make a proper use of them.³³

Earlier he had written that he feared the colonists would grow quite lethargic if there were not those who would arouse them to a sense of appreciation of their liberties. "We, in America, are perhaps more obliged to our friends in Great Britain, who raised a spirit among the people, then to the P_____t who repealed the act which was calculated . . . to enslave us."³⁴

The continued agitation in the colonies worried Eliot. He reassured Hollis that, although the colonists felt themselves to be ill treated, they were not then "ripe for disunion." He warned him, however, the time would shortly come when Great Britain would not be able to "compel submission." Eliot concluded by saying that he hoped never to see "the American British Colonies disconnected from Great Britain."³⁵ Hollis continued a close watch on events in the colonies. An entry in his diary, July 24, 1768, reads:

Breakfasted at the New England Coffee-house, and read the

excellent" (Eliot to Hollis, June 28, 1770, Ibid., IV, 452).

³³Eliot to Hollis, October 17, 1768, Ibid., IV, 429.

³⁴Eliot to Hollis, November 14, 1766, Ibid., IV, 400.

³⁵Eliot to Hollis, December 10, 1767, Ibid., IV, 419-21.

account in the Boston papers of the late disturbances there, relating to the officers of the customs. Alas! that matters would seem tending to extremeties between Britain and her North American Colonies! and that the people of Boston, the most sensible, worthy of them all, and best affectioned of Hanover, should now prove most uneasy and disgusted.³⁶

Eliot, writing in 1770, acknowledged that the independence of the colonies was much nearer than he had thought.³⁷

Hollis was favorably impressed by John Adams' Dissertation on the Canon and the Feudal Law. He added it to a collection that he was having printed in 1768 and bought sixty copies for himself. He wrote to Eliot asking him if he knew who the author was and when informed that Adams had written it, he replied,

The two discourses of Mr. Adams appear to me to be among the best publications produced by North America; and as the author is possessed of learning, industry, spirit, is, it is apprehended, young; and the times are likely to run very-very-very base, he, and such as he, cannot be too much encouraged Crown him with oak-leaves . . . under the tree of liberty. . . .³⁸

Hollis contributed much time, effort, and money to the colonial cause. In later years Benjamin Franklin was to say of him that "it is prodigious the quantity of good that may be done by one Man, if he will make a Business of it."³⁹ Hollis had been true to the con-

³⁶ Blackburn , Hollis Memoirs, I, 407.

³⁷ Eliot to Hollis, June 28, 1770, Massachusetts Historical Society, Collections, 4th ser., IV, 452.

³⁸ Blackburne , Hollis Memoirs, I, 400-01.

³⁹ Franklin to Thomas Brand Hollis, October 5, 1783, A. H. Smyth, ed., The Writings of Benjamin Franklin, IX, 104.

fidence placed in him by Eliot, Mayhew, and others.⁴⁰

The Anglo-American "Whig" community developed closer personal ties with each other as events moved the two nations farther apart. In addition to a voluminous correspondence, colonists made visits to England and circulated among the Old Whigs there; clubs were organized in the colonies and in England, speeches and pamphlets were exchanged. Although probably no one was consciously working for a separation of the colonies from Great Britain, few were surprised when it became obvious that such was to be the case. The Old Whigs in England urged the colonists to remain firm in their defense of man's common rights.⁴¹

In 1769 the preamble and resolutions of the club in London known as "The Supporters of the Bill of Rights" was adopted. Arthur Lee was instrumental in the formation of these resolutions, the last of which committed club members to support for election to Parliament those who would (1) pledge themselves to work for the restoration of the right of the colonists to levy their own taxes, and (2), work to gain the repeal of all acts in violation of this right passed since 1763.⁴²

⁴⁰"You, Sir . . . are greatly capable of serving the American Colonies; suffer me to recommend them to your care and patronage" (Eliot to Hollis, May 13, 1767, Massachusetts Historical Society, Collections, 4th ser., IV, 404.).

⁴¹Catherine Macaulay to James Otis, April 27, 1769, Massachusetts Historical Society, Warren-Adams Letter, II, 7.

⁴²Richard Henry Lee, Life of Arthur Lee, LL. D., I, 22.

John Wilkes was numbered among the members of the club.⁴³

Another group revolved around the popular and beautiful Catherine Macaulay, the "female Thucydides." Mrs. Macaulay's history of the Stuart rulers had become part of the Old Whig canon and made her the center of attraction for many of the colonists journeying to England. Benjamin Rush called on Mrs. Macaulay and was invited to the weekly meeting of the "Coterie." James Burgh was among those present and Rush reported that the "subjects of the conversation, which were literary and political, were discussed with elegance and good breeding."⁴⁴ Still another group centered around Richard Price, Andrew Kippis, the American Benjamin Franklin, and Joseph Priestley. This group, meeting informally at the London Coffee-house, became a center for discussion and an exchange of information and views on the colonial situation.⁴⁵

Those Old Whigs who were of the dissenting interest in England maintained extremely close ties among themselves. They accepted the colonists into their circle. "I dined yesterday," wrote [Theophilus] Lindsey in 1775, "with Drs. Price, Franklin, Priestley and Mr. Quincey: no bad company you will say. We began and ended with

⁴³Adams, Works, II, 325.

⁴⁴George W. Corner, ed., The Autobiography of Benjamin Rush . . ., 60-1. Rush had earlier written to Mrs. Macaulay. "The objects you have in view are the noblest that ever animated a human breast" (Rush to Mrs. Macaulay, January 18, 1769, Butterfield, Letters of Benjamin Rush, I, 69).

⁴⁵William Morgan, Memoirs of the Life of the Rev. Richard Price, D. D., F. R. S., 48-9.

the Americans. "⁴⁶

Thus those colonists who championed the cause of the colonies in the conflict with Great Britain found a warm welcome from the Old Whigs of England who were ever eager for information and ever willing to help. The colonists were accepted as equals. Burgh went out of his way to acknowledge his indebtedness to Franklin and considered their mutual friendship "one of the most fortunate circumstances of [my] life. "⁴⁷ Provost William Smith's famous sermon "On the Present Situation in America" was sent by Franklin to his friends in England. The Monthly Review and the London Magazine gave it very favorable comment. ⁴⁸ Priestley wrote Franklin that he intended to have it printed. Price wrote that a thousand copies had been ordered to be printed by the chamberlain of London "at his expense, in so cheap a form as to be sold at two-pence each. "⁴⁹ Ex-governor Thomas Pownall defended the cause in the colonies in Parliament and at the same time supplied the colonists with material with which to carry on their struggle. His speech on the repeal of the Revenue Act was sent to Samuel Cooper who wrote to Pownall

⁴⁶Anthony Lincoln, Some Political and Social Ideas of English Dissent, 1763-1800, 38-65.

⁴⁷Burgh, Political Disquisitions, II, 277.

⁴⁸Rush to Sharp, May 1, 1773, Butterfield, ed., Letters of Benjamin Rush, I, 80.

⁴⁹Smith, Life and Correspondence of the Rev. William Smith, D. D., I, 519-20.

that he had "made the best and most prudent use of these Notes, allowing some Friends, and the Speaker of the House [Thomas Cushing] among others, to communicate them as they tho't might be of advantage. . . ." ⁵⁰ Josiah Quincy wrote his wife asking her to convey the thanks of Richard Price to John Winthrop for a letter from Winthrop which had been read in Parliament. Quincy concluded, "Few, if any, are better men than Dr. Price." ⁵¹

An interesting episode, well illustrating the close ties of the two communities of colonial sympathizers and the methods used by them, revolves around the figure of Josiah Quincy. In 1774 Quincy's Observations on the Boston Port Bill was published. A copy was sent to Price by Charles Chauncy who described Quincy as a young lawyer "of a sprightly genius and strong powers." ⁵² In the meantime, Quincy had been persuaded by friends to give up his practice and journey to London in an effort to contribute what efforts he could toward a peaceful settlement of the developing conflict. ⁵³ Quincy was young and relatively unknown and requested

⁵⁰ Samuel Cooper to Thomas Pownall, July 12, 1769, "Letters of Samuel Cooper to Thomas Pownall, 1769-1777," American Historical Review, VIII (1903), 309.

⁵¹ Quincy to Mrs. Quincy, December 16, 1774, Quincy Memoirs, 273.

⁵² Chauncy to Price, May 30, 1774, Massachusetts Historical Society, Proceedings, 2nd ser., XVII (1903), 268.

⁵³ Quincy to John Dickinson, August 20, 1774, Quincy Memoirs, 173.

that letters of introduction be written on his behalf. Chauncy himself wrote letters and asked others to do likewise.⁵⁴ Chauncy's letters to Price and Dr. Thomas Amory urged that Quincy be introduced to those who would aid the American cause.⁵⁵

Quincy sailed September 28, 1774. His efforts in England can best be judged by the entries in his diary. He had several conversations with Pownall.⁵⁶ He sought out Richard Price and received a letter of introduction to the Earl of Shelburne. Shelburne acknowledged Price's letter and agreed to meet with Quincy.⁵⁷ Quincy was introduced at the Royal Society by Franklin and Price. He mentioned frequent visits with "Dr. Franklin and his friends" at the London coffee-house.⁵⁸ An entry in his diary dated December 15, 1774, mentions that he had "dined with Mr. Towgood, with a large circle of warm friends to America."⁵⁹ He visited, in turn, Joseph Priestly ("and was received very politely"), Mrs. Macaulay ("I was much

⁵⁴Samuel Adams to Chauncy, September 19, 1774, Ibid., 180.

⁵⁵Chauncy to Dr. Amory, September 13, 1774, Ibid., 177-79. Chauncy to Richard Price, September 13, 1774, Massachusetts Historical Society, Proceedings, 2nd ser., XVII, 270.

⁵⁶Quincy, Quincy Memoirs, 238, 241.

⁵⁷Earl of Shelburne to Price, December 26, 1774, Massachusetts Historical Society, Proceedings, 2nd ser., XVII, 273.

⁵⁸Quincy, Quincy Memoirs, 241, 242.

⁵⁹Ibid., 270.

pleased with her good sense and liberal turn of mind"), and Brand Hollis.⁶⁰ In February, 1775, Quincy received permission to visit Burgh who, at this time, was critically ill. Quincy himself had been suffering from an old illness that had been aggravated by his strenuous efforts in England. Both men would be dead within a few months.

Quincy's illness worried his friends in England who finally persuaded him to return home. Price wrote to Chauncy expressing his regret that Quincy's mission was to be cut short. "He is indeed an able, faithful, and zealous friend to his country; and I have been happy in my acquaintance with him."⁶¹ A letter to Quincy from Price wishing him a speedy recovery failed to reach him before his death.⁶²

One of the staunchest supporters of the American cause was Richard Price. His Observations on the Nature of Civil Liberty was second only to Pain's Common Sense in popularity among the colonists. Price carried on an extensive correspondence. He exchanged letters with Franklin, Jefferson, Chauncy, Ezra Stiles, John

⁶⁰Ibid., 287, 288-89, 317.

⁶¹Price to Chauncy, February 25, 1775, Massachusetts Historical Society, Proceedings, 2nd ser., XVII, 279.

⁶²"It is with particular concern I think of the bad state of health with which you left England. I hope the voyage has been of service to you . . . (Price to Quincy, April or May, 1775, Ibid., 2nd ser., XVII, 286).

Winthrop, Arthur Lee, and other colonial leaders. He was singled out as one of the men best able to aid the cause of the colonies because of his personal influence and his connections with Shelburne. A kind man, benevolent and forgiving, he won the admiration of those who opposed him as well as those who found him a source of comfort. He became the center of much of the colonial support in England and his name appeared frequently at meetings of various "clubs" sympathetic with the colonies.

Price was well aware that, no matter what efforts he and others of his persuasion exerted on behalf of the colonies, in the final analysis it would be the colonists themselves who must deliver themselves from oppression. Firmness and unity now on the part of the colonies, he argued, would save untold hardships later. Moreover, the conflict in which the colonies were engaged was lifted to a high moral plane by Price who saw the future hopes of man resting in large part on the outcome:

[The Americans] engaged in a last struggle for liberty, which perseverance will certainly crown with success. I speak with earnestness, because thoroughly convinced that the authority claimed by this country over the Colonies is a despotism which would leave them none of the rights of freemen; and because also I consider America as a future asylum for the friends of liberty here, which it would be a dreadful calamity to lose.⁶³

Professor John Winthrop of Harvard wrote to offer his thanks and

⁶³Price to Chauncy, February 25, 1775, *Ibid.*, 2nd ser., XVII, 279.

the thanks of "all America" for the efforts that Price had made in their behalf.⁶⁴ In a later letter Winthrop added a postscript in which he stated the problem as he saw it:

All accommodation seems now at a great distance than ever. Both parties, I suppose, have gone too far to think of retreating. An imaginary dignity of government on the one hand, essential rights and privileges on the other, and inflamed passions on both, will render a reconciliation very difficult.⁶⁵

Price's Observations was written following the outbreak of armed conflict. He questioned Britain's position in the war and hoped that colonial firmness coupled with an awakened sense of justice on the part of Great Britain would bring hostilities to an early end. When it became apparent that the war would last until the physical defeat of one of the combatants, Price found consolation in the fact that he had done all he could to avert and then end the war.⁶⁶ His Additional Observations brought "a torrent of abuse" upon his head. He resolved that having done all in his power to avert the calamity, "I have taken my leave of politics; and am now in the situation of a silent spectator waiting with inexpressible anxiety the issue of one of the most important struggles that ever took place among man-

⁶⁴Winthrop to Price, April 10, 1775, Ibid., 2nd ser., XVII, 283.

⁶⁵Winthrop to Price, June 6, 1775, Ibid., 2nd ser., XVII, 291-92.

⁶⁶Arthur Lee to Price, April 20, 1777, Ibid., 2nd ser., XVII, 309.

kind. "⁶⁷

Price's colonial friends continued to seek his aid in the formation of the new government. Benjamin Rush reminded Price that he had staked his reputation on the final outcome of the struggle and urged him not to turn his attention away "until you see the curtain drop and the last act of the drama closed. " This meant that Price was to aid until the government of the new states would be on a firm footing. Rush believed that a word from him would be worth "a hundred publications thrown out by the citizens of this country. "⁶⁸

In recognition of his untiring efforts on behalf of the colonies, the Continental Congress invited Price to become a citizen of the United States and to aid in the finances of the new nation. Price declined because of his advancing years and his close ties in England.⁶⁹ Years later a change in the ministry prompted Franklin to write to Price:

I congratulate you on the late revolution in your public affairs. . . . The change . . . in the sentiments of the nation, in which I see evident effects of your writings with those of our deceased friend Mr. Burgh, and others of our valuable Club, should encourage you to proceed.

Please present my best respects to our good old friends of

⁶⁷Price to Arthur Lee, June 15, 1777, Ibid., 2nd ser., XVII, 311. The same sentiments were expressed in a letter to Winthrop dated the same day.

⁶⁸Rush to Price, no date, Ibid., 105.

⁶⁹Letter from Congress forwarded to Price by Arthur Lee, John Adams, and Benjamin Franklin, October 6, 1778, Morgan, Price Memoirs, 76, 79-80.

the London Coffee-house. I often figure to myself the pleasure I should have in being once more seated among them.⁷⁰

The position taken by the colonies in the quarrel with Parliament was, in its essentials, the same position Parliament had taken in the seventeenth century in the conflict with the Stuart kings. The "Whiggism" of the American Revolution was an embarrassment to the Whigs in Parliament. Each argument used by them to deny the colonial position only served to indicate how far they had removed themselves from the spirit of the earlier revolution that had brought them to power. The American cause was "the cause of freedom, the cause of the constitution, the cause of whiggism," said Fox.⁷¹ Yet even as he said it he and others like him were forced to declare the supremacy of Parliament and the necessity of restrictions on the activities of the colonies. To the "Old Whigs," however, the situation was vastly different. They had never forsaken the principles of the "Glorious Revolution." They were under no obligation to support the parliamentary status quo. Thus freed from political responsibilities and maintaining allegiance to principles that were in them-

⁷⁰Franklin to Price, June 13, 1782, Ibid., 95-7.

⁷¹Guttridge, English Whiggism and the American Revolution, 142-44. "The cause of America is allied to every true Whig. They will not bear the enslaving America. Some Whigs may love their fortunes better than their principles; but the body of Whigs will join; they will not enslave America. The whole Irish nation, all the true English Whigs, the whole nation of America, these combined make millions of Whigs, averse to the system" (Lord Chatham, debate in Parliament January 20, 1775, The Parliamentary History of England, XVIII, 159).

selves revolutionary, they rallied to the support of the colonies. The Old Whig who had found himself rejected at home, had found a ready welcome on the more hospitable shores across the sea.

Chapter 10 -- The Old Whig in America

There is the danger of distortion and over-simplification in singling out certain centuries and labeling them by characteristics which seem dominant. The historical time element is, in the words of Marc Bloch, "a concrete and living reality. . . . the very plasma in which events are immersed."¹ There is, nevertheless, an ever present balance between the preservation of elements of the past and change, between tradition and progress. Certain periods of time are marked by rapid and rather basic change, periods during which conflict between the old and the new is a dominant theme. The eighteenth century is one of the more significant periods of change in human history. It is the century that opened with the final years of the reign of the "Sun King," Louis XIV, a reign that in many ways was the climax of the centralizing process that had centered around the figure of the monarch and had brought the modern state into existence. The same century witnessed the execution of the great-grandsons of the Grand Monarch by a Paris-dominated Assembly and, with relative ease, for the time being, France was added to the growing list of republics. Four years before the turn of the century, in 1696, England was to create the Board of Trade to supervise the conduct of affairs with her colonial

¹Marc Bloch, The Historians Craft, 27.

empire along the most approved mercantilist lines. In 1776, Adam Smith published The Wealth of Nations and indicated therein that a new approach was necessary to the problem of national economics. The eighteenth century, which was an age of aristocracy, closed with all of Europe at war against the nondescript Corsican petty noble, Bonaparte, and his revolutionary army. The age of privilege, with traditional practices and institutions based upon rank and birth, was being threatened by the age of the democratic revolution, in which the elimination of all artificial and arbitrary barriers was the goal.²

Throughout this period of change the position of the middle class was crucial. If the eighteenth century was the age of aristocracy, the nineteenth century was the age of the bourgeoisie. Since the end of the Middle Ages the process of state making had been made possible by the union of forces of the monarchy and the middle class. Through this joint effort, aimed at the traditional powers of the nobility, both the monarchy and the bourgeoisie profited. There were, however, limits beyond which the monarchy could not go in

²The phrase, "the age of the democratic revolution," as coined by R. R. Palmer, is applied by him to the series of revolutions which swept the Atlantic world beginning with the American Revolution in 1776 and continuing through the great French Revolution and the numerous small revolutions of western Europe lasting through the 1790's. The term "democratic" is used as opposed to "aristocratic," the idea being that the aim of these revolutions was to destroy a closed society based on privilege and create a more open society with equality and freedom of movement. See R. R. Palmer, The Age of the Democratic Revolution, 3-108.

leaguering itself with this new rising power. The kingship was, after all, a position of birth and privilege. Any extension of privileges to the middle class, however well intended, was a gift, a paternalistic sop handed to a group who had little or no legal means by which they could demand concessions. Early in the eighteenth century the aristocracy of much of Europe began a concerted effort to regain the power and prestige they had lost over the years. Hard pressed financially, prohibited by tradition from entering the trades and commerce, they sought to enforce existing feudal obligations and revive long forgotten ones. They were successful to the degree that they effectively blunted the work of the enlightened despots of Russia, Prussia, and the Hapsburg empire, and the efforts of the reforming ministers in France. The great apologist for the aristocracy, Montesquieu, published his Spirit of the Laws in 1748. In it he stoutly defended the traditional balancing position of the aristocracy between the king and the people. Ironically enough, the aristocracy succeeded in reasserting their claims in principle at the very moment when such claims were least justified in practice. Moreover, in opposing the centralizing power of the king, the aristocracy used a vocabulary made up of the new and potentially revolutionary words such as "liberty," "the citizen," "the nation," "natural rights," and a host of other phrases which, placed in another context, were to be used with disastrous effect against it.

This three-way struggle among the bourgeoisie, the aristocracy,

and the king, took place in the intellectual atmosphere of the Enlightenment. The seventeenth century scientific revolution had paved the way for the revolution in thought that marked the Age of the Enlightenment, certainly one of the most brilliant periods of intellectual growth in all human history. Traditional institutions and practices were called into question and weighed in the balance of the contribution made toward human progress and happiness. The mere fact of being was no longer justification enough for continued existence. To criticize became fashionable, to doubt became the sign of intelligence, and finally, to act on the basis of one's criticisms and doubts became the mark of a revolutionary.

Thus the eighteenth century was a century of change and inevitable conflict. This was the world of the Atlantic community, a community that was participated in by western Europe and the overseas extension of Europe in America. The situation in the New World was different, to be sure, but different only in the sense that it departed, in some respects, from the norm established in Europe. Before discussing these differences, it must be noted that the basic background of both the Old World and the New was the same. Both were dominated at the outset by the idea of rank and privilege. Both experienced the rising revolutionary sentiment of "liberty, equality, and fraternity." Both witnessed the clash of the two forces of tradition and change. In both, the rising middle class held the key to the immediate future. The basic institutions of the New

World were those that had been given birth in the Old. The systems of thought of Europe were borrowed by America. This basic similarity of background should not be forgotten in the discussion that follows.

One of the first factors that must impress the observer of the settlement of colonial America is that the settlers were those who were, for various reasons, disaffected from the Old World. The reasons may have been economic, social, political, religious, or any combination of these; but the point remains, that for whatever reason, these were people who no longer found their traditional home to their liking. These, then, were people who at the very outset had within them the seeds of a new way of life more in keeping with their ambitions.

No English colony in North America successfully re-created in full the English society left behind. The range was broad, all the way from the relatively similar society of Virginia, to the semi-feudal arrangement of Maryland, to the Puritan commonwealth of Massachusetts Bay. Each colony was a miniature state with its own particular characteristics. The colonists considered themselves as Englishmen, recipients of all the traditional rights of Englishmen. Indeed, the earliest charters from the Crown, granting the right to colonize to various individuals and groups, had emphasized the fact that future settlers were to be assured all the rights of those born in England. These charters became a part of the colonial

constitution and a source of their claims to certain rights.

Each of the colonies established a government for the direction of internal affairs and external relations inasmuch as it was granted to them to do. In general this colonial government took the form of a governor, representing either the Crown or the proprietary interest, a governor's council, to act as an advisory body to the governor and as an upper house of the legislature, and the assembly, in time to become the center of political agitation in the colonies. The colonial assemblies sought to pattern themselves after the English Parliament, but in reality most of them were derived from the practices of the joint stock companies that were instrumental in founding several of the colonies. Hence from the very outset, the practices of the assemblies differed somewhat from the traditional English practice. The manner of representation, the extent of the franchise, the qualification of officeholders, the frequency of elections, in all these practices the colonies differed to a degree from England.

The assemblies were not the only illustrations of modifications of traditional English practices, however. There are many other examples. Lord Baltimore's attempt, for instance, to create a feudal landholding aristocracy in Maryland failed. The attempt of the Anglicans to maintain church practices and an ordained clergy met with impossible obstacles. Laws of landholding, primogeniture and entail, by and large went by the boards. As England began to implement its mercantilist policy by trade laws, it found them

almost inoperative in the colonies. In all these areas, and in many others, the colonists, operating always from a traditional Old World base, largely English, adapted the practice to the new environment and slowly, unconsciously, began to create a new set of institutions and practices. It was difficult, for instance, to maintain a strict social stratification when it was quite easy for some to rise rather rapidly--and others fall just as rapidly--in the social scale. As a result, although each colony had its aristocracy, there was a wide gulf between the basic outlooks of the aristocracy of America and that of Europe.³

The colonists very early began to manipulate the organs of political control to their advantage. The colonial assembly became the focal point of power for those who were to protest the restraints imposed by the mother country.⁴ The areas of conflict were many.

³In 1788, young Thomas Shippen of Philadelphia was introduced at Versailles by Thomas Jefferson. Shippen was of a leading colonial family and quite aware of his social position and yet found himself quite disturbed at what he saw at the court of the French King. After some three hours of bowing, he was ushered into the presence of the King who mumbled a few words of greeting. Shippen, in commenting on his experience, concluded that "a certain degree of equality is essential to human bliss" (Cited in Ibid., 3.).

⁴There is probably no theme in colonial history that is repeated as often as the complaint of the royal representatives to the effect that the Assembly continually encroached on the royal prerogative. Lewis Morris, governor of New Jersey, complained to the Lords of Trade that it was "a maxime in ye Politicks of most of the northern collonies [sic], that such men are only fit to be chosen representatives as will most Strenuously oppose their governours; and little or no effectual notice having been taken of the conduct of American Assemblies in England . . . they have been so successful as to

The allocation of taxes, the disbursement of funds, the governor's salary, the trade restrictions, the Crown veto over legislation, and many other problems complicated the relationships between the governor and the assembly. There was, at the very outset, a bone of contention between the rising colonial aristocracy and the Crown officials in the colonies. The eighteenth century aristocratic theory and practice maintained that social and political leadership was combined in the same set of people, i. e., the aristocracy. The colonial aristocrat who became the social leader could rise to prominence in the Assembly, perhaps even sit in the Council, but the last important step was withheld from him. Ultimate control rested in London, and there was in the colonies a host of royal officials, from the governor through the military and customs officials, who held what were legally the most important political positions. This was only one of an increasingly large number of areas of conflict that developed between the colonial politicians and the control from abroad.

Seldom does an historian write about any phase of early American history without commenting on the impact of the frontier. Certainly the frontier influence was great. The abundance of land, the development of new economic units such as the plantation system,

cramp all the officers of the government . . ." (Lewis Morris to the Lords of Trade, October 4, 1739, New Jersey Historical Society, The Papers of Lewis Morris, Collections, IV, 61-2.).

the mere fact of great distances which, for instance, made it impossible for the early settlers to meet in quarter-sessions courts, hence the sending of delegates, the relative ease with which one could make a living and, with effort, a good living, the modification of traditional practices when faced by the highly disorganized frontier situation; all of these are factors which the presence of the frontier made possible. It should be noted, however, that the practices associated with the frontier were modifications of already rather well established institutions. The frontier led to the reshaping of Old World institutions, but whether the modification is more significant or the basic design, the variations or the theme, the gold or the ore, this will be debated and never answered.

Historians have spent a great deal of time and effort examining the efficacy and humanity of the Old Colonial System, as Britain's mercantile system prior to 1763 was known. The debate revolves around the question of whether the situation of the colonies within the system was to their advantage or not. Were the restrictions imposed by the acts of trade counterbalanced by the protection of the British navy and the assurance of a market for the right kind of goods? From the answers to these and related questions, historians proceed to justify or condemn the actions of the colonists in the period between 1763 and 1776. The argument misses an important point. Discrimination is discrimination whether for or against. The colonists were guaranteed, or so they thought, rights and

privileges of Englishmen. They found, however, that their colonial situation was being used as a justification for discrimination. In other words, they were second class citizens, living on the outskirts of the empire, whose raison d'etre was to provide for the welfare of the mother country. Whether or not this benefited them was beside the point. They had been denied, in their opinion, equal and just treatment.

The colonial environment offered an excellent opportunity for political experimentation. Each colony provided a proving ground for a particular form of political practice. There were equally numerous political philosophies from which to choose. The Puritan philosophy of the rule of the elect contained with it some important concepts. The great emphasis on the contract, the stress on education, and, strange as it may seem, the embryonic democracy that prevailed among the elect, these were some of the more liberal facets of an otherwise authoritarian system. There were those in the colonies, of course, who still retained the traditional view of absolute monarchy. There were those who looked to the rule of an aristocracy, either of birth or of merit. The ideas of the ancient philosophers were studied in the colleges and the colonists were acquainted with the ancient classification of monarchy, aristocracy, and democracy, as taught by Aristotle, Plato, Cicero, and others. Very important was their own English heritage of the slow evolution of personal liberties and representative institutions. The

Enlightenment, with its emphasis on equality and freedom struck a responsive chord in the colonists.

This was the heritage of eighteenth century colonial America. It was made up of an age of change, a new people in a strange land, the necessity of adaptation, and the myriad political ideas that were a part of the thinking of western man.

But although the heritage was much the same for all Americans, their political philosophies, particularly those concerning the nature of the Empire and the relationship of the colonies to it, varied widely. It may be said, indeed, that there existed, within the ranks of the colonial Whigs, three philosophies of the Empire, each inherently different from the others. The most articulate exponents of these three, in the decade or two before the American war for independence, were William Smith of New York, Benjamin Franklin, and John Adams.

Chapter 11 -- ". . . We are Allied to the Angels"

As a young lad of sixteen, Benjamin Franklin embarked on one of his many personal crusades in an effort to improve himself. This particular effort committed him to abstaining from eating the flesh of animals. A year later during his journey from Boston to Philadelphia the ship on which he was a passenger was becalmed and the travelers on board amused themselves by fishing for cod. Franklin had been a great lover of fish and as the smell of the freshly caught cod arose from the frying pan and wafted out on the sea air he was torn between "principle and inclination." He remembered that in cleaning the fish it was noticed that the stomachs of the cod were filled with smaller fish. Franklin reasoned that since the cod ate other fish he was justified in eating the cod, "so I din'd upon cod very heartily." Reflecting on the incident in later years he paid a facetious tribute to his mental gymnastics. "So convenient a thing it is to be a reasonable creature, since it enables one to find or make a reason for everything one has a mind to do."¹

This was Franklin speaking in his old age. During his younger years he had been among the foremost of those American colonists who were actively engaged in formulating a distinctive manner of life and thought that became associated with the title, "American." The

¹Franklin, Autobiography (Farrand ed.), 44.

young Franklin would not have been so disrespectful of the gift of reason, for it was one of the keys to future progress of man.

Franklin and many other colonists were well aware of the new currents of thought that had originated in Europe and were reshaping the study of man and his institutions. Indeed, he was deeply immersed in the Atlantic community of remarkable men who carried on studies in every area of human endeavor. In his thinking he both reflected and, in turn, influenced the thoughts of his contemporaries, both in the Old World and the New, especially those of Britain. That one source of this thought from the mother country came from the Old Whigs will be revealed by a study of such of Franklin's concepts as the state of nature, the individual and society, the state, and government, the right of revolution, and the emerging colonial ideas on the nature of the British empire.

Franklin's cod episode indicated one aspect of the age in which he lived. The eighteenth-century, if nothing else, tried very hard to be reasonable, and, if it was limited by certain guiding principles, it was not above using reason to justify what it "had a mind to do." This is not to say that the thinkers of the eighteenth-century were arbitrary, dishonest men who sought to pull themselves up by their philosophical bootstraps. On the contrary, these men merely felt that what was had to be rationalized so as to appeal to the minds of men; for only then could the individual give his intellectual assent. The fact that a condition existed was no longer sufficient reason for

accepting it. The sole source of authority was truth and that truth was found less and less in the word of God as revealed either through the scriptures or through the church. Truth was, however, to be found in the new word of God speaking through Nature; and it was susceptible of being discovered by men through the use of reason. Great strides had already been made in the physical sciences; could not similar achievements be registered in the realm of man's dealing with his fellowmen? Before approaching a study of human relationships and institutions, it was necessary to define man himself, to isolate him and orient him as to his basic position in the eternal scheme of things.

The ready acceptance of the colonists of the metaphysical creation labeled the "state of Nature" is remarkable. There was surprising unanimity in the acceptance of such a state as the basis for a study of man and his institutions. From this basic assumption various theoreticians went off in a number of different directions, but the common starting point was one of the few areas where most thinkers could meet on common ground. The idea of the State of Nature was so much a part of the colonial intellectual atmosphere that few bothered to amplify in detail their discussion of such a condition. It is usually passed off in a sentence or two, as if to serve notice that what is being talked about is fairly common knowledge, and then hurried over as the would-be philosopher draws his first

conclusion based on such a pristine state. The Reverend Elisha Williams, for instance, in his Essential Rights and Liberties of Protestants, refers extensively to the state of nature. In such a state, he argues, men had a "Right to read Milton or Locke for their Instruction or Amusement. . . ." ² That the good Reverend followed his own injunction is quite obvious from his essay which is largely a paraphrasing of Locke. A writer commenting in the Independent Reflector used the state of Nature as the basis for his discussion of the origin of society and government. ³ The Indepdent Advertiser discussed the state of Nature as a background to a discussion of individual rights. ⁴ "Men in a State of Nature are absolutely free and independent of one another as to sovereign Jurisdiction," said Richard Bland in his famous essay, An Inquiry into the Rights of the British Colonies. ⁵

More was involved in this emphasis on a state of Nature than

²Elisha Williams, The Essential Rights and Liberties of Protestants. A Seasonable Plea for the Liberty of Conscience and the Right of Private Judgement in Matters of Religion Without any Controul from Human Authority (Boston: S. Kneeland and T. Green, 1744), 7.

³Independent Reflector, August 2, 1753.

⁴Independent Advertiser, April 10, 1749.

⁵Richard Bland, An Inquiry into the Rights of the British Colonies, Intended as an Answer to the Regulations Lately Made Concerning the Colonies, and the Taxes Imposed upon them Considered, in a Letter Addressed to the Author of that Pamphlet (Williamsburg: Alexander Purdie, 1766), 10.

merely an intellectual exercise or a point of departure for philosophical discussions. To the colonists whose "errand into the wilderness" had taken them to the shadowy periphery of centralized political control from England, the state of nature was not entirely a fiction. They thought they saw in their own history examples of a community of individuals agreeing to unite together for the better regulation of their affairs. The Pilgrim settlement, for instance, the Connecticut towns, the various frontier settlements, all these were felt to be illustrations of the procedure of bringing men from a pre-institutional state into a more ordered existence. In time, the colonists developed the theory that the colonies themselves had created their own existence out of a state of nature. Thus John Adams, Richard Bland, Thomas Jefferson, and others, would argue that physical separation implied a severing of political control. Hence, any tie between the colonies and the mother country was contractual, voluntary, and valid only so long as both parties concurred in the agreement and performed their roles.

A whole string of concepts was triggered by the acceptance of the state of Nature as the original condition of man. It is sufficient at this stage merely to list such ideas as the concept of natural rights springing from a state of Nature, the significant role played by the individual and the community in the formation of the state and government, the social and political contract, mutual obligations and rights, and the idea of the co-equality of social and political

units in spite of the separation of time and distance. Whether or not the colonial theorist ever took the state of Nature as an historical fact, he accepted it as the only valid basis for the formation of human relationships.

Most colonial thinkers were willing to concede that the state of Nature, even under the best of conditions, was not a satisfactory condition for man's greatest happiness. The shortcomings of the natural state can be termed both negative and positive; negative in the sense that there were certain innate desires and abilities in man that could not be realized in a solitary, non-social life, and positive in that there were quite definite evils that could not be handled without some sort of union. An essay in the Independent Reflector argued that as "a Remedy for the Inconveniences that sprang from a State of Nature" men were willing to relinquish a measure of the freedom that was theirs in their natural state. One of these inconveniences was the "want of a Judge, armed with proper Authority, to decide Controversies. . . ." ⁶ Williams extended these same thoughts to include not only a common judge, but also an established law and a common enforcing agency. These things were lacking in a state of Nature, said Williams, and "to remedy these Inconveniences, Reason teaches Men to join in Society. . . ." ⁷

⁶ Independent Reflector, August 2, 1753.

⁷ Williams, Essential Rights, 4.

The implication in this argument was that there were those who would not be willing to abide by the dictates of reason and live in a pre-societal state without infringing on the rights of others. The shortcomings of men, then, led the weak to seek protection from the strong who would prey upon them:

Perhaps the Distinction of Princes and Subjects had never been known, if the Weakness of Men's Minds, and the Corruption of their Manners would admit of their living without Restraint. Human Laws would never have been necessary, had the divine Precepts of Reason and Morality been duly observed, nor should we ever have enjoyed the blessings of civil Government, had it not first been found necessary--to restrain the unreasonable appetites of Men.⁸

It was not the evils of men alone that forced them to quit the state of Nature, however. The individual could not realize his full potential in a life lived apart from others. He instinctively longed for the association of others. Benjamin Coleman stated this thought in the following words: "No man is made only for himself and his own private affairs, but to serve, profit and benefit others. We are manifestly formed for Society, and design'd by our Great Creator for a mutual dependance on and serviceableness unto each other. . . ."⁹

⁸Independent Advertiser, July 28, 1748.

"Had Man been wise from his Creation, he would always have been free. We might have enjoyed the Gifts of liberal Nature, unmolested, unrestrained. It is the depravity of Mankind, that has necessarily introduced Government. . . ." (Independent Reflector, July 12, 1753.)

⁹Benjamin Coleman, The Religious Regards we owe to our Country, and the Blessing of Heaven Assured Thereunto (Boston: B. Green, 1718). 15.

In an election sermon preached in 1747, Charles Chauncy maintained that civil institutions grew out of the "make of man, and his circumstances in the world," implying that it was man's rebellious nature that made such institutions necessary. Nevertheless, he continued, were these factors not present, had man remained in all innocence in his natural state, his social nature and his dependent situation would probably have led him to a union with others.¹⁰

Opinions differed, among the colonial thinkers, as to the basic nature of man. By and large the general opinion seemed to be that man fell somewhere between the two extremes, being neither totally depraved and void of goodness, nor completely without blemish. There were certain characteristics of man that seemed fairly well agreed upon. As has been mentioned, there was thought to be an instinctive social drive within most individuals that prompted them to unite together, not only for their own protection, but also in order to extend the area of positive, creative fulfillment. This innate sociability was important. It formed the basis within man upon which he built his institutions. This natural instinct led the group to cooperate and work toward the common goal of the advancement of society, within which the individuals making up society would also progress. Man was not alien to group living, to societies, governments, and the manifold agencies that demanded a portion

¹⁰Charles Chauncy, Civil Magistrates must be Just, Ruling in the Fear of God (Boston: n. p. , 1747), 8.

of his time and energies. He was naturally shaped to adapt to such institutions and they, in turn, were shaped by his desires. Man was, by nature, a reasonable creature. The implications of this belief, held by a remarkably large number of colonists, were far reaching. "Man is exalted above the bruth Creation," said an essayist in the South Carolina Gazette in words reminiscent of Locke, "in nothing so much, as this distinguishing Faculty of the Soul, called Reason. That it is this Ray of the Divinity, which has raised him to that Empire and Sway, he bears over all his Fellow-Creatures, in the lower World."¹¹ The Independent Reflector expressed the same thought in these words: "the Study of human Nature will teach us, that Man [is] a rational Creature. . . ."¹² Jonathan Mayhew made the rationality of man one of the foundations of his decidedly humanistic approach to religion. His approach to the entire question of truth and man's reason is a glimpse at the colonial mind at work.

Truth, in Mayhew's opinion, existed independently of man's awareness of it.¹³ That truth which existed in the mind was merely

¹¹South Carolina Gazette, April 22-29, 1732. The paragraph from which this quotation is taken is strikingly similar to the opening paragraph of Locke's Essay on Human Understanding.

¹²Independent Reflector, August 23, 1753.

¹³Jonathan Mayhew, Seven Sermons . . . Preached at a Lecture in the West Meeting-House in Boston, 1748 (Boston: Rogers and Fowle, 1749, 7). This is the famous collection of sermons that first brought Mayhew to the attention of the British Old Whig community.

a distorted reflection of the absolute truth that existed apart from human confines. From this Mayhew concluded,

There is, and must be a natural distinction betwixt truth and error, in general; a distinction which does not depend upon precarious humours and opinions of men: Whatever judgment we may form in any particular case, it no way affects the truth of it. Truth still remains the same simple, uniform, consistent thing, amidst all the various and contrary opinions of mankind concerning it.¹⁴

Others, reasoning along similar lines, have concluded that since truth is absolute and man liable to err, then it is the duty of the enlightened to coerce the unenlightened. Mayhew took a decidedly different approach. Since mankind is left pretty much in the dark as to ultimate truth, and since honest men will obviously differ at times, both being perhaps wrong in their conclusions, and since "truth and right have a real existence in nature, independent on the sentiments and practices of men, they do not necessarily follow the multitude, or major part" and hence mere numbers should never be taken as an indication of infallibility.¹⁵ The individual must be left to follow the truth as he perceives it. Not all men have equal abilities nor does the same individual have the same ability of perceiving truth at various stages in his development. The result is not an ineffectual relativism, in Mayhew's opinion, but an humble awareness of man's limited vision. Man receives enough light and knowledge so that he can effectively perform his assigned

¹⁴Ibid., 8-9.

¹⁵Ibid., 17.

role in society, and by the use of his reason gain the satisfaction of participating, however remotely, in ultimate truth:

Let us retain a suitable sense of the dignity of our nature in this respect. It is by our reason that we are exalted above the beasts of the field. It is by this we are allied to angels, and all the glorious intelligences of the heavenly world: Yea, by this we resemble God himself. It is principally on account of our reason, that we are said to have been created in the image of God.¹⁶

Individual happiness was possible only through the free operation of man's reason. Moreover, "if the individuals of which the society consists, be happy, the community must necessarily be happy also."¹⁷ Mayhew saw no conflict between individual happiness and the common good of society. He was convinced that the right use of reason, coupled with the innate virtue within men, would lead them to seek what was best for all. "Virtue," in Mayhew's definition, "is what we are under obligation to practice, without the consideration of the being of God, or of a future state, barely from its apparent tendency to make mankind happy at present."¹⁸

¹⁶Ibid., 39.

¹⁷Ibid., 11.

¹⁸Ibid., Mayhew here closely parallels the thinking of Shaftesbury and his admirer, Francis Hutcheson. Compare Mayhew's statement with the following words of Hutcheson. "From the Whole it may appear, that there is in human Nature a disinterested ultimate Desire of the Happiness of others; and that our Moral Sense determines us only to approve Actions as virtuous, which are apprehended to proceed partly at least from such Desire" (An Inquiry . . . Beauty and Virtue, 152; see also Moral Philosophy, II, 377.).

The gift of reason not only gave man the opportunity for happiness through his use of it, but placed him under certain obligations also. Such a gift, which made man lord of this earth and separated him from the rest of God's creations, and which allowed him a glimpse of the divine truth which existed above all human creations, was not cheaply given. Man, as a reasonable creature, was expected to use his gifts in bettering himself and society. An article in the South Carolina Gazette maintained that "to search after Truth, and to embrace it where ever it is found, is the indispensable Duty of every rational Agent. . . ." ¹⁹ A writer in the New York Weekly Journal expressed a similar thought. "There is no true Happiness then, but in a virtuous and self-approving Conduct. Unless our Actions will bear the Test of our sober judgments and Reflections upon them, they are not the Actions, and consequently not the Happiness, of a rational Being." ²⁰ The Reverend Elisha Williams stated that the ultimate liberty of the individual was based on his being a rational creature. By the use of reason man was able to understand the law by which he was to govern himself and thereby give his free assent to it. Williams concluded "that we are born Free as we are born Rational." ²¹

¹⁹South Carolina Gazette, Supplement, September 14, 1738.

²⁰New York Weekly Journal, December 8, 1735.

²¹Williams, Essential Rights, 2.

Another of the characteristics of man's nature, according to many colonial writers, was his intense love of liberty. In a state of Nature man had complete freedom. The fact that there were certain elements missing from this natural state and hence individuals formed themselves into communities, did not end man's concern about his freedom. Indeed, one of the more common themes running through colonial writings is the concern they felt for the balance between individual liberty and the authority necessary to hold the society together and make government operative. "All men are born free: Liberty is a Gift which they receive from God himself, nor can men alienate the same by Consent," so stated the American Weekly Mercury.²² The Independent Advertiser of April 10, 1749, contained an excellent essay on liberty and its preservation within society. The article began by defining liberty as it existed in man's pre-societal condition. "In a State of Nature, every Man has a Right, to think and act according to the Dictates of his own Mind. . . . The Perfection of Liberty, therefore, in a State of Nature, is for every Man, to be free from any external Force. . . ." ²³ The Connecticut Gazette stated the concept of freedom in the following words:

Freedom, is a Donation bestow'd upon Mankind by the Author of his Being, and is essential to his Nature; and as the

²² American Weekly Mercury, March 30-April 6, 1732.

²³ Independent Advertiser, April 10, 1749.

Almighty has bestow'd it, no less Power has a Right to take it away, or incroach upon it. The Deity himself . . . having endow'd Man . . . with Reason . . . leaves his Will open to the Influence of that Reason, and free to be determined by it. But as every Man has this same Freedom, it follows that no Man has a Right to stretch his own Freedom to an encroachment upon that of any other Man.²⁴

These, then, were some of the qualities of man in a state of Nature as viewed by a number of colonial writers. They agreed that he was neither entirely good nor entirely bad, but somewhere in between. He was naturally suited for life within a society with his fellow beings. He was a rational creature who could be appealed to by the use of reason and could generally be expected to follow an enlightened policy once it was shown to him. Finally, he was a being blessed with freedom in his original condition. He could be relied on, unless warped by long years under the most despotic of regimes, to maintain a fierce love of that liberty that was his by birth. If these were the qualities of man, what, then, was the condition of all men in the state of Nature? The answer was, on the surface, quite simple: all men were created and lived in a condition of complete equality.

It is necessary to examine closely the colonial concept of equality. The emphasis on equality was, and indeed still is, a source of contention among those who advocated it. In the colonial situation there were numerous problems arising from the contem-

²⁴Connecticut Gazette, April 10, 1756.

porary scene. How far did equality extend? Did it include, for instance, Negro slaves, Indians, or, for that matter, Germans and Frenchmen? Did equality apply to the area of civil affairs, the social relationships of men, or just where exactly? How do you reconcile, for instance, property qualifications for voting and office-holding? Was there not a danger that the stress on equality, which obviously was hedged about with all sorts of qualifications when referred to by the average colonist, might be a sword of Damocles hanging over the head of the privileged groups? Might not the disfranchised, the propertyless, the unrepresented frontiersman, the "rabble," realize the revolutionary potential in the stress on equality? All these questions, and many others, grew out of the popularly accepted concept of the equality of men.

The basic theme of equality was sounded from many sources in the colonies. "Nature has made [us] all equal," wrote one colonial editor.²⁵ Another wrote, "mankind is naturally Free, and . . . upon a perfect Equality. . . ."²⁶ Williams believed that "reason teaches us that all Men are naturally equal. . . ."²⁷ To understand what these men meant by equality, however, one must realize that they were deriving their concept from the condition of man in the

²⁵Independent Advertiser, August 22, 1748.

²⁶Independent Reflector, August 2, 1753.

²⁷Williams, Essential Rights, 2.

state of Nature. In such a state, no man had jurisdiction over another; indeed, this was one of the shortcomings that had led men to quit their natural state. The equality stemmed from the absence of any natural sovereignty in a state of Nature. There was no "natural right" that gave one man dominion over another. Any assuming of such authority was usurpation. Richard Bland expressed this thought when he said, "men in a State of Nature are absolutely free and independent of one another as to sovereign Jurisdiction. . . ." ²⁸ Williams maintained the equality of men was "in Respect of Jurisdiction or Dominion one over another." ²⁹

This emphasis on equality as the absence of any natural right of dominion is important not only in and of itself, but also as to its implications in one of the developing American political theories. All inequality, with relationship to political control, was therefore an artificial creation. This did not necessarily mean that a superior-subordinate relationship in the political group was by its very nature an evil. Not so; in fact several of the colonists hastened to point out that a complete equality was untenable. ³⁰ What was meant,

²⁸Bland, An Inquiry into the Rights of the British Colonies, 10.

²⁹Williams, Essential Rights, 2.

³⁰"The first Spring therefore of Inequality is in Human Nature, and the next is in the Nature of Society. In order that many may live together in perfect Equality, it is necessary that some should be above the many. . . . Some Inequality there must be, the Danger is that it not be too great: Where there is absolute Equality, all Reverence and Awe, two Checks indispensable in Society would be

however, was that all such artificial inequalities must be justified and must promise compensation for the lost equality that was inherently man's. The burden of proof was shifted to the men and institutions that maintained themselves only by such an unequal relationship. The entire pattern, the basic freedom and equality of men, the inconveniences of the state of Nature, the social contract and the role of government, is summed up in a quotation from the Independent Reflector:

Mankind being naturally Free, and with respect to a Right of Dominion, upon a perfect Equality; it is absurd to suppose, that any Man, or Body of Men, would ever have consented to resign that Freedom, and Equality, by submitting to the Government and Controul of another, but for some Advantages they expected from such Submission.

It is therefore unreasonable to imagine they had less in View, than a Remedy for the Inconveniences that sprang from a State of Nature, in which, for want of a Judge, armed with proper authority, to decide Controversies, the Weak were a perpetual Prey to the Powerful. . . .

It was therefore to avoid these Inconveniences that they entered into Society. . . . Magistrates were appointed, and invested with the total Power of all the Constituents, subject to the Rules³¹ and Regulations agreed upon by the original Compact

All men in the state of Nature were free and equal in the enjoy-

lost; and where Inequality is too great, all Intercourse and Communication is lost" (Independent Advertiser, August 22, 1748.); "That nothing is more unequal than Equality. Were there no Government, all Mankind would be Engaged in an Unnatural State of War" (Ebenezer Pemberton, The Divine Original and Dignity of Government Asserted: and an Advantageous Prospect of the Rulers Mortality Recommended (Boston: B. Green, 1710), 15-6.).

³¹Independent Reflector, August 2, 1753.

ment of their natural rights. These "natural rights" were man's by virtue of the fact that he was a man. They were not derivative rights nor were they historical rights, although, of course, natural rights could be, and often were, confirmed by historical practice. These rights stemmed from whatever the ultimate source of truth and goodness was, whether that source be termed "God" or "Nature." These rights were confirmed by natural law, the uncoded law that was "a Law written in the Hearts" of all men.³² Benjamin Franklin's Pennsylvania Gazette stated that the rights of men were "not a gift bestowed upon us by other men, but a right that belongs to us by the laws of God and Nature."³³

A great deal of time and ink was spent by the colonists in declaring and defending their natural rights. In doing so they felt they were defining not only their own rights, but those that belonged to all men everywhere. These were the universal rights of all men that were to become the watch-word of a future generation of revolutionaries throughout the western world.³⁴ What were these natural rights? The basic ones were Locke's trinity of life, liberty, and property. Government was instituted for the preservation of

³²Samuel Cheever, Gods Sovereign Government Among the Nations (Boston: B. Green, 1712), 22.

³³Pennsylvania Gazette, April 1, 1736.

³⁴"The design of this paper is to assert the common rights of mankind by endeavoring to illustrate eternal truths that cannot be shaken even with the foundations of the world" (Ibid.).

"men's persons, properties and various rights" said Mayhew.³⁵

Jeremiah Wise reminded his listeners in an election sermon in 1729, that "the Good of particular Persons, and so of a whole Community . . . is the great End of Government; that they may be protected in their Persons, Estates, Liberties and Lives. And this is the End, that Rulers should aim at. . . ."³⁶

The natural right to the preservation of life and liberty admitted of little argument, in the colonial mind, and was touched upon frequently in his discussions of the legitimate extent to which any external authority could go. His emphasis upon the right of property as one of man's natural rights is interesting because of the peculiar form his arguments were to take, shaped as they were by his colonial status. Property was defined, in good Lockean terms, in the following manner:

And every Man having a Property in his own Person, the Labour of his Body and the Work of his Hands are properly his own, to which no one has a Right but himself; it will therefore follow that when he removes any Thing out of the State that Nature has provided and left it in, he has mixed his Labour with it and joined something to it that is his own, and thereby makes it his Property.³⁷

³⁵Jonathan Mayhew, Election Sermon, 1754 (Boston: Samuel Kneeland, 1754), 7.

³⁶Jeremiah Wise, Rulers the Ministers of God for the Good of their People (Boston: T. Fleet, 1729), 8; "The advantages of Civil Government are very obvious; our Lives, Liberties, and Fortunes, are secured and protected by the Civil Magistrates" (Connecticut Gazette, August 7, 1756.); "This I rest on as certain that no more natural Liberty or Power is given up than is necessary for the Preservation of Person and Property" (Williams, Essential Rights, 6.).

³⁷Williams, Essential Rights, 3.

The colonial thinkers placed great emphasis on property. Most of them were themselves men of some wealth. They appreciated the status, the leisure, and the social and political opportunities that were made available to them as men of property. The nature of this property had changed vastly from the relatively simple agrarian source of wealth as implied by Locke. The rising trading and merchant class grew rich through endeavors that were only indirectly related to the soil. Moreover, it was a portable wealth, a wealth in coin, that could be stored without deteriorating. In the light of all this, how did the colonist regard property; specifically, how did he reconcile his right to property with the fact that he was in a colonial relationship and subject to trade restrictions which, if followed, made him the victim of an unfavorable balance of trade? A detailed discussion of these points will be made later. It is sufficient to note at this time that the colonists found cause for frequent complaints that their natural rights were being infringed upon by the imposition of laws that deprived them of their property. Not only were such laws in violation of civil rights. "These Acts, which imposed severer Restrictions upon the Trade of the Colonies than were imposed upon the Trade of England . . . constituted an unnatural Difference between Men under the same allegiance, born equally free, and entitled to the same civil Rights."³⁸

³⁸Bland, An Inquiry into the Rights of the British Colonies, 23.

In addition to life, liberty, and property, there were other natural rights more or less agreed upon by the colonists. Prominent among these rights was the right of conscience, of private judgment. This followed quite naturally from the emphasis placed upon man as a creature endowed by his Creator with reason. "For by admitting the Rationality of Man, you necessarily suppose him to be a free Agent. . . . The Liberty of the human Will, and a Power of acting in Conformity thereto, are not only his indisputable Right, but also constitute his very Essence as a rational Creature; and cannot therefore, by any Means whatever, be alienated from him in a social state."³⁹ Once again, the factors contributing to this far-sighted colonial view grew out of a combination of an English heritage coupled with a unique colonial environment. The existence in the colonies of large groups of political and religious dissenters made it practically impossible to impose any sort of uniform code of belief or practice. Into this relatively free and open society came the ideas of the eighteenth century with a great deal of emphasis placed on toleration and freedom of opinion. The result was a philosophy and a practice that, with a few glaring exceptions, allowed a breadth of diversity rather remarkable for the age.

The American Magazine and Historical Chronicle, a

³⁹Independent Reflector, August 23, 1753. The first issue of the Independent Reflector stated "I have the Magnanimity . . . to assert the native inherent Rights of Mankind" (November 30, 1752.).

periodical published in Boston by Rogers and Fowle, ran a series of essays in the fall and spring of 1744-45 concerning the right of conscience. The arguments were advanced to substantiate an argument that was centered around religious controversy. The thoughts expressed were applicable to the political situation also. In the issue of October, 1744, in an essay entitled "The Right of Private Judgement," the colonial author made an eloquent defense of his topic:

I plead for the Right of Private Judgement . . . it is one of those sacred and original Rights of human Nature. . . . Man is, by his original Constitution, a moral and accountable being. And from hence it follows, that the Rights of Conscience are sacred and equal in all; that as every one is accountable for himself, he should be allow'd to reason, judge, and determine for himself The Right of private Judgement is indeed an unalienable Right, which so directly results from our Make, and is so inseparably connected with it, that the one cannot be abrogated or invaded. without destroying or offering Violence to the other.⁴⁰

It was readily admitted that the exercise of private judgment would lead to differences of opinion and even controversy. Since honest men will differ, however, such is to be expected. Rather than deploring such differences, it would be wise to consider an inconvenience arising from such a condition as the will of "the God of Nature, who . . . intended there should be a Multiplicity of Opinions. . . ."⁴¹ It is impossible to compel conformity to that

⁴⁰"The Right of Private Judgement," The American Magazine and Historical Chronicle (October, 1744), 578-79.

⁴¹"Of Uniformity in Religion, and the Right of Private Judgement Defended," Ibid. (March, 1745), 103.

which is not readily apparent to the mind of an individual through the use of reason and the evidence upon which he must base his opinion.

"Restraint upon Opinion is always unjust, and unnatural. . . ." ⁴²

There was one more natural right of man that only began to appear in colonial writings late in the period under discussion.

Writing in 1766, Richard Bland argued that the right to disassociate oneself from the society in which the individual found himself and then emigrate to another existing society or to a location where no prior society existed, this was also a natural right. Bland's thinking ran along the following lines. Men are entirely independent of each other as to sovereign jurisdiction while in the State of Nature. When they enter into a society and voluntarily become a member of it, then they must submit to the laws of the society. The very act of association implies consent to the rules by which the society is governed, and continued residence implies continued consent. The individual always retains his right to remove himself from the jurisdiction of the present society, however. Every person who is excluded from his natural rights and yet chooses to remain has only the alternatives of physically overthrowing the existing societal structure, or suffering in silence. If a person is excluded from his right to representation in the law-making body, for instance, but

⁴²"Of Freedom of opinion and Advice," Ibid. (April, 1745), 161; "The Deity himself . . . having endow'd Man . . . with Reason . . . leaves his Will open to the Influence of that Reason, and free to be determined by it" (Connecticut Gazette, April 10, 1756.).

refuses to leave, thereby implicitly agrees to his representation.⁴³

This right of emigration became a fairly common theme in the ten years after these words were written by Bland. By a physical removal to a place where no existing society claimed an allegiance, the individual was placing himself back into a state of Nature once again and could therefore engage in mutually satisfying contracts with other pre-existing societies. The implications with reference to the colonial relationship to the mother country were obvious.

There was a fear that haunted the colonial philosopher as he viewed man in his natural state; this was the fear of a lust for power. In all his many discussions of rights and obligations, liberty and authority, man in a state of Nature and man in society, there ran the fear of the effect that a bestowal of power would have on the individual. "Nothing intoxicates and abuses the Mind so much as Power" wrote one colonial editor.⁴⁴ It is necessary to be aware of this fear in order to understand the necessity for the intricate system of checks that surrounded any bestowal of authority and the great reluctance with which the individual was willing to part with his natural freedom to control his acts. Ministers of religion sought to remind those in authority that they were holders of a great trust. Mayhew urged the political leaders of Massachusetts to remember that "whatever powers and advantages of any kind, men severally

⁴³Bland, An Inquiry into the Rights of the British Colonies, 10-11.

⁴⁴Independent Advertiser, February 1, 1748.

enjoy, are committed to them in trust by the great Lord and Proprietor of all, to whom they are accountable for the use they make of them. . . ."⁴⁵ More secular voices cautioned the authorities that ultimate sovereignty rested with the people who might at any time call for an accounting.⁴⁶

Thus the concept of the state of Nature found a receptive audience in the maturing British colonies in North America. The ramifications of this acceptance were profound and entered into every facet of the developing colonial political theories. Whether or not the state of Nature was an historical fact was not as important as the fact that the basis of all legitimate authority must take into consideration the natural state of man and those qualities and rights that he enjoyed in such a state.

⁴⁵Mayhew, Election Sermon, 1.

⁴⁶"As every Man is Answerable for the Wrong he does, a Power to do Good, can never become a Warrant for doing Evil" (American Weekly Mercury, April 6, 1732.).

Chapter 12 -- "A Just Estimate of the Powers of Government"

The fifty years from 1713 to 1763, roughly the period covered by this study, mark the coming of age of the American colonies. It was a period of relative peace, although mounting tensions finally erupted in war in 1756. The process of colonization, with the exception of the settlement of Georgia, was completed. The colonies reached a maturity politically, economically, socially, and culturally, that was both a compliment to the colonists themselves and to the traditions and practices they cherished as Englishmen. Yet, at the same time, it was a maturity that made them restive under the restrictive, or at best, paternalistic, treatment of Britain.

Probably at no time in human history had colonization taken place in an atmosphere as conducive to the assertion of an initiative on the part of the colonists themselves. The long development of English liberties dating back to Magna Carta and beyond had given the very first settlers a legacy of traditional rights and privileges. These rights of Englishmen were confirmed in the original charters granted to the individuals and groups who pioneered the first settlements. By and large these traditional rights and privileges were honored by the mother country and this, coupled with a sort of official relationship that permitted the colonies a relatively high degree

of autonomy, gave the colonists extensive room to operate and follow their own inclinations. During the crucial formative years of the seventeenth century, England found its hands tied by internal problems and external rivalries. The attempts to tighten imperial control that were made in the early 1660's and again in 1696 were rendered almost inoperative by the lack of enforcing agencies in the colonies. In every colony the struggle between the local interests, as represented in the assemblies, and the prerogatives of the Crown officials in general and the governor in particular, resulted in consistently greater concessions being demanded and acquired by the assemblies. This struggle, that pitted the assembly against the governor, began to take on the faint outlines of the larger problem of a clearer, more equitable definition of the emerging British empire. This problem, in turn, was a manifestation of the basic political problem of central versus local control. Thus the various tempests in the colonial teapots that mark the colonial period are significant not only in and of themselves, but also because of the imperial issues involved and the precedents set which could be re-applied in a larger, more important context at a later date.

It must not be assumed from this colonial struggle involving local as opposed to central control that the colonists were dissatisfied with their lot or eager to remove themselves from their association with Britain. Such was not the case. They were proud of their heritage as Englishmen and as much as they might complain

they were quick to point out that they were privileged to live under a system of government wherein the aggrieved citizen might lay his complaint at the foot of the throne with faith that it would be duly considered. Colonial political theory unfolds almost entirely within the larger framework of the English historical experience and the legacy of traditional practices and institutions that had been a product of that experience. It must be remembered that the most influential wave of migration left England during the seventeenth century, a century of violence and change. Ideas that were relatively new and untested in England came with the colonists as part of their intellectual heritage. Part of this revolutionary legacy of the seventeenth century was rejected by eighteenth-century England but continued as part of colonial political theory.

The colonies provided excellent proving grounds for political practices and training for politicians. Although by the eighteenth century almost all the colonies had become royal provinces with similar systems of political control, there was still enough difference among colonies such as, for instance, Virginia, Pennsylvania, and Connecticut, to provide room for experimentation. Moreover, government at the local level, in the boroughs, counties, parishes, and townships, provided many a would-be political aspirant an opportunity to voice his ideas and perhaps see them put into practice.

In spite of this situation seemingly ideal for the expression of new political theories, the colonies did not produce a first rate

political thinker who wrote during the time under consideration. While at first glance this may seem surprising, a closer look will suggest several possible reasons for this lack. As has already been mentioned, the colonists were relatively satisfied with what they had. The failings they saw in the existing system, if any, could be corrected by minor adjustments leaving the basic machinery intact. Revolutionary thinkers are born, if not from dissatisfaction, at least from a conviction that the best has not yet been realized. Such elements were by and large missing from the colonies. Most of the men engaged in politics in the colonies were active politicians rather than theorists, practical men rather than philosophers. While the practice of the art of politics and the formulation of political systems of thought are not mutually exclusive occupations, neither are they complementary. Thus every colony had its David Lloyds, Andrew Hamiltons, William Livingstons, and Edward Randolphs, men who were extremely perceptive in their thinking but who never formulated a detailed political system worthy to be called a philosophy. Finally, the colonists themselves were isolated from the stimulating contact with thinkers from the centers of learning in Europe. They could, and did, read books, they could also visit one another, but the fact remains they were relatively alone in their own world and busy with the work of creating a new civilization out of the raw materials they found on hand.

Because of this lack of a dominant colonial theorist, it is impos-

sible to point to one figure as the focal point to which all others can be compared and contrasted. The vague thing we call an "American" political theory must be pieced together from a multitude of sources and an order imposed upon the pieces once extracted. This political theory, as it takes shape, reveals that if the colonists were not creative, at least they borrowed from the more progressive ideologies then in existence.

The foundations of government, its functions and its limitations, could only be understood, according to one of the popular colonial theories, by reference to the state of Nature. In this state, it will be remembered, the individual was supposed to have had a complete freedom of action, restricted only by certain natural laws. He lived in a state of complete equality with respect to dominion over any other. He had certain rights which were his by virtue of his birth and which were confirmed by natural law. Man in a state of Nature manifested certain qualities. He was jealous of his liberties, he desired the companionship of others, he was a reasonable creature; on the other hand, he showed a tendency to be corrupted by the desire for power over the lives and property of others. The state of Nature, even for those who depicted it in the most idyllic terms, had its handicaps. It lacked a law, a judge, and an enforcing agency. The weak might at any time fall prey to the strong who refused to abide by the unwritten natural laws. "Civil government," then, in the words of Charles Chauncy, "is not a contrivance of arbitrary and

tyrannical men, but a regular state of things, naturally resulting from the make of man, and his circumstances in the world."¹ A similar but more somber note was sounded in the columns of the New York Journal. "Civil Government was first introduced to guard the Safety of Mankind, and to take off almost the infinite Miseries of a State of Nature. . . ."²

From the very outset, then, the colonists reasoned, government was a creation of men. There was no mysterious source that gave a mystical quality to government. There was no historical or divine sanction declaring this or that form of government to be a final accomplished fact. True, most of the colonial theorists were willing to concede that God was the ultimate source of all authority upon the earth. But he acted through human mediaries to exercise this authority and they had both the privilege and responsibility of human control. Edward Holyoke expressed the opinion that "all Forms of Government originate from the People; that is, God in his Providence hath influenced them; some to fix upon one Form of Government, and some upon another."³ A more detailed analysis was offered by Mayhew:

¹ Chauncy, Civil Magistrates must be Just, 8.

² New York Weekly-Journal, November 26, 1733.

³ Edward Holyoke, Integrity and Religion to be Principally Regarded by such as Design others to Stations of Publick Trust (Boston: J. Draper, 1736), 12-13.

All the different constitutions of government now in the world, are immediately the creatures of man's making, not of God's. -- And as they are the creatures of man's making; so from man, from common consent, it is that lawful rulers immediately receive their power. This is the channel in which it flows from God, the original source of it. -- Agreeably to what is here said, concerning the medium or channel thro' which power is derived from God, government is spoken of in scripture, as being both the ordinance of God, and the ordinance of man: of God, in reference to His original plan, and universal Providence; and of man, as it is more immediately the result of human prudence, wisdom and concert.⁴

Various terms were used to describe the means by which the isolated individual in a state of Nature came into political union; contract, compact, words to the effect that the association was a voluntary agreement.⁵ The contract theory became extremely important in the developing colonial political theory. The colonists thought they saw in the past examples of the use of the contract. The agreement of the Pilgrims on board the Mayflower by which they agreed to be bound by future laws they would draw up seemed one such example. The various charters were a form of contract. The Crown promised certain rights and protection, the recipients promised, in return, to perform certain obligations. The steady movement westward extending the frontier into unsettled areas, gave rise to numerous cases of groups of individuals voluntarily uniting

⁴Mayhew, Election Sermon, 1754, 6.

⁵"What is Government, but a Trust committed, by All or Most, to One or a Few . . ." Independent Advertiser, Feb. 29, 1748.); " . . . Every Member of Society, must be supposed voluntarily to have entered into it for the Advancement of his Happiness . . ." (Independent Reflector, August 23, 1753.).

together and drawing up rules of group conduct. When relations with the mother country became an object of serious consideration, John Adams, one of the more astute of the colonial political thinkers, evolved the theory that the death of the reigning king ended all prior agreements and that it was necessary to renew the compact at the commencement of each new reign. This could be done by explicit declaration or by implicitly agreeing to abide by the existing laws.⁶

The contract, then, was not entirely an intellectual device used to escape from a rather thorny philosophical problem, as far as the colonists were concerned. They thought they saw examples of it as an historical fact. In any case, they were convinced that the contract was the only valid means by which the individual became associated with a society or a government. But was it necessary to make a distinction between society and government? The colonists thought it was and did so, although they never were quite clear as to what they were describing at any given time. The distinction, though shadowy, is worth studying.

Elisha Williams, after carefully noting the shortcomings of the state of Nature, said "now to remedy these Inconveniences, Reason

⁶ [John Adams], Novanglus, and Massachusettensis; or Political Essays, Published in the Years 1774 and 1775, on the Principle Points of Controversy, between Great Britain and her Colonies (Boston: Hews and Goss, 1819), 89-91. This concept of the reaffirmation of the contract at the coronation had been suggested by William Smith. See Mr. Smith's Opinion Humbly Offered to the General Assembly of the Colony of New-York, One [sic] the Seventh of JUNE, 1734 (New York: William Bradford, 1734), 20.

teaches Men to join in society, to unite together into a Commonwealth under some Form or other, to make a Body of Laws agreeable to the Law of Nature, and institute one common Power to see them observed."⁷ To Williams, the first contract was between individuals joining together in society. Within this society the basic framework by which the members were to be guided was decided upon even before the enforcing power, government, was created. Certain guiding principles evolving out of the act of union ante-dated even government itself. The Connecticut Gazette touched on one of these principles. "Every Society or Community hath a Right to determine by what Ways and Methods Government shall be supported. . . ."⁸

Although society pre-dated the formation of government, that fact did not render government non-essential. Indeed, the formation of a government was the second stage completing the effective union of individuals seeking to remove themselves from the "inconveniences" of the state of Nature. Thus the Independent Reflector wrote, "it is true, that Society is the most eligible State in which Man can exist; nor can it also be denied, that Government is absolutely necessary for the Happiness of Society. . . ."⁹ Later the same source was to say, "Government is a Society, tho' of the high-

⁷Williams, Essential Rights, 4.

⁸Connecticut Gazette, August 7, 1756.

⁹Independent Reflector, July 12, 1753.

est Rank. . . ."¹⁰ The delicate relationship between society and government must be maintained:

It is of the greatest Moment to every Society, that a just Estimate be formed of the Powers of Government. . . . Never was there a People to whom it more immediately concerned to search into the Nature and Extent of their Rights and Privileges than it does the People of America at this Day.¹¹

The entire process of political union, as pictured thus far, is of extreme importance. The contract implied mutual obligations and mutual guarantees. It implied two or more intelligent agents doing the contracting and a free will at work. It indicated the possibility of a written agreement of some kind. It implied a course of action should the contract be broken. The emphasis on the creation of a society as an intermediate step between the individual and government meant that there was an agent apart from the political power which possessed somehow or other, a public will. There was, apart from the government, a force that had a collective mind and posited certain goals and certain rules of conduct. The colonists were never clear just how extensive the powers of this "society" were. They all too often confused the description of the two. But, again, the implication could not be overlooked that the created could not be greater than the creator, that what was done could be undone. Should

¹⁰Ibid., August 23, 1753.

¹¹Thomas Bradbury, The Ass: or, The Serpent. A Comparison between the Tribes of Issachar and Dan, in their Regard for Civil Liberty. November 12, 1712 (Boston: Edes and Gill, 1768), preface.

government cease, for whatever reason, anarchy would not be the result, but individuals would still be joined by the mystical bands of society and would merely set about recreating government anew.

Government, itself, held the weakest claim to man's allegiance. Granted, there was a supposed contract between the ruler and the ruled. Government, however, was a device, not an organism with a life of its own. Society was a union of many men, formed by a contract between each member and all the other members. Even above the contractual relationship of society there were certain rights the individual retained from his original state. Thus the erection of government was surrounded by an awesome array of qualifications. Its duties were outlined, its methods limited, and its performance carefully judged by the individual, born as an individual and as a member of society and, finally, as a citizen. The origins and limitations of government were well summed up in the Independent Advertiser:

Civil Government is of all human Things the most inestimable Blessing that Mankind enjoy--It was originally instituted by God the common Father of all, and that not for the private Interest or personal Greatness of any individual Man, but for the Happiness and Security of all. All Men are by Nature on a Level; born with an equal Share of Freedom, and endow'd with Capacities nearly alike. . . . [however] it soon became necessary to enter into political Society, to protect themselves from the Injuries of one another. . . .

It cannot be rationally suppos'd that any Man would voluntarily divest himself of any of the Rights of Nature, that he would freely give up any Share of his Liberty and Property . . . to another who is by Nature his Equal, unless it be from a

Prospect of greater Good. . . .¹²

Once established, government had some distinct obligations to fulfill. There was almost unanimous agreement among those who concerned themselves with an analysis of the nature of political control, that one of the primary functions of government was to provide for the happiness of society. The Reverend John Hancock reminded his listeners of "the Ends to which they [the Magistrates] ought to exercise their Authority; to the good, the benefit, the advantage of those who are under their Authority. This is the great End of all Rule and Government. . . ." ¹³ In an earlier sermon, the Reverend Mr. Pemberton said, "it was never designed either in opposition to, or separation from the happiness of the Publick." ¹⁴ Finally, in the words of Mayhew, "the great end of government . . . after the glory of God . . . can be no other than the good of man, the common benefit of society." ¹⁵

¹²Independent Advertiser, January 11, 1748.

¹³John Hancock, Rulers Should be Benefactors (Boston: B. Green, 1722), 3.

¹⁴Pemberton, The Divine Original and Dignity of Government Asserted, 25-6.

¹⁵Mayhew, Election Sermon, 1754, 6. This theme is frequently repeated. The following selections are only a sampling. ". . . The end of magistracy is the good of civil society . . ." (Mayhew, A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers (Boston: Fowle and Gookin, 1750), 10.); ". . . Government is absolutely necessary for the Happiness of Society" (Independent Reflector, July 12, 1753.); "Hence then the Fountain and Original of all civil Power is from the People . . . The Great End

The colonists left unanswered the important question concerning the manner in which government was to play its role in obtaining and securing this ultimate happiness. The implication of several of the remarks seems to indicate that possibly government could play a positive role in helping man to achieve the good life. It could enlarge the scope within which his creative efforts could be exercised; it might aid him in the development of his abilities; it might possibly shield him from some of the more disastrous insecurities that arise from a community existence and hence free him from certain worry and hesitancy. It was perhaps in this sense that one colonial editor wrote that "good Government is the greatest Blessing Mankind is capable of. . . ." ¹⁶ Although this positive role of government may be read into the statements of many a colonial writer, in no case was the thought fully developed. The reasons why are not hard to find. The colonists, and indeed the entire western world, frequently regarded government in the negative sense as a restrictive force imposing its will on man's freedom in order to secure public harmony and group strength. To the colonists, then, the happiness sought for under government was a happi-

of civil Government, is the Preservation of their Persons, their Liberties and Estates, or their Property" (Williams, Essential Rights, 4.); ". . . Government was found subservient to the most valuable Ends, and absolutely necessary to the Welfare and Happiness of Mankind" (Independent Advertiser, July 28, 1748.).

¹⁶ American Weekly Mercury, June 15, 1738.

ness achieved in the negative sense of an absence of governmental restraint in all areas where the freedom of the individual should be left to follow its own course. It was in this sense that Williams, in speaking of government, said, "no more natural Liberty or Power is given up than is necessary for the Preservation of Person and Property. . . . The Members of a civil State or Society do retain their natural Liberty in all such Cases as have no Relation to the Ends of such a Society."¹⁷ It was still early to begin thinking of government in the role of an ally in the long journey toward perfection, especially to the colonists who were accustomed to think of ultimate governmental control as alien, restrictive, and somewhat of a paternalistic opponent. The ideal government, by and large, operated in a somewhat negative sense of providing certain protections, but in the main, allowing the individual to advance himself through his own initiative.

Within this negative role, however, government had certain functions to perform. These functions were summarized by Mayhew:

It [government] is instituted for the preservation of men's persons, properties and various rights, against fraud and lawless violence; and that, by means of it, we may both procure, and quietly enjoy, those numerous blessings and advantages, which are unattainable out of society, and being unconnected by the bonds of it.¹⁸

The political authority vested by the many in the few who were to

¹⁷Williams, Essential Rights, 6, 7.

¹⁸Mayhew, Election Sermon, 1754, 7.

rule was given to insure the safety of the rights, properties, and persons of those who lived under their jurisdiction. "Who can deny," challenged the Independent Reflector, "that we have ceded a Part of our original Freedom, to secure to us the rest."¹⁹

In order to perform its functions properly, there were certain characteristics that any legitimate government must have. First and foremost, government must be limited. It is already apparent from the foregoing discussion that government was invested with only residual powers and was confined within certain well defined limits. There was no doctrine as anathema to the colonists as that of unlimited submission and passive obedience. Such a concept completely subverted the natural order of things and changed the servant into the master. "It will appear to every one who is not bigoted to the slavish Doctrines of passive Obedience and Non-Resistance, to be the height of Madness, to purchase the Advantages of Society, by giving up all our Title to Liberty."²⁰ Ministers of the gospel had little trouble getting around St. Paul's instructions to the Romans wherein he urged them to be subservient to the powers that be for they were the ministers of God on earth. This statement was made the subject of numerous sermons and was quite thoroughly answered, in the minds of the colonists, in such a manner as to

¹⁹Independent Reflector, July 12, 1753.

²⁰Ibid.

require obedience only to those duly constituted rulers who rule in accordance with the divine will, the natural laws and natural rights of man, and the provisions of the contract by which they came to power.

All men in a state of Nature were equal with respect to dominion over one another. It seemed to the colonist quite obvious that this equality could only be changed by voluntary agreement, and, in such a case, it would be for some other compensatory advantage, or by a power usurping authority through violence. Under the latter conditions there was clearly no justification for whatever form of political control imposed.²¹ In either case there could be no possibility of a just claim to the unlimited submission of the subject by the government. The idea of limited government, of restraints and bounds beyond which government cannot go, of a power outside of government able to sit in judgment of it, these are all extremely significant ideas in western political thought, and they found their way into the colonial thinking at an early date.

The idea of limited government as expressed in the colonies can be traced back to the seventeenth century where, indeed, it formed a surprisingly important part of the political thought of the period.

²¹"Thus much, suffices to shew, that no Government can be absolute in the Sense, or rather Nonsense, of our modern Dogmatizers, and indeed in the sense too commonly practised, no barbarous Conquest; no extorted Consent of miserable People submitting to the Chain to escape the Sword; no repeated and hereditary Act of Cruelty, tho' called Succession; no Continuation of Violence, tho' named

Speaking in very general terms, however, the approach used, upon which this argument was based, stemmed from the Christian argument that had long posited a higher law to which man owes ultimate obedience. It spoke of limited government in the medieval sense of man's highest obligations belonging to God. The eighteenth century idea of limited government was based on a concept of the origin of government itself. It spoke in more secular terms such as the state of Nature, natural laws and rights, the compact, society and community, and the rights of man. The two views were not mutually exclusive. A rather distinct trend can be noted in the sermons of the New England clergy, a trend toward an extension of the religious argument to include the essentials of the more secular argument. The culmination of this evolutionary process was Mayhew's famous sermon on unlimited submission.

Mayhew believed that "the end of magistracy [was] the good of Society." Government ultimately obtained its authority from God but God operated through men to perform his will. Civil rulers were

Prescription, can alter, much less Abrogate the Fundmenral [sic] Principles of Government it self, or make the Means of Preservation the Means of Destruction. . . . Force can give no Title but to Revenge, and to the use of Force again: Nor can it ever enter into the Heart of any Man, to give to another Power over him, for any End, but to be exercised for his own Advantage" (American Weekly Mercury, April 6, 1732.).

accountable, then, to both God and man for the actions they performed while in positions of trust. Any disobedience to rulers who rule "in all due exercise of their authority" was a sin. The individual's obligations to obey the magistrate stemmed only from the magistrate's usefulness to society. Once such usefulness was no longer the end of government, the citizen's obligation to obey was also ended.²²

The idea of limited government was echoed by others. Ebenezer Pemberton indicated a remarkably developed argument in a sermon delivered in 1710:

It was never designed either by GOD or Man, that some should be advanced to Power and Dignity, to raise their particular Glory, either in Opposition to, or Separation from the happiness of the Publick. Rulers have Power, but it is a limited Authority; limited by the will of GOD, and Right Reason, by the General Rules of Government, and the particular Lawes [sic] Stated in a Land.²³

"Philo-Patrie," writing in the New York Weekly Journal, warned that it was a serious offense to oppose the "lawful Ruler" while he was "acting within the Limits of his Authority. . . ."²⁴ The same paper voiced similar sentiments at a later date. "Government. . . can have no power, but such as Men can give. . . ."²⁵

²²The classic statement of the this position is, of course Mayhew's Discourse Concerning Unlimited Submission. See especially pp. 10-11.

(²³Ebenezer Pemberton, The Divine Original and Dignity of Government Asserted, 25-26.

²⁴New York Weekly-Journal, November 26, 1733.

²⁵Ibid., August 25, 1735.

The Independent Reflector said of a person in a position of authority, "thus he will learn, that while he acts agreeable to the true End of his Institution, he justly merits the Love and Obedience of his Subjects, and that he cannot deviate from it, without involving both in Misery; and must consequently, forfeit his Right of Government."²⁶

In addition to being limited, government was relative to time, place, and situation. There was no such thing as a God-given final form of government to suit all men under all conditions. Indeed, the same society might well choose different forms of government at various stages of development. Attempts to link a specific form of government with divine sanction met with the hearty disapproval of the clergy as well as secular writers. Thus William Cooper cautioned his listeners against assuming too much when government was spoken of as an ordinance of God:

What we have spoken of the divine Institution of Government, you all understand to be meant of Government it self, and not of any particular Form or Model of it; For one is no more appointed of God than another; but every People are left to judge for themselves, to frame such a Constitution as may best answer the Ends of Government for the, and to alter and change that too at Discretion, and by Common Consent.²⁷

²⁶Independent Reflector, July 12, 1753.

²⁷William Cooper, The Honours of Christ Demanded of the Magistrate, 10; ". . . A distinction ought always to be made between government in its general notion, and particular form and manner of administration. As to the latter, it cannot be affirmed, that this or that particular form of government is made necessary by the will of God and the reason of things. The mode of civil rule may in consistency with the public good, admit of variety . . . Nor has it always continued the same, in the same nation . . ." (Chauncy, Civil Magistrates must be Just, 10.).

It was only logical to conclude, given man's original freedom and the fact that he was a reasonable creature, coupled with the fact that each society was expected to draw up the framework of their government so as to best satisfy their needs, that there would be a multiplicity of forms in the world. The Reverend Holyoke saw some people reserving power to themselves, some investing it "in the Nobles and great Families" and still others submitting themselves to a monarch. "As all these Forms then have originated from the People, doubtless they may be changed whensoever the Body of them choose to make such an alteration in their State."²⁸ There were, of course, certain common sense rules which guided those in the process of erecting a political authority. Certain rights had to be protected, certain powers distributed, checks and safeguards must be erected, but in the end "as long as the General design of Rule is provided for, and not subverted" then the form adopted should fit as closely as possible to "the various Customs, Tempers, Policies, [and] Interests of the Nations of Differing Climates."²⁹ Again, as in so many cases, the final word was written by Jonathan Mayhew:

²⁸Holyoke, Integrity and Religion, 12-13.

²⁹Pemberton, The Divine Original and Dignity of Government Asserted, 13; ". . . For it does not appear, that any one Form or Species of civil Government is established by Christ: Nay but this Matter seems to be left to the Genius and Prudence of each Nation and Language . . ." (Phillips, Political Rulers Authoriz'd and Influenc'd by God, 6.).

But then it is to be remembred [sic], that this power is derived from God, not immediately, but mediately, as other talents and blessings are. The notions of any particular form of government explicitly instituted by God, as designed for a universal model; of the divine right of monarchy, in contradistinction from all other modes; of the hereditary, unalienable right of succession; of the despotic, unlimited power of kings, by the immediate grant of Heaven; and the like; these notions are not drawn from the holy scriptures, but from a far less pure and sacred fountain.³⁰

Finally, government must be subject to the people and responsive to their wishes. As has been mentioned, the fear of power, and especially unchecked power, was one of the most universal feelings in the colonial mind.³¹ Power corrupted, destroyed, and warped the qualities of reason and restraint that ordinarily governed men in society. Nevertheless, it was necessary for the good of the community to give some individuals a taste of this heady brew. The hope was that the individuals concerned would resist the temptations presented by such a bestowal of power. If not, however, it was hoped that the elaborate process of making and maintaining the government would have within it the means of correcting any abuses of power that might occur. Again, the colonial fears may be partially explained by their experience. The royal officials in the

³⁰ Mayhew, Election Sermon, 1754, 4; "He leaves nations . . . to the free exercise of their liberty and discretion, under the general law of reason, to chuse their own forms of government, and to model them as best suits them respectively" (A Discourse Occasioned by the Death of King George II, and the Happy Accession of His Majesty King George III, to the Imperial Throne of Great Britain (Boston: Edes and Gill, 1761), 16.).

³¹ "Power is of a grasping, encroaching nature, in all beings

colonies, although seemingly a representative selection of the British civil list, were, by virtue of their personalities or their position, rendered almost universally distasteful to the colonists. Moreover, the removal of ultimate political control to sources beyond the control of the colonists, made them uneasy and suspicious of this uncheckable power. For whatever reasons, the colonists were insistent that a close watch be maintained on the acts of government.³²

There was little difficulty in deciding who was the agent to sit in judgment of the acts of the magistrates. Every individual had a twofold stake in the affairs of government. Above all, as an individual, he was obligated to see that his inherent natural rights were respected. "Cato, Jr." expressed these thoughts in the following words:

. . . . Power aims at extending itself, and operating according to mere will, where-ever it meets with no ballance, check, controul or opposition of any kind" (Jonathan Mayhew, The Snare Broken, (Boston: R. S. Draper, 1766) 34.). It was in his election sermon of 1754 that Mayhew made his famous aside to Governor Shirley: "You will never forget, Sir, whose minister you are; what God, the King, and this people, reasonable expect from you" (p. 42.).

³² William Cooper placed a great deal of stress on the necessity of government arising as it did from the weaknesses of men. He urged obedience to the magistrates as a Christian duty. He hastened to qualify himself, however, by saying, "I don't mean that out of Reverence to Authority, we shou'd resign common Understanding, and the publick Interest, to Men in Power: Nor wou'd I be tho't to deny the Right which every private Man, as he is a Minister of the Body . . . has to judge of the Conduct of publick Affairs. No, I am too deep in the Principles of Liberty, to mean any thing like this" (The Honours of Christ Demanded of the Magistrate, 10).

That the People are not to Judge of their Magistrates, or for themselves in the affairs of Government, is a saying that can never be heard by an honest Man that loves his Country, or values his Liberty and Property, without the utmost Horror and Indignation: It is telling us, that we ought not to be concerned if we are Naked or Cloathed, Fed or Starved, Protected or Destroy'd. . . .³³

In addition to his natural rights, the individual was a member of society and therefore had a contractual relationship with the government. There was still a third involvement for those who were admitted to the ranks of participating citizens in the government. It was their right to make sure that the civil rights and privileges attached to position of citizen were respected. The sum total of all this was that it behooved the people to be the watchful critics of government. As the Independent Advertiser put it, "to say that private Men have nothing to do with Government is to say that private Men have nothing to do with their Happiness and Misery."³⁴

Perhaps it should not be surprising in the eighteenth century, the age of the educated amateur, that the common man was urged to be actively interested in politics. Almost all the great discoveries had been made by commoners. Complex systems had been revealed

³³American Weekly Mercury, May 4, 1738. It is interesting to compare "Cato, Jr." with the original British "Cato" who expressed the same thought in these words: "He who says that private Men have no Concern with Government, does wisely and modestly tell us, that Men have no Concern in that which concern themselves whether they be naked or clothed, fed or starved, deceived or instructed, and whether they be protected or destroyed . . ." (Trenchard and Gordon, Cato's Letters, II, 41-42.).

³⁴Independent Advertiser, February 29, 1748.

as being made up of relatively simple parts. Indeed, much of the political thought in vogue throughout the colonies was the product of commoners. Why, then, could not the average man master a study of politics? "Of all the Sciences that I know in the World," said one editor, "that of Government concerns us most, and is the easiest to be known, and yet it the least understood. . . . Every Ploughman, knows a good Government from a bad One from the Effects of it" ³⁵

To summarize briefly, government had as its main objective, the happiness of the society it served. This was accomplished mainly by the preservation of certain rights and the protection of the individual member of society. The best government, indeed, the only valid government, was limited, relative to such factors as time, place, and circumstance, and subject to the people who created it. Within this general framework, what specific recommendations were made by the colonial theorists? What practices and institutions did they feel best suited the qualifications imposed upon government by their society?

The colonists were not system builders, but they did concern themselves with the more immediate problems of government. They never sought to put all the fragmentary recommendations together into a coherent whole, however, until the strained relations with the mother country showed signs of breaking, and hence, the colonies

³⁵Ibid.

would find themselves in a position of drawing up their own constitutions of government. When it came time to do so, however, they had a rather substantial backlog of recommendations upon which they could rely.

The colonial discussion of forms of government can best be understood by projecting it against the background of English institutions and practices that had come to dominate the colonial scene. From the local level to that of the government of the colony itself, the English heritage was evident. Thus the assemblies, even those whose origins were more readily traced to the practices of the joint-stock companies, sought to pattern themselves after Parliament. The local divisions into boroughs, counties, shires, and so forth were originally planned to resemble the English system in administration. The liberties claimed by the colonists were those traditional liberties associated with the rights of Englishmen, and included the right to be taxed only by laws passed by one's representatives, trial by jury, the freedom of association, and many others. Modifications were made on these basic institutions and practices. Still, the colonists were pleased with what they had brought with them from England and did their best to preserve it. Therefore, their political thinking reflects the heavy debt they owed to their inheritance as Englishmen.

The colonists were willing to leave to each society the privilege of creating any form of government that suited its purpose. What-

ever system was arrived at and willingly submitted to and performed as outlined by the contract, was a valid government. This approach to government did not prevent the colonial thinkers from outlining what they thought was the best form of government. It is not surprising that the form most frequently mentioned closely resembled the English government with which they were most familiar and which they admired greatly. John Adams, writing as the "Earl of Clarendon," summed up the thoughts of many colonists when he said,

For government is a frame, a scheme, a system, a combination of powers for a certain end, namely, -- the good of the whole community. . . . I shall take for granted, what I am sure no Briton will controvert, namely, -- that liberty is essential to the public good. . . . And here lies the difference between the British constitution and other forms of government, namely, that liberty is its end, its use, its designation, drift, and scope. . . .³⁶

One of the prime sources of strength of the British system was that it was based on a balanced, or "mixed" form of government. By a mixed government, the colonists meant, in general, "a Compound of Monarchy, Aristocracy, and Democracy, such as is the English Constitution, [which] is infinitely the best."³⁷ This form was represented in England by King, Lords, and Commons. The mixed, or "Gothick," constitution was not a new invention. It was the ancient form that had once prevailed all over Europe.³⁸ The gradual en-

³⁶"The Earl of Clarendon to William Pym", Boston Gazette, January 27, 1766.

³⁷Independent Reflector, July 12, 1753.

³⁸"A Form of Government neither purely Monarchical, nor

croachment of the powers of the kings in the creation of the strong centralized state had been the main force disrupting this mixed government. In nation after nation, one or the other of the three segments of the government had become supreme until the delicately balanced system was upset and finally disappeared. Only England remained to practice the ancient form: but England herself had passed through perilous times and had come dangerously close to losing her mixed form of government. The Glorious Revolution of 1688-89 had rescued the "Gothick balance" and now the colonies basked in the reflected glory heaped upon the English system by many foreign observers.

The value of such a mixed government lay in the distribution of powers among the various parts thereby avoiding the placing of unlimited power in a single individual or part of society. Samuel Phillips reminded his listeners that "in a mixed Government, such as Our's, there ought to be special Care taken to preserve, what may be call'd "a Ballance of Power. "'³⁹ The Independent Advertiser warned, all political systems have within them the seeds of their own

entirely Republican is the most compleat and regular, that has ever been contrived by the Wisdom of Man. This was the primitive Form in all the Nations of Europe, I may say in all wise Nations, and is at this day the happy Constitution of the English alone" (New York Gazette, March 18, 1733/34.).

³⁹Phillips, Political Rulers Authoriz'd and Influenc'd by God, 12.

destruction. In a mixed form, such as the colonists enjoyed, the most fatal disease "is the Destruction of the Ballance of Power among its Members."⁴⁰ Still later, the same source stated,

The Security of all Free States consists much in the Preservation of the Ballance of Power between the several Parts of the Government, whether co-ordinate or subordinate: If in England the Prerogative of the King encroaches upon the privileges of the Parliament, or the Power of the Parliament militates with the undoubted Rights of the People, the Constitution which prescribes . . . this Ballance, is then in Danger: The Power which is entrusted with Parliaments for the most important and valuable Uses may be exercised in a Manner as Prejudicial to the Rights of the People, as the Prerogative of the King.⁴¹

Charles Chauncy stressed the balance of powers in his election sermon delivered in 1747.⁴² He began by noting that the rulers of nations were confined within the limits "prescribed in the constitutions they are under." Whatever powers they enjoy are delegated to them according to some constitution, some specific sanction bestowing power upon them and the terms under which this power is to be exercised. Whereas all rulers are bound to obey the directives laid down in the constitution, it is especially important that this be done where the "constitution is branched into several parts, and the

⁴⁰Independent Advertiser, March 14, 1748. The colonists frequently reduced their discussion of a balance of powers to include only an evaluation of magisterial power versus people's rights. This essay in the Advertiser is one example of this simplified argument.

⁴¹Ibid., November 21, 1748.

⁴²Chauncy, Civil Magistrates must be Just, 14-15.

power originally lodged in it, is divided, in certain measures, to each part, in order to preserve a ballance in the whole."⁴³ Under these conditions, rulers are required to keep within the limits assigned to them. Encroachments on the powers of the other segments of government cannot be tolerated. Chauncy uses the English government as an example:

As in the British constitution, which devolves the power of state, in certain proportions, on King, Lords and Commons, they have neither of them a right to invade the province of the other, but are required, by the rule of righteousness, to keep severally within their own boundaries, acting in union among themselves, and consistency with the constitution. If the prerogatives of the King are sacred, so also are the rights of Lords and Commons. . . .⁴⁴

It made no difference whether this tipping of the balance was "on the side of sovereignty, or popularity," the principle was the same.

Chauncy hastened to add that what he had said about the British system applied equally as well to the colonial governments, which he termed "dependent" governments. The colonial "derived constitutions" also distributed power among several ruling agencies and these rulers "should not assume the power delegated to those in another [branch of the state]." He concludes by warning,

. . . Methods of injustice . . . if put in practice, will, by a natural causality, weaken, and, by degrees, destroy those checks which rulers are mutually designed to have one upon another; the effect whereof must be tyranny, or anarchy, either of which will be of fatal consequence.⁴⁵

⁴³Ibid., 15.

⁴⁴Ibid.

⁴⁵Ibid., 17.

This emphasis by the colonists takes on added significance in light of the fact that they considered themselves as participants in the British constitution. Acts by the Crown or by Parliament which were considered arbitrary and not in keeping with the balance of government were frequently criticized. Part of the problem arose from colonial narrow-mindedness coupled with royal ignorance of the colonial situation. Some of the issues of conflict arose inevitably from the separate interests of the two parts of the empire. There was another important reason for the colonial complaints of infringements involving the question of a balance of powers, however. The colonists were not aware of the significance or the direction of the change that was taking place in British government during the eighteenth century. The "Gothick ballance" as interpreted by the colonists had long since gone by the board. Indeed, there is some doubt as to whether it ever really existed. The ideal was present in colonial thinking, however, and with the ideal came not only a pattern for colonial political development, but a standard for judging the relations between Britain and the colonies.

The colonists stressed the role of the lawmaking body within this mixed form of government. Most of the colonial politicians gained their political experience in the assemblies and were familiar with the strengths and weaknesses of these bodies. The colonists were generally agreed that the assemblies were to represent "the

People."⁴⁶ They had the general responsibility of handling the internal affairs of the colony. They had, above all, the responsibility of levying taxes and disbursing the funds collected within the colony. The New York Assembly very early pointed out that "the inherent Right the Assembly have to dispose of the Money, of the Freemen of this Colony, does not proceed from any Commission, Letters Patent, or other Grant from the Crown, but from the free Choice and Election of the People. . . ."⁴⁷

It was quite natural that colonial attention was focused on the legislature. It was here that the individuals who were served by the government participated in the lawmaking process. True liberty within the state could only come through free consent to the laws under which an individual was to live. It was the legislature that protected the inalienable rights of its citizens. The legislature acted as a check on the power of the magistrate.⁴⁸ The legislature was to represent by far the largest group that made up the mixed form of government. Several recommendations were made by the colonists in order to ensure a truly representative body.

Frequent elections, preferably yearly, was a device often urged.

⁴⁶New York Weekly-Journal, May 20, 1734.

⁴⁷A reply to the Council, November 17, 1711, Journal of the Votes and Proceedings of the General Assembly of the Colony of New York, 1691-1765, 2 vols. (New York: Hugh Gaine, 1764-1766), I, 307.

⁴⁸Pennsylvania Gazette, April 1, 1736.

The New York Assembly, in an address to Governor Clarke, said that "as it is absolutely necessary in the Nature of Things, that Elections of Representatives should be free . . . so it seems equally necessary for the Safety of the People, that they be frequent. . . ." ⁴⁹

The New York Weekly Journal stated "the annual Choice of an Assembly . . . [is] essential to the Liberty of the People." ⁵⁰ Coupled with the annual election of an assembly was the frequent meeting of the assembly once elected. ⁵¹ Frequent elections and annual assemblies would keep the legislature close to the seat of all power, the people. It would result in a changeover in office, another recommend-

⁴⁹Address to Governor Clarke, September 7, 1737, Journal of the Votes and Proceedings . . . New York, I, 706.

⁵⁰New York Weekly-Journal, August 26, 1734. The cry for frequent elections was quite common in the colonies. "In order to have good Magistrates, the frequent Choice of them is of the highest Importance . . ." (Ibid., September 27, 1735.); Pennsylvania Gazette, January 12, 1730/31.

⁵¹" . . . I mean Parliaments of one Session: Not only frequent, but frequent new Parliaments" (New York Weekly-Journal, August 26, 1734.); ". . . Frequent Parliaments, were antiently judged necessary to preserve that just Ballance of Power, without which, the State and the Constitution itself could not long be preserved" (Address of General Assembly to Governor Clarke, September 7, 1737, Journal of the Votes and Proceedings . . . New York, I, 706); "That as they conceive the long Continuance of the same Representatives in General Assembly as a great Grievance, and that the frequent Election of them is a most valuable Privilege, and therefore flatter themselves, that this House will endeavor all they can to obtain a Dissolution of this present Assembly" (Petition presented to the Assembly by the citizens of the City of New York, November 4, 1735, Ibid., I, 686.

ation frequently made by the colonists, and make the lawmakers "less liable to be practiced upon or corrupted. . . ." ⁵² Many of these ideas were summarized in an article appearing in the Rhode-Island Gazette;

By our Charter, our Legislature and the Executive Power are more agreeable to the Equality of Nature, and do better serve the true Ends of Government, than any other Form or Method whatever. The Annual Choice of Magistrates, and all other officers, is a wise Provision to keep them honest and faithful, and makes Way for that Rotation in Government which has always been found and acknowledged the surest Support and Defence of a just Liberty. . . . the Preservation of Property in so many hands, is a great Bulwark to our Constitution. And so has been our Custom of changing and varying several Officers ⁵³

In the final analysis, any just government relied for its continuance on the virtue of the people. The people must be jealous of their liberties, for instance, and always ready to question the magistrate's use of power. ⁵⁴ There were frequent exhortations urging the people of the colonies to be zealous in the performance of their duties. An open letter "to the Freemen of Pennsylvania, " for

⁵²Speech of Andrew Hamilton, 1739, Votes and Proceedings of the House of Representatives of the Province of Pennsylvania, Pennsylvania Archives, 8th series, III, 2506.

⁵³Rhode-Island Gazette, January 11, 1733.

⁵⁴"We long declined the trouble of tedious enquiries into the conduct of our rulers; and were easily satisfied with everything they had done, because they had done it. We never imagined, that persons invested with authority, could have any other designs, than those who invested them. . . . We did not even remember the condition of human nature . . ." ("The Watchman, Letter VI, " The American Magazine, vol. I (June, 1758), 433-34.); New York Weekly-Journal, December 31, 1733; American Weekly Mercury, May 4, 1738.

instance, warned that it was "not sufficient once a Year to appear Zealous for your Liberties and the Constitution," but to petition the assembly shenever they felt it to be necessary.⁵⁵ The citizens of South Carolina were urged that inasmuch as the franchise had just been extended, those newly admitted as electors should take advantage of the gift that had been bestowed upon them. "'Tis a glorious Priviledge! and methinks every one should be fond of all Opportunities to put in [his] Claim to it. . . ."⁵⁶

The best summary to this colonial approach to government can be made in the words of the colonists themselves. The following rather lengthy selection is taken from the instructions issued in 1762 to Jasper Mauduit, newly appointed agent in London for the colony of Massachusetts Bay. The instructions were drawn up by a committee composed of Thomas Hutchinson and James Bowdoin of the Council, and Thomas Cushing, Colonel John Phillips, and Royall Tyler representing the House. The opening statement of their document expresses well the colonial concept of government:

The natural Rights of the Colonists, we humbly conceive to be the same with those of all other British Subjects, and indeed of all Mankind. The principal of these Rights is to be "free from any superior power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule. "

Our political or Civil Rights will be best understood by

⁵⁵American Weekly Mercury, December 22, 1733. This article was reprinted in the South-Carolina Gazette, March 9, 1733/34.

⁵⁶South-Carolina Gazette, January 6, 1748.

beginning at the Foundation. "The Liberty of all Men in society is to be under no other Legislative power but that established by Consent in the Commonwealth, nor under the Dominion of any Will or Restraint of any Law, but what such legislative shall enact, according to the trust put in it. In General, freedom of Men under Government, is to have standing fundamental Rules to live by, common to every one of that Society, and made by the legislative power erected in it; a Liberty to follow my own will in all things where that Rule prescribes not, and not to be subject to the inconstant, uncertain, unknown arbitrary will of another Man; as freedom of Nature is to be under no Restraint but the law of Nature." This Liberty is not only the Right of Britons, and British Subjects, but the Right of all Men in Society, and is so inherent, that they can't give it up without becoming slaves, by which they forfeit even life itself. Civil Society great or small is but the Union of many, for the Mutual Preservation of Life, Liberty and Estate.⁵⁷

Government, then, was an artificial, but necessary, institution growing out of the interaction of individuals in society. It was artificial in the sense that it did not exist in a state of Nature, and necessary in that the very nature of man made some external regulation imperative. Good government played an extremely important role in maintaining peace and security within society.⁵⁸ This was done primarily through the enacting of just and equitable laws.⁵⁹ "But,"

⁵⁷Instructions to Jasper Mauduit, June 14, 1762, Jasper Mauduit: Agent in London for the Province of the Massachusetts-Bay, 1762-1765, Massachusetts Historical Society, Collections, LXXIV, 39-40.

⁵⁸"Civil Government is the Life of Publick Society; a Constitution of Government formed to the just Liberties, and best Interests of human Nature. . . and animated by a wise and just Administration is the Strength of that Life . . ." (Peter Thacher, Wise and Good Rulers, to be Duely Acknowledged by God's People as a Great Favour (Boston: B. Green, 1726), 1.).

⁵⁹Wise, Rulers the Ministers of God for the Good of their People, 24.

cautioned Jeremiah Wise, "humane Laws, must not be cross to the superior and antecedent Obligations, we lie under to the Laws of Nature and the Laws of God. . . ." ⁶⁰ There was probably no theme more dominant in colonial thinking than the concept of a higher obligation than the state, to which man owed ultimate allegiance, and a higher law than human law as enacted by the government.

Natural law, that law prevailing in the state of Nature which defined natural rights, was the ultimate law governing all individuals in their original natural state. On entering into society, man surrendered a part of his natural liberty and agreed to be governed by laws erected by society. The ideal social and governmental establishments, however, would pattern their laws as closely as possible after the natural law. ⁶¹ The colonists were pleased to note that the British constitution preserved intact the natural rights of mankind, based on natural law, and passed on this inheritance to "every one born, or naturalized into its Dominions." ⁶² The Independent Adver-

⁶⁰ Ibid., 25.

⁶¹ "Our Constitution divests the People of no more of their Rights of Nature, than is necessary, for the Support and just Honour of Government . . ." (Independent Advertiser, February 6, 1749.); "Let us be content with that Portion of our natural Liberty, which we thought proper to retain at the original Formation of the Community . . ." (Independent Reflector, July 12, 1753.).

⁶² Connecticut Gazette, April 10, 1756: "This assembly being intrusted by the People of this Plantation, with that Care of their Liberties and Properties, and sensible of their own Weaknesses . . . are willing to save their Rights, and those Rights they mean to be that natural and civil Liberty, so often claimed, declared and con-

tiser compared freedom in a state of Nature and freedom in society in the following words:

In the State of Nature, every Man has a Right, to think and act according to the Dictates of his own Mind The perfection of Liberty therefore, in a State of Nature, is for every Man to be free, from any external Force. . . .

A Man is then free [in society] when he freely enjoys the Security of the Laws, and the Rights to which he was born-- When he is hindered by no Violence, from claiming those Rights, and enjoying that Security. . . .⁶³

The colonists were quick to qualify their admiration for human law and to point out certain factors which made unlimited submission to British law out of the question. It was argued by some in the colonies that, in truth, the colonists were recipients not only of the traditional rights of Englishmen, but also additional rights as defined by the various colonial charters.⁶⁴ All through the colonial period the sentiment grew that the colonies had their own lawmaking bodies which were the only valid legislatures representing their interests. A more basic argument, however, maintained that human law, even the best law, was merely a reflection of the antecedent natural law. John

firmed, by the English Laws, and which they conceive every free Englishman is intitled to" (Assembly's reply to Governor Cornbury, June 8, 1704, Journal of the Votes and Proceedings . . . New York, I, 188.).

⁶³Independent Advertiser, April 10, 1749.

⁶⁴" . . . For we enjoy not only the Immunities and Liberties of natural Subjects born in the Realm of England, but have some additional ones granted and affirmed to us by a Royal Charter, which is as a Hedge about our dearest and most valuable Interests" (Cooper, The Honours of Christ Demanded of the Magistrate, 12.).

Adams expressed one interpretation of this thought in one of his early works:

Let it be known, that British liberties are not the grants of princes or parliaments, but original rights, conditions of original contracts, coequal with prerogative, and coequal with government; that many of our rights are inherent and essential, agreed on as maxims, and established as preliminaries, even before parliament existed, Let them search for the foundations of British laws and government in the frame of human nature, in the constitution of the intellectual and moral world.⁶⁵

Law was not law merely because lawmaking bodies said so.

There were both good and bad laws. Those laws that ran contrary to the best interests of society, that violated the trust placed in the government, that infringed upon the natural rights of man and contradicted natural law, were not laws at all and could be opposed without violating any of the basic principles upon which government or society was founded.

Thus the colonists formulated a basic approach to government. This approach was based on a conviction of the importance of man and the limited nature of government. It sought to bring man from a state of Nature to a political union with the preservation of as many of his natural rights and as much of his liberty as possible. It was hoped that through preserving peace, providing security, and allowing the freedom of the individual, government would contribute substantially to man's progress. Government was, at best, a tool to

⁶⁵John Adams, "Dissertation on the Canon and Feudal Law," The Works of John Adams (Charles Francis Adams ed.), III, 463.

be used by men; but used correctly and relegated always to the role of servant and not master, government could achieve the noble ends for which it was created.

Chapter 13 -- The Limits of Obedience

Two developments in the realm of political science, dating back to the close of the middle ages, have been a constant source of conflict, both real and theoretical. These two developments are the rise of the integrated, highly centralized, increasingly monolithic state, and the corresponding development, especially in the seventeenth and eighteenth centuries, of the concept of individual freedom. It is only as these two developments became parts of the political theory of the western world that one can speak of the philosophy of a right of revolution. This is not to say that revolution per se is an invention of modern times. The ancient world, to be sure, had its examples of communities rising against ruling forces. Men have always resented oppression, suffered under a hurt pride, been restive when deprived of certain desired privileges, and have expressed this feeling at times in open rebellion. But until the state became a vital entity, gathering together under its jurisdiction the various functions formerly performed by the church, the guild, the feudal relationship, and a host of other institutions, until this entity became formalized and explained within a philosophical system, and until the individual was regarded as a being possessing certain rights which must be respected by the state, there could be no philosophy that sought to explain the limits of man's obedience and when it is he may justly oppose the constituted authority.

It was in England that this philosophy of the right of revolution received the most developed treatment in the period just prior to the opening of the eighteenth century. England had experienced two revolutions, both of which involved, among others, the question of individual rights versus the central authority. Mention has been made of the legacy of the Glorious Revolution as viewed by Locke and carried on by others in England after his death. Englishmen in the overseas colonies were also aware of the heritage of revolution that was theirs and incorporated it into the developing pattern of colonial political thought. The emphasis placed by the colonists on the right of revolution should not be interpreted to mean dissatisfaction with the mother country or that revolution was imminent, "in the air" as it were. Such was not at all the case.¹ The colonial discussion of the right of revolution grew quite naturally out of their over-all concept of the nature of man and the role of government. The colonial thinkers' discussions of revolution were little more than philosophical ruminations until a time when they found themselves faced with a situation wherein the conditions they had earlier discussed seemed to

¹Although many of the royal officials would have echoed the sentiments of Governor Clarke, of New York, when he urged the assembly to acknowledge the superior power of Britain. "This, and only this, will remove, as to this Province, a Jealousy which for some Years has obtained in England, that the Plantations are not without Thoughts of throwing off their Dependance on the Crown of England" (Governor Clarke to the Assembly, April 15, 1741, Journal of the Votes and Proceedings . . . New York, I, 792.).

apply. By then the colonists had already worked out an extensive analysis and defense of the right of revolution.

The colonial defense of the right of revolution was heard in many voices. The colonial press emphasized the theme time after time. Thus "Cato, Jr." told his readers, "human reason says, that there is no obedience nor regard due to Magistrates whose chiefs [sic] pursuits are the Gratification of their Lusts" ² In Pennsylvania, an argument over whether the governor should have a fixed income prompted the following remarks from the Pennsylvania Gazette. After complimenting the Assembly for its resistance to the governor, the Gazette said:

Their happy Mother Country will perhaps observe with Pleasure, that tho' her gallant Cocks, and matchless Dogs abate their native Fire and Intrepidity when transformed to a Foreign Clime . . . yet her Sons in the remotest Part of the Earth . . . still retain that ardent Spirit of Liberty, and that undaunted Courage in the Defence of it, which has in every Age so gloriously distinguished ³ BRITONS and ENGLISHMEN from all the Rest of Mankind.

The Independent Reflector argued that "the resisting [of] the Person or Will of the Ruler, " in cases where he violates his trust, "is not resisting the Ordinance of God . . . but plainly defending it" ⁴

Jonathan Mayhew may have been the most eloquent and the most

²American Weekly Mercury, May 25, 1738.

³Pennsylvania Gazette, October 9, 1729.

⁴Independent Reflector, August 16, 1753.

famous of the colonial ministers who defended the right of revolution, but he was certainly not the only one who did so. It was Mayhew, however, who summed up the idea by saying, "if it be our duty . . . to obey our king, merely for this reason, that he rules for the public welfare . . . it follows . . . that when he turns tyrant . . . we are bound to throw off our allegiance to him, and to resist. . . ." ⁵ And Mayhew again: "Rulers have no authority from God to do mischief." ⁶

The principle of the right of revolution arose quite naturally from an understanding of the state of Nature and the original condition of man. It was justified from at least three points of view. First, the individual was justified in resisting authority when his natural, inalienable rights had been invaded by government. Second, an appeal to resistance could be justified on the basis of the original contract and the limited nature of government. Finally, when the form of government no longer served the best interests of society it could be changed, by peaceful means if possible, by violence if necessary. Basic to all three of these approaches was the implication of the higher law of Nature that justified doing violence to lesser human institutions in the name of freedom, justice, and progress.

Man in a state of Nature, it will be remembered, had the right to redress grievances, pass sentence, and execute judgment upon

⁵Mayhew, Discourse Concerning Unlimited Submission, 29-30.

⁶Ibid., 23.

those who infringed upon his rights. Part of the reason for joining together in society and creating government was to excuse an individual from acting as judge in his own case, in other words, to erect an impartial body that would pass laws, enforce them, and sit in judgment upon any infraction of them. As a matter of course, these laws were to recognize that certain rights of man were inalienable "which he cannot transfer, nor equitably be divested of."⁷

When the established political authority invaded these natural rights, it had violated the justification of its existence. The implication was twofold; it had acted illegally and, therefore, need not be obeyed; and furthermore, it had renounced its right to rule and men were back in a pre-political relationship with the right to take upon themselves the protection of their rights. A writer in the Independent Advertiser, borrowing his ideas from "a most approved author," said,

. . . If there be any such Constitution as enables the Prince to injure and oppress the Subject; such Constitutions, as they by no Means remedy the State of Nature, are inconsistent with civil Society. So likewise if any Governor shall become a Tyrant, and act destructive to the natural Rights and Liberties of the Subject, he overthrows the very Design of Government, and the People are discharg'd from all Obedience.⁸

Some "Observations" concerning government appeared in William Bradford's American Magazine. The article stated that it was essential for the preservation of order "that lawful government

⁷Independent Reflector, August 23, 1753.

⁸Independent Advertiser, January 11, 1748.

be supported. " By "lawful" government was meant that which preserved the "liberties, rights, and properties" of the people. Since the welfare of the public is the end of government and the public welfare can best be served by safeguarding personal liberties and rights, the authority of government can be maintained "among a free people only [by] pursuing such rational measures for attaining the ends of it, as will convince them of the wisdom and impartiality of their rulers. "⁹ Elisha Williams argued along similar lines when he said, "whenever the Power is put in any Hands for the Government of any People is applied to any other End than the Preservation of their Persons and Properties, the securing and promoting their civil Interests . . . it becomes Tyranny" and, by implication, can be resisted. ¹⁰

Since the people alone were the final judge as to whether or not their rights were being respected, they had the right, indeed, the obligation, to watch closely the conduct of government. ¹¹ If the

⁹"Observations on Government, " The American Magazine and Monthly Chronicle for the British Colonies, vol. I, no. VI (March 1758), 277.

¹⁰Williams, Essential Rights, 29-30.

¹¹"As no one is invested with Dominion but with a special View to the Welfare of the rest, it must be the undoubted Right of those who are the proper Source of his Power and Authority, so far at least to concern themselves in his Conduct, as to enquire whether he answers their Designs in thus exalting them or not.

It is then the Safety and Wisdom of the People always to assert this natural, this reserved Right--to acquaint themselves with the Affairs of Government and to know whether they are well or ill conducted. . . " (Independent Advertiser, July 28, 1748.).

magistrate failed to protect the rights of the individual, --when, in the words of one colonial editor, "he fails in any of these Performances toward particular Persons, when the Condition of the Commonwealth would give him Leave to discharge them, "-- then he has injured the people and has ceased to rule.¹²

The entire process of creating government was complicated by the intricate system of safeguards erected around the bestowal of power. All along the way from the first contract, through the constitution making and the balance of powers within the government, to the constant surveillance of the magistrate in office, the dominant approach to government was that it was limited, subservient, accountable, and prone to extend beyond its bounds if left unattended by a watchful public.¹³

The colonial whigs were careful to note that at the very outset care must be taken to limit the extent to which government is given control over their lives. To the Independent Reflector this meant "that a People should be careful in yielding too much of their original Power, even to the most just Ruler, and always retain the Privilege of degrading him whenever he acts in Contradiction to the Design of

¹²New York Weekly-Journal, November 26, 1733.

¹³Anticipating the sentiments of Lord Acton, one colonial editor said, "Power of all Kinds is intoxicating; but boundless Power, is insupportable by the giddy and arrogant Mind of Man" (Independent Reflector, December 21, 1752).

his Institution."¹⁴ Once established, the powers of government were divided and carefully prescribed. "There are Various Degrees and Orders of men Engaged in the Administrations of Rule," said Ebenezer Pemberton, "who have differing Styles and Powers under Various Limitations, and each Degree have their proper Sphere to move and Act in"¹⁵ The Independent Reflector developed the thought still further:

In limited Monarchies If they violate their Oath, and sap the fundamental Constitution of the State, the People have a Right to resist them; because by that Means they put themselves in the Condition of private Persons, and act with unauthoritative Power: For such is all the Power they can have, inconsistent with, or in Opposition to the Laws. Hence they are to be considered, as in a State of Nature, to have broken the original Compact, abdicated their Thrones, and introduced a necessity of repelling Force by Force.¹⁶

Terms implying the limited extent of government were used quite frequently in colonial writings. An article in the American Weekly Mercury, for instance, uses such phrases as "the Right of Magistrates," "exceeds his Commission," "acts are extrajudicial," "usurping an unlawful authority." "they are void" "Man is Answerable," all in the space of a single paragraph.¹⁷ Over and Over again the thought was repeated that government need not be obeyed when

¹⁴Ibid., July 12, 1753.

¹⁵Pemberton, The Divine Original and Dignity of Government Asserted, 13-14.

¹⁶Independent Reflector, December 21, 1752.

¹⁷American Weekly Mercury, April 6, 1732.

it exceeds its authority.

. . . Communities were formed not for the Advantage of one Man, but for the Good of the whole Body. . . . Thus he [the Magistrate] will learn, that while he acts agreeable to the true End of his Institution, he justly merits the Love and Obedience of his Subjects, and that he cannot deviate from it, without involving both in Misery, and must consequently, forfeit his Right of Government.¹⁸

There was one line of thought that found a justification for the right of revolution in the inability of the existing form of government adequately to fulfill the requirements of society it served. This theme is difficult to isolate by an explicit statement, but the threads of it can be found in several arguments advanced by the colonists. The colonial Whig thinkers were almost universally of the opinion that no one form of government was suitable for all men at all times in all conditions. Moreover, the same group of people will need modifications of their governmental forms as they mature.¹⁹ As this need becomes more and more obvious, the dissatisfaction with the existing form may be expressed in terms of real or imagined violations, but the basic disease underlying the symptoms was the increasing inadequacy of the government to meet society's needs. As one editor said, "all Governments, under whatsoever Form they are Administer'd, ought to be Administer'd for the Good of the Society; and when they are otherwise Administer'd, they cease to be Govern-

¹⁸Independent Reflector, July 12, 1753.

¹⁹See pp. 252-254.

ment, and become Usurpation"20 The areas where grievances could occur were numerous. Reverend William Cooper mentioned some of them:

The End of Government is the publick Peace and Safety; when therefore this is neglected, and the Ordinance of Government made only an Engine of Tyranny and Oppression; when the Constitution is subverted, the Liberties and Properties of the People invaded, their Religion and Laws made a Sacrifice to the Superstition, Ambition, or Covetousness of the Prince that is over them; when this is really the Case . . . doubtless the Remedy is left in their own Hands, and every Man is under higher and earlier Engagements, to the Community in general, than he is to the supream Magistrate.²¹

This argument had a special significance to a rapidly developing colonial society. Certain men among the colonists were, by the 1760's, aware that the instruments of control, and the philosophy that accompanied them established when the colonies were little more than trading companies and expected to fit into a mercantilist pattern, were not longer adequate to meet the needs of the colonies. They gloried in the fact that as true-born Englishmen they had the privilege of voicing disapproval of power that was not exercised in the best interests of the community. "Cato, Jr." urged his readers to "not be cast down . . . by the Frowns of Power in any shape . . . but like true Sons of Liberty, speak our minds freely and openly, and if we meet with any real Grievance not sink under

²⁰American Weekly Mercury, April 6, 1732.

²¹Cooper, The Honours of Christ Demanded of the Magistrate, 12; "The Rules of Obedience laid down in the Gospel oblige none to submit to unlawful Impositions" (Ibid., 13.).

it, but do our utmost Endeavor to remove the Cause" ²² And the initial copy of that most liberal of colonial publications, the Independent Reflector, stated that "where the Rights of the Community are infringed, or violated, no Titles however august, no Persons however exalted, shall find a Shelter from the Treatment they deserve" ²³

A number of the colonists who espoused the Whig doctrine were agreed that the right of revolution was a valid part of the heritage of man bequeathed him from his original existence in the state of Nature. They agreed that the right of revolution could be justified from several positions. Few colonists, however, concerned themselves with the specifics of the exercise of such a right. None answered the problem of numbers, for instance, and pointed out what made the difference between the rebellion of a disaffected minority against a satisfied majority. Part of their failure can perhaps be attributed to two reasons. They were speaking of an abstract right that had never been "scientifically" approached nor studied. It was an abstract right which was never expected to be used, but which was convenient as a point of departure in discussing the extent of obedience. Secondly, the great emphasis on a social "mind" existing apart from government in society at large seemed to imply that in time of danger there would be an automatic, almost

²²American Weekly Mercury, April 20, 1738.

²³Independent Reflector, November 30, 1752.

universal response on the part of the individual members of society. It was not necessary to organize protest, to count noses, or to be concerned at what point rebellion became revolution. Given the situation, the dissolution of government through revolution would come about as easily as its initial formation.

Those colonists who did concern themselves with probing deeper into the right of revolution, sought to qualify the exercise of the right in such a way as to prevent a liberty from becoming license. Richard Bland, for instance, saw degrees of resistance depending upon whether natural rights or civil rights had been invaded. In the first case, the deprivation of natural rights, people have "a natural Right to defend their Liberties by open Force." In a case where civil rights are violated, however, "their Remedy is to lay their Complaint at the foot of the Throne."²⁴ "Observatorius," writing in the American Magazine, echoed the sentiments of Locke when he said:

As people inured to a lawful government will easily, and of course, submit to it with reverence; it will generally be found assignable to some mismanagement of their rulers, if that reverence is turned into contempt, of their submission into opposition. They will be considerable sufferers, and much provoked, before they come to an open warfare²⁵

²⁴Bland, An Inquiry into the Rights of the British Colonies, 26-27.

²⁵"Observations on Government," The American Magazine and Monthly Chronicle for the British Colonies, vol. I, no. VI (March, 1758), 278.

The name of Jonathan Mayhew looms large in any discussion of the right of revolution during the period under consideration.

Mayhew's most famous sermon, a Discourse Concerning Unlimited Submission, delivered in 1750, carries through to a logical conclusion his approach to government. The sermon took its text from the admonition of St. Paul to the Romans, wherein he urged them to render obedience to the powers that be. Mayhew went to great pains to point out the character of the rulers contained in the New Testament and how obedience and disobedience was posited upon their performance rather than on any absolute word of God. From this he concluded "the apostle's argument for submission to rulers, is wholly built and grounded upon a presumption that they do in fact answer this character, " that is, that they "govern well, and act agreeably to their office."²⁶ If rulers do not perform in the prescribed manner, then Paul's admonition "is of no force at all" Mayhew was insistent on this point:

When once magistrates act contrary to their office, and the end of their institution . . . they immediately cease to be the ordinance and ministers of God; and no more deserve that glorious character than common pirates and highwaymen.²⁷

. . . What reason is there for submitting to that government, which does by no means answer the design of government?²⁸

²⁶ Mayhew, Discourse Concerning Unlimited Submission, 20-21.

²⁷ Ibid., 24.

²⁸ Ibid., 26.

Not only were the people justified in resisting an unrighteous ruler, they were specifically commanded to do so. If the public welfare was endangered by the continuation of the policies of the existing political authority, it was the Christian duty of the people to rise against such authority and overthrow it.²⁹ Mayhew did not concern himself with more than a general statement of the right of revolution. Later, in the twilight of his career, when he was aware that revolution was becoming a distinct possibility, he still refused to "meddle with the thorny question, whether, or how far, it may be justifiable for private men, at certain extraordinary conjunctures, to take the administration of government in some respects into their own hands."³⁰ He was satisfied with leaving such decisions to the right of self-preservation which was "antecedent to all civil laws and institutions."³¹

²⁹" . . . A regard for the public welfare, ought to make us withhold from our rulers, that obedience and subjection which it would, otherwise, be our duty to render to them. If it be our duty, for example, to obey our king, merely for this reason, that he rules for the public welfare . . . it follows . . . that when he turns tyrant . . . we are bound to throw off our allegiance to him, and to resist . . ." (*Ibid.*, 29-20.).

³⁰Mayhew, The Snare Broken, 42.

³¹The following selection is from a poem by Robert T. Paine, delivered at the Harvard commencement exercises in 1792:

"While Britain claim'd with laws our rights to lead,
And faith was fetter'd by a bigot's creed.
Then mental freedom first her power display'd,
And call'd a MAYHEW to religion's aid.
For this great truth, he boldly led the van,
That private judgment was a right of man."
(Bradford, Memoir of . . . Jonathan Mayhew, 449.).

Perhaps the most remarkable essay on the right of revolution appeared in the Independent Reflector and was probably the work of William Livingston.³² The essay begins with a description of the conditions that have, at times, appeared under an absolute monarch. Such unlimited submission, Livingston concludes, is not a fit condition for man. He then turns to a searching analysis of the legal justification for revolution. He readily admits that the law of the land does not clearly point out when the right of resistance may be operative or under what conditions it can be invoked. To use this silence as an indication of the unlawfulness of the right of resistance is to confuse "moral and political Legality." The author points out that the written law is not entirely silent on the subject and lists a few historical citations to substantiate his point. The burden of his argument, however revolves around the moral right of revolution.

The author begins his analysis by discussing the situation at the time of the Glorious Revolution, "an Era of Renown unperishing, and to every true BRITON ineffably precious," when, he argues, there was a total subversion of the Constitution. Such a situation cannot

³²This essay appeared in two parts in consecutive editions of the Reflector. The first part appeared under the caption "On Passive Obedience and Non-Resistance," August 16, 1753. The second half was entitled "Further Reflections on the Doctrines of Passive Obedience and Non-Resistance, drawn from a Consideration of the Rights and Privileges of Human Nature, and the due End and Extent of Civil Government," August 23, 1753. The first article is initialed "Z" and the second "B". Dillon believes that both initials indicate the writer to be William Livingston (see Dorothy Rita Dillon, The New York Triumvirate, 34-35, footnote 4.).

be foreseen nor prescribed for. It would make no difference even if such a situation could be predicted for reasons best described by the author himself:

Neither, indeed, if such Subversion was foreseen, would there be a Necessity for prescribing a Remedy, because the Subversion itself amounts, at least with respect to the Subverter, to a reducing the Society to its first Principles, and puts it, as to him, in status quo, as if he had never politically existed. Besides, it would be a most palpable Absurdity in any Government, to make a Law which could only take Place when that Government is dissolved, because such a Law supposes an Authority in the Ruler which in Reality is extinct that Moment it becomes necessary to be executed. Whence I argue, that tho' Resistance may, for the Reason before, be, in one Sense, unlawful, or more properly without Law; yet in another Sense, from the particular Exigence of Affairs, and the Necessity of the Thing . . . it becomes both morally and (in the comprehensive View of the Nature and End of civil Society) even politically legal, tho' there be no express Law to warrant it. Nor is the Proposition in the least paradoxical, but the necessary Consequence of human Laws, which cannot be supposed to have in View the Subversion of the Government; it being for that Reason to be considered as extraordinary and unprovided for by Law, requires the Application of an extraordinary Remedy, not contrary to the Spirit and Design of the Law, but allowable on Account of its unavoidable Imperfection and Defectibility.³³

If it were possible to create a law which justified resistance to illegal power, it would not be the bestowal of a new right, but a confirmation of a right and power the people have inherently in them. Since ultimate sovereignty resides in the people they can, for instance, try and execute their king, as in the case of Charles I, even though such acts are contrary to the law of the land. "And this is contain'd in the very idea of all fiducial Authority, which is in its Nature repealable when absurd and perverted"

³³Independent Reflector, August 16, 1753.

The essay ends with a listing of the reasons why the right of revolution is justified.³⁴ First, the government is clearly limited in the extent of its acts and can not pass beyond its limits without losing a claim to the loyalty of the peoples. Second, the welfare of the community is a prior obligation and when government no longer seeks the public happiness, it no longer rules lawfully. Third, the individual always retains the right to withhold certain rights and freedoms from the political authority and can justly claim a right to resist any attempt to impose upon them:

Under the Influence of these Rules, are all Governments whatever to be considered. Nor is it necessary to suppose some written or express Compact, between the Ruler and Subject, in order to evince the falsity of the Doctrines of Passive Obedience and non-Resistance. For if all Governments imply the Welfare of the Community, as the condition upon which the Magistrate's Authority is founded, whenever his Determinations or Acts are contrary to such Condition, the Subject has the clearest Right to disobey and oppose him.³⁵

The colonists found a justification for the right of revolution in God's law, the state of nature, the rights of man, and the nature of government. In keeping with their entire approach to government, an approach which placed the burden of proof on the political authority, they discussed at length the justifications for ending the jurisdiction of government should circumstances warrant such a move. The right of revolution may be thought of as a negative element in the

³⁴Ibid., August 23, 1753.

³⁵Ibid.

developing colonial political thought. It recommended destruction as a final solution to a problem that everyone hoped would never come. In time, however, the colonists would find the doctrine of resistance a valuable help in justifying an attack on the mother country. But what of the other side of the coin? What of the constructive thinking that was being done especially with regard to the empire, thinking that sought to express a peaceful solution to some long standing problems? What suggestions were made that might continue the right of revolution as merely an abstract principle? It is now necessary to focus on the colonial views of the possible development of the British empire.

Chapter 14 -- A Question of Autonomy

Several generations of historians, in writing about the American Revolution, concerned themselves chiefly with the activities of two groups of men who, in their own way, hastened the destruction of the old British empire. One group, made up of the Galloways, the Bouchers, and the Hutchinsons, refused to acknowledge the extent to which the colonies had developed along political, social, cultural, and economic lines so as to make a change in the imperial relationships necessary. Their adamant stand is partially explainable by their fear of the consequences of the disruption of so great a union that had brought peace, power, and a surprising prosperity to a large number of its members. Their resistance to change can also be attributed to their frequent confusion of the "state and the "nation." The "nation," which was just beginning to be recognized in the early eighteenth century, can best be described as a sense of belonging to a common heritage and the sharing of such things as language, institutions, laws, and traditions. The "nation" does not correspond to geographical boundaries, nor does obedience to a recognized political authority render a group of people a nation. However the nation may have been formed, its members think of themselves as members of a permanent community who share in a common present existence and future destiny. The "state," on the other hand, is a more limited, a more formal relationship. The state embodies

power, mutual obligations, and authority, one segment of which is the political authority. The problem with such eighteenth century thinkers as Thomas Hutchinson was that they could not recognize that political authority, which rests essentially in the state, can be divided and shared and yet a people may still be held together by the bonds of the nation. In too many minds on the eve of the Revolutionary War, an attack on the basic political authority of the empire was to strike at the very source of life of the English speaking union. The refusal of the "Tories" to admit the necessity of, or provide the means for, change, contributed in a negative sense to the destruction of the empire.¹

The second group of "destroyers" includes Patrick Henry, Samuel Adams, and the host of other revolutionaries whose names have graced so many Fourth of July orations. These men, when they thought in terms of "nation," considered themselves as members of the British nation and empire. It was an empire of their own definition however, and they insisted on membership on their own terms. When these terms were refused these were some of the earliest to press for the ending of all ties between the colonies and the mother country. These were the more positive destroyers of the old empire.

¹For a discussion of the colonial concept of nationality see Max Savelle, "Nationalism and Other Loyalties in the American Revolution," The American Historical Review (July, 1962), 901-12.

Within the last half century, historians have become concerned with the activities of a third group of colonists whose ideas, although not accepted during the crisis preceding Revolution, were, in the long run, perhaps of greater value in settling future questions concerning the division of authority.² These are the men who made recommendations as to the possible readjustment of powers, obligations, and jurisdictions, within the British empire, in the hopes that such changes would preserve intact the imposing edifice with a minimum of hardship for all concerned.

In many ways the thinking of this latter group is more interesting than that of the other two, partially a result, perhaps, of the continual repetition of situations in which their ideas are applicable. These men approached closer to the heart of the pre-revolutionary problem, a problem that was essentially a political one, that of the relationship between a central authority and local authorities. It was a question that was to plague the new states of the United States in their efforts to draw up a national charter and it is perhaps no mere coincidence that these men played a much more prominent role in the early days of the Republic than did the more vocal elements of the revolutionary epoch. These men knew the value of the great union of the English speaking peoples. On the other hand they re-

²A pioneer work in the field of colonial imperial thought is Randolph G. Adams, Political Ideas of the American Revolution, a work first published in 1922 when the imperial question was once again a vital issue.

cognized that the attitude of British officialdom, which regarded the colonies as being in a superior-subordinate relationship with the mother country, was no longer tenable. Their problem was to define the empire in terms acceptable to all concerned and in keeping with the emerging political theory of the colonists.

The problem of sovereignty within the empire was inherent from the very outset of the English settlements in the new world. The early charters granted the settlers all the rights and privileges of Englishmen, and yet the mercantilist doctrine which motivated the majority of the entrepreneurs who backed the establishmen of colonies placed the colonies at the service of England. The very justification for their existence lay in service rendered. England began to formalize the terms of this service by a series of navigation acts in the 1650's and 1660's. Various trade acts during the seventeenth and eighteenth centuries sought to make the colonies more profitable to England. In the process of doing so, however, the colonies were brought under the jurisdiction of a set of laws that discriminated against them and pointed out in no uncertain terms that the Englishman living in America was quite different than his brother in England. The long years of relative peace and tranquility with regard to the imperial relationship can be attributed to a number of circumstances, the presence of foreign powers surrounding the English settlements, England's preoccupation with affairs elsewhere, the lax enforcement of the trade laws coupled with rather flagrant

violations of them on the part of the colonists. The result was that the colonial thinkers paid little attention to the nature of the empire during the long formative years of the colonial period. They were pleased to be a part of the British empire. They gloried in the elimination of the foreign menace, the Dutch, the Spanish, and finally the French. They complained of trade restrictions but by and large they prospered by their legal trade with a ready market within a protected empire, and their trade outside the empire.

The end of the "Great War for the Empire" in 1763 brought about a decisive change in imperial policy. The last great foreign power, the French, had been all but eliminated from the Americas. Britain found itself in control of a greatly expanded empire and in dire need of a more formalized system of control. Additional revenues were badly needed. The result was the imposition of new regulations on the colonists, the more strict enforcement of old ones, and, for the first time, the direct taxation of the colonists. In the years immediately following 1763, many colonists began seriously to question the relationship of this central authority to the local authority of the colonies, especially as this authority was vested in the colonial assemblies. It is during the years between 1763 and 1775, then, that colonial attention is centered on the nature of the empire.

The years prior to 1763 were not entirely devoid of thought concerning the empire. The first half of the eighteenth century witnessed the filling in of the broad outlines of the political thought that was to

provide the basis for later arguments. The thought continued to be stressed, for instance, that the American colonists were entitled to the rights of Englishmen, an argument advanced from the earliest days of the colonies. William Smith, the elder, used this argument to oppose the creation of courts of equity in the colonies by virtue of the Crown's Prerogative. "To affirm this Power in the Crown," he argued, "without an Act of the Legislature . . . supposes his Magistry to be vested with an Arbitrary Authority over his American Subjects, with Power to impose New Laws, without their Consent; which would be to alter the Constitution, and deprive us of one of the chief Privileges, which we justly glory in, as the Birth-right of English-men."³ It was evident to Smith that British subjects, whether in England or America, were under the same constitution. The king possessed the same prerogatives over both groups of subjects and his subjects in turn enjoyed the same liberties. The king agrees at his coronation to govern all his subjects "according to the same Laws." Thus far, Smith's argument is no different from that of any of a hundred similar essayists who could be cited. As his argument develops, however, the faint outline of the future colonial view of the empire begins to emerge. Among the fundamental liberties and rights of Englishmen, says Smith, is the right to choose the

³ William Smith, Mr. Smith's Opinion Humbly Offered to the General Assembly of the Colony of New-York, One sic the Seventh of June, 1734. At Their Request (New York: William Bradford, 1734), 12.

laws by which one is to be governed and, in turn, to be governed only by laws thus chosen. The physical removal of Englishmen to a new land does not change this basic principle:

Our American Abode has put no Limitation on these Rights, but what necessarily flow from our Dependence; a Dependence vastly to our Advantage Hence we have a Right to choose every Law that is not repugnant to the Laws of England; and to choose every Law of England, that suits our Convenience; and to refuse every Law of England that in its Original Institution was not intended to oblige us.⁴

Three basic concepts appear in Smith's argument. First, numbered among the rights of Englishmen claimed by the colonists is the right to a degree of self-regulation through the passage of laws. There was an immediate area of conflict here between the colonists who had come to look upon their local governments, and especially their assemblies, as a right bestowed upon them by nature and the British constitution. To many who represented the interests of Parliament and the Crown, however, whatever means of self-government the colonists enjoyed were theirs by the grace of the mother country and could be withdrawn at any time. The two points of view were summarized by William Smith, Jr.:

Our Representatives, agreeable to the general Sense of their Constituents, are tenacious in their Opinion, that the Inhabitants of this Colony New York are entitled to all the Privileges of Englishmen; that they have a Right to participate in the legislative Power, and that the Session of the Assemblies here, is wisely substituted instead of a Representation in Parliament, which, all Things considered, would, at this remote Distance, be extremely inconvenient and dangerous. The

⁴Ibid., 33-34.

Governours, on the other Hand, in general, entertain political Sentiments of a quite different Nature. All the Immunities we enjoy, according to them, not only flow from, but absolutely depend upon, the mere Grace and Will of the Crown. It is easy to conceive, that Contentions must naturally attend such a Contradiction of Sentiments.⁵

Implicit in the elder Smith's argument is a second important concept, that of separate interests. Although the colonists are Englishmen, they are removed by time and the expanse of ocean from their brothers in Britain. Moreover, they have a totally new environment to cope with. Surely, many of them maintained, this was reason enough for legislative bodies of their own, for who could know the requirements of the new way of life better than those who were in the very midst of the frontier existence. From the beginning, the colonists had made the laws they felt to be necessary and were now suggesting that they had the right to select the laws of Parliament to which they would render obedience.

The third concept, following logically from the first two, was that of a division of the decision making within the empire. This is not spelled out in detail by Smith but it is a dominant theme running throughout his argument. There are, Smith appears to be saying, some things that Parliament can not do. There are areas that are not rightfully within the jurisdiction of Parliament or, for that matter, the Crown.

Here, in rough outline, is the basis of the colonial argument of

⁵William Smith, The History of the Province of New-York from the First Discovery to the Year 1732 (London, 1757), 241.

the period 1763-75. It is vague, to be sure, and contains little in the way of positive suggestions, but it indicates that at least some minds were at work evolving a more equitable imperial arrangement.

The colonists made frequent suggestions of an economic nature that were later to be included in their thoughts concerning the empire. The British navigation acts and trade regulations, taken all together, resulted in an unfavorable balance of trade against the colonies in their dealings with the mother country.⁶ Many of the complaints registered by the colonists concerning these restrictions and the resulting trade deficit may be passed off as no more than the usual "gripes." A few colonists, however, suggested that an approach to trade, which exploited the colonies for the sake of the colonizing agent, was a shortsighted policy at best. What was important was the health of the empire as a whole. If any part of the empire witnessed a serious economic weakening because of the policies established by the central authority, then the empire was made that much weaker. This argument was advanced by Jeremiah Dummer in his famous essay, A Defence of the New-England Charters.⁷

⁶"Our Merchants are compared to a Hive of Bees, who industriously gather Honey for others The Profits of our Trade center chiefly in Great Britain In our Traffick with other Places, the Balance is almost constantly in our Favour" (Ibid., 213.).

⁷Jeremiah Dummer, A Defence of the New-England Charters (London: W. Wilkins, 1721; reprinted in Boston: S. Kneeland, 1721).

Dummer anticipated, in his Defence, some of the ideas of William Smith concerning the separate interests of the colonies and the necessity for a division of the law-making authority within the empire. The "Right of Legislature," according to Dummer, was inherent in the original charters of the various colonies. Even if such a right were not specifically granted in the charters, "the Reason and Nature of the Thing" made it most necessary that the colonists have some means of self regulation. "Every Country has Circumstances peculiar to itself in Respect of its Soil, Situation, Inhabitants, and Commerce, to all which convenient Laws must with the nicest Care and Judgment be adapted"⁸ Under such circumstances laws may be passed in the colonies which will differ from the laws of England and yet not be repugnant to them. Some degree of latitude must be given to the colonists to adapt their own laws to the unique environment in which they found themselves. On the other hand, Dummer continued, a law passed in the colonies may be said to be repugnant to the laws of England when such a law runs contrary to an act that specifically mentions the colonies. If, however, a law passed in England is clearly intended to relate only to the realm of England, "no Law in the Plantations can properly be said to repugn it."⁹ Dummer hastened to assure those who feared the extension of such freedom of operation would lead to eventual independence on the part

⁸Ibid., 33.

⁹Ibid., 34.

of the colonies. "They are so distinct from one another in their Forms of Government, in their Religious Rites, in their Emulation of Trade, and consequently in their affections, that they can never be suppos'd to unite in so dangerous an Enterprize."¹⁰

Dummer urged that with regard to the economics of maintaining the colonies, the welfare of the empire as a whole should be the chief criterion to follow in establishing policy. A continual draining of the natural resources and money supply of the colonies, coupled with the suppression of colonial manufacturing, would eventually render them incapable of contributing to the over-all wealth of the empire. "The Mother Kingdom must therefore needs rejoyce in the Prosperity of every one of her Colonies, because it is her own Prosperity," argued Dummer.¹¹ The many examples of disobedience of the colonists, and their seeming disrespect for royal authority, was only a result of their desire to carry on a profitable economic life. A flourishing trade in the colonies would be in "the true Interest of the Crown and Nation, because they reap the Profit of it."¹² Dummer closed his remarks by again stressing the interdependence of Britain and the colonies:

. . . Whatever injures the Trade of the Plantations, must in Proportion affect Great Britain

¹⁰Ibid., 36-37.

¹¹Ibid., 38.

¹²Ibid., 40.

The Sum of my Argument is, That the Benefit which Great Britain receives from the Plantations, arises from their Commerce: That oppression is the most opposite Thing in the World to Commerce, and the most destructive Enemy it can have ¹³

Circumstances prior to 1763 did not encourage the colonists to probe too deeply into the nature of the empire. Some, like Dummer and Smith, had attempted to describe the basic rules of conduct by which the empire should be governed. There was no attempt, however, to invent the machinery to implement such rules, nor to describe in specific terms the division of authority with the empire. ¹⁴ Even in the years after 1763, some of the colonists who had been most vocal in their defense of colonial rights were reluctant to press the issue too far. ¹⁵ Others, however, now used the crisis arising

¹³Ibid., 40, 42. In later years John Adams was to pay the following tribute to Dummer: "The 'Defence of the New England Charters by Jer. Dummer,' is, both for style and matter, one of our most classic American productions. 'The feelings, the manners and principles which produced the revolution,' appear in as vast abundance in this work, as in any, that I have read" (John Adams to William Tudor, August 11, 1818, Novanglus, and Massachusettensis; or Political Essays, Published in the Years 1774 and 1775, on the Principle Points of Controversy, between Great Britain and her Colonies (Boston, 1819), 288.).

¹⁴The Albany Plan of Union will be omitted from this discussion.

¹⁵"Let me further exhort you to pay due respect in all things to the British Parliament; the Lords and Commons being two branches of the supreme legislative over all his Majesty's affairs of the colonies, to direct, check or controul them, seems to be supposed in their charters . . . our several legislatures are subordinate to that of the mother-country . . . (Mayhew, The Snare Broken, 25-26.).

out of the altered British colonial policy as a justification for some detailed thought concerning the nature of the empire.

Stephen Hopkins, governor of Rhode Island, set his thoughts down in an essay that sought to clarify the relationship between the colonies and the mother country.¹⁶ He began at the very beginning, in the state of Nature, and, by reference to the principle of the social compact, explained how men came into a political union under government. The compact was extremely important to Hopkins, for he maintained that any segment of a society could decide to remove itself from the jurisdiction of the existing government and take up residence of its own. Hopkins argued that the early settlers in the new world were in possession of charters which were, in effect, compacts between themselves and the king. Within these compacts were "the terms of their freedom, and the relation they should stand in the mother country."¹⁷ The colonists agreed to remain subject to the king; in return they were to receive protection and enjoy "all the rights and privileges of free-born Englishmen." Each colony was granted a legislature to provide for its own welfare, and yet, by the terms of the compact, there was a tie between the colonies and the king. The result was, in Hopkins' words,

. . . An imperial state, which consists of many separate governments, each of which hath peculiar privileges, and of

¹⁶[Stephen Hopkins], The Rights of the Colonies Examined (Providence: Wm. Goddard, 1764).

¹⁷Ibid., 5.

which kind it is evident the empire of Great-Britain is: no single part, though greater than another part, is by that superiority entitled to make laws for, or to tax such lesser part: but all laws, and all taxations which bind the whole, must be made by the whole¹⁸

Hopkins failed to press this view of an empire of coequal bodies to a logical conclusion. He felt, instead, that there were items of general interest to all parts of the empire which had to be "regulated, ordered and governed." Among these items was commerce, internal security and peace within the empire, and the regulation of currency. It was necessary that there be a general over-all power to direct these affairs. To Hopkins, it was quite obvious that this directing authority could only be found "in the parliament of Great Britain."¹⁹

Hopkins came close to a concept of imperial relationships later to be embodied in the British commonwealth of nations. A more conservative definition of the empire came from the mind of Daniel Dulaney.²⁰ Dulaney did not make clear what structural adjustments would make the empire more acceptable, nor was he willing to clarify the issue of sovereignty beyond arguing that Parliament did not have the power to tax the colonies. He recognized that the interests of the colonies differed with those of Britain. Moreover, the colonies had their own legislatures to provide the necessary laws

¹⁸Ibid., 19.

¹⁹Ibid., 10-11.

²⁰[Daniel Dulaney], Considerations on the Propriety of Imposing

to deal with local exigencies. When pressed, however, Dulaney had to admit that he saw no alternative to the subordination of the colonies to "the supreme Authority vested in the King, Lords, and Commons." "Dependance and Inferiority" did not mean "Vassalage and Slavery," but beyond this Dulaney was not willing to go in defining the extent of autonomy, on the one hand, and obedience on the other.²¹

One of the most astute of the political commentators during these early years of crisis was Richard Bland of Virginia. His Letter to the Clergy of Virginia anticipated, in some respects, the arguments in his more famous essay, An Inquiry into the Rights of the British Colonies. In his Letter, Bland posited the basic premise that although the royal prerogative was of great importance, the welfare and happiness of the colonists themselves was the supreme law of the land. When royal instructions were silent on a specific issue, or when observance of such instructions would be harmful to the people, then the local political authority within the colonies was justified in acting. Bland is here repeating an old colonial argument, but a short six years later he is prepared to elaborate on it in his Inquiry.

Bland opened the Inquiry with a brief discussion of the taxation controversy and the question of representation which it posed. He

Taxes in the British Colonies for the Purpose of Raising a Revenue, by Act of Parliament ([Annapolis], 1765).

²¹Ibid., 15.

soon passed beyond these more superficial aspects of the question and plunged into the heart of the matter. The real problem, he believed, was the connection between the colonies and Britain. He did not feel that there were valid precedents in English law or in past history to guide the statesmen of the day in finding a solution to the imperial problems. Any solution, Bland believed, "must have Recourse to the Law of Nature, and those Rights of Mankind which flow from it."²²

When men were deprived of their rights or felt dissatisfied with their lot, Bland argued, in words similar to Hopkins, they had the right to quit the society in which they found themselves and move to another. In doing so,

. . . they recover their natural Freedom and Independence: The Jurisdiction and Sovereignty of the State they have quitted ceases; and if they unite, and by common Consent take possession of a new Country, and form themselves into a political Society, they become a sovereign State, independent of the State from which they separated.²³

This, said Bland, was the situation of the early colonists. As an independent body they could enter into contactual associations with other political bodies. This was done as the colonists agreed to unite with England with regard to external policy and "in the closest and most intimate LEAGUE AND AMITY, under the same

²²Bland, An Inquiry into the Rights of the British Colonies, 13-14.

²³Ibid., 14.

Allegiance, and enjoying the Benefits of a reciprocal Intercourse."²⁴ Bland stressed the fact that the colonies existed as independent entities with respect to internal government and were justified in dealing with Britain from the basis of equality. The terms of their contract with the king did not include that the colonies were to be governed by the laws of Parliament. Again, as in the case of Hopkins, Bland pressed his argument to the brink of the chasm of complete sovereignty for the colonies, but then drew back at the last moment. Parliament was not the supreme legislative power in the colonies, as it was within the British kingdom, but the colonies were subordinate "in Degree" to the authority of Parliament. What did this mean? To Bland it meant that Parliament could not rightfully "deprive the People of their natural Rights; nor . . . can it deprive them of their civil Rights, which are founded in Compact, without their own Consent," certainly not a new thought in colonial political theory.²⁵

Hopkins, Dulaney, and Bland, had concerned themselves primarily with the philosophical basis for a division of authority within the empire. None of them had attempted any concrete recommendations as to the institutions that might implement their ideas. The South Carolinian, William Drayton, was less philosophical and more

²⁴Ibid., 20.

²⁵Ibid., 26.

practical in his suggestions.²⁶ Drayton based his argument on the increasingly popular premise that the colonies owed allegiance to the Crown only and not to Parliament. He disposed of the taxation issue by saying that revenues from the colonies should be in the form of grants requested by the king on the same principle as was practiced in England. Drayton advocated the establishment of a "High Court of Assembly of North America," and that all grants and laws binding on the colonies should be "granted, enacted and received" by this body. The Court was to be convened by the King's writ and would be made up of members chosen by the assembly of each colony. Each colony would have an equal representation. This General Court was to have jurisdiction over the revenues raised to maintain the colonial share of the empire, and to have general jurisdiction over inter-colonial affairs. The internal affairs of the individual colonies were to be handled by the local assemblies. In this way, Drayton hoped a buffer would be created between the colonies and their direct rule by Parliament and yet a decent subordination be maintained.²⁷

Drayton's essay was overshadowed by two others published in the same year, one by Thomas Jefferson,²⁸ the other by James

²⁶ [William Henry Drayton], A Letter from a Freeman of South Carolina to the Deputies of North America, Assembled in the High Court of Congress at Philadelphia (Charlestown: Peter Timothy, 1774).

²⁷Ibid., 14-16.

²⁸ [Thomas Jefferson], A Summary View of the Rights of British America. Set Forth in some Resolutions Intended for the Inspection

Wilson.²⁹ Jefferson's Summary View is not one of his better works nor is it very original in its ideas. It is of interest, however, as a study of Jefferson's thought at this particular stage of development. Jefferson repeated Bland's defense of the right the individual has to leave the jurisdiction of one society and government and go to another. In doing so, the individual severs all ties with his mother country and she, in turn, has no claim of sovereignty over him. The colonists who first settled in the new world were thus free agents. Once these settlements were made, they began to cast about for a union to which they could easily adapt and one that would be to their advantage. They adopted "that system of laws under which they had hitherto lived" and decided to continue their association with the mother country "by submitting themselves to the same common sovereign."³⁰ This made the king the "central link connecting the several parts of the empire." Jefferson pictured the colonies as being in the same relationship with Britain as that which existed between Britain and Hanover. They were united under the same king, the same chief executive, but in no other manner. Parliament legislated for only "one part of the Empire" and had no right to

of the Present Delegates of the People of Virginia now in Convention (Williamsburg: [Clementinarind, 1774]).

²⁹[James Wilson], Considerations on the Nature and the Extent of the Legislative Authority of the British Parliament (Philadelphia: William & Thomas Bradford, 1774).

³⁰Jefferson, Summary View, 7.

extend its authority to the colonies which were, by their very nature, independent entities.

Wilson realized more clearly than any of the men previously discussed that the basic question was one of the extent of sovereignty. His opening sentence was directed to the very heart of the matter: "No question can be more important to Great Britain and the colonies than this--does the legislative authority of the British Parliament extend over them?"³¹ Wilson described the results of his studies in the preface to his work:

Many will, perhaps, be surprised to see the Legislative Authority of the British Parliament over the Colonies denied in every instance. Those the writer informs, that, when he began this piece, he would probably have been surprised at such an opinion himself He entered upon [his studies] with a view and expectation of being able to trace some constitutional Line between those cases, in which we ought, and those in which we ought not, to acknowledge the power of Parliament over us. In the prosecution of his enquiries, he became fully convinced, that such a Line does not exist; and that there can be no medium between acknowledging and denying that power in all cases.³²

The denial of Parliamentary authority over the colonies did not mean the destruction of the empire. Wilson recognized, as did few others, that the invisible bonds of union that held together peoples of similar language, laws, and traditions were, in the final analysis, more durable than a resented political authority. The colonies owed allegiance to the kings of Great Britain only, and not to Parliament.

³¹Wilson, Considerations, preface.

³²Ibid.

This left them free to regulate their own affairs and yet maintained the bonds of unity through the recognition of a common ruler:³³

From this dependence [on the Crown], abstracted from every other source, arises a strict connection between the inhabitants of Great Britain and those of America. They are fellow subjects; they are under allegiance to the same Prince; and this union of allegiance naturally produces an union of hearts. It is also productive of an union of measures through the whole British dominion.³⁴

Thus, to Wilson's way of thinking, "all members of the British Empire are distinct states, independent of each other." The unifying agent was the Crown and the powerful bonds of a shared past history. Wilson had crossed the chasm that had turned back others, and had pointed the way to empire of separate entities tied together by allegiance to a common head, a commonwealth of nations, as it were.

The remainder of this chapter will be devoted to three men, William Smith, Jr., Benjamin Franklin, and John Adams. These men have been selected for special consideration for several reasons. All three were greatly concerned with the imperial question and commented extensively on various facets of it. All three were great admirers of the Old Whigs and undoubtedly obtained some of their ideas from the Old Whig writings. These three men, finally, provide an excellent study in contrasts when their ideas on the em-

³³Ibid., 28-29.

³⁴Ibid., 33.

pire are compared. Yet, as widely divergent as their views were, there were certain common themes that ran through the thinking of all three. Moreover, even Smith, the most conservative of the three, was extremely radical in his views when his ideas are compared with those of the leaders of Parliament who still thought in terms of "our colonies."

William Smith, Jr., was born in New York in 1728. He graduated from Yale in 1745 and entered into a law partnership with William Livingston. A third lawyer, John Morin Scott, completed the "triumvirate," which played such a prominent role in New York politics. Smith contributed a few articles to the Independent Reflector during that publication's brief but important life. In 1757 he had published in London his History of the Province of New York. Smith was appointed to the Governor's Council in 1767 just in time to participate in the events which led to the outbreak of revolution. He opposed the measures of Parliament which aimed at taxing the colonies; he continually stressed the importance of the colonies to the empire and the idea that the future seat of the British empire would probably rest in America. He could not, however, bring himself to condone the separation of the colonies from Britain. His ambiguous position, once war came, aroused the suspicions of the patriot elements and Smith was placed under restrictions. He left New York with the evacuating British forces in 1783. He later moved to Canada where he was made Chief Justice of Quebec, a position he

occupied until his death in 1793.³⁵

Smith expressed himself in a letter to a friend some six months after Lexington and Concord: "The weal of the whole Empire is my aim."³⁶ Throughout the decade prior to 1775, Smith had tried to reconcile his two loves, the future greatness of his own country, and the grand empire to which she belonged. His thinking reflected both loyalties; in calmer times Smith's views of the empire might well have formed a workable basis for union.

In 1765 Smith wrote to Governor Monckton summarizing the colonial complaints and expressing his fears over the new imperial policy of Britain:

The grand Causes of the Complaints of the Provinces are the Stamp Duties, a Monopoly of Trade in Favor of the Islands, to the Prejudice of the Continent and Great Britain, and an Inlargement of the Admiralty Jurisdiction in Derogation of Trials by Jury

I am very fearful not only of Discontent and partial Tumults amongst them [the colonists], but that a general Civil War will light up and rage all along the Continent.³⁷

Smith reminded Britain that the resentment expressed by the colonists toward impositions by Parliament was only natural to freedom loving Englishmen. The British nation "has herself sown the Seeds of Liberty in America," Smith said; "Nature, the Climate,

³⁵Historical Memoirs from 16 March 1763 to 9 July 1776 of William Smith (William H. W. Sabine, ed.), 1-11.

³⁶Smith to General Haldimand, October 6, 1775, Ibid., a facsimile of Smith's handwriting, p. 16.

³⁷Smith to Governor Robert Monckton, November 8, 1765, Ibid., 30.

will produce the rest If the Americans are wrong is there not Compassion due to Millions who have learned Lessons of her own teaching."³⁸ He described his views on the nature of the colonial heritage:

They were settled by Englishmen Every Colony was a petty State, enjoying a legislative Omnipotence within its own Bounds No Colony thought of injoying less than English Liberty--Many expected more. Great Britain knew that they actually possessed more than her Subjects at Home. The Colonies set out with her Government in its most improved Condition for their Model When poor, Great Britain encouraged us--We grew rich together.³⁹

Smith was convinced that in time America would become the center of the empire. He urged the colonists to be patient and the majority of their complaints would be solved without recourse to violence.⁴⁰ His great fear was the impetuosity of the colonists might prolong "this unnatural War in which every Blessing of human Life is lost if we are vanquished and Great Britain ruined if we succeed and ourselves compelled in the sequel to put on a National Character and submit to the most enormous Expenses before we have abilities to support it"⁴¹ The empire, to Smith, took on an almost mystic quality. It commanded his ultimate allegiance. It

³⁸Smith to General Haldimand, October 6, 1775, Ibid., 240-41.

³⁹"Notes for Mr. Hamilton [William Gerard (?) MP for Wareham] on the American Dispute," November, 1775, Ibid., 247.

⁴⁰Smith to Lewis Morris, June 5, 1775, Ibid., 228b-228c.

⁴¹Recommendations to the New York delegation to the Continental Congress, December, 1775, Ibid., 245.

was an empire, however, that was tied together not by the laws of an omnipotent Parliament, but by "the Ties of Blood, Interest, Habit, Prejudices and Affection to the Parent Country."⁴²

Various acts of Parliament had triggered the crisis situation that Smith was attempting to solve and he therefore turned his attention to the extent of the authority of Parliament with regard to the colonies. He drew a line between the legislative powers of Parliament and the taxing power. He felt the colonists had done themselves a disservice by confusing the two powers and by declaring that to concede the one of necessity meant to concede all.⁴³ He insisted that "Great Britain may possess a useful Supremacy, without the Exercise of a Taxing Power."⁴⁴ The problem as Smith saw it, was to devise a plan that would prevent Britain from "contending for what she does not really want and cannot execute," and at the same time would put down any thoughts of the colonies throwing off their dependence on the mother country. To this end he turned his

⁴²"Notes for Mr. Hamilton," Ibid., 248.

⁴³"...I never did perceive the Wisdom of America, in discountenancing the Principle... that the Taxing and Legislative Powers are inseparable Concomitants--for I take it that this was implicatively admitted by the last Congress; and that it was to refute the Claim of Taxation, that they thought it requisite to deny the whole Right of Legislation. A declaration of this of Independency; which can be of no use to us if Great Britain would yield it, but if carried into Execution utterly destructive of the Nation" (Smith to Lewis Morris, June 5, 1775, Ibid., 228a.).

⁴⁴Ibid.

attention, especially during the final months prior to the formal declaration of independence.

Smith had decided quite early in the controversy that a colonial representation in Parliament was not the answer to the imperial problem.⁴⁵ In May, 1775, He wrote to Philip Schuyler recommending the creation of "an American Parliament" which would decide on the grants requested by the Crown and assign quotas to the various colonies.⁴⁶ In June, Smith outlined his suggestions in more detail in a letter to Lewis Morris, who was then serving as a delegate to the Continental Congress. He urged that the Congress once more petition the King expressing, first of all, the loyalty of the colonies, a denial of any desire for independence, and finally recommending a course of action to effect a cure for the strained relations between the parts of the empire. Addressing himself to the Congress, he said,

Then you will in Terms of the most explicit Affection, declare your Readiness to contribute to the exigencies of the Nation, upon Confidence that all future Aids are to be expected in the Way of Requisition, and that when Duties are imposed as in the Regulation of Commerce, they shall pass to your Credit as Part of Your Gifts--In further Confidence also, that your internal Police . . . be left to the Colonies. . . . if it shall be conceived by his Majesty, to be requisite toward the better obtaining the Aid of the Colonies in Times of Extremety, you will cheerfully consent to send Delegates from your Assemblies towards a General Convention for the receiving the Royal Requisition, granting Aids for all the Provinces, and ascertaining

⁴⁵Note in memoirs, December 13, 1768, Ibid., 49.

⁴⁶Smith to Philip Schuyler, May 16, 1775, Ibid., 224-25.

the Quotas of each; leaving to their separate Consideration, only the Ways and Means of raising them--Concluding with a Recommendation to every Province and Colony in the Confederacy, that whenever it shall please his Majesty and the two Houses of Parliament, to signify their Approbation of this Plan, as a Foundation of the Restoration of the Harmony of the Empire, to liberate the Commerce and cultivate their antient affection --in a firm Persuasion that every Mark of Severity to which this unnatural Contest gave Rise, will be speedily removed, every Grievance redressed, and every Act of Violence forgotten and buried in Oblivion.⁴⁷

Smith repeated these thoughts in a later note to the New York delegation of the Continental Congress.⁴⁸

The final stages of Smith's thoughts are revealed by his personal memoirs. As events moved relentlessly toward a final cleavage between Britain and her American colonies, on June 8, 1776, Smith wrote, "the Clouds grow very dark--My hopes of a conciliatory Negotiation, almost fail me."⁴⁹ The next day, June 9, Smith wrote a detailed analysis of the entire controversy as it appeared to him. He prefaced his remarks by saying, "I now set down--My Thoughts as a Rule for my own Conduct, at this melancholy Hour of approaching Distress."⁵⁰ He then described what he felt to be the basic principles of government in general and the colonial governments in particular. From these principles he drew a number of conclusions

⁴⁷ Morris Letter, June 5, 1775, Ibid., 228b.

⁴⁸ Recommendations, December, 1775, Ibid., 245-46.

⁴⁹ Note in memoirs, June 8, 1776, Ibid., 271.

⁵⁰ Note in memoirs, June 9, 1776, Ibid.

relevant to the existing crisis.

Smith summarized his views on government as follows.⁵¹ Every nation, he believed, had the authority to devise whatever form of government was most acceptable to the people and conducive to their well-being. Once formed, however, the government, and especially the legislative power, was absolute in the sense that it could not provide for its own dissolution, and hence must punish as treason any attempt at subversion. The early settlements in the Americas might have been prevented or halted in their formative years had England so decided. Parliament was conversant with the grants and charters awarded to the early settlers, and by their cooperation in the act of settlement and continued recognition of the regulations and practices of the colonists, they had given tacit approval to "a great National Covenant between the Mother Country and the Colonies." Before 1764, this National Covenant was recognized as giving supreme legislative power over the entire empire to King, Lords and Commons. This Covenant bound Britain to protect and promote the colonies, and, in turn, the colonies were to submit to the authority of the parent nation "in all Cases not repugnant to their Grants, Charters and established Privileges." Neither of the contracting parties could dissolve the compact. It was hoped that, in the absence of an impartial judge, all controversies could be solved by negotia-

⁵¹Ibid., 271-62.

tion. In the final analysis, however, the right of self-preservation might force the contracting parties to an appeal to "the Lord of Hosts by Battle." In a moment of rare insight Smith concluded,

Since amongst imperfect Beings Offences are inevitable, the Contractors are by the Laws of a Judge who cannot be deceived, reciprocally bound upon Exceptions taken, to pursue every Measure of a conciliatory Nature consistent with the original End of the Union, and to such Mutual Condescensions, as tend to the Re-Establishment of the General Felicity, Peace and Harmony: And this is more especially their Duty, since the Empire consists of Branches, who have offended neither of the Parties at Strife, and yet will be ruined, if the Controversy terminates in a Disunion.⁵²

At the conclusion of his statement of general principles, Smith observed that both Great Britain and the colonies were at fault in bringing about the existing crisis, unless, he added, "the Sovereignty of the former, and the Happiness of both, are no longer compatible."⁵³

From these general principles, Smith turned to some specific applications with regard to the conflict between Britain and the colonies.⁵⁴ The initial responsibility for the crisis situation rested with Great Britain. She had assumed an authority in taxing the colonies that was contrary to the compact under which the empire had so long prospered. The colonies were justified, in Smith's opinion, in resisting the new duties, even to the point of using force. The colonies had erred, however, in failing to provide an acceptable

⁵²Ibid., 272.

⁵³Ibid.

⁵⁴Ibid., 273-77.

substitute for parliamentary taxation:

. . . It was the Duty of the American Assemblies, and of the Continental Congress, as acting for the whole Continent, to render a Plan to the Mother Country for restoring Peace, consistant with the Compact, by which the Parliament of Great Britain, was to enjoy a Supremacy not incompatible with the Common Felicity of the Empire.⁵⁵

The declaration of the Congress, declaring the colonies to have exclusive legislation "was a departure in Terms, from the Original Covenant" since it left Parliament with no authority over the colonies. In spite of this untenable position taken by the colonies, Smith continued, Britain might still have worked for a conciliation instead of enacting still more restrictive measures. Both sides were ultimately to blame, Great Britain for seeking to "aggrandize herself, by extortionate Exactions from the Plantations," and America in seeking "to figure among the Nations, as an independent Power, on the ruins of Great Britain."⁵⁶

Smith felt, more deeply than either Franklin or Adams, the tragedy of the break-up of the great union that was the empire. He viewed it as more than merely a "British" empire. It was British only because at the moment the supreme legislative authority was British. The time would come, he was sure, when the seat of Empire would shift to the West and America would be the recognized head. It is quite apparent in Smith's writings that he had begun to

⁵⁵Ibid., 274.

⁵⁶Ibid., 278.

appreciate the idea of the "nation" as it included peoples of like language, laws, and traditions. He was willing to concede that these qualities were the real bonds of union; indeed, the empire was to him a great English speaking nation participating in a common destiny. Smith could not accept the absence of a supreme legislative authority within the empire, however, and hence he found himself unable to agree with those colonists who advocated complete autonomy within the colonies. Thus he was emotionally and intellectually committed to the preservation of the empire, and although in some ways his ideas were extremely advanced for his time, he was tragically out of step with developments both in the colonies and in Britain.

Whatever may have been the shortcomings of Smith's thought concerning the empire, at least he was consistent. Such was not the case with Benjamin Franklin whose mental dexterity enabled him to break stride in the middle of an argument with relative ease.⁵⁷ One

⁵⁷The historian is confronted with a real problem in trying to trace the complicated maneuvering of Franklin's thought concerning the empire. Some of the better surveys are Verner W. Crane, Benjamin Franklin: Englishman and American, 72-139, and the same author's Benjamin Franklin and a Rising People, 122-156; Max Savelle, Seeds of Liberty, 332-42; and Adams, Political Ideas of the American Revolution, 72-74, 94-96. . Crane stresses the basic unity of Franklin's thought, keeping in mind his English and American sympathies, his pragmatic approach, and his political rather than philosophical emphasis. Savelle emphasized the shifts in Franklin's approach. He traces his thought through three stages of development; the idea of an autonomous voluntary union of the colonies (ca. 1754), colonial representation in Parliament, and finally a rudimentary form of a commonwealth of nations. Adams credits Franklin with holding, at one time or another, all three of the theories of empire that Adams labels as the theory of colonial depen-

of the reasons for Franklin's seeming inconsistency grows out of the fact that his interest in the nature of the empire covered a relatively long span of years during which time imperial relations ran the gamut from almost complete satisfaction to open conflict. The changed moods in both England and the colonies, together with the rapidly changing context within which the imperial argument took place, undoubtedly had a profound effect on Franklin who was always sensitive to changes in the climate of opinion on both sides of the Atlantic. Moreover, the Quaker associate of Franklin who claimed that one could always find "Brother Franklin" on all sides of an argument was not entirely wrong. His wide range of interests and friends, his broad knowledge, and his innate sense of politics, made him extremely adept at suiting the argument to the situation. Franklin's arguments did contain some basic continuities that should not be overlooked, however, and these began to appear quite early in his writings.

In 1751 Franklin set down some thoughts concerning population growth and its relation to the abundance of land and the extent of manufacturing. These "Observations" were published in 1755 and enjoyed a wide circulation.⁵⁸ Franklin observed that population

dency, the theory of imperial federation, and the theory of Britannic partnership.

⁵⁸ "Observations Concerning the Increase in Mankind," Franklin Papers, IV, 227-34.

increased in proportion to the number of marriages which, in turn, depended on the "Ease and Convenience of supporting a Family." The key to understanding population growth was the abundance of vacant land. Europe had long since cultivated all its readily available land and hence could expect little increase in its present population. In America, on the other hand, land was both plentiful and cheap. Marriage was therefore more general and took place at an earlier age. Franklin estimated that the population in the colonies would double every twenty years. This growth meant that the colonies would become a vast market for British goods if, Franklin suggested, Britain encouraged the economic growth of the colonies: "Therefore Britain should not too much restrain Manufactures in her Colonies. A wise and good Mother will not do it. To distress, is to weaken, and weakening the Children, weakens the whole Family."⁵⁹

Franklin was both an imperialist and a mercantilist at this stage of his development, and, indeed, throughout most of his life. He admired the empire, "that fine and noble china vase" as he was to call it. The empire was one that benefited all its members, however, and his mercantile views had advanced to a point where he recognized the necessity of a prospering body rather than merely an opulent head with weak limbs. He expressed his views in greater detail in a letter to his editor friend, James Parker.⁶⁰

⁵⁹Ibid., 229.

⁶⁰Franklin to James Parker, March 20, 1750/51, Franklin Papers, IV, 118.

Parker had sent Franklin a copy of Archibald Kennedy's essay on The Importance of Gaining and Preserving the Friendship of the Indians, and had asked Franklin for an opinion. Kennedy had made some recommendations as to a form of colonial union to consolidate the frontiers. In his reply, Franklin stated at the outset that any union of the colonies would not be brought about as had been attempted in the past, that is, by various governors trying to interest their assemblies in some plan of union. He advocated instead the selection of half a dozen good men, supplying them "with a reasonable Scheme and proper Instructions," and sending them out to interest the leading men of the colonies in the proposed plan. Such a plan might work "for reasonable sensible Men, can always make a reasonable Scheme appear such to other reasonable Men, if they take the Pains, and have the Time and Opportunity for it" ⁶¹

A voluntary union entered into in such a manner would be preferable to one imposed from abroad by Parliament. The union might be made up of a General Council, to which all the colonies would send delegates, the representation to be based on the amount paid into the common treasury, and a Governor General appointed by the Crown to preside over the Council.

The fear of the coming war with France, a fear that troubled the minds of both colonials and British officials, led to some serious

⁶¹Ibid.

considerations of means to strengthen the colonies, the most famous being, of course, the Albany Plan of Union of 1754. Franklin was selected as one of the delegates from Pennsylvania to attend the meeting at Albany. He prepared his views prior to leaving for the convention and, armed with these "Short Hints," he played a prominent role in the events at Albany.⁶²

The "Hints" called for a Governor General who would be a royal appointee, preferably a military figure, and salaried by the Crown. He was to have a negative over all acts of the Grand Council, and see to the execution of all laws agreed on by the Council and himself. The Grand Council was to be made up of one member, at least, from each of the colonies, to be chosen by the assemblies. The larger colonies would have two or more representatives depending on the amount paid into the general treasury. The Governor General and Grand Council were to have authority to deal with Indian affairs, support and protect new settlements, and guard waterways and shipping. Finally, the union was to be established by an act of Parliament.

Franklin wrote several letters to Governor Shirley in December, 1754, recapitulating several of his previous arguments and amplify-

⁶²"Short Hints Towards a Scheme for Uniting the Northern Colonies," Franklin Works (Smyth ed.), III, 197-99. For a discussion of Franklin's role in the formation see Lois K. Mathews, "Benjamin Franklin's Plans for a Colonial Union, 1750-55," American Political Science Review, VIII (1914), 393-412; Lawrence Henry Gipson, "Thomas Hutchinson and the Framing of the Albany Plan of Union," The Pennsylvania Magazine of History and Biography (January, 1950), 5-35.

ing others, especially those concerning the economics of the empire. He referred again to the Grand Council proposed in his "Short Hints," and stated that the exclusion of the people of the colonies from a share in the selection of the Council would be disliked by them, as would taxation by a Parliament in which they had no representation.⁶³ Great distances separated Parliament and the Colonies and this, coupled with the undependable quality of royal officials, made it expedient to place as much control of colonial affairs as possible in the hands of the colonists.⁶⁴ Franklin then enlarged on the economic arguments he had advanced in his earlier observations on population growth. He pointed out to Shirley that "the British colonies bordering on the French are properly frontiers of the British empire; and the frontiers of an empire are properly defended at the joint expence of the body of the people in such empire."⁶⁵ The colonies contributed substantially to the empire through the British control of trade which greatly increased the wealth of Britain herself.⁶⁶

Shirley recommended to Franklin the possibility of colonial representation in Parliament. To this Franklin agreed, provided

⁶³Franklin to Governor Shirley, December 17, 1754, Franklin Works, Smyth ed., III, 231.

⁶⁴Franklin to Shirley, December 18, 1754, Ibid., III, 235.

⁶⁵Ibid., III, 235; see also "The Interest of Great Britain Considered," Ibid., IV, 50.

⁶⁶Franklin to Shirley, December 18, 1754, Ibid., III, 236.

that enough representatives were allowed so that they might be an effective bargaining agent.⁶⁷ What Franklin may have had in mind was the enlargement of Parliament into an imperial congress with all parts of the empire sitting as equals. He had hopes

. . . that by such a union, the people of Great Britain, and the people of the colonies, would learn to consider themselves, as not belonging to a different community with different interests, but to one community with one interest; which I imagine would contribute to strengthen the whole, and greatly lessen the danger of future separations.⁶⁸

The rapid flow of events following 1763 caused Franklin to re-evaluate his thinking concerning the nature of the empire. He reluctantly discarded his idea of a colonial representation in Parliament and cast about for a more suitable plan to preserve the empire intact.⁶⁹ It was necessary to go back to the time of the first settlements in America and discern the relationship then established between England and the colonies. Franklin was aware, as few people of his time were, of the increasing difference between the

⁶⁷ Franklin to Shirley, December 22, 1754, Ibid., III, 238.

⁶⁸ Ibid., III, 239.

⁶⁹ "The time has been, when the colonies would have esteemed it a great advantage, as well as honour to be permitted to send members to Parliament The time is now come when they are indifferent about . . . and the time will come when they will refuse it" (Letter Concerning the Gratitude of America, "January 6, 1766, Ibid., IV, 400.). The same thought is repeated by Franklin in a letter to Lord Kames, April 11, 1767, Franklin Works (Bigelow ed.), IV, 280. As late as May, 1766, however, he indicated that personally he still felt that such a representation would be worthwhile. See Franklin to Cadwallader Colden, May 9, 1766, Franklin Works (Smyth ed.), IV, 456.

beliefs and practices of the old world and the new. He knew first hand both worlds and loved them both. He had sensed that these differences could drive a wedge between the two sections of the empire given the right set of circumstances, but he was confident that wisdom and tolerance would prevail in the councils of state and the differences might be reconciled.⁷⁰ He was aware that the liberties and rights claimed by the colonists at times went beyond those enjoyed by Englishmen at home. He reconciled these additional gifts by maintaining that they were both rewards for the hazards faced by the colonists in settling in the new lands, and an adaptation of some traditional practices to the different circumstances of the colonies.⁷¹

It was necessary, Franklin felt, to reconcile the liberties claimed and enjoyed by the colonists, with the newly advanced claims of Parliament. This he found to be impossible. Franklin repeated Bland's argument that the right of migration was a natural right and had been employed by the colonists. In moving, they had "seated themselves out of the Jurisdiction of Parliament."⁷² The allegiance owed by the colonists was to the king alone:

⁷⁰"The Interest of Great Britain Considered," Ibid., IV, 71-72.

⁷¹"A Dialogue between X, Y, and Z, concerning the Present State of Affairs in Pennsylvania," Ibid., III, 311.

⁷²Quoted in Crane, Benjamin Franklin: Englishman and American, 117.

. . . He [the colonist] does not call himself a British Subject, he is an American Subject of the King: the Charters say they shall be entitled to all the Privileges of Englishmen as if they had been born within the Realm. But they were and are without the Realm, therefore not British Subjects; and tho' within the King's Dominions, because they voluntarily agreed to be his Subjects when they took his Charters, and have created those Dominions for him, yet they are not within the Dominion of Parliament which has no Authority but within the Realm.⁷³

Franklin repeated this theme frequently. In answer to a protest that if the colonial assemblies were absolute in their legislative authority, the result would be governments entirely independent of each other, Franklin replied, "this is the only clear idea of their real present condition. Their only bond of union is the King."⁷⁴ And in one of his marginal notes Franklin stated, "the Sovereignty of the Crown I understand. The Sov.^y of the British Legislature out of Britain, I do not understand."⁷⁵ This denial of the legislative authority of Parliament with regard to the colonies presented Franklin with the problem of explaining why it had taken the colonies so long to protest when obviously Parliament passed many laws for the colonies over the years. His reply was that past colonial submission to such laws was no acknowledgment of the power of Parliament, but was a tribute to a reasonableness of the laws themselves and an acknowledgment of colonial weakness.⁷⁶ Franklin was willing to

⁷³Ibid., 116-17.

⁷⁴"Observations, " Franklin Works (Bigelow ed.), V, 150.

⁷⁵Crane, Benjamin Franklin: Englishman and American, 121.

⁷⁶Ibid., 128.

concede to Parliament the authority to regulate the trade of the empire, but beyond that he would not go.⁷⁷

During much of the crisis, Franklin divided his time between America and Britain. While in Britain he sought to use his many contacts and great influence to bring about a change in attitude toward the colonies. He insisted that a denial of the legislative authority of Parliament did not mean the end of the empire, an empire as much admired by himself as any man. America would grow, and as she grew it would be increasingly impossible to hold her in a subordinate position. She could be retained as a part of the empire only by "respect, veneration, and affection for Britain."⁷⁸

The last of the three men selected for special consideration, John Adams, deserves to be examined closely because, if for no other reason, this is a much neglected facet of his thought.⁷⁹ Adams expressed his ideas in a series of articles appearing in the Boston Gazette over the signature "Novanglus." The articles were written

⁷⁷ Franklin to Lord Kames, April 11, 1767, Franklin Works (Bigelow ed.), IV, 285.

⁷⁸ Ibid., IV, 286. It is significant that Franklin spent part of his time in Ireland and Scotland during these troubled years. He wrote his friend, Samuel Cooper, in April, 1769, that he was sending Cooper four pamphlets written Ireland. A year later, in another letter to Cooper, he said, "I send you also a late edition of Molineux's Case of Ireland, with a new preface, shrewdly written. Our part is warmly taken by the Irish in general, there being in many points a similarity in our cases" (Franklin to Cooper, April 14, 1770, Ibid., V, 183.).

⁷⁹ A good discussion of Adams in this connection is in Randolph

on the very eve of the war (actually they were terminated early by the events at Lexington and Concord) and represent one of the most advanced positions taken by any colonial thinker.

Events since 1763 had indicated to all concerned that the empire was in great need of some serious consideration on the part of statesmen. Adams chastised Britain for planting the colonies and then watching them develop "without ever having wisdom enough to concert a plan for their government, consistent with her own welfare: "

We think the consequences are, that she has after 150 years, discovered a defect in her government, which ought to be supplied by some just and reasonable means; that is, by the consent of the colonies.⁸⁰

Adams recognized that at the heart of the issue rested the question of sovereignty especially as it concerned the extent of the authority of Parliament and Crown, on the one hand, and the legislative power of the colonies on the other. He was willing to recognize the necessity of allowing Parliament the authority to regulate trade within the empire.⁸¹ He emphasized, however, that even this was a "voluntary subordination" and was extended to Parliament only in the absence of a more adequate directing body.⁸² This was as far

Adams' chapter entitled "John Adams as a Britannic Statesman" in his Political Ideas of the American Revolution, 107-127.

⁸⁰Novanglus, 85.

⁸¹Ibid., 31.

⁸²Ibid., 41.

as the authority of Parliament extended, however. Within the colonies the local assemblies were the supreme law-making bodies. Adams dismissed as foolish the argument in favor of colonial representation in Parliament, "the consequence is, that we must have a representation in our supreme legislatures here." This had been formerly agreed upon and recognized for a century, and, Adams warned, "must be the general sense again soon, or Great Britain will lose her [colonies]."⁸³ That the absence of a unifying head might result in a measure of disunity, Adams was ready to admit. It was a small price to pay, however, when the alternative was subordination to Parliament.⁸⁴

Adams took great pains to point out what an empire was and some things it was not:

But however it may sound, I say we are not a part of the British empire; because the British government is not an empire The governments of France, Spain, etc., are not empires, but monarchies The British government is still less entitled [sic] to the style of an empire: it is a limited monarchy. If Aristotle, Livy, and Harrington knew what a republic was, the British constitution is much more like a republic, than an empire. They define a republic to be a government of laws, and not of men. If this definition is just, the British constitution is nothing more nor less than a republic, in which the king is first magistrate An empire is a despotism, and an emperor is a despot

There is another sense indeed, in which the word empire is used, in which it may be applied to the government of Geneva, or any other republic, as well as to monarchy, or despotism. In this sense it is synonymous with government, rule, or dominion.

⁸³Ibid., 93.

⁸⁴Ibid., 90-91.

In this sense, we are within the dominion, rule, or government of the king of Great Britain.

The question should be, whether we are a part of the kingdom of Great Britain: this is the only language, known in English laws. We are not then a part of the British kingdom, realm, or state; and therefore the supreme power of the kingdom, realm or state, is not upon these principles, the supreme power of us.⁸⁵

There is lacking in the cold, precise language of the lawyer as used by Adams, the emotional involvement with the great union known as the British empire. To Adams, it was a formal arrangement, legally defined, with mutual rights and obligations. The tie that held the empire together was the King. Even here, Adams was careful to describe in exact terms the extent of this allegiance. The allegiance owed to the King was owed to his person, and was renewed with the accession of each new monarch.⁸⁶ This allegiance did not extend to "the Crown" if by that term was meant the king acting through his executive capacity. Adams argued

That the colonies owe "no allegiance" to any imperial crown, provided such a crown involves it in a house of lords and a house of commons, is certain. Indeed, we owe no allegiance to any crown at all. We owe allegiance to the person of his majesty, king George the third to his natural, not his political capacity⁸⁷

⁸⁵Ibid., 83-84.

⁸⁶"The fealty and allegiance of Americans is undoubtedly due to the person of king George the third It is due to him, in his natural person, as that natural person is intituled [sic] to the crown, the kingly office, the royal dignity of the realm of England. And it becomes due to his natural person, because he is intituled to that office. And because by the charters, and other express and implied contracts made between the Americans and the kings of England, they have bound themselves to fealty and allegiance to the natural person of that prince" (Ibid., 114.).

⁸⁷Ibid., 89.

With Adams, colonial thought had advanced as far as possible short of complete separation from the empire. Adams was willing to allow the empire to hang by the single thread of allegiance to the king as a person and not as an office. The colonies were independent states in every sense. They had voluntarily acquiesced in Parliamentary regulation of trade but merely for mutual convenience. Adams even declined to give the customary tribute to the bonds of common qualities that might hold the empire together.

These, then, were some of the colonial views on the nature of the British empire. At a time when British imperial statesmen, even those most friendly to the colonies, found it impossible to think in terms other than "our colonies" and either the complete subordination of the colonies, or the dissolution of the empire, a number of colonists were expressing ideas that later became the basis of the concept of a commonwealth of nations. In doing so they posed questions that are still very much alive and their suggested solutions must still be considered with respect. Their ideas may be summarized as follows:

First, the colonists recognized that there was a problem in imperial relations and that it could not be solved by merely enforcing more rigidly the old laws with the old institutions of empire. Moreover, they were aware that at the heart of the problem was the question of local control as opposed to central authority.

Second, they were convinced the colonies were separate and

different societies with separate and different interests. This sense of separateness was encouraged by their philosophical orientation that pictured the first settlers as communities of individuals invoking their natural right to migrate to a new land, and in doing so they severed all former ties and placed themselves in a situation to enter into new compacts and agreements. This initial uniqueness was greatly accentuated by the subsequent development of the colonies. What had been originally a transplanted European society, largely English in its people and institutions, had become a distinctive "American" society. The implications, as far as the empire was concerned, were far reaching.

Third, although the colonists disagreed on the extent of legislation contained within the colonial institutions, all agreed that the necessary institutions had been granted, not as a privilege, but as a right. Moreover, as Englishmen they possessed the love of liberty, the knowledge, and the "virtue" to make such institutions work.

From this conclusion it was but a short step to the fourth point, the necessity for a division of the decision-making function within the empire. The colonial Whigs were convinced that they knew best their needs and how to meet them. They were opposed to the impositions of Parliament. Most were willing to allow Parliament the authority to regulate trade and conduct the affairs of the empire in general, but they were increasingly reluctant to accept parliamentary jurisdiction in the colonies. Parliament was supreme within the realm

of Britain, but the colonies were outside the realm and looked to themselves for their legislative authority.

Fifth, more and more of the colonists became convinced that the economic welfare of the entire empire should be placed before the advancement of any single part. This called for some serious modifications of the traditional mercantilist thinking and some radical changes in the trade laws of the empire. Many were convinced that in time the Americas would rival Europe as the center of the world's wealth and population. Then the seat of the British empire might well be in the new world. In any case, an inferior status, even in the best of empires, was not acceptable to the colonists of the 1760's and 1770's.

Sixth, there was a growing awareness on the part of the colonists of the sense of nationality and the efficacy of the bonds of nationhood. To be sure, when they thought of nation it was the British nation and they themselves were members of the British empire. But the fact that they began to be aware that the formal ties associated with political power could be severed and still the life blood of the empire would continue to flow through the ties of national sentiment must be considered as an important contribution.

Seventh, some rather concrete suggestions were made as to new imperial machinery. Some advocated an enlargement of Parliament to include all the segments of the empire. Some suggested the creation of a supreme legislature in the colonies. Some seem to

have had in mind the creation of a body to consider only imperial affairs and to be made up of all members of the empire. Some of their recommendations were utopian, some extremely perceptive, but all showed a desire to experiment that was sadly lacking in official circles in Britain.

Eighth, and finally, the colonists recognized in the King a possible unifying agent to whom all parts of the empire might give allegiance without compromising their own positions. This allegiance they traced back to their early charters which they looked upon as compacts between themselves and the king, compacts that were renewed with each successive monarch.

John Dickinson wrote to William Pitt just as the storm was beginning to take on ominous dimensions:

The Colonists have that Sense of Freedom and Justice, that becomes the Descendents of Britons and therefore I apprehend it may with Truth be asserted, that their Dependence cannot be retained but by preserving their Affections; and that these cannot be preserved, but by treating them in such a Manner, as they think consistent with Freedom and Justice.⁸⁸

What Dickinson called "that Sense of Freedom and Justice" some Britons were to call by less complimentary terms. Whatever the explanation, the colonists found it necessary to recommend a re-evaluation of the structure and the institutional relationships of the empire. Their suggestions went unheeded, however, and the fate of

⁸⁸ John Dickinson to William Pitt, December 21, 1765, Edmund S. Morgan, ed., Prologue to Revolution, Sources and Documents on the Stamp Act Crisis, 1764-1766, 119.

the empire was taken from the hands of the philosophers and entrusted to the hands of the generals.

Conclusion

It is increasingly apparent as our knowledge of the colonial period becomes more complete, that the colonists were constantly in touch with the latest in European thought and lived in an atmosphere where ideas played a prominent role. Throughout the seventeenth century and even more so in the eighteenth, those Europeans who had settled along the Atlantic seaboard, and their descendents, looked to Europe for leadership in intellectual pursuits. Among the European sub-groups that can be isolated for individual study, from which the colonists received some of their ideas, were the Old Whigs. The Old Whigs participated in the larger framework of the Enlightenment but gave to the basic thought of the largely French inspired Enlightenment a peculiar British twist. From the very outset they had received inspiration from the political and scientific revolutions of seventeenth century England, and whereas the scientific revolution became the basis of the supra-national Enlightenment spirit, the political revolution added a flavor to later Old Whig thought that made it a distinct entity. The Old Whigs looked to James Harrington, Algernon Sidney, John Locke, and others, as the early founders and exponents of the ideas they were to elaborate on. From the scientific and philosophical climate of the seventeenth century the Old Whigs derived the idea of the state of nature, natural law and natural rights, the essential harmony that should exist between the natural

world and human institutions, and a faith in the progress and eventual perfection of man. From the political events they created an elaborate concept of society and government, a concept that included the compact, a breakdown of rights into those that were alienable and those that were not, the relationship of society to government, limited government, balanced government, an emphasis on the legislative branch, and the right of revolution.

The Old Whigs feared that the development of the government in the eighteenth century was moving steadily away from the ideal that had supposedly been secured in the Glorious Revolution. The balanced government was in danger of being upset by the emergence of the prime minister as the increasingly dominant figure in government, and by the evolution of the cabinet. The strict division of powers was broken down by the king's manipulation of influence in Parliament. Parliament itself, that august body that was most dear to the hearts of the Old Whigs, had used its victories of the earlier century to become the preserve of a chosen few who became increasingly unrepresentative of the nation as a whole. They justified themselves by using some of the very arguments earlier advanced by the Old Whigs, arguments that revolved around the central theme of the supremacy of Parliament. The Old Whigs countered by arguing that the spirit of the law was equally as important as the letter, indeed, perhaps more important. The legislative body in any society must represent the wishes of the people. It had no other

justification for existence. Still one more difficult problem faced the Old Whigs as they witnessed the growth of the empire. How could they reconcile themselves to control of the vast empire by King, Lords and Commons with, what seemed to many, a natural right to at least a measure of self-rule? What happened, in such a situation, to the entire political and social structure that was built upon the concepts of natural law and the rights of man?

Faced with these problems, the Old Whigs continued to modify, develop, and publicize the earlier ideas of Locke, Sidney, and Harrington. The Old Whigs attacked the move toward government centralization and urged the restoration of the "Gothick balance." They demanded that Parliament be made more representative, that elections be held frequently, that Parliament meet often, that the members be required to live in their districts and truly consider themselves as agents of those they represented, that there be a rotation in office, that the ballot be used and elections be in secret. They desired a more equitable basis of union upon which to build the empire. Many of the Old Whigs came from the fringes of the realm, from Ireland and Scotland in particular, and had experienced first-hand the implementation of imperial policy. Their recommendations called for a re-evaluation of the mercantilist theories that had dominated economic thinking from the beginning of England's overseas expansion to their day. New machinery was suggested that would maintain the necessary degree of cooperation and yet still preserve

the inherent equality and dignity of the individual and the independent status of the various societies within the empire.

Thus in their political thought the Old Whigs were found far to the left of the politicians of the "Age of the Whig Supremacy." They were on the fringe of British society in their social status also. Many were non-conformists. Some taught in the more radical centers of learning. Very few had any political influence of any kind. Whether their thought made their position inevitable, or their position led to their thought, is beside the point. The point is that they kept alive, during an age of complacency in England, a tradition, based on early libertarian thought, that emphasized the extension of the freedom of the individual.

The Old Whigs were largely ignored in Britain. They remained much to themselves, but continued to converse among themselves, to write, to re-edit the old standard works, and to participate in an Atlantic community that included the North American colonies. The Old Whigs found that they had a receptive audience in the colonies. The colonists, in turn, recognized in the writings of the Old Whigs a great body of thought that fitted well into the colonial situation. As the years passed, the ties between the two communities, separated by the Atlantic, became more and more developed until, by the time of the American Revolution, the colonists had an impressive following among the Old Whigs in Britain. The written works of the Old Whigs appeared in the colonies through various means,

colonial reprints, the activities of booksellers, libraries, newspapers, and periodicals. In addition to the written word, there was a great deal of personal contact through visits and correspondence. Various clubs were organized on both sides of the Atlantic; coteries surrounded certain prominent individuals. Informal meetings were held at certain popular coffee-houses. By one means or another, the Old Whig community in Britain and America established and maintained close connections. Through these numerous connections, Old Whig ideas flowed to the colonies and there became a significant part of the developing pattern of colonial political thought.

Political thought matured in the colonies in the eighteenth century and became the basis of characteristically "American" thought. The colonists were largely imitative and not constructive in their ideas. They were selective in their borrowing, however, and the end result was a body of political thought that was extremely radical for the age. The colonists spoke in terms of the state of Nature, of the rights of man, of the compact, limited government, a responsive legislature, the right of revolution, frequent elections, rotation in office, and above all, personal liberty. This was the stock in trade of the Old Whig corpus of ideas. Many of the ideas could have been, and undoubtedly were, borrowed from other sources. Certainly the writers of classical times had voiced approval of such things as balanced government, natural law, and the like, and the colonists were well acquainted with these men and their ideas. The colonists

were less well acquainted with the more recent continental philosophers such as Pufendorf, Beccaria, Voltaire, and Montesquieu, but at least these men were one more means by which enlightenment thought could, and did, reach the colonies. It would be impossible to say what part any one man, or group of men, played in popularizing an idea, or set of ideas, with the colonists. The evidence at best must be circumstantial. The point is that among the probable sources of most colonial Whig political thought were the Old Whigs, and what evidence is available indicates they played a surprisingly significant role.

The real question revolves around the popularity of Old Whig thought in the colonies. Why, among all the systems of thought available, in an age that abounded in such systems, did a number of the colonists choose the particular one that they did? The Old Whig found a warm welcome in the colonies because he aided the colonists in rationalizing their past; he justified their direction of development, and he clarified goals that were their future destiny. The relationship between the Old Whigs and their colonial admirers was of mutual benefit. The colonies provided a proving ground, in the eyes of the Old Whigs, for ideas they had long since given up hope of having accepted in England. To the colonial Whigs, the ideas of the Old Whigs added what had been lacking to the entire pattern of colonial development, a sense of legitimacy.¹ As has been indicated

¹In this connection see Bernard Bailyn, "Political Experience

frequently in this study, there was a great deal in the course of the natural development of the colonies that anticipated Old Whig thought. The entire concept of the state of Nature and of the compact theory of government, for instance, could describe the pattern of the early colonial development with very little stretch of the imagination. Although the colonial legislatures patterned themselves after Parliament, their origin and subsequent development was along very different lines. Their claims and practices, however, could be justified by invoking the Old Whig ideas concerning the nature and importance of the law making branch of government. Likewise, attacks on the royal representatives in the colonies could be excused by an appeal to the Old Whig fear of unchecked executive power. But the colonists' use of the Old Whigs' ideas could be applied to less mundane things than affairs of political control. Personal liberty and universal rights, equality, and toleration, could all be supported by an argument based on Old Whig ideas. Finally, the Old Whig offered a way out of the increasingly perplexing problem of the division of authority within the empire.

In all these areas, the situation existed, the challenge and the colonial response made, before there was a philosophy to justify what was taking place. As a result the colonists were unconsciously placed on the defensive. They were faced by totally new problems

in their new environment, problems that, in turn, called for new answers. The solution to these problems resulted in a departure from the traditional pattern and an increasingly wide cleavage between the old and the new ways of life. As a result of this unique development, the colonists found themselves living in a world where the dominant beliefs, carried over from an earlier age, no longer adequately described the existing situation. The thought is well expressed by Bernard Bailyn: "Behavior had changed--had had to change--with the circumstances of everyday life; but the habits of mind and the sense of rightness lagged behind. Many felt the changes to be away from, not toward, something: that they represented deviance; that they lacked, in a word, legitimacy."² This sense of "legitimacy" was partially supplied by the Old Whigs.

²Ibid., 350.

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A Catalogue of Rare and Valuable Books, Being the greatest
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Mr. Joshua Moody, And part of the Library of the
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A Catalogue of Curious and Valuable Books Which mostly
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Catalogus Librorum Bibliothecae, Collegij Harvardini.
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A Catalogue of Books to be Sold by Thomas Cox. Boston,
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A Catalogue of Books Belonging to the Library Company of
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A Catalogue of Choice and Valuable Books. Philadelphia,
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3. Newspapers

(Note: This study has relied heavily on the colonial newspapers. The best guide is, of course, Brigham's Bibliography. Valuable information about the papers and the editors can be obtained from Isaiah Thomas, The History of Printing in America and, for the later years, Arthur M. Schlesinger, Prelude to Independence. Also of value is the delightful book by Elizabeth Christine Cook, Literary Influences in Colonial Newspapers. The following newspapers were found to be most helpful.)

Connecticut

Connecticut Gazette

Maryland

Maryland Gazette

Massachusetts

Boston Evening PostBoston Post BoyNew England CourantBoston News-LetterIndependent AdvertiserBoston Gazette

New York

New York Evening PostNew York Gazette or Weekly Post-BoyNew York MercuryNew York Weekly Journal

Pennsylvania

American Weekly MercuryPennsylvania ChroniclePennsylvania GazettePennsylvania Journal and the Weekly Advertiser

Rhode Island

Rhode Island Gazette

South Carolina

South Carolina Gazette

Virginia

Virginia Gazette

4. Periodicals

(Note: the attempt to establish a thriving magazine in the colonies prior to the Revolutionary war failed for several reasons. The few that were attempted, however, contained some of the better political and moral essays by colonial authors. The following are arranged chronologically.)

The American Magazine; or, a Monthly view of the Political State of the British Colonies. Philadelphia: Andrew Bradford, January-March, 1741.

The General Magazine & Historical Chronicle for all the British Plantations in America. Philadelphia: B. Franklin, January-June, 1741.

The American Magazine and Historical Chronicle. Boston: Rogers and Fowle, September, 1743-December 1746.

The Independent Reflector. New York: James Parker, November 20, 1752- December 22, 1753.

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Feiling, Keith Grahame, The Second Tory Party, 1714-1832. London: Macmillan & Company, Ltd., 1938.

A good study of the politics of the period.

Gooch, G. P., English Democratic Ideas in the Seventeenth Century. 2nd ed. New York: Harper & Brothers, 1959.

A standard work first published in 1898. Largely superseded, for the purposes of this study, by Robbins.

Guttridge, G. H., English Whiggism and the American Revolution. Berkeley: Un. of California Press, 1942.

Indicates the evolution of the "court Whigs" away from the principles of the revolution and the essential conflict between the English Whigs and the American revolutionaries. Notes the impact of the Revolution on party doctrine and alignment in England.

Kraus, Michael, The Atlantic Civilization: Eighteenth Century Origins. Ithaca: Cornell University Press, 1949.

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Mason, Alpheus Thomas and Richard Leach, In Quest of Freedom: American Political Thought and Practice. Englewood Cliffs, N. Jersey: Prentice-Hall, Inc., 1959.

A brief survey of the English background of American political thought.

McLaughlin, Andrew C., The Foundations of American Constitutionalism. New York: The New York University Press, 1932.

Outlines the origins of some of the basic ideas of the American political system including the compact and the importance of the constitutional convention.

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A short general survey. Contains good chapters on printing and bookselling, and libraries.

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A provocative study of the threads of continuity running throughout the political world of Atlantic community. Notes the similarity of the several "Democratic" protests against the established old order.

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An excellent discussion of the intellectual ties that

bound together the Old Whigs for three quarters of a century. This work has been a basic source for the names and writings reviewed in this study.

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The latest and most complete analysis of the American political tradition. The result of extensive research especially in the colonial newspapers.

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Describes the development of a unique "American" mind. Covers the period 1740-60. Contains chapters on all aspects of colonial life.

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A good analysis of the colonial concept of empire.

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Discusses the thread of liberal thought that ran through the preachings of the clergy throughout the eighteenth century.

Becker, Carl, The Declaration of Independence. A Study in the History of Political Ideas. New York: Harcourt, Brace and Company, 1922.

Notes not only the Lockeian tradition but also the influence of the continental writers. A delightful work written in a popular style.

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The author has done a good job in noting Harrington's dual view of sovereignty, one resulting from the goods of the mind, a true authority, and the other from property, the power of empire. In all, a more satisfying study than Smith.

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Vita

Gary Liddle Huxford was born March 28, 1931, in Salt Lake City, Utah, the son of Peter and Ila Huxford. He graduated from Franklin High School in Portland, Oregon, in 1949. He received his B.S. degree from Brigham Young University in 1957 and his M.A. degree from the University of Washington in 1959.

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