

BERNARD BAILYN, GORDON S. WOOD, AND  
WHIG POLITICAL THEORY<sup>1</sup>

*The Ideological Origins of the American Revolution*, by Bernard Bailyn. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1967.

*The Creation of the American Republic, 1776-1787*, by Gordon S. Wood. Chapel Hill: University of North Carolina Press, 1969.

**B**ernard Bailyn and Gordon S. Wood are already regarded by professional historians as among the best of their respective generations. Bailyn is credited with having significantly shifted our view of the American Revolution's origins, and Wood has written such an encyclopedic analysis of American political thought between 1776 and 1787 that some commentators wonder if a better book on the subject can ever be written. Whether such extravagant praise is justified or not, it is clear that these two men have had a profound impact on how historians view the American Revolution in particular and the history of American political thought in general. Any future discussion of the origin and nature of American political theory will have to take them into account, and it is time that students of American political theory come to terms with these works.

To put it in a nutshell, Bailyn and Wood have together recaptured for us the importance of Whig political theory for our view of ourselves as a people, the initiation of the Revolution, the creation of our enduring political institutions, and the writing of our national Constitution. In doing so they have forced us to seek the origins of American political theory more explicitly in the colonial era.

Nearly a decade has passed since both of these books were made available to us. How have political scientists reacted to them in the meantime? Textbooks on American political theory continue to treat colonial political theory in an indifferent manner, and relegate Whig political theory to a short page or two if it is even mentioned. This failure to react to Bailyn, Wood, and half a dozen other

<sup>1</sup> The author wishes to thank the Earhart Foundation of Ann Arbor Michigan for their support. This essay is based upon work done while on a leave of absence financed by the Foundation.

historians writing on the subject results primarily from a misconception about American political history that is so old and so widespread that it is almost a core assumption in the discipline. A student of American political theory recently stated the matter as baldly as it has ever been put.

For theoretical as well as practical purposes the origin of the American track can, therefore, be assumed to begin in 1776. The thinkers, issues, and events prior to 1776 have never really had a central impact on the conduct of American politics.?

As far as "practical matters" are concerned, agitation for direct election of the United States Senate during the nineteenth century was based heavily on the fact that almost all states so elected their upper houses. This situation at the state level was a direct result of Whig political theory developed before 1776. Much of the so-called "democratic impulse" in American politics had its origin in Whig thought which continued under other names. The peculiar stance of Herbert Croly, peculiar in comparison with European liberal and progressive thought, can be traced in part to the fact that Croly reads like an updated radical Whig of the eighteenth century.

Do we look to the Constitution to understand why there has been an antagonistic relationship between the American executive and Congress, or do we seek explanation for this relationship being written into the Constitution in the traditional colonial antagonism between elected legislatures and Crown appointed governors? Why didn't the Federalist design a British-style Parliamentary government at the national level? Is it not possible to seek the roots of our continued distrust of distant, big government in the American preference for independent local government that stretches back to the 1620's? Is it not reasonable to trace our continued moralistic and "chosen people" stance in foreign policy back to the colonial belief that Americans were a "natural" people with uncorrupted, pristine virtues? While it is true that the issues and events between 1776 and 1789 have profoundly affected how we conduct politics in America today, those issues and events were in turn generated and structured by what came before. The "American track" did not begin in 1776 but a century and a half earlier.

The picture that emerges from reading Bailyn and Wood is one of America dominated in 1776 by a Whig political theory derived

<sup>2</sup> Gordon Lloyd, "Textbooks in American Political Theory," *The Political Science Reviewer*, Vol. V (Tall, 1975), p. 314.

from English Whig theory rooted in the seventeenth century commonwealth experience. Between 1776 and 1787 Whig political theory is found to be inadequate for generating effective institutions at the state and national level, and by 1787 it has been superseded at least at the national level by Federalist theory. In some respects Federalist theory derives directly from Whig theory. In other respects it is in opposition, but even this opposition is a link to the earlier mode of thought. A close analysis of Bailyn and Wood reveals the extent and nature of the Federalist debt to Whig theoreticians, and it also thereby establishes the importance of what came before 1776.

## II

Bernard Bailyn's book is a revised and expanded version of his essay "The Transforming Radicalism of the Revolution" which introduced his earlier book *Pamphlets of the American Revolution*. The earlier essay produced immediate and highly favorable comment by historians, so Bailyn was led to shift his attention from publishing more of the four hundred or so Revolutionary pamphlets he uncovered to a more general explication of what he found in them.

Bailyn found that American political theory was a combination of several theoretical strains. "Most conspicuous in the writings of the Revolutionary period was the heritage of classical antiquity." The pamphlet authors, however, had a very restricted knowledge of the ancients insofar as they drew from a restricted set of works by the ancients. "What gripped their minds, what they knew in detail, and what formed their view of the whole of the ancient world was the political history of Rome. . . ."4 Plutarch, Livy, Cicero, Sallust, and Tacitus dominated their footnotes on the ancients. "More directly influential in shaping the thought of the Revolutionary generation were the ideas and attitudes associated with the writings of Enlightenment rationalism... ."5 Bailyn found an astonishing number of citations to leading secular thinkers of the Enlightenment such as Voltaire, Rousseau, Montesquieu, Locke, Pufendorf, Vattel, Beccaria, Grotius, Hume, Bolingbroke, Delolme, etc. While the range of authors cited was impressive, Bailyn found that pam-

<sup>3</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* p. 23.

<sup>4</sup> *Ibid.*, p. 25.

<sup>5</sup> *Ibid.*, p. 26.

pamphleteers often had only a superficial knowledge of most, and failed to distinguish between important figures like Locke and secondary figures like Burlamaqui. Also prominent were major figures in English common law such as Sir Edward Coke and Blackstone. There were also frequent references to trial reports, but Bailyn notes that the "offhand familiarity" that pamphleteers used in drawing from this third intellectual tradition did not reflect great knowledge. Citations were often imprecise and inappropriate, and although the common law was influential in shaping the minds of Revolutionary leaders, it did not determine the conclusions that they drew. A fourth tradition affecting the ideas of the Revolutionary pamphleteers derived from the political and social ideas of New England Puritanism, especially from the ideas associated with covenant theology. While this was in a sense the most limited and parochial tradition drawn upon, contemporary texts in American political theory have a tendency to emphasize Puritan thought as the most important antecedent to American Revolutionary thought. Or, as Gordon Lloyd points out in his recent essay, there is at best the tendency to list all of these intellectual traditions in historical sequence without explaining how these various, disparate sources fit into the history of American political theory in any coherent fashion. Bailyn is not guilty of this error.

Bailyn's essential contribution is to show that there was a coherent pattern brought to all of these intellectual strands by a fifth aspect of American colonial heritage, and that this last, usually ignored tradition is far more important than has been recognized before.

But important as all of these clusters of ideas were, they did not in themselves form a coherent intellectual pattern, and they did not exhaust the elements that went into the making of the Revolutionary mind. There were among them, in fact, striking incongruities and contradictions. . . . What brought these disparate strands of thought together, what dominated the colonists' miscellaneous learning and shaped it into a coherent whole, was the influence of still another group of writers, a group whose thought overlapped with that of those already mentioned but which was yet distinct in its essential characteristics and unique in its determinative power. The ultimate origins of this distinctive ideological strain lay in the radical social and political thought of the English Civil War and of the Commonwealth period; but its permanent form had been acquired at the turn of the seventeenth century and in the early

eighteenth century, in the writings of a group of prolific opposition theorists, "country" politicians and publicists.<sup>6</sup>

Prominent names were John Trenchard, Thomas Gordon, Algon Sidney, Henry Neville, Bishop Benjamin Hoadly, John Milton, Robert Viscount Molesworth, Viscount Bolingbroke, and a host of lesser names. These men, whose writings are today long forgotten, were often regarded as equal to or better than John Locke in their respective abilities at political analysis. As Bailyn says, ". . . more than any other single group of writers they shaped the mind of the American Revolutionary generation." These men called themselves "Whigs," and many American pamphleteers also termed themselves Whigs after their English and Scottish exemplars. For a variety of reasons American political thinkers appropriated Whig ideas and used them to draw selectively upon the other traditions mentioned by Bailyn. It is the prominence of Whig theory that brought coherence to these five strands, and if any name should be attached to the first American political theory discussed earlier, "Whig" is probably as good a name as any.

The matter of names is not unimportant. Because there was diversity among them, and because they lost the struggle to define the form of national government we adopted, defenders of this earlier tradition have come to be known as "Antifederalists." This name connotes mere opposition and little sense of their having a positive, coherent theory of their own. Perhaps because they are portrayed only negatively as Antifederalists, American Whig political theorists have been ignored and their intellectual roots forgotten. At the same time we have forgotten the meaning and consequences of the first two hundred years of our American experience, and while Bailyn has done us a great service by refocusing our attention upon Whig political thought, he has done so in a manner that also fails to recapture our complete political heritage. This failure will occupy the discussion in the last half of this essay.

Gordon Wood takes up where Bailyn leaves off. Bailyn demonstrates that American political theory was dominated in 1776 by Whig thought, but Wood shows how Whig theory and Federalist theory (which drew most heavily upon Enlightenment thinkers) interacted in the context of events between 1776 and 1787. It is the

**s Bailyn, *Ideological Origins*, pp. 33-34.**

<sup>7</sup> *Ibid.*, p. 35.

great strength of Wood's book that he can structure our understanding of politics between 1776 and 1787 in terms of a struggle between two competing sets of ideas without ever having seriously to bend, twist, or stretch history. His view of this period in American history is comprehensive and fact oriented at the same time that it is clear and precise. Indeed, it is hard to think of an historian who is more gifted at uncovering order in a plethora of human activity and then translating this order into shifts in nuance in political thinking.

Both of these books must be read by students of American political theory, but Wood's book must be read carefully and more than once. Bailyn has reoriented the historian's view of the Revolution by forcing another look at English Whig thought, but his perspective remains that of an historian looking heavily at English intellectual history. Wood, on the other hand, keeps his eyes firmly set on our own shores, and his careful reconstruction of American political thinking during the era provides more than a history. Wood has succeeded better than anyone else in bringing coherence to what earlier had been treated as a hopeless intellectual bog-Whig political theory.

### III

Wood concisely states the thesis of his book in the introduction:

As I explored this pattern of beliefs . . . it soon became clear that the terms and categories of political thought were undergoing rapid change, beset by the strongest kinds of polemical and experiential pressures. When I began to compare the debates surrounding the Revolutionary constitution-making of 1776 with those surrounding the formation of the federal Constitution of 1787, I realized that a fundamental transformation of political culture had taken place.<sup>8</sup>

Upon finishing the book it is difficult not to accept Wood's thesis since his evidence is comprehensive and detailed, his case is well-argued, and his stance is consistently even-handed and neutral. Even so, readers will be divided over his use of the word "fundamental" in the statement above. Was the transformation in political culture "fundamental" in the sense that there is more discontinuity than continuity between 1776 and 1787, or is it "fundamental" in the sense that a reasonably continuous theoretical development is deflected only a few degrees but enough to create an entirely differ-

<sup>8</sup> Gordon S. Wood, *The Creation of the American Republic, 1776-1787*, p. viii.

ent political system two centuries later than we would have expected if Whig political thought had remained dominant? That is, was the change fundamental because of immediate and apparent shifts in thinking, or more in terms of the long range implications? Some might find it most useful and accurate to view Federalist theory as a "variant" of Whig theory. That is, there is enough continuity between Whig and Federalist theory to view them as stages in the development of an evolved American political theory. At the same time, the differences are not so slight as to be passed over lightly. Federalist theory changed the way we viewed politics, created many new institutions, and often changed the manner in which Whig-derived institutions operated. Gordon S. Wood has properly focused our attention on the fact that there was enough change in political thinking between 1776 and 1787 to overshadow anything in American experience before or since. Both the extent of discontinuity and the speed with which it developed permit a creditable case to be made that the change was a fundamental one in any sense of the word. The beauty of Wood's work is that it proceeds with a clarity and comprehensiveness at the theoretical level which permits us to pinpoint precisely what did change. What follows in this essay is an abstraction of Wood's reconstruction of Whig political thought.

Whig political theory as recreated by Gordon S. Wood can be summarized in four sets of assumptions. The first set of assumptions flowed from the belief that the people were a homogeneous entity. Despite gradations and ranks within the population, all people had the same rights and thus were politically indistinguishable.<sup>9</sup> In the American Whig view, politics was an inevitable and perpetual battle between the people, who were trying to protect these rights, and the rulers who were constantly trying to extend their power. This traditional dichotomy between the people and their government was joined with a belief that when conflicts arose between the desires of an individual and those of the community at large the community should get its way. Thus, the interests of the community were considered superior to those of any individual, especially if the individual held political power. From this general perspective we derive three related assumptions:

A1 The population is homogeneous with respect to rights.

<sup>9</sup> Wood, p. 18.

- A2 The population has a community of interests in protecting and preserving these rights.
- A3 Community interests are superior to individual interests.<sup>10</sup>

The second set of assumptions flowed from the American belief that they were a virtuous people. Virtue was defined in the double sense of possessing superior moral qualities (in the Christian sense) and in the sense of possessing to a greater extent those qualities necessary for self-government (the Greek notion of virtue).<sup>11</sup> European commentators merely reinforced American beliefs when they spoke of the "natural man" living on American shores in possession of the "manly virtues" found in the "state of nature." The flight from European decadence had been prominent among the motivations for religious emigration to America during the 1600's. This tendency for Americans to view themselves as a "chosen people" brought to the "promised land" to escape the evils and temptations of the luxury in Egypt and Babylon (England) would surface again in the 1770's as one of the major justifications for breaking with England, as Wood points out. Although seeing "through a glass darkly," these Americans with their pristine, republican virtues had a peculiar ability to govern themselves in a manner congruent with the good. Significantly, it was assumed that the good in a moral sense would always be congruent with the interest of the entire community, it was simply a matter of moving slowly enough to ensure that the community interest had been properly ascertained. This led to the following logic:

- B1 The American people are a virtuous people in both the Christian and Greek senses (and thus peculiarly capable of self-government).
- B2 If given enough time, the people will recognize the good,

<sup>10</sup> These propositions are derived from discussion in Wood, pp. 18-28, 53-65, and 70-75.

<sup>11</sup> By "Greek" notion of virtue is meant a rather prosaic version of *arete* as transmitted by Renaissance and Enlightenment writers to Americans, who in turn were inclined to use the concept roughly. In brief terms, a person who possessed the abilities to saw a straight line, drive a nail quickly and cleanly, and had a good eye for right angles, possessed the "virtues" necessary to be a good carpenter. Likewise, a person who was thrifty, hard working, was financially independent, had an emotional and financial stake in the community, sufficient intelligence to understand the complexities of issues larger than his own family problems, and was reasonably sober in judgment, had the essential virtues to be a good citizen and participate in self-government.



- B3** Once, the **good.. is** distinguished **from** the bad, the American people will choose the good.<sup>12</sup>

The peculiar situation *as* of 1776 was that a Calvinist could read "virtue" and "good" exclusively in the Christian sense, and a rationalist could read these words exclusively *in* the sense taught him through the pagan classicism of the Enlightenment, yet both would come to precisely the same conclusion:

- B4** Government should be based upon, and beholding to, the deliberate sense of the community (combining propositions **B3** and A3).

That is, combining the assumptions under A, which rested upon a traditional view of political equality, with the assumptions under B, which justified popular sovereignty, led to the deliberate sense of the community *as* the basis for politics. How this deliberate sense of the community was to be determined is the object of the next set of assumptions.

American Whigs retained the classical English view of politics insofar as the Crown *was* government. The Crown embodied the monarchic principle, it was the executive, it *acted* and thus was the essence of government. The legislature, on the other hand, was not part of government. It was indistinguishable from the people in that its members were drawn directly from the general population and then returned to experience the laws that they had approved. In this sense, and this sense only, did they represent the people. They literally re-presented the consent of the people to the proposals for action made by the Crown as if the people were themselves all present in the chamber.

The assumptions under A meant that it made little difference which individuals actually sat in the legislature *as* long as they were returned to the people at the end of the session. Members of American legislatures tended to come from the more propertied classes for reasons that were simple and obvious to the Whigs of the day. These men had more leisure time for such activities, they were familiar with the financial and legal complexities that a legislator faced, they had demonstrated a stake in the community by owning property *in* it, and these men had demonstrated superior virtue by being able to amass and retain a certain amount of property. This presumably took discipline, sobriety, hard work, and a

<sup>12</sup> These propositions are derived from discussion in Wood, pp. 28-36, 57-59, 93-97-107, and 117-124.

certain amount of intelligence—all of which were essential civic virtues. There was the additional belief that men of property could not as easily be bribed by the executive and thus were more likely to retain their political independence because of their economic independence.<sup>13</sup>

The more radical Whigs differed precisely on this matter of representation. They pushed for something more akin to our current notion by seeking a more accurate "mirroring" of the community. That is, the wealthy in the legislature would be proportional to the wealthy in the general population, the frontier towns would be represented proportionately, and so on. In any case, the third set of assumptions are as follows:

- CI The Crown (executive) is government. It acts.
- C2 The legislature protects the people from government—it stands between the people and government and is not distinct from the people.
- C3 The legislature embodies popular consent—it represents the community.
- C4 The legislature produces the deliberate sense of the community (combining propositions C3 and B4).<sup>14</sup>

The fourth set of assumptions are already familiar either from what has been said earlier, or because they have been handed down to us intact by the Federalist.

- D1 While people are equal in rights, they are not equal in abilities.
- D2 Differential abilities lead to social and economic inequality (a "natural" aristocracy based upon virtue).
- D3 Both the wealth of the community and the rights of people need to be protected.
- D4 There is no inherent conflict between the interests of wealth in the community and the interests of people in the community.<sup>15</sup>

This last proposition is a restatement of assumption A2 in a new context. It means that wealth should be put to work for the community and as long as the community benefits there is no reason to worry about accumulation. Such accumulation permits investment for economic expansion, and this in turn provides jobs and a rising standard of living for people in the community. The logic

<sup>13</sup> Wood discusses the reasons for property requirements on pp. 237-238, and 244-255.

<sup>14</sup> See Wood, pp. 18-19, 24-26, 139, and 162-163.

<sup>15</sup> See Wood, pp. 57-59, 71-72, 237, 218-219, and 410-411.

connecting these assumptions also implied that there should be some legislative means for distinguishing financial matters from non-financial matters.

These four sets of assumptions are not exhaustive of what Wood has to tell us about Whig political theory, but they are sufficient in an essay of this length to illustrate the institutional implications of Whig theory and thereby demonstrate the shift that Wood found in American political culture.

#### IV

The institutional deduction from C4 is quite straightforward. There would be legislative supremacy. In the colonial context this meant that the Crown-appointed governor should not be able to act on any matter without the consent of the popularly elected legislature. After the Revolution began and independent state governments were brought to power, this meant a greatly diminished executive and a dominant legislature. Since the legislature produced the deliberate sense of the people, and was not distinguished from the people, it could be trusted in any matter, and state legislatures were soon involving themselves in every aspect of life.<sup>16</sup> This incipient "legislative tyranny" made many Whigs uneasy, but aside from trying to balance the power of the legislature with the power of a strengthened executive and creating stronger bills of rights, the restraints placed upon state legislatures were surprisingly few in number and predictably ineffective as long as assumption C4 was not seriously modified or rejected.

In short, the general response was to continue holding assumption C4 while emphasizing assumption C3. Emphasis upon popular consent had already led to the obvious institutional deductions of

<sup>16</sup> James Madison documents what he calls "legislative tyranny" in his "Vices of the Political System of the United States," and Edward S. Corwin has documented that what Madison described actually happened. See Corwin's "The Progress of Constitutional Theory Between the Declaration of Independence and the Meeting of the Philadelphia Convention," *American Historical Review*, 30 (1924-25), p. 533. At the same time it should be remembered that these legislatures were not doing anything that local government had not done for over a century. It is little appreciated that during the seventeenth and eighteenth centuries town and county government was involved in a minute regulation of every aspect of life, and what Madison objected to was the attempt to do the same at the state level where particularistic legislation was much more likely to appear arbitrary. For detailed examination of local government in this respect see chapter five in Donald S. Lutz, *The Self-Guiding Republic: Popular Consent and Popular Control, 1776-1789*, unpublished book manuscript.

frequent (usually annual) elections, a broadly defined suffrage, relatively low property requirements for holding office, and a habit of relying upon petitions and instructions from the people to the legislature. This direct consent relationship between the people and the legislature was simply intensified in its directness; More and more offices were subject to direct election, the suffrage was broadened, petitions and instructions became more frequent and more insistent, but by 1787 the Federalists viewed the Whig experiment in self-government as a failure. Also, whereas the Whigs had logically felt it acceptable for legislatures to write and approve constitutions or amendments to constitutions, there was a growing demand that constitutions and amendments be written by specially elected conventions and ratified by popular referendum. This development reflected a weakening in the Whig belief that the legislature was not part of government. Wood nicely shows how the legislature slowly came to be viewed as separate from the people and thus just as dangerous to liberty as the executive.

From assumptions C4 (the legislature produces the sense of the community) and D3 (both the wealth and numbers of the community should be represented) we derive the institution of a bicameral legislature. The upper house would represent the majority of property the way the lower house would represent the majority of people. This would be produced by requiring a much higher amount of property for those running for the upper house. However, assumptions D4 (that there is no conflict between wealth and numbers) would result in most states having the same property requirement defining suffrage for both the upper and lower houses.<sup>17</sup> The result, as both Wood and Jackson Turner Main point out, was the electorate in each state elevating the same kind of people to both houses.<sup>18</sup> Members of the senates behaved in a manner indistinguishable from those in the lower houses, even on financial matters, which in turn destroyed the rationale for having two houses. The Federalists would make the U.S. Senate representative of the states, and the House representative of people, although their essential argument would be that by requiring pas-

<sup>17</sup> For a summary of these requirements see Donald S. Lutz, "The Theory of Consent in the Early State Constitutions," paper presented at the 1976 annual meeting of the American Political Science Association, Chicago, Illinois.

<sup>18</sup> See especially Jackson Turner Main, *The Upper House in Revolutionary America, 1763-1788* (Madison: The University of Wisconsin Press, 1967), pp. 188.

sage by two houses the resulting legislation would be more deliberate. Since this Federalist argument is logically deducible from the Whig assumption of the deliberate sense of the community being central to the political process (assumption B4), the Whigs could hardly argue with it. As Wood is fond of pointing out, Federalists often co-opted Whig assumptions or concepts and placed them in a new context to alter the operation of Whig institutions, and we must understand Whig theory if we are to appreciate the intellectual power of the Federalist response.

## V

Between 1776 and 1787 Americans lived under their state constitutions based upon Whig political theory. In the absence of a strong executive they experienced the legislatures *acting*, and acting in a manner affecting virtually every aspect of life. They experienced the bitter factionalism in their state legislatures as well as in the general population. They found growing economic inequality, were exposed to a stronger influx of Enlightenment ideas from continental Europe (especially in the cities and commercial towns), and they found religion to be less and less important in their lives. There was also the problem of how to govern diverse populations spread over several states, as well as the problem of bicameral legislatures not acting as they should according to Whig theory. The Whigs were sometimes puzzled, often dismayed, and frequently prone to disagreement over how to proceed, but they continued to evolve solutions based upon an essentially intact Whig political theory.

The Federalists were more radical in their theory making if not in their economics. They rejected the Whig "tinkering" approach and went back to the basic assumptions underlying American politics. Their most breathtaking move was to reject completely the first set of Whig assumptions. Instead of assuming a natural community of interests arising from a homogeneous population, they assumed that factions and political conflict have their roots in human nature and are thus inevitable. Some, like James Madison, went even further and argued that factions should be encouraged rather than eliminated so as to better control their effects through mutual check and balance. Federalists replaced homogeneity with heterogeneity.

- A1 While the population is homogeneous with respect to rights, it is naturally heterogeneous with respect to interests.
- A2 Government involves the regulation of these various interests to prevent any one from dominating. All factions are equal.
- A3 The community interest will emerge from the interaction of these various factions through a political process that respects the equal rights of all to participate in that process.
- A4 The "good" is that which emerges from the political process.<sup>19</sup>

The assumptions under B were retained with two important additions:

- B1 The American people are a virtuous people (in the Greek sense).
- B2 Some people are more virtuous than others.
- B3 If given enough time, the people will recognize the good.
- B4 It will take a long time for many to recognize the good.
- B5 Once the good is distinguished from the bad, the American people will choose the good.<sup>20</sup>

The net effect is to require that the deliberative process be *very* deliberative. Still, the deduction from these Federalist assumptions is that:

- B6 Government should be based upon and behold to the deliberate sense of the community.

The fundamental Whig deduction that government should be based upon the deliberate sense of the community is retained, although deduced from a different set of assumptions. The Whigs saw collective decisions emerging from the cool, calm deliberations of men seeking the community of interest for an organic community by looking to some standard of goodness that transcends individual and factional interests. The Federalists, on the other, hand, saw collective decisions as emerging from the interaction of factions in an arena where more virtuous men respond to factions in a frankly political manner. The deliberate sense of the community is not discovered through debate. Rather, it emerges from the political process. Delay is even more important to the Federalist not only because it takes time to produce mechanistically the fair sense of the community, but also because in the short run many people will be slow to recognize what is a fair balancing of interests.

It is worth pausing here and asking how fundamental a change has been wrought by the Federalists. As Kendall and Carey have

<sup>19</sup> Wood, pp. 519-562.

<sup>20</sup> Wood, pp. 471-488.

pointed out, basing government on the deliberate sense of the community has been the fundamental American political symbol since the signing of the Mayflower Compact.<sup>21</sup> The continuity between Whig and Federalist political theory is here quite basic. If anything, the Federalists have simply become more insistent that the process be deliberative. On the other hand, a political culture is defined not only by a set of institutions and political principles, but also by the widely held assumptions and arguments supporting these institutions and principles. In this respect the Federalists have made a clear break with the past. Theoretically we have moved from an essentially organic theory with deep roots in the Middle Ages and the Reformation to a modern, mechanistic theory rooted in the Enlightenment.

This theoretical shift does not result in the rejection of old political institutions and the creation of new ones as much as it redefines the relationships between them. Government now is any institution having political power. Political power still rests in the hands of the people, but as Wood points out power is now viewed as homogeneous such that it can be parcelled out to more than one institution.<sup>22</sup> The legislature is thus by definition as much a part of government as the executive. Both embody popular consent, but both are dangerous to the rights of the people. The deliberate sense of the community is now arrived at by a government separate from the people, and the relationship between the various branches of government should be such as to produce simultaneously the deliberate sense of the community while protecting the people from the government. The assumption that power can be divided or separated into different parts provides the solution to both problems.

- C1 Power is homogeneous-it can be parcelled out.
- C2 The legislature is as much a part of government as the executive (and the judiciary).
- C3 All branches of government embody popular consent.
- C4 The various branches of government together produce the deliberate sense of the community.<sup>23</sup>

The final set of Whig assumptions are retained with the exception of the last. There is an inherent conflict between wealth

<sup>21</sup> Willmoore Kendall and George W. Carey, *The Basic Symbols of the American Political Tradition* (Baton Rouge: Louisiana State University Press, 1970).

<sup>22</sup> Wood, pp. 448, 453, 598-49.

<sup>23</sup> Wood, pp. 447-448.

and numbers.<sup>24</sup> The institutions deduced from these four sets of Federalist assumptions are too familiar to require extensive comment, although it is worth considering for a moment what the Federalists have done to the upper house since it illustrates once again the difficulties faced by Whigs when opposing the proposed United States Constitution.

In one respect the Federalists had solved a Whig problem by finding a role for the upper house—that of representing the states. At the same time it enhanced the deliberative process by requiring that legislation be passed twice. Furthermore, by electing Senators through state legislators, the Federalists had refined that body to contain people of prominence and thus probably of greater wealth. Whigs could view this upper house as coming closer to their goal of representing the wealth of the community, but without the Whig assumption of a homogeneity of interests.<sup>25</sup> The Whigs spoke of protecting the "wealth of the community" as a shared entity, whereas the Federalists meant "men of property" by the term. This subtle but important difference was often missed by the Whigs. In the refashioning of the upper house we have the epitome of Federalist appropriation of Whig symbols for their own (Federalist) use, as well as an elegant theoretical wedge to divide and confuse Whig opposition to the Constitution. Not only did many Whigs not understand the new way that Federalists were using the term "wealth," but many Whigs were comfortable with having the Senate indirectly elected thus dividing them from the more radical Whigs who emphasized direct elections.

At the same time, and this is crucial, the Federalists were able to retain the Whig assumption of a virtuous people while making the connection between government and these virtuous people less direct. In effect, the federal Constitution became the instrument for creating "a republic which did not require a virtuous people for its sustenance." Put most baldly, Gordon S. Wood sees the Federalists as evolving "an elitist theory of democracy" out of a more truly democratic Whig theory of politics.<sup>26</sup> On the one hand, the Federalists were prevented from going too far down this path by the universal and prevailing American beliefs in republicanism, the sovereignty of a virtuous people, and the centrality of government

<sup>24</sup> Wood, pp. 475-479, and especially 491-492.

<sup>25</sup> Wood, pp. 557-558.

<sup>26</sup> Wood, p. 517.



based on the deliberate sense of the community. On the other hand, Whig political theory was flexible enough to permit the Federalists to use the same basic symbols and ideological inclinations as those men they were trying to overcome politically. If nothing else this goes a long way toward explaining the seeming impotence of "Anti-federalist" arguments against the federal Constitution.<sup>27</sup>

## VI

This abstract summary of Gordon S. Wood's book fails to capture the full richness of his analysis. Moving deftly from event to idea and back to event, Wood constructs the most complete and most careful discussion of the politics of Revolutionary America available in a single volume. One historian was led to write that

With the publication of this impressive volume it would seem that we are approaching' the limits of a general intellectual history of Revolutionary America and now must turn to studies in depth of the interaction of ideas with other sources of human behavior in specific cases.<sup>28</sup>

Certainly, while Wood's work is not above criticism, he has written a modern classic on the subject. Bernard Bailyn must be given credit for proving conclusively that Whig political theory is central to an understanding of Revolutionary thought and events, but Gordon S. Wood has illustrated in detail the extent to which Whig thought is central to the process which created American political institutions and the political theory underlying them. The scope of his analysis is indicated by the diverse readings he has been given by reviewers. Some, like Alfred H. Kelly, profess to see a Beardian analysis drawn from a class conflict analysis, and indeed Wood does

<sup>27</sup> Thus, the nature of Whig political theory gives us three reasons why Whigs (Antifederalists) were so ineffective in their opposition to the proposed Constitution. First, Whig political symbols were such that the Federalists could appropriate them with subtle shifts in meaning and use them against the Whigs. Second, Whig political theory was so oriented toward the state and local levels that it was very difficult to propose anything much different from the Articles of Confederation. The Articles were the logical extension of Whig political theory, and to the extent that the Federalists could fasten the label of "failure" on the Articles, to this extent the Whigs were helpless. Third, the Whigs were divided between more traditional and more radical wings. Many Whigs found themselves uneasy with the tactics and demands of their more radical colleagues, and this made them susceptible to persuasion by Federalists moderately wielding appropriated Whig symbols.

<sup>28</sup> Charles W. Akers, *New England Quarterly*, 42:605D, 1969, p. 607.

take into account the social aspect of the Revolution.<sup>29</sup> However, he manages to conclude that the Federalists created an elite theory of democracy without ever mentioning Beard in his text. That Wood can get by with only one reference to Beard in a footnote is explained by Wood's conviction that it was the Americans' "habit of thinking" which had created their Revolution. Social and economic factors may have conditioned those habits of thought, but ultimately an analysis of the era must come to terms with the "distinctiveness of the political culture in which the Revolutionary generation operated." What emerges from the text is his sense of the irretrievability and differentness of the eighteenth century world, and the manner in which familiar words like "liberty," "democracy," "virtue," and "republicanism" had meanings quite different from those we attach to them today. We may argue over what significance to attach to what Wood has found, but it is unlikely that *what* he has found will ever be rejected as fundamentally in error. What he has found is that Americans at that time took their political theory very seriously, that there was a coherence to American political theory before 1776, that the political culture defined by this theory shifted significantly between 1776 and 1787, and that events during the period can be made comprehensible and partly explained by the struggle between adherents of the old political culture and those who sought to replace it with a new one.

Wood leaves open the matter of causality. He weaves together a synthesis that brings coherence to many of the apparently disparate approaches that have gained prominence in recent years. His analysis can be supported by the work of Caroline Robbins and Bernard Bailyn on the ideological origins of the Revolution, Robert Brown's work on colonial democracy, Edmund S. Morgan's book on the Puritan ethic, Merrill Jensen's controversial analysis of the Confederation period, and Forrest McDonald's work on the origins of the Constitution. At the same time he leaves open the causal importance of economic forces described by Forrest McDonald, Jackson Turner Main, E. James Ferguson, and Van Beck Hall.<sup>30</sup> Some would argue that Wood appears to subsume economic forces under intellectual exchanges, but his constant reference back to

<sup>29</sup> Alfred H. Kelly, *Annals of the American Academy* 387:204 Ja 1970.

<sup>30</sup> Relevant titles are reproduced in the select bibliography at the end of this essay.

social and political reality indicates that he is making no judgment as to how to weigh these factors. Instead, he shows that regardless of how one assigns causes to events, the Americans of that era insistently fought their battles in terms of theory. The terms of that theoretical battle are now clear and can no longer be ignored by students of American political theory.

There are two things that Wood does not do in his 615 page text. He does not pursue the continued importance of Whig political theory at the same level after 1787. The book on that enormous yet important matter is yet to be written. Hopefully someone will read Wood and be led to try. The other matter has to do with the origin of Whig political theory. In his opening chapter Wood contents himself with summarizing the conclusions reached by Bailyn and by Trevor Colbourn in his historical gem *The Lamp of Experience*. Since Bailyn is responsible for rediscovering the importance of Whig thought, and because the title of his book promises to tell us from whence it came, a closer look at Bailyn's work is in order.

## VII

In a review written by Richard D. Brown,<sup>31</sup> Bernard Bailyn is taken to task for being his own revisionist. Bailyn argued in the introductory essay to his earlier book *Pamphlets of the American Revolution* that: "The Revolution was in the minds of the people, and this was effected, from 1760-1775. . . . This radical change in the principles, sentiments, and affections of the people was the real American Revolution." However, when Bailyn expanded that essay into the book *The Ideological Origins of The American Revolution* he concluded the following: "I discovered that the configuration of ideas and attitudes I had described in the General Introduction as the Revolutionary ideology could be found intact-completely formed-as far back as the 1730's."<sup>32</sup> The problem here is that if the distinguishing ideology of the Revolutionary period was "completely formed" in the 1730's, then how can Bailyn speak of a revolutionary "transformation" of ideology in the 1760's and 1770's? Brown suggests that Bailyn's evidence leads to an obvious conclusion that Bailyn never himself draws.

<sup>31</sup> Richard D. Brown, *New England Quarterly* 40:577 D, 1967.

<sup>32</sup> Bailyn, *Ideological Origins*, p. xi.

The revolutionary change was not the fusion of partially recognized ideas into an ideology; that was already complete. Rather, it was the extension of this ideology to greater numbers of people who stretched it to its logical conclusions in applying it to immediate political questions.<sup>33</sup>

In another review Lawrence H. Leder makes a similar point.

On almost every occasion when some local crisis arose, the colonists sought for and found theoretical justifications for their own positions in the older English political and legal theorists. . . . Much of what Americans wrote in the heat of the 1760's and 1770's had been written earlier by their fathers and grandfathers. The earlier expositions may have been less sophisticated and even contradictory to their over-all effect, but that was because the problems to which they related were local rather than imperial.<sup>34</sup>

The picture that emerges is one of Americans having appropriated theory from England to justify their political institutions and practices. English Whigs were most useful for this kind of appropriation, for reasons that will become clear in a moment, and throughout the eighteenth century portions of Whig theory were brought into American political discourse. Most political matters were of local concern, but in the 1760's political interest shifted to a new level—that of imperial and colonial relations. This forced many people to appropriate more Whig theory than they had in the past, and to apply it to the solution of new problems. In the process of stretching English Whig theory to apply to their immediate political questions Americans did an interesting thing. They transformed Whig political theory. They did not transform their own ideology, rather they transformed English theory to fit American experience.

Reading Bailyn's chapter V entitled "Transformation" this is exactly what emerges. Concepts like representation, consent, constitution, rights, and sovereignty are not transformed in meaning from what Americans had previously meant by them. Rather, these concepts are either appropriated for the first time or else applied to imperial politics for the first time, and in so doing Americans transformed English Whig thought to produce concepts which were different with respect to England but congruent with the dominant American ideology.

Bailyn provides a crucial example when discussing the trans-

<sup>33</sup> Brown, p. 579.

<sup>34</sup> Lawrence H. Leder, *New England Quarterly* 39:278 Je, 1966.

formation in the concept of representation for here he points to the true ideological origin of the American Revolution without ever drawing the obvious conclusion. He points out that in the earlier years of colonial history Americans had in fact re-created a kind of representation that had flourished in medieval England, although the colonists did not do so for any theoretical reasons.<sup>35</sup> Originally, elective representation to Parliament had meant bringing locally minded men together as attorneys for their respective electors. A representative's business began and ended with the interests of the constituency. Local communities tried to bind their representatives to local interests through every means. A representative was required to have local residency or own land locally so as to have a stake in the community. His wages were closely controlled, he was provided minute instructions as to his powers and the limit of concessions he could make, and he was held strictly accountable for all actions taken in the name of his constituents. As a result a representative did not speak for an estate, a class, or a specific interest. Instead he spoke for that entire local community and its collective interests.

In England the form and practice of representation had been considerably altered by changing circumstances by the time Americans rose to challenge imperial policy. Parliament had become representative of a nation, and members stood for the interest of the realm more than for particular local communities. As Edmund Burke had it, Parliament was a deliberative assembly of one nation with one interest, that of the whole rather than the many local prejudices. But colonial America had reproduced English institutions in miniature and were led by circumstances in another direction. Specifically, they placed the locus of community in the town and in the county instead of in the nation as Englishmen did. Americans were most devoted to their local governments, and like their medieval counterparts they kept these towns and counties largely autonomous. Americans were thus inclined to keep the voices of local interests clear and distinct and to consider colonial legislatures as- creatures of local government designed to protect local communities from interference by the Crown's representative, the governor. Bailyn notes:

The Massachusetts town meetings began the practice of voting instructions to their deputies to the General Court in the first years of

<sup>35</sup> Bailyn, pp. 162-165.

settlement, and they continued to do so whenever it seemed useful throughout the subsequent century and a half. Elsewhere, with variations, it was the same; and elsewhere, as in Massachusetts, it became customary to require representatives to be residents of, as well as property owners in, the localities<sup>36</sup> that elected them, and to check upon their actions as delegates.

What of the Whig assumption of a community of interests? The potential contradiction between this assumption and the colonial penchant for locally controlling legislators was masked by a number of circumstances. First of all, Americans assumed that the community of interests lay in the local community. This is where that assumption most directly applied. Secondly, colonial legislatures spent most of their time fighting to check if not dominate the Crown-appointed governor. This meant that all local communities automatically shared one major interest, and this was to keep the governor out of local affairs as much as possible. This put the colonial legislatures in the position of making relatively few laws for the entire colony,<sup>37</sup> and spending most of their time defending the one interest all local communities held in common.

After independence state legislatures became much more active as they became the focus of government. The contradiction between local interests and state interests was immediately apparent. The towns and counties responded by tightening their control over their respective representatives. The result was a plethora of particularistic legislation respecting not only individual towns but also individual persons. The more radical American Whigs kept pressing for tighter and tighter control over state legislatures and applied the assumption of a homogeneous community exclusively to local communities. The more moderate Whigs saw the problem inherent in this and pressed for a more Burkean position with the state being recognized as a potential community. Neither radical nor moderate Whigs, however, could develop a plan for a strong national government. The former emphasized the local community as the locus of power while the latter emphasized the state. Each would have desired a weak national government much like the Articles of Confederation, with strong constituency control.<sup>38</sup> The Federalists saw clearly that a contradiction was present not only in Whig theory as

<sup>36</sup> Bailyn, pp. 164-165.

<sup>37</sup> Unlike legislatures today, colonial legislatures passed relatively few bills. A busy session might produce thirty or forty bills, a few sessions produced none at all.

<sup>38</sup> Wood, p. 486.

Americans practiced it, but also in the theory as applied to any large, diverse group of people. They rejected the assumption of a homogeneity of interests at any level of political organization.

Note here that there is first a transformation of English Whig thought to a peculiar American meaning. Then there is a post-1776 transformation in theory wrought by the Federalists and based upon the experience of American Whig theory operating in a new, non-imperial context. Where, then, is the origin of American Whig thought to be found? The answer staring Bailyn in the face is that colonists had over the two hundred years preceding the federal Constitution developed a set of political institutions which were Whig-like in their operation. These institutions had developed for other than theoretical reasons. Starting in about 1730 the colonists began appropriating English Whig political theory to justify what they wished to do locally in governing themselves. They chose Whig theory because it was most congruent in its implications with the kind of institutions already developed by the colonists. In the process of appropriating this theory the colonists bent it to shape meanings and concepts suited to their own experiences. Beginning in 1760 there was a quickened appropriation of this theory as a host of new political problems arose fairly suddenly. Again Whig thought was most congruent with the kind of political solutions desired by the colonists. Again the theory was bent to suit their experiences. In sum, the origin of American Whig theory, and thus the origin of American Revolutionary ideology, is to be sought in the institutions unfolded and evolved by Americans during the seventeenth and early eighteenth centuries. We should look to England only for the terms and concepts used to bring theoretical coherence to this experience of living together on American shores. Why Bailyn failed to draw this conclusion instead of the one he did can be better understood if we take a more careful look at the information source upon which he based his study.

## VIII

Bernard Bailyn has selectively published a portion of the more than four hundred Revolutionary pamphlets he has uncovered. Criticism by historians has frequently been built around challenges to Bailyn's success in reproducing a representative sample from these four hundred pamphlets. One historian argues that Sam

Adams is underrepresented. Another argues that of the dozen or so pamphlets with the widest circulation only four are reprinted. Several point out that there will never be, and cannot be, agreement on which set of pamphlets to publish. None of his critics note that the problem with Bailyn's analysis is that he relies primarily upon pamphlets. This is not to say that he forgets other sources of historical information, but rather that by drawing his analysis from the pamphlets he is prevented from establishing when an idea became *prominent* as opposed to merely stated. He is also led to ignore the more formal political documents written by Americans, and these documents often tell more about the history of ideas than the most logical and well written pamphlet.

Let us take up this matter of "prominence" versus "appearance" first. Again in the chapter on "Transformation," Bailyn draws from the pamphlets the changing view Americans had of constitutions. Between pages 175 and 184 he outlines the tentative steps toward making a constitution a "higher law" superior to ordinary legislation. This process supposedly reached a climax in two prominent pamphlets written in 1776—"Four Letters on Important Subjects," and "The Genuine Principles of the Ancient Saxon or English Constitution." These pamphlets argue that a constitution must be grounded in some fundamental source of authority, a "higher authority than the giving out temporary laws." There should be a constitution written as "an act of all" never to be "added to, diminished from, nor altered in any respect by any power besides the power which first framed [them]." There is no mistaking these pamphlets having outlined a higher law doctrine for constitutions such that they should be written and amended only by conventions elected specially for that purpose, and then only with popular approval of the convention's work. Relying upon the pamphlets it would appear that this set of ideas had become prominent. In fact, this is the first time that they have been coherently expressed. If we look at the actual state constitutions, those documents which embody the balance of political forces and the ideas dominant at a particular time, we find that by 1800 the first sixteen states had written twenty-seven different constitutions, but only two of them had been written by a special convention *and* adopted by a majority of the people. In fact, this idea of a constitution as a law higher than normal legislative law does not gain dominance in state constitutions until well into the nineteenth century.

Of course, Bailyn quotes formal colonial documents all through



his book, but these are used to exemplify and amplify what he finds in the pamphlets rather than as sources in themselves. If he had also examined colonial political documents more closely, he would have found what Kendall and Carey did, namely that from the Mayflower Compact onward there is an unfolding of political symbols in a specific direction." These political symbols are "differentiated" and developed far beyond their primitive versions from the early seventeenth century, but there is a coherence and a consistency to this development that leads in a very straightforward fashion to the first state constitutions, if not to the federal Constitution. Furthermore, this American political theory in embryo is the basis upon which English Whig political theory was appropriated and shaped to peculiarly American meaning, and it is the core political tradition which limited the Federalists in their search for new theory and to which the Federalists were bound in their reaction.

There is a richness to be found in colonial political documents which has not yet been exploited. For that matter, there is a richness in the early state constitutions and the debates surrounding them that remains yet to be seriously studied in terms of American political theory.<sup>49</sup> The indigenous instruments of government adopted by the colonists were typically passed by local legislatures as a total legislative package, but, often lacked a title. It is little wonder that they are generally unknown. A partial listing of these documents, both those written in England and those organic to America, will serve to illustrate what historians and students of American political theory have thus far failed to examine adequately. Those documents organic to America are marked with an asterisk.

1. Letters Patent to Sir Humphrey Gilbert, 1578.
2. Sir Walter Raleigh's Charter, 1584.
3. The Charter of Acadia, 1603.
4. Virginia Charter, 1606.

<sup>39</sup> Kendall and Carey argue that all the basic symbols of the American political tradition can be found in the Mayflower Compact, and subsequent documents up to and including the United States Constitution reflect increasing "differentiation" of these basic symbols. To a large degree the argument being made in this essay is in support of their thesis, with the important difference that between 1776 and 1787 some symbols were dropped, some added, and several bent in rather new directions of differentiation.

<sup>49</sup> As Wood notes in his bibliographic essay at the end of his book, detailed analysis of the early state constitutions is surprisingly limited. Detailed comparative study is confined to two nineteenth century articles.

5. Virginia Charter, 1609.
6. Virginia Charter, 1611-1612.
- \*7. Mayflower Compact, 1620.
8. New England Charter, 1620.
9. Ordinance for Virginia, 1621.
10. Charter, Dutch West India Company, 1621.
11. Grant of New Hampshire, 1629.
12. Massachusetts Charter, 1629.
13. Dutch Charter of Privileges to Patroons, 1629.
14. Charter of Plymouth to William Bradford, 1629.
15. Maryland Charter, 1632.
- \*16. Cambridge Agreement, 1632. (Massachusetts)
- \*17. Dorchester Agreement, 1633. (Massachusetts)
- \*18. Salem "Agreement," 1634. (Massachusetts)
- \*19. Watertown Agreement, 1634. (Massachusetts)
20. Grant of New Hampshire, 1635.
- \*21. Pilgrim "Code of Law," 1636.
- \*22. Fundamental Orders of Connecticut, 1639.
- \*23. New Haven Fundamentals, 1639.
24. Grant of Maine, 1639.
- \*25. Government of Providence, 1639. (Rhode Island)
- \*26. Government of Newport, 1639. (Rhode Island)
- \*27. Government of Pocasset, 1639 (Portsmouth, Rhode Island)
- \*28. Maryland Act, 1639.
- \*29. Agreement of Settlers at Exeter, 1639. (New Hampshire)
- \*30. Dover Combination, 1639. (New Hampshire)
- \*31. Bradford's surrender of his patent of Plymouth to the freemen, 1640.
- \*32. Agreement at Providence, 1640. (Rhode Island)
- \*33. Massachusetts Body of Liberties, 1641.
- \*34. Piscataqua River Government, 1641. (New Hampshire)
- \*35. Government of Rhode Island, 1641.
- \*36. New Haven "Fundamentals," 1643. (revision of 1639)
37. Patent for Providence Plantations, 1643.
- \*38. Acts and Orders of 1647 (Agreement between Providence, Warwick, Portsmouth, and Newport in forming a common assembly).
- \*39. Wells, Gorgiana, and Piscataqua form independent governments, 1649. (Maine)
- \*40. Puritan "Laws and Liberties," 1658.
- \*41. Connecticut Charter, 1662.
42. Charter of Carolina, 1663.
43. A Declaration and Proposals of the Lords Proprietors of the Province of Carolina, 1665.
- \*44. Rhode Island Charter, 1663.
45. Grant to the Duke of York, 1664.
- \*46. Concessions and Agreement (East Jersey), "Nova Caesarea," 1664.

47. Royal Grant to the Province of Maine, 1664.
- \*48. Concessions of East Jersey, 1665.
- \*49. Concessions and Agreements of the Lords Proprietors of the Province of Carolina, 1665.
50. Charter of Carolina, 1665.
- \*51. Fundamental Constitutions of Carolina, 1669.
- \*52. Declaration of the Lords Proprietors (Jersey), 1672.
53. Grant to Sir George Carteret (New Jersey), 1674.
54. Grant to the Duke of York, 1674.
55. Royal Grant to the Province of Maine, 1674.
56. Privileges granted by Dutch to citizens of Delaware, 1673.
- \*57. Charter of Fundamentals of West New Jersey, 1676.
58. Charles II's grant of New England to the Duke of York, 1676.
- \*59. Concessions of West Jersey, 1677.
60. Commission for New Hampshire, 1680. (Commission of John Cutt)
61. Duke of York's second grant to Penn and others, 1680.
62. Pennsylvania Charter, 1681.
- \*63. "Fundamentals" of West New Jersey, 1681.
- \*64. Concessions to the Province of Pennsylvania, 1681.
- \*65. Pennsylvania Frame of 1682.
- \*66. Penn's Charter of Liberties, 1682. .
- \*67. New York "Charter of Liberties and Privileges," 1683.
- \*68. Pennsylvania Frame, 1683 (Revision of 1682).
- \*69. Fundamental Constitutions, East New Jersey, 1683.
70. Commission of Andros, 1688.
71. Massachusetts Charter, 1691.
- \*72. New York "Charter and Privileges of the Majesty's Subjects, 1691."
- \*73. Pennsylvania Frame, 1696 (Revision of 1683).
74. Pennsylvania Charter of Privileges, 1701.
75. Charter of Delaware, 1701.
76. Explanatory Massachusetts Charter, 1725.
77. Georgia Charter, 1732.

Even this partial listing shows as many "unofficial constitutions" as there were officially approved ones.<sup>41</sup> The colonists were not mere objects of legislation.

These often-forgotten documents contain several important milestones for republican government in America. For example, the Pilgrim "Code of Law" in 1636 used language that would be familiar and revolutionary over a century later.

We, the associates of New-Plymouth Coming *hither* as freeborn subjects of the State of England endowed with all and singular the

<sup>41</sup> This list is taken from a footnote to chapter two in *The Self-Guiding Republic: Popular Consent and Popular Control, 1776-1789*.

privileges belonging to such being assembled; doe ordaine Constitute and enact that noe act imposition law or ordinance be made or imposed upon us at present, or to come but such as shall be imposed by Consent of the body of associates or their representatives legally assembled; which is according to the free liberties of the State of England.<sup>42</sup>

The New Haven "Fundamentals" of 1639 and 1643 are more specific and precise than the Famous Fundamental Orders of Connecticut, and are also based upon and are a confirmation of the civil governments that had been in operation for several years. The Connecticut Charter (1662) and Rhode Island Charter (1663) were both confirmation of local government that had been functioning for a number of years. The Rhode Island Charter was specifically based on the Acts and Orders of 1647, which was the first successful federal system erected in America. This, in turn, was based on four towns which had been effectively operating under their own local governments for several years. The Acts and Orders of 1647, passed by the first assembly of the federation, was also the first code of law in America specifically based upon English principles of law instead of religious doctrine and practices.

The Puritan "Laws and Liberties" of 1648 was an abridgement and digestion of the laws that had been enacted by the colony to that point. It also included a definition of the "just rights and privileges of every freeman," which aided this document in becoming famous and influential throughout the colonies.

The New York "Charter of Liberties and Privileges" (1683) passed by the first General Assembly outlined a constitution and a bill of rights in a form that would be quite familiar almost a century later. The General Assembly passed an even more elaborate and explicit bill of rights in the "Rights and Privileges of the Majesty's Subjects" (1691). This document would be disallowed in England because of its "large and doubtful expressions" which is an understatement, since it categorically prohibited the government from doing certain things. As Bernard Bailyn describes it in *The Ideological Origins of the American Revolution* (p. 195), the document stated that ". . . the individual was to be free from unlawful arrest and imprisonment, arbitrary taxation, martial law and the support of standing armies in time of peace, feudal dues, and restrictions on freehold tenure. . ." It also guaranteed trial by

<sup>42</sup> Harry M. Ward, *Statism in Plymouth Colony*, (Port Washington, New York, Kennikat Press, 1973), p. 17.

jury, due process of law in general, and full freedom of conscience and religion to Protestants. The breadth of rights contained in this document would not be seen again until the state constitutions of the 1780's, and the absolute prohibition on government activity would not be seen again until the Federal Constitution of 1787. Americans not only wrote their own constitutions as colonists, they engaged in astoundingly creative political thinking as well. Another often-overlooked historical development was the recurring hope to unite the colonies. While probably not a complete list, these are the federation proposals of which I am aware:

1. New England Confederation of 1643.
2. Commission of Council for Foreign Plantations, 1660.
3. William Penn's Plan of Union, 1696.
4. Report of Board of Trade on union of New York with other colonies, 1696.
5. D'Avenant Plan, 1698.
6. A Virginian's Plan, in "An Essay on the Government of the English Plantations on the Continent of America," 1701.
7. Livingston Plan, 1701.
8. Earl of Stair's Proposals, 1721.
9. Plan of the Lords of Trade, 1721.
10. Daniel Coxe's Plan, in "A Description of the English province of Carolina," 1722.
11. Kennedy Plan, 1751.
12. Franklin Plan, 1754.
13. Richard Peter's Plan, 1754.
14. Hutchinson Plan, 1754.
15. Plan of the Lords of Trade, 1754.
16. Dr. Samuel Johnson's Plan, 1760.
17. Galloway Plan, 1774.
18. Franklin's Articles of Confederation, 1775.
19. The Articles of Confederation, 1778.
20. Drayton's Articles of Confederation, 1778.
21. Webster's Sketches of American Policy, 1785.
22. Randolph's Plan, 1787.
23. Pinckney's Plan, 1787.
24. The U.S. Constitution, 1787.<sup>43</sup>

To these must certainly be added the Act and Orders of 1647, which established the first functioning confederation in America, and the royal commission of 1688 to Governor Andros from the king to unite all of New England, New York, and the two Jerseys.

In sum, the formal documents available are more than sufficient

<sup>43</sup> This list is taken from Sydney George Fisher, *The Evolution of the Constitution of the United States* (Philadelphia: J. B. Lippincott Company, 1897), p. 9.

to help us uncover in detail the core American political tradition as it developed between 1587 and 1787. There is more, however, for an examination of the formal documents leads inevitably to a more careful look at the origin of American political thinking, and that is found in the founding and operation of local government.

## IX

If there is anything more ignored than formal colonial documents it is the history of local government in colonial America. At least there are dozens of books in which are collected select documents from the colonial era, although there is as yet no complete collection of *founding* documents. On the other hand, a search for work on local government reveals very few books to begin with, and most of those were written more than a half century ago and are still being reproduced as the primary works." And yet here is where we find in full operation institutions and theories that are later to be

<sup>44</sup> Four recent reprints are: Edward Channing, "Town and County Government in the English Colonies of North America," *Johns Hopkins University Studies in Historical and Political Science*, X, second series (1884), reprinted by Johnson Reprint Corporation (1973); Ernest S. Griffith, *History of American City Government*, The Colonial Period (New York: Oxford University Press, 1938), reprinted by Da Capo Press, Inc. (1972) New York; Anne Bush Maclear "Early New England Towns" *Studies in History, Economics, and Public Law*, Vol. XXIX, No. 1 (1908), reprinted in book form by AMS Press, Inc. (1967) New York; and John Fairfield Sly, *Town Government in Massachusetts (1620-1930)*, (Cambridge: Harvard University Press, 1930), reprinted by Archon Books (1967), Hamden, Connecticut. Aside from the town records themselves, I have found three other works to be especially helpful: Kenneth Colgrove, "New England Town Mandates," *Publications of the Colonial Society of Massachusetts*, Vol. XXI (1919) pp. 411-449; George E. Howard *An Introduction to the Local Constitutional History of the United States* (Baltimore: Johns Hopkins University, 1889); and John R. Pole, *Political Representation in England and the Origins of the American Republic* (Berkeley: The University of California Press, 1971), esp. pp. 38-54. Those interested in pursuing the topic further might also wish to consult Charles M. Andrews, "The River Towns of Connecticut: A Study of Wethersfield, Hartford, and Windsor," *Johns Hopkins University Studies in Historical and Political Science*, VII, nos. 709; C. M. Andrews, "The Genesis of the Massachusetts Town, and The Development of Town-Meeting Government," *Massachusetts Historical Society Proceedings*, 2nd series, VII 174-211; Beatrice and Sydney Webb, *English Local Government from the Revolution to the Municipal Corporations Act* (London, 1906); R. H. Akagi, *The Town Proprietors of the New England Colonies* (Philadelphia, 1924); and Alfred Worcester, "The Origin of the New England Town Meeting," *Waltham Historical Society Publication*, No. 2, 1925. There are also two good works on county government specifically; A. O. Porter, *County Government in Virginia: A Legislative History, 1607-1904* (New York, 1947), chapters 1-2; and William C. Guess, "County Government in Colonial North Carolina," *James Sprunt Historical Studies*, XI (1911).

dignified with the name "Whig." For example, legislative supremacy was operative at the local level in the form of the town meeting and the small interim body between town meetings—the selectmen. The colonists patiently, persistently, and cunningly pressed the same idea in their development of colonial legislative power vis à vis the governors.

Homogeneity of interests was not only assumed, it was enforced. It was assumed insofar as any freeholder could hold office, although it was not considered pernicious that most elected officials were wealthy. Their interests were not considered markedly different from the less wealthy. Since there were no factions, there was no basis for appealing to one part of the electorate over another. This made public political campaigning unneeded and undesirable. A candidate ran on his good name from his front porch. Homogeneity was enforced in most communities through careful control of who could live there. Undesirables were told to move on, and travelers who stayed in the community overnight had to vouch for their financial independence and good behavior so as not to put a strain on the community or create dissent. Political faction was viewed as the greatest sin and extraordinary means were taken to prevent it.

The community was considered superior in its interests to those of individuals. Contrary to Locke's teaching, the community could expropriate land and property in payment of debts or for community purposes. Virtually all those rights to which we now attach such great importance could be abridged by the local or colonial legislature for the good of the community. Many communities had constables who patrolled at night seeking to prevent "disturbances." "Disturbances" included lights on in houses after a certain hour, individuals "abroad at night" without good reason, and singing. All were subject to inquiry and possible penalty.

The complete set of Whig assumptions could be found operative in colonial America well before 1730, although there was no coherent, widely held *theory* justifying them. When English Whig theory became available, it was quickly and easily appropriated to justify what was already common practice.

## X

In an effort to relate English Whig theory to American experience a necessary oversimplification has been made. Does theory always flow from institutions the way myth flows from ritual? Even

a cursory examination of American history will provide examples of institutions and political events resulting from the logical extension of theory. That is, the relationship between political theory and institutions is a reciprocal one, and attempts to prove that one element is usually prior in the causal chain are likely to be fruitless. The point being made here is that regardless of the partial and disparate theories from which American institutions evolved during the seventeenth and eighteenth centuries, Bailyn demonstrates the extent to which Puritan thought, mercantilist ideology, classical history, and the many other intellectual traditions were made coherent by a "transformed" Whig political theory. Wood carefully explains how American Whig political theory ubiquitously informed political debate and political action in the three decades preceding the adoption of the United States Constitution, and consequently how the form of that Constitution must be understood in a Whig context.

Establishing the importance of Whig thought in the history of American political theory means that instead of focusing upon the American Revolution in our theory textbooks we should concentrate upon the American Evolution, and that Evolution begins around 1620 not in 1776. Future research may increase or diminish the role assigned to Whig theory in the history of ideas associated with the American experience, but the complementary work of Bernard Bailyn and Gordon S. Wood tells us that Whig political theory should never be ignored again.

*University of Houston*

DONALD S. LUTZ