

Our Eyes at present are turn'd to Masachusetts and expect by Saturday's post, to hear of feats of Chivalry. We are told that Genl. Lincoln and Mr. Shays are this week to take feild to try the Title for Empire in the feild of Mars; whether Good or ill is to be produced, futurity must discover.

James Madison to George Washington

NEW YORK Feby. 21, 1787

Dear Sir,

Some little time before my arrival here a quorum of the States was made up and Genl. Sinclair put in the Chair. . . . The objects now depending and most immediately in prospect, are 1. The Treaty of peace. . . . 2. a recommendation of the proposed Convention in May. Cong's have been much divided and embarrassed on the question whether their taking an interest in the measure would impede or promote it. . . . Our latest information from Mass'ts gives hopes that the mutiny or as the Legislature there now style it, the Rebellion is nearly extinct. If the measures however on foot for disarming and disfranchising those concerned in it should be carried into effect, a new crisis may be brought on. I have not been here long enough to gather the general sentiments of leading characters touching our affairs and prospects. I am inclined to hope that they will gradually be centered in the plan of a thorough reform of the existing system. Those who may lean towards a Monarchical Govt. and who I suspect are swayed by very indigested ideas, will of course abandon an unattainable object whenever a prospect opens of rendering the Republican form competent to its purposes. Those who remain attached to the latter form must soon perceive that it can not be preserved at all under any modification which does not redress the ills experienced from our present establishments.

James Madison to Edmund Pendleton

NEW YORK, Feby. 24, 1787

Dear Sir,

. . . The only step of moment taken by Cong's, since my arrival has been a recommendation of the proposed meeting in May for revising the federal articles. Some of the States, considering this measure as an extra constitutional one, had scruples agst. concurring in it without some regular sanction. By others it was thought best that Cong's should remain neutral in the business, as the best antidote for the jealousy of an ambitious desire in them to get more powers into their hands. This suspense was at length removed by an instruction from this State to its delegates to urge a *Recommendatory Resolution in congress* which accordingly passed a few days ago. . . . In general I find men of reflection much less sanguine as to the new than despondent as to the present System. Indeed the Present System neither has nor deserves advocates; and if some very strong props are not applied will quickly tumble to the ground. No money is paid into the public Treasury; no respect is paid to the federal authority. Not a single State

complies with the requisitions, several pass them over in silence, and some positively reject them. The payments ever since the peace have been decreasing, and of late fall short even of the pittance necessary for the Civil list of the Confederacy. It is not possible that a Government can last long under these circumstances. If the approaching convention should not agree on some remedy, I am persuaded that some very different arrangement will ensue. The late turbulent scenes in Mass'ts and infamous ones in Rhode Island, have done inexpressible injury to the republican character in that part of the U. States; and a propensity towards Monarchy is said to have been produced by it in some leading minds. The bulk of the people will probably prefer the lesser evil of a partition of the Union into three more practicable and energetic Governments. The latter idea I find after long confinement to individual speculations and private circles, is beginning to shew itself in the Newspapers. But tho' it is a lesser evil, it is so great a one that I hope the danger of it will rouse all the real friends of the Revolution to exert themselves in favor of such an organization of the confederacy, as will perpetuate the Union, and redeem the honor of the Republican name.

✕ ESSAYS

J. R. Pole, Rhodes Professor of American History and Institutions at Oxford University, has long been one of the most learned and astute analysts of politics in the Revolutionary era. In the first essay, extracted from his *Political Representation in England and the Origins of the American Republic* (1966), Pole argues that Shays's Rebellion was a consequence of an undeveloped set of expectations and institutions for expressing opposition in Massachusetts. Political-party systems, he suggests, would later provide an alternative to county conventions and other extralegal forms of protest. Gordon S. Wood's prize-winning *Creation of the American Republic, 1776-1787* (1969) is one of the most influential studies of the past generation. In the second selection, Wood, professor of history at Brown University, analyzes the crisis of confidence and the sense of alarm that engulfed nationalists during the mid-1780s.

Shays's Rebellion and the Problem of Opposition Politics

J. R. POLE

A constitutional historian of Massachusetts, after bringing his subject safely through the year 1780, might feel entitled to lay down his pen and contemplate a work well done. Few were disposed to deny that the Constitution had been adopted with the general consent of the governed or that the annually elected legislators conformed to the accepted notion of true representatives. . . .

Within six years, longstanding discontent throughout much of the Commonwealth had been fanned into organised riots, and these in turn were

"Rebellion" by J. R. Pole from *Political Representation in England and the Origins of the American Republic*, Copyright © 1966. Reprinted by permission of St. Martin's Press.

raised, under the hesitant leadership of Captain Daniel Shays, into a minor rebellion. The rebellion, a strangely disjointed, aimless affair, was crushed with slight loss. The State Constitution not only emerged unshaken, but proved itself capable of absorbing the impetus of discontent through the normal elective system; at the ensuing elections, in April 1787, both Governor James Bowdoin and a great majority of representatives lost their seats. Within a few months, and particularly after the ratification of the Federal Constitution, it was easy to believe that the whole episode had been greatly over-rated; but before it was over it had given the legislators and many substantial citizens, in Massachusetts and in other states, a severe fright. If a truly republican government could not hold the allegiance of the people, was the American experiment destined to fail?

The question gave rise to some of the animus against "democracy" expressed in the opening days of the Philadelphia Convention. Shays's Rebellion thus has a peculiar stature, much out of proportion to its local character. The history of Europe is dotted with minor peasant revolts, local, wild, and hopeless, which barely attract the attention of the historian. . . . But the rising of 1786 demonstrated with cruel violence that something had gone wrong with the very institutions of representation which the people of the Bay Colony had fought to defend and had agreed, by conference, to maintain.

The grievances underlying the county conventions of 1786 and the rebellion itself were repeatedly expounded at the time. They may be summarised as economic distresses, arising from the aftermath of war and from legislative policies, administered through, and exacerbated by, the courts, the legal profession, and the county officials. The burden of taxation to meet State debts was compounded by the burden of private debt, and both were made terrifying by the practice, or the threat, of the imprisonment of debtors. The exorbitant expenses of court action often precluded the poorer victims from seeking relief through litigation, even when they had the better case. The petty tyrannies of sheriffs and constables aroused bitter hatred.

No administration could entirely have averted the post-war economic crisis; but the form it took in Massachusetts was in large measure a product of the policies of the General Court, a point firmly grasped by the more articulate and better informed spokesmen of the protest movements.

As early as 1777, the General Court had initiated the hard-money policy which it pursued, with much tacking and veering but with unwavering purpose, right down to the crisis. By Acts of 1780 and 1781, all legal tender except gold and silver was abolished and heavy taxes were imposed. Further measures in the following years constantly proclaimed the dedication of successive legislatures to the principle of redeeming the State's obligations to its creditors at whatever cost to the overburdened and the poor. And the poll tax, the most consistently used means of raising money, being levied at a flat rate, had a most unequal operation.

It seemed by the early spring of 1786 that the hard struggles of the Revolutionary War were to produce, for those who had fought or endured them, nothing better than a dwindling lifetime of debt, poverty, and even

imprisonment. What made this intolerable was that every officer of government was engaged as a matter of duty in forcing home the exactions, inflicting the hardships.

The General Court was not unaware of the plight of the country. . . . When every allowance has been made for the imperfections of economic science and the humanity of the legislators, their course on the one hand, and on the other the county conventions and the outbreak of rebellion, raise questions which cannot be answered by examining either economic statistics or the provisions of the Constitution of 1780. The question is why a government consisting solely of duly elected representatives should have pursued a policy capable of alienating a large section of the people and driving the remnant to despair and revolt; the question is also why, under a representative government, the opposition should have been able to find no means of attaining redress, both constitutional and effective.

It is clear that, despite occasional hesitations and tackings, the Assembly majority did not pursue a definable policy. It is also clear that this policy conformed in general to the objectives of the leading economic interest of the seaboard, and that it aroused heated and widespread opposition. . . .

The larger numbers of members from the eastern towns were, of course, within much easier reach of the capital than their colleagues from the interior; their attendance could therefore always be more regular. Their position also gave them the opportunity of seeing each other and conferring in ways denied to the interior. The county conventions so popular in the west, though hotly denounced as unconstitutional and subversive, may reasonably be considered an organised counterpart to this unofficial but immensely useful seaboard advantage. . . .

The Speakers of the House continued to be Representatives either of Boston or of other towns in the seaboard area, right through the war and the Confederation period, with the single and interesting exception of the critical year 1786-7 when the Speaker came from Shrewsbury in Worcester County. For most of the same period the clerk of the House was also a Boston man.

The significance of this unauthorised system was understood by the opposition. Few demands of the protest movement were more insistently repeated than that for the removal of the General Court out of Boston; and Massachusetts was a noteworthy exception to the general tendency to remove the capital in a westerly direction soon after the Revolution. This was frequently linked with demands for a reform in the basis of representation and, significantly, for the abolition of the Senate. These three measures were aimed at the machinery by which the seaboard kept its grip; but it is doubtful whether they would ever have made a permanent difference without the aid of some standing political organisation. . . .

The mere existence of the Senate was a grievance. The conservatism of that body consisted partly in its tendency to reject reforms emanating from the House, partly in the mere presence of a constitutional body based on property rather than persons. The election of James Bowdoin as Governor in 1785, which took place in the General Court owing to the lack of a

popular majority for any candidate, was carried with the aid of a senatorial majority of commercial interests. Economic distress and the policies of the General Court had begun to make this principle seem more objectionable than it had seemed in theory in 1780. . . .

The actual distribution of senators on the basis of taxes paid, rather than numbers, did not make a great difference. Suffolk County, with Boston, had six senators instead of the four to which it would have been entitled on a numerical basis; the central and western counties were short by one or two senators; but it is a mistake to assess representation in merely arithmetical terms. All the senators, from whatever counties, were required to be men of substance. . . .

The better informed commentators who contributed essays on economic policy to the newspapers showed much understanding and often a fund of knowledge; but this was brought out only by the crisis and the usual situation in the towns showed little change since the days before the Revolution. Newspapers very seldom reported Assembly debates—the *Hampshire Gazette* was roused to do so as late as November, 1786, and it did not become a habit. The House itself did nothing to inform the people either of its measures or the reason for them; even when it had acted to redress grievances it failed to explain its actions. A contributor sympathetic to the demonstrators pointed out that it would be well if the General Court would inform their constituents more particularly of the state of public affairs; especially of the state's part of the national debt, the amount of the domestic debt, the annual charge for the support of government, and the interest paid annually; the takings of the treasury by imposts, excise, licences and auctions, and taxes; and many other matters of political economy which were later to become the currency of political discussion. Other glimpses of the curiously episodic state of information about public affairs are caught from the instructions of Douglass in May 1787, which remarked to the representative that as he would have better information in that capacity than the town he might make all reasonable alterations; a remark by the chief justice that the representatives were better informed than the towns, and a remark by another town that it "believed" laws had been passed contrary to the peace treaty—plainly admitting to uncertainty about legislative history.

These deficiencies were admitted by the General Court to be part of the reason for the prevailing dissatisfaction—or rather they were proclaimed on the ground that better information would have led to fairer appreciation of the efforts of the legislators. In October 1786 a committee of both branches of the legislature brought in a long report directly designed to answer recent complaints and to provide public information, and several measures of redress were ordained; one of which, the introduction of a new institution to take the place of the unpopular court of Common Pleas, was later rejected by the Senate. Soon afterwards, a formal Address to the People by the General Court gave an account of public revenues, spending, expectations from land sales, and the state of the debt. This was necessary because, it was stated, discontent had arisen largely from misinformation. . . .

In constitutional theory the towns were represented through their right

to instruct representatives. Through them the General Court would possess all the information it needed for legislative purposes. The difficulties experienced not only by Massachusetts but by the American economy after the end of the war might have been expected to provide the legislators with all the information they needed. . . .

Why, then, had not the afflicted areas themselves made better use of their constitutional rights to instruct their representatives and to apply for redress? If the instructions and petitions for relief lying in the state archives are grouped together the cries of distress sound insistent and impressive. None speaks clearer than the plea of Ludlow: "We humbly Conceve that your honours are well acquainted with the distresses of the people of this Commonwealth and are possessed of Bowels of pitty and tenderness."

Not all these petitions agreed with each other. Most demanded paper money, and a few denounced it. . . . The other factor of great significance is the chronic non-representation of the smaller towns.

May 1786 began a session at which, in view of the growing discontent, a large delegation might have been expected from the western counties. In fact, of 314 towns entitled to representation no fewer than 145 failed to elect a member. The three western and central counties of Hampshire, Worcester, and Berkshire—entitled between them to 130 representatives—could send only 67. This figure probably represented a strenuous exertion, for it compared favourably with the percentage of the state as a whole. But where Hampshire, Worcester, and Berkshire achieved a representation of about 51 per cent against a state average of about 53, the eastern counties of Suffolk, Essex, and Middlesex sent delegations from 46 of their 78 towns—almost 60 per cent; and if the count is confined to Essex and Suffolk, which between them concentrated most of the seaboard population and mercantile property, the contrast becomes still more striking: 29 out of 40 towns, or 72 per cent. When all the unofficial advantages of the seaboard are weighed in, and the lack of unity, previous consultation, or even uniformity of interest of the interior counties is considered, the political influence of the east becomes almost a tangible thing.

The basic reason for this non-representation was economic. The town records show again and again that when the cost of being assessed for the support of a member throughout the legislative sessions was considered by a community, the gains to be had from representation frequently did not seem worth the price. But the very factors which made representation urgent also made it more burdensome. The harder the times, the more inducement to the towns to cut their costs. That any one town's one or two representatives would be able to make an effective impression on the general policies of the Court or on the condition of the Commonwealth always seemed improbable. It was easier to risk the fine for non-representation and hope for the success of a plea of poverty. The worse the crisis, the worse the representation of the state as a whole at the seat of government; and this was a weakness that applied particularly to the areas of greatest distress. The times thus gave great force to the argument of Greenwich, that all representatives should be paid from the public chest—a view which only some

dozen towns had thought worth advancing in their returns on the Constitution of 1780.

But the unwillingness of the dissatisfied towns to make an instrument of reform of the General Court is not fully explained by their poverty. It must be recognised that there occurred a dangerous breakdown of confidence *between the General Court and a large body of citizens—a much larger body, to judge by the county conventions, than eventually took part in the disturbances.* Against the strangely small number of petitions seeking redress from the legislature, the conventions brought together and gave vent to an impressive volume of indignation.

The link between the county conventions and the Shays disorders is obscure. . . . Whether or not the Convention leaders were possessed with the frenzy of class hatred and the purpose of class war, such motives were freely attributed to them by their enemies.

Much of the frenzy was worked up by the “conservatives,” who convinced themselves that a new social revolution was in the making, although there is no evidence of rebel plans against the state government; it was on western ground that the rival forces met, and hardly anyone on either side was hurt. . . .

The conventions were composed of delegates from the towns, regularly elected in town meetings. It was open to each town to decide whether or not to send a delegation, and those in which a majority—or the leading citizens—opposed the whole practice sometimes gave their reasons for declining. Thus Medford, refusing to attend the Worcester Convention of August 1786, declared it an unwarrantable attempt to take the public business out of the hands of those (i.e., the General Court) to whom the Constitution had confided it. The proper procedure was to lay grievances before the General Court through instructions to representatives; but the call did not specify any grievances. The Convention, this statement sharply added, was likely to create more grievances by making parties and counteracting the proceedings of the General Court. Medford believed the state debts to be debts of honour, the price of victory in war. If the states repudiated it, the prediction of their enemies that the Americans were incapable of governing themselves would be completely verified.

The biggest gain from the conventions may well have been that by causing excitement and public debate they attracted attention to the widespread nature of the grievances which called them forth. But as a means of concerting opposition, they were not very effective. The complaints listed in the resolves of the conventions frequently reappeared in the instructions or petitions of the towns which had sent delegations. . . .

It was the general policy of the conventions to correspond with each other on views, grievances, and remedies. Their meetings became more frequent as the crisis developed. It is not surprising that by early in the new year they should have begun to plan for the forthcoming elections. Their whole procedure, indeed their existence, was disagreeably reminiscent, in the opinion of their opponents, of the measures by which the province had been

rallied against the Crown. Then, at least from about 1774, there had been a rising degree of unity; it could be argued that the Charter, under attack by the British, was being defended by the people. But once the Constitution of 1780 had gone into force, conventions challenged the legitimacy of the government of the state. It was therefore consistently argued by all their opponents that since the Constitution made no provision for them, but had provided adequate means of representation, they lay outside the Constitution and were illegal. . . .

The charge of illegality can best be understood as an implied counter-assertion that the Constitution, having been established by the consent of the governed, comprehended all possible modes of legitimate political action. That instrument, as Chief Justice [William] Cushing [of Massachusetts] observed, had parcelled out all the power to be exercised under it; no delegated power remained to give to the county conventions, unless it were to counteract the General Court and compel or over-awe them. What then was to be done about real grievances? The answer was plain: follow the ancient usage by applying at regular town meetings to lawful representatives, either by petition or instruction. The Constitution expressly protected the right of instruction and the right of assembly.

This counsel, however, ignored the core of the dissidents' problem. In legislative divisions the instructed members might simply be defeated. It was inherently unlikely that instructions could overturn set legislative policies unless the opposing members had had the opportunity of concerting their own measures. Here and there a specific mistake or grievance might be corrected; but that was not at all the same thing as reversing the entire direction of economic policy. Yet the whole system under which the General Court operated tended to preclude such previous consultation; the country members came together from all over the state; and the very steps by which some co-ordinated policy might have been devised were denounced by all the agents and supporters of central government as unconstitutional. Within the formal constitution of government was an informal but no less powerful system by which the government was carried on. There was no lack of opportunity for concerting policy by the men who were always on the spot and who anyway held most of the strings of power and influence. The county conventions must be understood as the natural—indeed, the normal—response of the discontented elements to the effective exercise of power, through the control of the “system,” by their opponents.

The county convention, springing directly from the towns, upon particular occasions and derived from the popular resistance of revolutionary times, seemed to its supporters to be nearer to the people than did the General Court. . . .

The conventions, then, emerged as an old way of meeting new problems. They reflected not so much the power as the lack of effective instruments in the hands of a gravely discontented section of the people. It is this sense of lack which offers us a clearer view of them—though one that was not available to them. The conventions were the only mode of collective protest, of the concerting of policies, which the dissidents could hit on before the

rise of the organised political party. Conventions disappeared when parties arose, until *in due course* the parties revived them for party purposes; but after this they acquired a national, and lost their local, character.

The upheaval of the spring elections of 1787 was all the more remarkable. It was reflected in the sheer scale of participation by the voters. In 1786, some 8,000 of them took part in the election for Governor, being about 11 per cent of the adult white males of the state; this, though slightly low, was not much below the average for such elections since 1780. But 1787 produced a turnout of over 24,000; about 32 per cent and nearly twice as high as any before. The *Worcester Magazine* reported the election of sixteen new senators. The towns made an unprecedented effort to return representatives. No fewer than 228 made elections, leaving only 87 as absentees. (Next year an ebbing of this exertion was already to be noticed, with 108 towns unrepresented.) In Hampshire 41 of 59 towns, in Berkshire 21 of 25, and in Worcester, by a magnificent effort, every one of the 46 towns, returned representatives. Essex also achieved 100 per cent representation of its 18 towns, Suffolk 18 out of 22, and Middlesex 32 out of 38. An extraordinary proportion of the representatives were new; no fewer than 159 out of 253 were counted by the *Worcester Magazine*.

The social composition of the House of Representatives had already begun to change by 1786, if the rank claimed by members can be considered as a guide. The dignity of an "esquire" still told in such matters, but the "esquires" had begun to yield place, particularly to members bearing a military rank dating from the Revolutionary War. In policy, the results of the elections were felt more in relief of distress than in a fundamental change of direction. The former legislature had acted to suspend the collection of debts in specie, and this Act was periodically renewed; and a measure was passed for the relief of poor prisoners committed for debt. Acts were also passed postponing the payment of taxes. The new legislature also showed notable leniency towards the Shaysites, who had been subjected to certain disabilities by the preceding body. To those who had been disfranchised, the suffrage franchise was restored in June 1787 after the disqualification had been in effect for only four months and had applied only to the election of April 1787.

These measures do not disclose a basic reorientation of economic policy. The encouragement and protection of Massachusetts production and commerce, which was already legislative policy under the Confederation, was continued; but the new legislature did not initiate the paper money policy, or the establishment of a "bank of paper money," which were demanded by so many of the stricken towns. It should be recognised that even at the height of discontent, the opposition to these measures was strong and highly articulate, even in the west. The articulateness, the grasp of political language of the economic conservatives, especially when combined with their social position, gave them an advantage that could not easily be outswayed. In the election which turned out the old General Court, even the insurgent county of Berkshire returned two of the staunchest conservatives in America: Henry

Van Schaack and Theodore Sedgwick. The authority of men of their social pre-eminence outweighed adverse political opinions. . . .

The year 1780 established the Constitution of Massachusetts but did not bring any change in the conduct of its politics. The province had long been used to political factions, to the struggle for prominence of energetic men, to the caucus and the manipulation of the town meeting; from about 1774, something like a united front was brought into being against British tyranny, but this front did not hold the government of the Bay Province together. When, soon after the adoption of the new state Constitution, the policy of the legislature began to provoke renewed discontent, the opposition resorted to the use of the county convention, the only form of effective organisation it knew.

Though effective as an expression of grievance, it was less useful for securing redress. The persistent weakness of the opposition was a phenomenon of some complexity. There were real difficulties about the working out of a satisfactory economic policy, and these difficulties were multiplied for those who, being in a permanent minority and not standing at the centre of information and authority, were never in a position to formulate a clear policy of their own. The merchant party did not handle the economic affairs of the state with great success, and were ready to permit modifications and to alleviate undue hardships when the need was pointed out to them: but they did in effect work as a political party. Their strategic position, their opportunities of mutual consultation, and the quorum rule in the House of Representatives gave them all the advantages of a party without the distasteful formality of organisation; nor were they required to face the extremely arduous task, which gave much trouble to later party organisers, of keeping the machinery of a party in existence between elections. . . .

What the opposition needed, instead of a series of county conventions, was a state-wide political party. The need was urgent, a fact which can be seen very clearly in retrospect; but the idea was inchoate, and when it began to take shape it reeked of those signs of conspiracy, of dissent from the agreed will of the sovereign people, of the attempt to interfere with the elemental freedom of the choice made by the voter on the spot at the time of the election, which the managers of the system always found so easy to discern and denounce.

The Crisis of the 1780s

GORDON S. WOOD

The Incongruity of the Crisis

In his commencement address at Harvard College in July 1787, John Quincy Adams spoke of "this critical period," when, it seemed to Adams, the whole

"Vices of the System" by Gordon S. Wood from *The Creation of the Republic, 1776-1787*. Published for the Institute of Early American History and Culture, Williamsburg, Virginia. © 1969 The University of North Carolina Press.

country was "groaning under the intolerable burden of . . . accumulated evils." It was an apt phrase—"critical period"—as John Fiske a century later was to discover. But it was hardly an original one, either with Fiske or with Adams. The belief that the 1780s, the years after the peace with Britain, had become the really critical period of the entire Revolution was prevalent everywhere during the decade. . . .

With the problems of war and reconstruction it is unquestionable that the period was unsettled—a time of financial confusion and social flux, of great expansion and contraction when fortunes were made and lost. New governments had to be erected and made secure; new economic patterns outside of the empire had to be found; and the void left by the emigration of thousands of Tories, many in high political and economic positions, had to be filled—all resulting in political, social, and economic dislocations that have never been adequately measured. On the face of it, however, this dislocation, this unsettlement, hardly seems to warrant the desperate sense of crisis voiced by so many. On the surface at least the American states appeared remarkably stable and prosperous. The political leaders at the uppermost levels remained essentially unchanged throughout the period. Both the Confederation government and the governments of the separate states had done much to stabilize the finances and the economy of the country. The states had already moved to assume payment of the public debt, and the Confederation deficit could not be considered serious. Despite a temporary depression in the middle eighties the commercial outlook was not bleak. As historians have emphasized, the period was marked by extraordinary economic growth. In fact, as contemporaries noticed, it was a decade of very high expectations, clearly reflected in the rapid rate of population growth which despite little immigration was the fastest of any decade in American history. . . .

But the complaints were far from imaginary. They were real, intensely real, rooted, however, not in poverty or in real deprivation but rather in prosperity and in the very unintended promises the Revolution seemed to be offering large numbers of Americans. From the vantage of two hundred years later the Revolution by the 1780s seems to have been a glorious success. The war had been won and independence achieved; the peace with Britain was as much as could have been hoped for in 1775. Yet because the Revolution represented much more than a colonial rebellion, represented in fact a utopian effort to reform the character of American society and to establish truly free governments, men in the 1780s could actually believe that it was failing. Nothing more vividly indicates the intensity of the Americans' Revolutionary expectations than the depth of their disillusionment in the eighties. "What astonishing changes a few years are capable of producing," said Washington in a common exclamation of these years. "Have we fought for this?" was the repeated question. "Was it with these expectations that we launched into a sea of trouble, and have bravely struggled through the most threatening dangers?" All the fervent hopes of 1776 were going awry. Perhaps, as Charles Backus said in 1788, Americans "have had too high expectations from the world." . . .

The Perversion of Republicanism

Almost immediately after the war began the Americans' doubts and anxieties, never far below the surface in 1776, began to emerge with increasing frequency. . . . The British and the Tories had warned in the 1770s that the moment a separation from Britain had taken effect "intestine quarrels will begin," and Americans would "split into parties." Now it seemed that such dire prophesies were being fulfilled. The Revolution, it became more and more obvious, was turning upon itself in ways that had not been foreseen, and men were emphasizing with renewed intensity that "unless a proper education of the rising generation is adopted, a new way of thinking and new principles can be introduced among the People of America, there are little hopes of the present republican Governments or anything like republican Governments being of any duration."

It was ironic but undeniable: by the 1780s the Revolutionary ideals seemed to be breeding the sources of their own miscarriage. "The people," said Fisher Ames in 1787, "have turned against their teachers the doctrines which were inculcated in order to effect the late revolution." All the evils which the Revolution was designed to eliminate were instead being aggravated. "It is a favorite maxim of despotick power, that mankind are not made to govern themselves"—a maxim which the Americans had spurned in 1776. "But alas!" many were now saying, "the experience of ages too highly favours the truth of the maxim; and what renders the reflection still more melancholy is, that the people themselves have, in almost every instance, been the ready instruments of their own ruin." . . .

The republican emphasis on talent and merit in place of connections and favor now seemed perverted, becoming identified simply with the ability to garner votes, thus enabling "the most unfit men to shove themselves into stations of influence, where they soon gave way to the unrestrained inclination of bad habits." . . . Equality was not creating harmony and contentment after all. Indeed, it was noted, equality had become the very cause of the evils it was designed to eliminate. In a free and independent republic "the idea of equality breathes through the whole and every individual feels ambitious, to be in a situation not inferior to his neighbour." . . . Instead of a community of placid yeomen, . . . the society appeared filled with inveterate grumblers. "Every man wants to be a judge, a justice, a sheriff, a deputy, or something else which will bring him a little money, or what is better, a little authority." . . .

The republican aversion to artificial distinctions was being broadened into a general denunciation of all differences, whether economic, social, intellectual, or professional. Writers scoffed at the "academical education" of their aristocratic enemies and boasted that they were "plain, unlettered" men better able to communicate with the people. "Overgrown wealth" itself was attacked: "A certain excess of fortune sets a man above the public opinion, and in equal proportion makes him despise those who are poor." The emergent professionalization of careers became more intensely suspect, and even those fearful of too much leveling satirized the "jargon" and the

"peculiarities" of the medical profession as it sought to establish itself by "technical terms" and by prescribing "what is new and uncommon." . . .

Republicanism had not brought the commonwealth consensus that had been anticipated. In fact party strife in all of the states seemed as bitter as before the war. Only now, with the elimination of royal authority and the reduction of magisterial power, the Whig conception of politics could not easily explain or justify the divisiveness. . . .

The Abuses of Legislative Power

Traditional eighteenth-century political theory offered a ready explanation for what was happening. The political pendulum was swinging back: the British rulers had perverted their power; now the people were perverting their liberty. . . . Nevertheless, for some observers, the conventional abuses of the people's liberty, licentiousness and anarchy, no longer seemed to be the only terrors to be feared from the popular end of the political spectrum. By the 1780s some Americans began to perceive a new political phenomenon *unfolding in American experience that made nonsense of the traditional conception of politics*. True, there were sufficient examples of the people's licentiousness: western Massachusetts was a valley of horrors. But anarchy and the breakdown of government that it connoted no longer seemed an accurate way to describe all of what was happening in the 1780s. An excess of power in the people was leading not simply to licentiousness but to a new kind of tyranny, not by the traditional rulers, but by the people themselves. . . .

The confiscation of property, the paper money schemes, the tender laws, and the various devices suspending the ordinary means for the recovery of debts, despite their "open and outrageous . . . violation of every principle of justice," were not the decrees of a tyrannical and irresponsible magistracy, but laws enacted by legislatures which were probably as equally and fairly representative of the people as any legislatures in history. . . .

The people's will as expressed in their representative legislatures and so much trusted throughout the colonial period suddenly seemed capricious and arbitrary. It was not surprising now for good Whigs to declare that "a popular assembly not governed by fundamental laws, but under the bias of anger, malice, or a thirst for revenge, will commit more excess than an arbitrary monarch." The economic and social instability engendered by the Revolution was finding political expression in the state legislatures at the very time they were larger, more representative, and more powerful than ever before in American history. . . .

Paradoxical as it seemed, it was the very force of the laws of the states, not anarchy or the absence of law, that was vitiating the new republics. All the states with no exceptions were being smothered by a multiplicity of laws, wrote Madison in a comprehensive indictment of the 1780s entitled "Vices of the Political System of the United States," written in 1787 for private circulation and later publicly incorporated into *The Federalist* papers. "The short period of independency has filled as many pages as the century which

proceeded it" with laws that were hopelessly mutable. "We daily see laws repealed or suspended, before any trial can have been made of their merits, and even before a knowledge of them can have reached the remoter districts within which they were to operate." Most alarming of all, the laws were repeatedly unjust. . . . Consequently, law was becoming contemptible in the eyes of those from whom it traditionally should have commanded the greatest respect. . . .

But the representative assembly in the several states was not only corrupting the law; it was, as Madison put it in 1788, "drawing all power into its impetuous vortex." All the functions of government, legislative, executive, and judicial, warned Jefferson as early as 1783, were ending up in the legislative body. The diminution of executive authority in the new constitutions, the closing or general breakdown of the courts, the popular fear of magistrates—all reinforced legislative predominance in the governments. . . . "The legislature swallowing up all the other powers," as James Wilson put it, was a widespread practice, the proofs of which in all the states, said Madison in *The Federalist*, "might be multiplied without end."

Democratic Despotism

In the 1780s the Americans' inveterate suspicion and jealousy of political power, once concentrated almost exclusively on the Crown and its agents, was transferred to the various state legislatures. Where once the magistracy had seemed to be the sole source of tyranny, now the legislatures through the Revolutionary state constitutions had become the institutions to be most feared. American "prejudices against the Executive," said James Wilson in 1787, "resulted from a misapplication of the adage that the parliament was the palladium of liberty. Where the Executive was really formidable, King and Tyrant, were naturally associated in the minds of the people." But where the executive was weak, as in the American constitutions, "legislature and tyranny . . . were most properly associated." . . .

Yet there were some Americans who perceived that the problems of the 1780s were not due to the drifting and unrepresentative character of the legislatures, but were rather due to the legislatures' very representativeness. The distresses of the period, in other words, did not arise because the people-at-large had been forsaken by their legislatures, "but because their transient and indigested sentiments have been too implicitly adopted." The evils and vices of state legislation, said James Madison, were not based, as some said, on the temporary deceit of a few designing men who were perverting their representative authority for their own selfish ends. Such vices actually sprang from the emergent nature of American society, and therefore brought "into question the fundamental principle of republican Government, that the majority who rule in such governments are the safest Guardians both of public Good and private rights." "According to Republican Theory," said James Madison, "Right and power being both vested in the majority, are held to be synonymous." But was this truly the case? asked Madison in a brilliant series of letters and essays, describing clearly and cogently what he thought

was happening to the traditional assumptions of Whig constitutionalism. "Wherever the real power in a Government lies," he told Jefferson, "there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents." The people, it seemed, were as capable of despotism as any prince; public liberty was no guarantee after all of private liberty. . . .

Americans thus experienced in the 1780s not merely a crisis of authority—licentiousness leading to anarchy—which was a comprehensible abuse of republican liberty, but also a serious shattering of older ways of examining politics and a fundamental questioning of majority rule that threatened to shake the foundations of their republican experiments. It was extremely difficult, however, for most Americans to grasp what was happening and fit it into their accepted paradigm of politics. Most commentators were concerned with what they described as the breakdown in governmental authority, the tendency of the people to ignore the government and defy the laws. . . . Yet the pressing constitutional problem was not really the lack of power in the state legislatures but the excess of it—popular despotism. . . .

Shays's Rebellion in western Massachusetts was received with excited consternation mingled with relief by many Americans precisely because it was an anticipated and understandable abuse of republican liberty. Liberty had been carried into anarchy and the throwing off of all government—a more comprehensible phenomenon to most American political thinkers than legislative tyranny. The rebels, announced the town of Boston, must obey the majority. "Let the majority be ever so much in the wrong," it was the only remedy for grievances "compatible with the ideas of society and government!" The insurgents, argued a publicist, must rely on their elected representatives for the redress of wrongs: "Can human wisdom devise a more effectual security to our liberties?" . . .

Many social conservatives did see the rebellion as encouraging the move for constitutional reform. It was both a confirmation of their worst fears—hence their horror, and a vindication of their desires for stronger government—hence their relief. It fitted nicely into the traditional pattern of political thinking and thus cleared the air of much of the confusion which had hung over the 1780s. Yet *Shays's Rebellion* was irrelevant to the major constitutional difficulty experienced in the Confederation period—the problem of legal tyranny, the usurpation of private rights under constitutional cover. Connecticut had no violence like that of Massachusetts, said Noah Webster, "because the Legislature wear the complexion of the people." . . . Merely subduing the rebels and calling upon them to obey the authority of the legislature did not go to the heart of the Americans' predicament. With "a total change of men" in the legislature, wrote Webster, "there will be, therefore, no further insurrection, because the Legislature will represent the

sentiments of the people." Hence some Americans in the 1780s could come to believe that "sedition itself will sometimes make laws."

The classical political spectrum did not make sense to a perceptive and probing mind trying to understand American politics. "It has been remarked," wrote Madison to Jefferson, "that there is a tendency in all Governments to an augmentation of power at the expense of liberty." But for Madison the statement now seemed ill founded. There seemed little danger in the American republics that the tyranny of the rulers would subvert liberty. . . . America had little to fear from the traditional abuse of power by the few over the many. "It is much more to be dreaded that the few will be unnecessarily sacrificed to the many."

Political Pathology

This fear by the few of the power of the many, as crucial as it was in shaping a new understanding of politics and in promoting the desire for a new central government, did not go to the heart of the pervasive sense of anxiety in the 1780s. The crisis was not confined to any one economic or social group. . . . The period was truly critical not solely because members of the social and economic elite felt themselves and their world threatened, but because anyone who knew anything of eighteenth-century political science could not help believing that the American republics were heading for destruction even as they were being created.

The crisis was therefore of the most profound sort, involving no limited political or economic problems but the success of the republican experiment itself. Indeed no more appropriate term than "crisis" could have been used to describe what was happening. Viewing the state as analogous to the human body, Americans saw their country stricken by a serious sickness. The 1780s seemed to mark the point in the life of the young nation where a decisive change had to occur, leading either to recovery or death. It was a "crisis of moral and national reputation." . . .

Throughout all the states orators and writers warned of the vicious effects of wealth and prosperity. "The great body of the people, smote by the charms and blandishments of a life of ease and pleasure, fall easy victims to its fascinations." . . . All men, rich and poor, northerners and southerners, were living "in a manner much more expensive and luxurious, than they have Ability to support," borrowing heavily on the promises of the future, captivated by "an immoderate desire of high and expensive living." . . .

By 1780 Patrick Henry "feared that our Body politic was dangerously sick." The signs of disease spread everywhere. Merchants and farmers were seeking their own selfish ends; hucksters were engrossing products to raise prices. Even government officials, it was charged, were using their public positions to fill their own pockets. The fluctuation in the value of money was making "every kind of commerce and trade precarious, and as every individual is more or less interested in it," was putting a premium on selfishness. Everyone was doing "what was right in his own eyes," and "thus

the whole of that care and attention which was given to the public weal is turned to private gain or self preservation." That benevolence among the people had not grown as a result of the Revolution was measured in the frightening increase in litigation, to as many as eight hundred cases in a single New England county court during a year, most of which were actions of debt for only five or six pounds. Vices now seemed more prevalent than before the war. Virtue was being debased by "the visible declension of religion, . . . the rapid progress of licentious manners, and open profanity." Such symptoms of degeneracy threw the clergy especially into confusion. Instead of bringing about the moral reformation they had anticipated from victory, the Revolution had only aggravated America's corruption and sin. . . .

Throughout all the secular and religious jeremiads of the eighties the key term was "luxury," that important social product and symptom of extreme selfishness and pleasure-seeking. . . . "Whenever democratic states degenerate from those noble republican virtues which constitute the chief excellency, spring, and even basis of their government, and instead of industry, frugality, and economy, encourage luxury, dissipation and extravagance," Americans were warned, "we may justly conclude that ruin is near at hand." "No virtue, no Commonwealth." It was that simple. . . .

The Continuance of Hope

For all of the expressions of pessimism in the 1780s, it is clear that not all American intellectuals had lost their confidence in the republican experiment. Jefferson, viewing the new republics while standing amidst the pomp and debauchery of Paris, remained calm and sanguine. America—by contrast—still seemed the land of happy, frugal yeomen. . . . It was absurd, admonished Benjamin Rush in 1787, for Americans to "cry out, after the experience of three or four years, that we are not proper materials for republican government. . . . Let us have patience. Our republican forms of government will in time beget republican opinions and manners. All will end well." Others agreed. Americans were expecting too much too soon. It took time to eliminate ancient prejudices.

The most obvious republican instrument for eliminating these prejudices and inculcating virtue in a people was education. "Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties," declared the Massachusetts Constitution of 1780, it was imperative that the government spread "the opportunities and advantages of education in the various parts of the country, and among the different orders of the people." Jefferson was not the only American concerned with erecting a hierarchy of educational institutions from grammar schools to universities. "The spirit and character of a republic," said the Pennsylvania Council of Censors in 1784, "is very different from that of a monarchy, and can only be imbibed by education." It seemed increasingly clear to many, like Benjamin Rush, that if Americans

were not naturally virtuous they must be taught to be. "It is possible," said Rush, "to convert men into republican machines." They must be instructed that their lives were not their own. The republican pupil must "be taught that he does not belong to himself, but that he is public property."

The clergy, of course, offered religion as the major instrument of salvation for a corrupted people. Religion was "the source of liberty, the soul of government and the life of a people." Christianity fostered benevolence, a love of one's fellow man and of the community. Religion was the strongest promoter of virtue, the most important ally of a well-constituted republic. . . .

Other Americans, however, were less sure of the efficacy of religion and education in infusing virtue into the American character. Indeed, a long-existing split in the American mind between what has been called the evangelical scheme and the legal scheme was now conspicuously revealed. Although many Americans in 1776 had blended and continued to blend both schemes in an uneasy combination, the events of the 1780s were forcing a separation between those who clung to moral reform and the regeneration of men's hearts as the remedy for viciousness and those who looked to mechanical devices and institutional contrivances as the only lasting solution for America's ills. It was a basic division that separated "unenlightened" from "enlightened," Calvinist from Liberal, and ultimately Antifederalist from Federalist. "No government under heaven," said Benjamin Austin in a bold enunciation of the moral outlook, "could have prevented a people from ruin, or kept their commerce from declining, when they were exhausting their valuable resources in paying for superfluities, and running themselves in debt to foreigners, and to each other for articles of folly and dissipation." As long as men were morally corrupt, "we may contend about forms of government, but no establishment will enrich a people, who wantonly spend beyond their income." But for others, despairing of any such inner regeneration, something more external was necessary. If the people were as corrupt and vicious, as permeated by a commercial spirit as the eighties seemed to indicate, then it was foolish to rely on religion and education alone to curb America's passions and to maintain viable republican societies. "Whenever any disorder happens in any government," declared those committed to a legalistic remedy, "it must be ascribed, to a fault in some of the institutions of it." Only the institutions of government arranged in a certain manner could manage an unvirtuous people. If men's souls could not be redeemed then their governments must be adjusted to their sinfulness. Monarchy, of course, could control a corrupt society, but it was out of the question for most. Only republicanism was "reconcilable with the genius of the people of America" and "with the fundamental principles of the Revolution." The American dilemma was to make "such an arrangement of political power as ensures the existence and security of the government, even in the absence of political virtue," without, however, at the same time destroying republicanism. The task was a formidable and original one: to establish a republican government even though the best social science of the day declared

that the people were incapable of sustaining it. Somehow, as Madison put it, Americans must find "a republican remedy for the diseases most incident to republican government."

✕ FURTHER READING

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