

“No Tyrant Awes Them”: Republican Theory in the  
Early American Countryside

by

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## Introduction

# Lower-Class Political Theory and the Practical Polity

Shays' Rebellion, the Whiskey Rebellion, and Fries' Rebellion constitute a wonderful contradiction to the narrative of American freedom and democracy. In many ways, the American Revolution was a watershed moment. It was a popular uprising, a rights-based revolt that demanded self-determination and an end to the tyranny of rule from afar. The United States was born with an impossible promise—to fulfill the diverse visions of American revolutionaries. In many ways, the fledgling nation managed to live up to its founding. However, that mass resistance movements—engaging in violent action against republican governments—continued to express serious grievances about the state of political participation and popular representation after the Revolution suggests that the flaws in the American polity ran deeper than the form or locus of government. The base of rural revolutionary support was a desire for a changed and improved relationship with government and those in power. For this important segment of the American population, the Revolution failed to bring about sufficient change in political power dynamics.

### *Actions-Based Historical Investigation and Implicit Political Theory*

Historical investigations of the Revolutionary era unearth a plethora of sources. Letters, diaries and newspaper clippings pertaining to the revered “Founding Fathers” abound. However, it is much more difficult to find first-hand accounts of the experiences of rural resisters in 18<sup>th</sup>-century America. Their petitions may survive,

but their correspondence and diaries were not as obviously valuable as those of the Constitution's framers. Thus, the source materials from the period prove a point about the social dynamics of the time. The famous men of the era, those who shaped policy in state capitals and played important parts in the Revolution and the Constitution's framing, saved their letters and diaries—or had them saved by others. Such was the importance of the early American gentry. Such was the primacy of great men in the dominant republican thinking of the time. The men engaging in acts of rural resistance were not famous or glamorous. Most knew how to read and write, but they did not save their letters with an eye towards posterity—nor did their contemporaries think to do so. Little survives to give the modern historian a first-hand account of the political thinking of backcountry rebels and yeoman tax resisters.

With this sourcing problem in mind, histories of republican resistance movements must rely on information from oppositional sources and the occasional surviving letter, newspaper article, or record of a speech. To augment limited source material, this thesis engages in an actions-based historical analysis. Human actions are always meaningful. They reveal implicit attitudes, explicit thinking, and the priorities, needs, and beliefs of their doers. As a theory of an alternative, rural republicanism developed and took form in resistance movements, its ideas transitioned from being implicit in the actions of resisters to being more explicitly, clearly, and articulately expressed in petitions and the core ideologies of resistance movements.

Federalist thinkers expressed their political theories in writings that survive, providing an explicit explanation of their republicanism. Rural resisters invite a more practically based analysis of their grievances, goals, and deeds. In Ronald Formisano's history of early American populist movements, *For the People*, the author explains that

populism is an inclusive and imprecise term. The best way to study it, Formisano asserts, is to study populist movements.<sup>1</sup> Movements force a coherence and clarity of populist thinking, as they express it through actions. These actions, taken by men marginalized by their political systems, elucidate an implicit strain of republican theory that runs throughout rural movements. Because this theory stems directly out of the actions it inspired, it is a highly practical theory. It is purposefully pragmatic and actionable, while hinting at higher levels of republican thinking.

*Moving Beyond Beard, Finding an Counterpart to Maier, McDonald, and Wills*

This thesis owes a tremendous debt to the work of Charles Beard—and to those who have proceeded to disprove aspects of his conclusions. Beard's *An Economic Interpretation of the Constitution of the United States* was, for a time in the early 20<sup>th</sup> century, the leading analysis of the counterrevolutionary Constitution, the class conflicts of early American politics, and the power dynamics that marginalized rural farming communities. However, in volumes such as Robert Brown's *Charles Beard and the Constitution*, Staughton Lynd's *Class Conflict, Slavery, and the United States Constitution*, and Forrest McDonald's *We the People: The Economic Origins of the Constitution*, deeper investigations into the state of post-Revolutionary America showed Beard's conclusions to be lacking in nuance and excessively concerned with expressing a complete damnation of the Federalist project. The moderated finding that Brown's analysis supports is that Beard's broad points—that economic disparities played a part in Constitution-making, that whole classes of people were excluded from the process,

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<sup>1</sup> Ronald P. Formisano, *For the People: American Populist Movements from the Revolution to the*

and that a socio-political elite exerted great control over the American polity—are instructive and must be taken seriously.<sup>2</sup>

The gist of Beard’s thesis provides a base for critically examining the founding period, and challenges historians to find ways to provide a voice for populations that were often formally voiceless, and to which posterity has relatively little access. Terry Bouton’s *Taming Democracy* begins to do this, citing from newspapers and pamphlets to explain how a new American gentry re-asserted control after a period of post-Revolutionary populism. Many other books cover Shays’ Rebellion, the Whiskey Rebellion, or Fries’ Rebellion. Some even tie them together—Charles Adams’ *Those Dirty Rotten Taxes* explains the three movements as tax revolts that challenged the dominant theories of Federalist republicanism.<sup>3</sup>

However, American rural resistance movements do not have a treatise that combines political theory and historical analysis to elucidate and explain the important part they played in early discourse on American republicanism and the development of a subaltern theory of legitimate republican resistance. The republicanism of Federalists, Anti-Federalists, and the “Founding Fathers” has many of these: Forrest McDonald’s *Novus Ordo Seclorum*, Garry Wills’ *Inventing America*, and Pauline Maier’s *American Scripture*—to name but a few. This thesis is hardly a prestige publication to match McDonald, Wills, or Maier. It aims to suggest that there is real political theory to be explored in farmer rebellions, and a rich history of rural

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<sup>2</sup> Robert E. Brown, *Charles Beard and the Constitution: A Critical Analysis of “An Economic Interpretation of the Constitution.”* (Princeton: Princeton University Press, 1956), 196-200.

<sup>3</sup> Charles Adams, *Those Dirty Rotten Taxes: The Tax Revolts That Built America* (New York: The Free Press, 1998), xiii.

republicanism in oft-ignored communities that must be reckoned with in any serious discussion of republican theory.

In hopes of doing this mission justice, this thesis will proceed chronologically, tracking the development of a theory of legitimate republican resistance and alternative political participation in rural America. This theory arose from practices and traditions that colonists engaged with and became more explicit as time passed and later movements in the United States refined its core principles. Chapter One investigates the colonial applications of British mob politics in cities and explains the challenges that colonists—both rural and urban—experienced in attempting to influence government. It traces the need for an alternative to mob politics in the countryside, and examines how urban mass politics—exemplified in a series of resistance movements against British actions—presented a formula for group political participation that the backcountry could observe and modify. This chapter outlines instances of rural mass politics, violent resistance, and exertions of political voice in colonial America. In these often-extra-legal actions, rural colonists expressed their dissatisfaction with British colonial rule—and with those amongst their fellow colonists who made up the dominant political elite. Through Regulation and engagement with the larger project of resistance, rural communities developed traditions of community meetings, local populism, political engagement with fellow-thinkers through correspondence, and a firm belief in the legitimacy of the backcountry political voice. The colonial experience of western, rural resistance and political engagement informed rural politics in the independent United States. Rural republican theory—coherently articulated in the decades after independence—grew



from the politics and traditions that the colonial countryside developed while adapting British mob politics to a their geographic circumstances.

Chapter Two traces how, in the aftermath of the successful Revolution, the populist spirit of democratic political participation and republican politics waned. Without the binding force of a common cause, the new American nation faced a profound contradiction. State constitutions espoused populist values, but a new American gentry—comprised of surviving colonial elites and a class of up-jumped Revolutionary opportunists—asserted what they saw as their rightful place at the fore of American society and politics. These few preached a strain of republicanism that held on to many of the core values of colonial politics. While much of the white, adult, male population qualified to vote, they were expected to vote for their “betters”—those who were best suited to making political decisions without the uneducated rashness and lack of foresight that were said to define the common man.

However, the dynamics of post-war debt and economic hardship found many rural Americans’ economic interests at odds with those of the governing elite. This dynamic was not as clear-cut as Charles Beard’s *An Economic Interpretation of the Constitution of the United States* makes it out to have been—but it was pronounced enough to alert many rural Americans to the possibility that their new governments were not living up to their revolutionary promise. This chapter examines the case of Pennsylvania, which drafted a startlingly democratic constitution in 1776 and passed populist economic reforms—only to have the new gentry reassert political control and stifle the supply of paper money in the state to protect creditors. Pennsylvania offers an illustrative example of the social, political, and economic trends of the post-revolutionary period. Specifically, the profile of this state at this time sets up later

discussions of rural resistance in Pennsylvania during the 1790s. Finally, Chapter Two discusses Shays' Rebellion—and how it should be remembered as Shays' Regulation. This first major post-revolutionary act of rural republican resistance engaged in a rigorous methodology meant to legitimize the movement. Shays' Regulation illuminated the growing trend of non-violence (for as long as possible) in radical republican politics in rural America. It also expressed a new possibility for American dissidents in their nascent republican polity—that they could hold their governments accountable to their constitutions and to their interpretations of republican theory.

In Chapter Three, this thesis engages with ideas expressed by Charles Beard, Woody Holton, and Terry Bouton about the counterrevolutionary nature of the Constitution of 1787. The chapter investigates how Federalist thought was, in many ways, akin to British theories that ignored much of the population and incited acts of radical political participation. The Constitution reflected this line of thinking, and added an element of militant suppression with the Militia Clause—which gave the federal government expanded powers to easily resort to violence as a response to rural resistance movements. Tempering and revising Beard's thesis, Chapter Three argues that voices of rural dissent were denied a seat at the table in writing the Constitution—and then in the deeply flawed ratification process. Debates over the final document privileged those who were best equipped to express their opinions through formal political channels, and even the Anti-Federalists did not represent the theories of republican representation, participation, and populism that many rural Americans demanded—and that Shays' Regulation had expressed. In this second founding of the United States, rural populations and the practical ideologies of republicanism that percolated in the colonial countryside were ignored.

Chapter Four investigates the two most prominent acts of rural resistance that responded to the new American political order and critiqued Federalist republicanism. The Whiskey Rebellion, in western Pennsylvania, was an act of economic self-preservation—and a powerful statement against centralized republicanism and taxation without local knowledge. It engaged in a now-familiar process of populist gatherings in community assemblies, petitioning with real hope for formal redress, disgruntled presentations of desperate grievances, and then outright resistance. The fate of the easily-defeated Shaysites and the intimidating nature of the Constitution’s Militia Clause made it clear to the whiskey rebels that they would be crushed if they resorted to violence. So, they made efforts to engage in an exclusively non-violent resistance to the whiskey excise. However, the decentralized and uncontrollable movement turned violent and the rebels scattered before they could be suppressed by an invading army. Chapter Four traces this greater commitment to non-violence in rural republican resistance into the 1799 movement in southeastern Pennsylvania that came to be called Fries’ Rebellion. This movement was conducted with less urgency, and was thus more able to stick to non-violence in its resistance. It followed the same pattern as the Whiskey Rebellion, though, and was eventually put down.

This thesis concludes, then, by discussing the implications of these failed movements—and the theory they developed through their actions. Here, I argue that post-revolutionary republican resistance movements learned from the radical political participation that rural communities engaged in during colonial rule. All three “rebellions” illustrate an evolving idea of how ignored, underserved, and voiceless communities could hold their republican governments accountable, legitimize their

resistance through claims based on their own interpretations of republican theory and documents of government, and engage in anti-governmental activities without shedding their legitimacy. Thus, rural Americans developed a practical, organic theory of republican resistance—and a radical theory of subaltern politics. This challenges the common narrative that the political debate in the early United States was simply between Anti-Federalists (or Republicans) and Federalists. We must consider that there were other groups asserting ideologically developed theories of American republicanism—even if they were largely excluded from formal public debates.

*A Political Theory of Legitimate Republican Resistance*

Through examining the actions and surviving writings of groups and individuals involved in Shays' Rebellion, the Whiskey Rebellion, and Fries' Rebellion, this thesis presents an implicit theory of republicanism—and republican resistance—in rural America. This republicanism asserted a belief that sovereignty of “the people” also empowered clearly distinct sections of “the people”—such as those geographically separated from ruling areas, with similar economic interests and similar relationships to their government—with a degree of legitimate power against majoritarian rule. Representatives were not supposed to be detached from the people, as Federalist theory so often dictated. Rather, they were to be responsive to their constituents throughout their term in office, and should represent the interests of those who elected them—not their own interests. This rural republicanism held that taxation should be conducted at as local a level as possible. The American Revolution

rejected the notion that a far-away Parliament could understand the colonial situation or legitimately tax the colonies. This theory of rural republicanism used this logic to insist that state legislatures, located in the eastern regions of most states, did not possess adequate local knowledge of many of the rural populations they taxed—and thus that their taxes were ill-advised, or even illegitimate in the American republic.

Perhaps most importantly, this theory of republicanism asserted the right of “the people”—or specific sections of “the people”—to interpret the Constitution and the responsibilities of republican government. The right to interpret carried with it a corresponding right to police their government—resisting the implementation of laws that overstepped the government’s bounds and stepping in when government failed to live up to its duties. Rural republicanism asserted the primacy of these rights, and the sovereignty of “the people” more broadly, over concerns about law and order—which men like Alexander Hamilton believed limited the political actions acceptable in a republic. Ideally, representatives would hold themselves accountable to their constituents and would be responsive—even outside of election periods—to the grievances, concerns, and petitions of the people they represented. If representatives did not live up to their duties to their constituents, citizens had a right to engage in legitimate extra-legal political participation to make their voices heard.

Thus, this theory of republicanism legitimized resistance and anti-government action in certain circumstances, and asserted the right of “the people” to determine these circumstances. Legitimate resistance required intellectual rigor. The movements that articulated this view of republicanism followed a procedural pattern to legitimize and ground their actions. They held community meetings to establish knowledge of the will of “the people” of the area and wrote petitions expressing popularly supported

grievances. These movements held themselves to a standard of non-violence. They stuck to it for as long as possible—out of respect for the methodological persistence it required and the knowledge that violence was a losing strategy. However, when resistors had no success with any other forms of extra-legal political participation, they were at liberty—and perhaps duty-bound—to resort to violence to express their political voice.

This sort of thinking and ideological engagement characterizes the rural republicanism of early American resistance movements as coherent political theory. While it was action-based, it was not solely so. Rural republican movements engaged in a discursive search for legitimacy, interpreting their documents of government and using their views on republican theory to intellectually and ideologically legitimize their resistance actions. Their demands were grounded in a sincere belief in a brand of republicanism that would give rural communities political voice, that would hold representatives to a higher standard of representation and responsiveness, and that would demand greater local knowledge from legislatures and a more rigorous right for “the people—or segments of “the people”—to take it upon themselves to interpret the legitimacy of government actions and determine the appropriate response to them. This presents a third interpretation of republicanism in the early political development of the United States, and challenges the Anti-Federalist/Federalist binary. Neither group represented the interests or theories of rural resistance movements and the politically-ignored groups that engaged in them. These farmers, rural communities, and backcountry settlers were left to develop their own republicanism, their own political participation and, thus, their own means of political empowerment.

## Chapter One

# Geopolitical Inequalities and Mass Political Action in Colonial America

The North American colonies, the jewels of the British imperial presence in the New World, were sold to potential British immigrants as a land of opportunity—for all sorts and all classes. Officials were forced to explain to prospective immigrants, who were afraid that the New World’s benefits were reserved for the working class, “whereas it is generally reported, that servants and poor men grow rich, and the masters and Gentry grow poor” that this would assuredly not be the case.<sup>4</sup> Still, the labor supply in the colonies was limited enough that relatively high demand for workers dictated higher wages and generally better working conditions for laborers in America than in Britain.<sup>5</sup> The mythos of the New World wasn’t merely economic. J. Hector St. John Crèvecoeur, a French-American writer and social critic, observed that,

The American is a new man, who acts upon new principles; he must therefore entertain new ideas, and form new opinions. From involuntary idleness, servile dependence, penury, and useless labor, has passed to toils of a very different nature, rewarded by ample subsistence.—This is an American....<sup>6</sup>

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<sup>4</sup> William Wood, “Wood’s History of New England” in *The Retrospective Review Vol. VIII* (London: Charles Baldwin, 1823), 70.

<sup>5</sup> Thomas N. Ingersoll, “Riches and Honour Were Rejected by Them as Loathsome Vomit’: The Fear of Leveling in New England,” in *Inequality in Early America*, eds. Carla G. Pestana and Sharon V. Salinger (Hanover: University Press of New England, 1999), 47.

<sup>6</sup> J. Hector St. John Crèvecoeur, *Letters from an American Farmer* (New York: Fox, Duffield and Company, 1904), 56.

The picture of the different, new, American was one that transcended class and social station. Through sheer power of difference and exoticism, the notion of an American character existed outside of traditionally European social divisions.

Common wisdom was that colonial society was more democratic than any in Europe. More of the population owned property. More of the population was eligible to vote. By 1763, perhaps driven by the belief that the New World should be the sort of relatively egalitarian society it was purported to be, many common Americans were disenchanted by the machinations of colonial government. Backcountry colonists were not the only ignored populations. Cities had grown too fast for their governments to keep up with their expanding needs.<sup>7</sup> Many lower-class colonists demanded social change, and protested both colonial and British policies. Calls for greater representation and greater social equality became more and more prevalent in the decade before independence. Attacks on luxury punctuated the Stamp Act Riots, and Regulator movements harassed their state governments to gain political standing. These acts of mass political participation, learned from a strong British tradition of collective movements, took on a dual tone. On the one hand, protestors sought to reform colonial government. On the other, they attacked luxury and social inequalities. The reform project and the social project were inextricably linked, as the wealthy dominated government, and government favored the wealthy. Thus, pursuit of two-pronged change necessitated a political participation that responded to both needs.

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<sup>7</sup> Merrill Jensen, *The Founding of a Nation: A History of the American Revolution 1763-1776* (New York: Oxford University Press, 1968), 25.



The British colonial gentry—wealthy merchants, lavish urban socialites, gentleman farmers, and southern plantation owners—had a term for social equality. They called it “leveling” and it provoked base, fearful reactions among the upper class. Amongst colonial conservatives, it was taken as fact that the “lower orders” were insolent, impudent, and sought personal gain in a manner that jeopardized a successful social order that, ultimately, provided for them as it provided for the wealthy.<sup>8</sup> The attitudes of the wealthy dripped with paternalism and a protestant belief in God-given inequality. The American elite, especially in New England, adapted this strain of religion as a weapon against leveling tendencies.<sup>9</sup> Prominent Boston minister Benjamin Colman preached that the poor, by calling for leveling, infringed upon “privileges” of the rich, and were in rebellion against divine will. Were they not so swept up by lustful greed, they would realize that they benefit from that wealth which trickles down from the overflowing coffers of the “righteous” rich.<sup>10</sup>

However, the lower classes didn’t always see eye to eye with their social superiors. While individuals were largely unable to effectively resist the stratified social dynamics of the colonies, collective political participation had greater success. As early as 1634, Massachusetts farmers demonstrated the potency of populist political participation. They mounted a concerted electoral revolt against the Winthrop government. The “inferior sorte” in Boston and the surrounding areas voted out the magistrates of the established governing party, “as fearing that the richer men would give the poorer sorte no great proportions of lande.” Winthrop caved under popular pressure, phasing in an expansion of property rights, as well as participation in

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<sup>8</sup> Ingersoll, “Riches and Honour Were Rejected by Them as Loathsome Vomit,” 53.

<sup>9</sup> *Ibid.*, 46.

<sup>10</sup> Quoted in *Ibid.*, 57.

government and law, in response to demands of a lower class that had made itself impossible to ignore.<sup>11</sup>

While such coordinated efforts saw varying degrees of success, their struggle highlights the limits of popular government in the Anglo-colonial context. In America, as in England, it was taken for granted that “the people,” as a political entity, did not include the entirety, or even a majority, of the population.<sup>12</sup> “The people” was defined in a more strict sense. They were those inhabitants of the colony who had the qualifications necessary to participate in a healthy government. They were white adult males who owned enough property that they were thought to have enough of a stake in the state to be invested in its maintenance. Even within the limited electorate, there will still clear distinctions between those meant to rule and those meant to follow. The “inferior sort” of farmers or artisans, if they managed to meet property qualifications, were to vote for gentlemen—the proper and properly prepared leaders—who were selected by other gentlemen. Many locales fell into the habit of voting for members of a particular wealthy, political family—such as the Harrison family in Virginia, who produced governors both before and after independence. For the most part, the “following” class stuck to this status quo.<sup>13</sup> As a result of the power of the colonial elite to restrict the electorate and control voters, most colonies were ruled by oligarchies bound by familial and economic interest.<sup>14</sup>

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<sup>11</sup> Quoted in *Ibid.*, 47.

<sup>12</sup> Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence, KS: University Press of Kansas, 1985), 25.

<sup>13</sup> Merrill Jensen, *The American Revolution Within America* (New York: New York University Press, 1974), 28.

<sup>14</sup> *Ibid.*, 30.

These oligarchies had little to gain from change, and everything to lose. In the decade before revolution, the actions of mobs, in complete disregard of social hierarchy and norms of dominance, made class distinctions in the colonies quite stark. In March 1775, the Lieutenant Governor of South Carolina expressed the fears of the ruling elite:

The men of property begin at length to see that the many-headed power of the people, who have hitherto been obediently made use of by their numbers and occasional riots to support the claims set up in America, have discovered their own strength and importance and are not now so easily governed by their former leaders.<sup>15</sup>

He, and many other members of the suddenly-besieged aristocracy, saw the actions of mobs as stemming from the influence of popular demagogues who wanted to push their way into the political and economic elite. The real danger of the mob was when popular leaders lost control, and the “lesser sort” gave in to their base interests and class mentalities.<sup>16</sup> Then, Gouverneur Morris explained, “The mob begin to think and reason. Poor reptiles....”<sup>17</sup>

Mass extra-legal “thinking and reasoning” was by no means restricted to South Carolina. In Massachusetts, William Pynchon wrote in distress that “the threats and insults of the rabble have been insupportable to many .... People of property had been so often threatened and insulted that at length several more proposed to leave

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<sup>15</sup> “William Bull to Secretary of State Dartmouth, 28 March,” quoted in Jensen, *The American Revolution Within America*, 40-41.

<sup>16</sup> Gary J. Kornblith and John M. Murrin, “The Making and Unmaking of an American Ruling Class,” in *Beyond the American Revolution: Explorations in the History of American Radicalism* ed. Alfred F. Young (DeKalb: Northern Illinois University Press, 1993), 47.

<sup>17</sup> “Gouverneur Morris to John Penn, May 20, 1774,” in *American Archives Vol. 1*, Peter Force, comp. (Washington, DC: U.S. Congress, 1837-1853), 342-343.

the town of Salem.”<sup>18</sup> By this point, the social implications of lower class resistance weren’t mere advancement of “leveling” ideology. The mob burned mansions, tarred and feathered officials, and made the wealthy who could be tied to such unpopular legislation as the Stamp Act fear for their lives. Pynchon’s “rabble” in Salem was typical of a certain sort of social movement in the colonies. Not only did these mobs demand a voice in politics, they divided and labeled society through violence. The poor, working colonists who made up the mob were the voice of the people, and of common colonial interests. The rich, or at least those who dwelt in lavish mansions and profited from a close relationship with the British colonial government, profited from laws that hurt the rest of the colonists—and were thus separated from society at large by a divergence of interests.<sup>19</sup>

This social demarcation left much of the aristocracy inseparably associated with the unpopular, British, colonial rulers. Just as socio-economic issues drove many poor colonists to oppose British policy, the actions of the mob presented a clear incentive for some colonial elites to support British rule. At the very least, the mob gave certain kinds of elites little reason to support independence. In the mind of the entrenched social, political, and economic upper crust, independence was merely a step towards total political and social revolution.<sup>20</sup>

For common colonists, especially in the western backcountry, collective political participation brought about a new era of empowerment. With the ability to influence political decisions through extra-legal political action, rural colonists

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<sup>18</sup> “William Pynchon to ?,” in *Diary of William Pynchon*, ed. F. E. Oliver (Boston: 1890), 42-43.

<sup>19</sup> Kornblith and Murrin, “The Making and Unmaking of an American Ruling Class,” 45.

<sup>20</sup> Jensen, *The American Revolution Within America*, 42.

coopted British modes of collective participation to suit their needs. These modes of participation fanned revolutionary flames, and provided a structure to the rural revolution. In resisting the colonial rule, the backcountry developed a new, quintessentially American, vocabulary of collective, communally republican political participation. Rural colonists modified urban mob traditions, and the rationales behind them, to fit the plights of farming communities and assert their political voices when they could not do so through formal channels. These habits of politics in the countryside laid the groundwork for a more clearly articulated rural political theory in the American republic.

*British Mob Politics in the Colonial City*

In the backcountry, colonists had grievances primarily against their own colonial governments. They were largely unrepresented, or at least underrepresented, in colonial legislatures, and generally ignored by those in power. The concerns of the backcountry were either very pressing, as when rule of law collapsed or Native American raids threatened the frontiers, or very abstract, as when Massachusetts and New York farmers responded to an increasing centralization of land holdings with the fear that it meant a return to a sort of feudal system.<sup>21</sup> In cities, grievances, at least by the 1760s, were more commonly against British interference in the colonies, or the colonial governments as puppets of the British. Urban colonists had more ability to influence colonial legislatures—through virtue of geographic proximity to legislative bodies—than their rural counterparts, though sometimes this

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<sup>21</sup> Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (New York: Oxford University Press, 2007), 61.

still meant having no ability whatsoever. Urban colonists were also more likely to have their concerns addressed by colonial governments, as their concerns were often shared by political elites, considering that both groups occupied many of the same eastern spaces. In urban spaces, American resistors practiced forms of mass politics with roots in the rich history of the British mob. They refined these practices to fit the colonial situation. Thus, urban resistance movements did not mount the same theoretical challenges or require the same level of participatory innovation that characterized rural movements. Urban resistance served as a lesson for future rural movements, and represents an important connecting link between British mob politics and innovative rural mass politics in America.

In Britain, traditions of politics “out of doors” developed during and after the 17<sup>th</sup>-century civil wars. Previously, the machinations of Parliament were secretive and inaccessible. As popular participation and interest in politics increased, the masses developed tactics that forced government officials to engage with them and to slowly open the political process to outside scrutiny.<sup>22</sup> While traditional political elites dismissed those participating in politics “out of doors” as “rabble” and “unthinking,” this new political paradigm forced legislators to cater to popular opinion in new ways. One observer wrote that, “the majority without doors hath obliged the majority within doors to truckle to the minority.”<sup>23</sup> Through expressions of political voice that could not be ignored, common, unwashed subjects found power in collective participation.

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<sup>22</sup> Ibid., 173.

<sup>23</sup> “Henry St. John Bolingbroke to Sir Robert Walpole” in *Dissertation on Parties*, Letter 13. 1733-34 accessed June 14, 2006, [www.ecn.bris.ac.uk/het/bolingbroke/parties.htm](http://www.ecn.bris.ac.uk/het/bolingbroke/parties.htm).

By the 18<sup>th</sup> century, urban politics in Britain had taken on understood forms and habits. E. P. Thompson explains that British mob politics became remarkable for its adherence to patterns of behavior with roots hundreds of years old, and for the refinements of old traditions that were imposed over time.<sup>24</sup> These refinements clearly marked mass politics as riotous or resisting—but not rebellious. Politics “out of doors” demanded action and attention, not necessarily sweeping change.<sup>25</sup> Thus, politics “out of doors” came to encompass petitioning, diatribes in print and in speeches, political discussion in taverns and other plebian spaces, and—of course—crowd actions such as riots, demonstrations, and parades.<sup>26</sup> 18<sup>th</sup>-century mobs tended to carry with them a notion of legitimacy, if only from their perspective. They claimed to be protecting traditional rights, and did so with the broad support of their local communities.<sup>27</sup> With self-proclaimed legitimacy, mass action gave itself grander aspirations: to provide a platform for the interests of the politically ignored.

Colonists brought an understanding of this tradition across the Atlantic, and made opportunistic use of it to force their colonial governors to engage with them. Ritual forms of parading and protesting, such as the Pope’s Day celebrations in Boston, were a means for urban masses to bring grievances to the attention of the colonial political elite.<sup>28</sup> Both urban elites and the common city-dweller found points

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<sup>24</sup> E. P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” in *Past & Present* 50 (1971), 108.

<sup>25</sup> Alfred F. Young, *Liberty Tree: Ordinary People and the American Revolution* (New York: New York University Press, 2006), 170.

<sup>26</sup> Carp, *Rebels Rising*, 174.

<sup>27</sup> Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” 78.

<sup>28</sup> Peter C. Messer, “Stamps and Popes,” in *Between Sovereignty and Anarchy: The Politics of Violence in the American Revolutionary Era*, Patrick Griffin et. al. eds. (Charlottesville: University of Virginia Press, 2015), 119.

of conflict with Parliament, as it attempted to legislate colonial policy from overseas, and the colonial governments that enforced Parliament's laws. Thus, resistance was often a socially unifying force. Resistance wasn't bound to lead to revolution, but, when it did, the revolution had many of the same unifying characteristics as the earlier resistance movements. Interestingly, social change often went hand in hand with the class-unifying governmental resistance movement. In the urban context, the social struggle was most often waged against the colonial elites who relied upon British colonial rule for their power and economic wellbeing. Thus, those sections of the colonial elites who did not profit from British rule came to lead urban participation. They channeled it through the formalized structures they were used to, and thus denied it the same sort of radical potential of rural mass politics.

In the American colonies, cities started small and grew over time in proportion to their commercial importance. By 1775, the seven largest cities in America contained no more than 4-5% of the total population of the colonies. Still, Philadelphia, a metropolis with more than 30,000 inhabitants, was among the top five largest English-speaking cities in the British Empire. New York was the second largest city in the colonies, with a population of 20,000, and Boston was third with 15,000. In the southern colonies, Charleston was far and away the largest urban area, with 14,000 inhabitants.<sup>29</sup> Most colonial cities did not experience significant residential clustering by religion or ethnicity, and even wealth only became a geographic divider in the late 1700s. Rather, the most important physical clustering in cities was by occupation, which meant that colonists of vastly different social status lived in close

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<sup>29</sup> Jensen, *The Founding of a Nation*, 8-10.



proximity.<sup>30</sup> In areas such as waterfronts, wealthy merchants and impoverished dockhands rubbed elbows. Physical proximity meant that class distinctions were, in a sense, not overly important to everyday experiences. Members of all classes occupied the same spaces, and thus dealt with many of the same problems on a day-to-day basis. However, proximity to wealth could lead to resentment among the lower classes. That the wealthy might live next to the working-class meant that there was little reason to see the wealthy as separate or better. Rather, they were similar and much more privileged, a recipe for bitterness.

The core of this similarity lay in the development of civic sensibilities. As cities grew during the 18<sup>th</sup> century, so too did the sense of what it meant to live in a city. Urban populations were incredibly interdependent. In the rural reaches of the colonies, families could live largely self-sustaining lives within small communities. City-dwellers depended on each other to import food from farms or from overseas, to fuel the economy which they relied upon for jobs, and to provide the goods required to meet their everyday needs. They also depended on each other for the common defense, and for general welfare. After all, given the physical proximity of individuals in cities, diseases, fires, and other disasters could spread quickly and with little regard for class or economic status. Thus, urban colonists depended on each other for their health. This interdependence bred a sense of civic responsibility and civic awareness. These virtues have come to be put on a pedestal as philanthropic and selfless, but they were also acts of self-preservation and of caring for the community on which all city-dwellers depended.<sup>31</sup>

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<sup>30</sup> Carp, *Rebels Rising*, 13.

<sup>31</sup> *Ibid.*

Of course, only the upper class and qualified property owners could directly influence urban policy. However, the lower classes found ways to interfere, and push their own agendas. Extra-political mobilization, often in the form of mobs, riots, or other forms of (often violent) mass demonstration, relied on the established sense of civic responsibility and interdependency to gain the support of the most politically influential colonists and to unite classes behind common goals.<sup>32</sup> In common spaces, most notably taverns and public houses, inter-class political alliances were formed and contributed to pre-revolutionary mob action and the drive for independence.<sup>33</sup>

However, even as common political goals brought together the rich and the poor in colonial cities, urban society was becoming increasingly stratified and tense. Some wealthy colonists shared a populist demeanor that leant itself to political alliances with the working classes, while other wealthy colonists saw the poor only as a threat to their status as the colonial aristocracy. In the second half of the 18<sup>th</sup> century, urban wealth came increasingly into the control of small groups of merchants, leaving a greater and greater proportion of the population property-less. Not only did this mean that more colonists struggled to survive economically, but also fewer colonists met property qualifications for voting.<sup>34</sup> Between the pressures of increased taxation after 1763 and decreased ability to effect political change, both as a result of disenfranchisement and the shift in the locus of tax policy towards Parliament, the lower classes were disproportionately disempowered during the pre-revolutionary period.<sup>35</sup>

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<sup>32</sup> Ibid., 14.

<sup>33</sup> Ibid., 19.

<sup>34</sup> Jensen, *The American Revolution Within America*, 9.

<sup>35</sup> Ibid., 9.

So, when popular leaders like Samuel Adams harped on the evils of the wealthy, who traded the rights and liberties of American colonists for the prosperity of an alliance with the tyrannical, rights-infringing British, they found growing support among the urban lower-class. Those wealthy colonists who saw popular movements as a threat to their position decried popular leaders as “demagogues.” Not only did these individuals stir up the masses into illegal activity, they jeopardized the political equilibrium of the colonies. Their supporters were segments of the colonial population that had never had a real opportunity to take political action.<sup>36</sup> Now, popular leaders empowered the “lesser sorts” to destabilize the colonial order, all for a broad appeal to rights. The upper class’s greatest fears, of anarchy and popular government by the unwashed and ignorant masses, were realized more and more frequently. Mobs, riots, and other forms of popular protest and political action were early expressions of a desire for a change in political participation and social structure. These initial cries for social change were deeply tied to the implications of inequalities in abilities to exercise political voice in the colonial polity.

The social struggle in cities was frequently wrapped up in, or superseded by, governmental resistance. Rural colonists, especially those in the lower classes, tended to protest primarily against the mistreatment they received at the hands of their colonial governments. Urban lower classes had grievances against their colonial governments, but were also more susceptible to interference by British policy—which generally ignored the backcountry. The political dynamic between the American colonies and the British imperial government changed dramatically in 1763.

Previously, the colonies had been able to carve out a great degree of independence. In

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<sup>36</sup> *Ibid.*, 11.

1763, King George III supported Parliament's wishes to more directly govern the colonies. Specifically, Parliament wanted to reassert control over colonial taxation and expenditures. After the Seven Years War, the British Empire had real monetary concerns. Since they had spent heavily on the defense of the American colonies, Parliament saw it as only fitting to tax the colonies to recuperate their losses. This sudden interference caught many colonists off guard, and disrupted their notion of their relationship with Parliament and the Empire more broadly. After the Stamp Act riots of 1765, a standard colonial line on British interference came to the fore. Colonists claimed that taxation without representation was illegitimate, that 'virtual' representation was illegitimate, and that only their own legislatures could tax the colonies. Some even went as far as to deny that Parliament had any right to legislate in the colonies.<sup>37</sup> This discussion, while far from revolutionary in rhetoric, made independence a real prospect on the horizon. With the specter of separation more real than ever, positions calcified and social inequalities became more acknowledged and more controversial.

The colonial mob was at its most effective in opposition to the Stamp Act. Passed in 1765, the Stamp Act required all printed materials in the colonies to be produced with stamped paper from London. The act was meant to pay for the British military forces in the colonies. It produced a remarkably unified resistance movement. Reaction to the Stamp Act marked the high-water point for urban mass political protest in the colonies. Mobs used their urban environments, and the clustering that took place therein, to terrorize British-supporting elites. Colonial legislatures and political elites used the geographically disparate nature of the backcountry to suppress

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<sup>37</sup> Jensen, *The Founding of a Nation*, 5.

its political influence. In cities, however, geography worked against the wealthy and politically powerful. In confined urban spaces, the mob wielded great and unpredictable power.

Enraged by the Stamp Act, a rabble of Bostonians hung effigies of Andrew Oliver, the Crown's stamp distributor, and the British Lord Bute in a ritualistic Pope's Day parade.<sup>38</sup> Governor Bernard ordered the sheriff to take down the gruesome dolls, but the sheriff refused to—not wanting to provoke the mob. After the effigies had been up for a day, the mob grew restless, and carried them to Oliver's house. They tore down an out-building, and used the wood to burn the effigies. The wood proved insufficient, so the group turned on Oliver's house, taking pickets from his fence. Claiming that Oliver's friends had provoked them, members of the mob broke into the house and pillaged the wine cellar. To save face and attempt to restore rule of law, Governor Bernard called out the militia. However, his colonel explained to him it would be useless, as most of his men were likely part of the mob. After more than eighteen hours of rioting, the mob dispersed, tired from their efforts. The next morning, Oliver resigned his post.<sup>39</sup>

At this stage in the colonial understanding of the mob, some members of the socio-political elite were eager to lend their support to these popular movements. Rumors suggested that, among the mob that intimidated Oliver were more than fifty of Boston's leading men. However, the mob wasn't done with the great and powerful men of the colony. Less than two weeks after forcing Oliver to resign, another mob gathered in Boston. They proceeded to the house of the Marshal of the Admiralty

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<sup>38</sup> Messer, "Stamps and Popes," 114.

<sup>39</sup> Jensen, *The Founding of a Nation*, 109.

Court, Charles Paxton, and threatened to burn it down. Paxton's landlord acted quickly, and deterred the mob by offering them a barrel of alcoholic punch from a nearby tavern. Thoroughly intoxicated, the mob moved to the house of the Deputy Register of the Admiralty Court, William Story. They tore it down and burned it, along with the records of the Admiralty Court. From there, the rabble moved on to the house of Comptroller of Customs, trashing its interior. Having developed a strong taste for destruction, the mob flocked to Governor Thomas Hutchinson's house. Hutchinson fled, and the mob set to work. By daylight, the house was stripped bare and Hutchinson's belongings littered the streets.<sup>40</sup>

The wanton destructiveness of the mob opened the eyes of Boston's elite to what could happen when the common people were inspired and leaderless. Hutchinson wrote that "the encouragers of the first mob never intended matters should go this length."<sup>41</sup> The socio-political elite of Boston expressed their outrage, and promised to aid the governor in restoring order. Taken aback, popular leaders called a town meeting and publicly voted to condemn the actions of the mob. Not fooled by this backpedaling, the colonial government arrested suspected mob leaders. However, a group of Boston gentlemen forced the sheriff to release one man, Ebenezer Mackintosh, who knew of their participation in the initial mob. In doing so, they bought his silence and were able to continue to insist that the mob that sacked Hutchinson's house was largely anonymous.<sup>42</sup> The influence of popular leaders in mob action meant that mass participation in cities was often controlled by people who

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<sup>40</sup> Ibid., 110-111.

<sup>41</sup> "Thomas Hutchinson to Richard Jackson, 30 August" in J.K. Hosmer, *The Life of Thomas Hutchinson* (Boston: 1896), 91-94.

<sup>42</sup> Jensen, *The Founding of a Nation*, 110-111.

had an interest in maintaining key aspects of the social status quo. The resisting gentry, who had reason to protest British policies but also reason to fear unfettered popular political participation, coopted organic urban movements and sought to use them to accomplish specific ends.

Through guided (and often unguided) mob action, intimidation of key officials rendered the Stamp Act toothless in Massachusetts. News of the events in late August spread, and carried great weight. George Meserve, a stamp distributor from New Hampshire, arrived in Boston little more than a week after Hutchinson's house was pillaged. He immediately resigned his post and, upon returning to his home in Portsmouth, publicly resigned again. Not satisfied with two resignations, Meserve resigned for a third time in January of 1766. James McEvers, a stamp distributor in New York, resigned upon hearing the news from Boston and receiving threats of his own, and many other distributors throughout the colonies followed suit.<sup>43</sup> Through extra-political action, and the harnessed power of the discontented lower classes, urban mass movements rendered the Stamp Act moot without resorting to institutionalized, legal methods of resistance. Thus, the conservative elite was largely precluded from coopting the movement. Popular leaders who exerted what control they could over the masses were the only moderating point preventing wanton destruction and social upheaval.

Resistance to the Stamp Act would not remain a primarily popular movement. In an attempt at more formalized resistance, representatives from across the colonies gathered to clearly express their feelings about the Stamp Act. This Stamp Act Congress adopted a variety of resolutions. Three of these resolutions

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<sup>43</sup> Ibid.

expressed the colonial assertion that there could not be legitimate “taxation without representation.” Furthermore, it was argued, the colonies could not be represented in Parliament, whether physically or virtually, and could only be taxed by their own legislatures: “no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.”<sup>44</sup> The sixth resolution, summarizing the Anglo-colonial understanding of taxation at the time, proclaimed “That ALL *supplies to the crown*, being free gifts of the people, it is *unreasonable, and inconsistent with the principles and spirit of the British Constitution*, for the people of *Great Britain* to grant to his Majesty the *property of the colonies*.”<sup>45</sup> These resolutions, and the rest passed by the Stamp Act Congress, were important statements of a certain colonial understanding of their rights and their relationship with Britain. However, the Congress was largely an expression of a sort of status-quo resistance. That is to say, their resolutions were recognitions that there were problems in the colonies, but they were not calls for revolution or a fundamental change in colonial society.

Even at this point, a decade before the Declaration of Independence, there were pockets of radical colonists who asserted a right to revolution and had little confidence that their desires could be advanced through formal channels of petition and legislation. In fact, even after the Stamp Act Congress met, it was mass action that forced colonial ports to function as if the Stamp Act were never passed.<sup>46</sup> Proponents of mass action and radical resistance found a voice in newspapers and community meetings. A town meeting of New London, Connecticut went far beyond

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<sup>44</sup> Quoted in *Ibid.*, 240.

<sup>45</sup> Quoted in McDonald, *Novus Ordo Seclorum*, 28.

<sup>46</sup> “10 December 1765” in *American Colonial Documents to 1776 Vol. IX* ed. Merrill Jensen (New York: Oxford University Press, 1955), 670-671.



the comparatively meek claims of the Stamp Act Congress, resolving unanimously that:

Every form of government, rightfully founded, originates from the consent of the people.... The boundaries set by the people in all constitutions are the only limits within which any officer can lawfully exercise authority.... The people have a right to reassume the exercise of that authority which by nature they had before they delegated it to the individuals [when these boundaries are violated].

Furthermore, the New London meeting declared that it was the duty of the people to resist the Stamp Act by all lawful means, “and if they can in no other way be relieved, to reassume their natural rights and the authority the laws of nature and of God have vested them with.”<sup>47</sup> Mass meetings, such as this particularly revolutionary one, instilled in many colonists a desire to govern themselves, as they had previously been unable to do. They also served to educate common Americans in political thought and in methods of resistance, and laid the groundwork for popular involvement in the Revolution—and radical resistance thereafter.

Perhaps most importantly, the success of mob resistance to the Stamp Act alerted the colonial elite to the very real threat that popular action could pose to them. The ruling minority relied on the stability of the rule of law, and the events in Boston made it clear that the rule of law collapsed just as quickly as the masses wanted it to. After all, mobs were often made up of the very militiamen that were supposed to maintain civic order. The anti-Stamp Act mobs showed little respect or deference to their social “betters.” Governor Moore of the New York colony summarized the fears of much of the colonial aristocracy, writing, “The apprehensions which every person of property was under during our late commotions

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<sup>47</sup> Quoted in Jensen, *The American Revolution Within America*, 27.

from the licentiousness of the populace are not yet forgotten....”<sup>48</sup> Nor would they soon be, for mob action became a favorite method of urban resistance to British action.

Mobs were the ideal expression of an organic frustration. The oppressed masses rose up, violently and often without clear direction, and lashed out at the wealthy in acts of defiance. Riots and mobs confronted officials of both the British and colonial governments. Mob action even came to be a tool for those in power who could successfully appeal to popular sentiments. Political factions, especially in New York, used large demonstrations to win elections. These instances of mob action were tame, and lacked the implicit criticism of the colonial socio-political status quo that more horizontally-organized action carried with it. It took the victory of the anti-Stamp Act mobs to really elevate the colonial mob as a political force. After the destruction and intimidation doled out by the Boston mob, even the threat of mob action was enough to influence both colonial and British leaders, as well as their policies.<sup>49</sup> In the colonies, popular opinion was used as a bludgeon to push legislatures towards radical opposition to British policy and, eventually, towards revolution.<sup>50</sup> In this way, mass movements were a democratizing force. Even those who could not vote could make their voices heard. However, the mob remained an urban phenomenon—a method of politics reserved for densely populated areas.

While opposition to the Stamp Act took place throughout the colonies, it was largely a matter of many separate riots, connected by letters and news but not by formal strategy. In contrast, colonial resistance to the Townshend Acts was an

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<sup>48</sup> Quoted in Jensen, *The Founding of a Nation*, 262.

<sup>49</sup> Jensen, *The American Revolution Within America*, 24.

<sup>50</sup> Jensen, *The Founding of a Nation*, 99.

attempt at cross-colonial organization on a whole new scale. Beginning in 1767, the Townshend Acts were a series of Parliamentary actions to raise revenue in the colonies, to better pay judges and governors to ensure their loyalty, and silence the debate as to whether or not Parliament had the power to tax the colonies. In debates over the Townshend acts, no Member of Parliament (MP) disputed that Parliament could legitimately tax the colonies, or that they should, indeed, tax the colonies to raise revenues. Even the MPs most sympathetic to colonial grievances were only willing to go so far as to argue that a tax could be unfair or inefficient—and to suggest that the colonies, perhaps, should tax themselves to raise greater revenue with less trouble. Charles Townshend, for whom the Townshend Acts were named, flippantly summarized British disdain of colonial resistance to tax policies, asking,

Will these Americans, children planted by our care, nourished up by our indulgence until they are grown to a degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy weight of that burden which we lie under?<sup>51</sup>

The Townshend Acts served as a statement from Parliament that the colonies were British subjects, that they were under Parliamentary rule, and that they would not allow the nullification of the Stamp Act to become a pattern. One of the more concrete aims of the Townshend Acts was to maintain compliance with the Enforcing Act of 1764. This legislation meant, practically, that British customs officers were rarely held responsible for their actions. Thus, they increasingly seized cargo without evidence and enriched themselves at the expense of colonial merchants.<sup>52</sup>

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<sup>51</sup> Quoted in *Ibid.*, 63.

<sup>52</sup> *Ibid.*, 51.

The chief form of resistance to the Townshend Acts was a cross-colonial coalition of non-importation movements. Though merchants had little desire to halt trade with Britain, they were often intimidated into doing their part by their fellow colonists. The dual economic and physical threats of non-consumption of their goods and incurring the wrath of colonial mobs were potent. Over the first two years of the Townshend Acts, merchants in Boston and other major cities agreed to a variety of non-importation agreements. In Boston, New York, Philadelphia, and Charleston, committees of commoners and colonial elites alike enforced non-importation agreements and carried with them the implicit threat of Stamp Act-esque mob action.<sup>53</sup>

These committees were necessary more often than colonial dissenters would have liked. While the Stamp Act had prompted unity in scorn and in opposition, it was less obvious what the best way to resist the Townshend Acts was, and what it meant to resist such a blatant display of symbolic Parliamentary power. The memory of the popular power of the Stamp Act riots pushed many merchants into line, but unity via threat was hardly a unity upon which to build a strong movement. In 1770, when a new government in Britain repealed much of the Townshend Acts in an attempt to sooth the situation in the colonies, American non-importation fell apart. Of course, while merchants were glad to see it end, many colonists were not. Merchants had much to gain from a return to their profitable trading habits, while colonists saw fewer benefits. Thus, the end of non-importation served to emphasize how colonial elites benefitted from their relationship with Britain, while it was less clear how the colonial yeoman did. Commoners took out their frustration on

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<sup>53</sup> Jensen, *The American Revolution Within America*, 25-26.

businessmen throughout the colonies, through acts of mob violence and sporadic rioting, breeding an atmosphere of mistrust and class tension.<sup>54</sup>

After the resounding success of resistance to the Stamp Act, the mixed success and myriad failures of colonial opposition to the Townshend Acts were a humbling series of events. The problems of non-importation were complex and multiple. However, they can be broadly generalized to stem from a class and economic conflict that overrode popular negative sentiments towards British policy in the colonies. Resistance to the Stamp Act entailed a practical nullification through intimidation of officials. Non-importation meant harming a small proportion of colonists quite acutely. Merchants in cities across America relied on an import business thrust upon America both by lack of manufacturing power and by imperial regulations. Non-importation meant economic hardship for a class of people already threatened by mob violence that expressed a more abstract set of socio-political grievances. The non-importation brought class tensions to the fore and made it clear that the relative unity of Stamp Act resistance had been the result of a confluence of circumstances, not an adequately powerful spirit of colonial camaraderie to survive divisive economic issues.

While Parliament did away with many of the Townshend Acts, they left the underlying tax untouched. The Tea Act of 1773 was designed to bolster a failing British East India Company by creating favorable conditions for their tea in the American market. Essentially, the act created monopoly conditions for the East India Company.<sup>55</sup> This, on its own, was harmful and offensive to many colonists. However,

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<sup>54</sup> Jensen, *The Founding of a Nation*, 184.

<sup>55</sup> *Ibid.*, 433.

the broader implication of the Tea Act's survival was to legitimize the Townshend Act taxation policies as a long-term proposition, even as many other aspects of the much-maligned policies were being repealed. The Tea Act was yet another statement of Parliament's disregard for colonial claims that only their own legislatures could tax the colonies.

The survival of the Tea Act sparked a fairly unified movement of resistance throughout the colonies. While many other aspects of the Townshend Acts had been divisive in their implications, the Tea Act was fairly straightforward. Many of the merchants who resisted non-importation were hurt economically by the legislation, but the only colonists who stood to lose from opposing the Tea Act were pockets of wealthy men, such as Thomas Hutchinson, who had a stake in the East India Company.

The atmosphere in Boston was akin to that of the Stamp Act riots. What followed has since become American legend. One observer describes the night of the Boston Tea Party with barely contained glee: "a number of brave and resolute men, dressed in the Indian manner, approached near the door of the assembly, gave the war whoop, which rang through the house and was answered by some in the galleries." They were silenced, but after the assembly was finished, "the Indians, as they were then called, repaired to the wharf where the ships lay that had the tea on board, followed by hundreds of people to see the event of the transactions of those who made so grotesque an appearance." The men set upon the three tea-bearing ships, and:

Applied themselves so dexterously to the destruction of this commodity that in the space of three hours they broke up 342 chests...and discharged their contents into the dock. When the tide rose, it floated

the broken chests and the tea insomuch that the surface of the water was filled therewith a considerable way from the south part of the town to Dorchester Neck, and was lodged on the shores. There was the greatest care taken to prevent the tea from being purloined by the populace.<sup>56</sup>

The author notes, in a vindictive tone—aimed at those who would criticize the anarchic nature of such a groundswell of resistance—that other goods on the vessels were left alone: “Such attention to private property was observed that a small padlock belonging to the captain of one of the ships being broke, another was procured and sent to him.”<sup>57</sup> Such anecdotes paint the picture of an outburst of resistance in a civic mindset.

While this may have been the case in Boston, or at least on this occasion in Boston, resistance to the Tea Act ran into many of the same problems that befell earlier non-importation movements. The nature of the act and of the importation of tea lent itself to drama. As the first East India Company tea shipments reached the colonies, they provided a useful outlet for colonial grievances. However, popular leaders found it difficult to maintain organized resistance. Sons of Liberty in Charleston managed to appoint a committee to oversee non-importation. In New York, non-importation was unnecessary. No tea arrived, and local leaders grew impatient, as they were unable to make a statement. They felt they needed tea to arrive, as opposition would once again prove to be a unifying force. Until the actual hour of opposition was upon New Yorkers, popular leaders feared talk of a boycott

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<sup>56</sup> Quoted in *Ibid.*, 452.

<sup>57</sup> Quoted in *Ibid.*

would prove too divisive.<sup>58</sup> While the urban mob seethed, the elites who had allied themselves with the resistance movement kept it in check.

*Adapting a Mass Politics for the Countryside*

Rural colonists were far removed from centers of politics by geography, socio-economic status, and an inability to participate in politics. This phenomenon would come to hurt both the disenfranchised and ignored yeomen and their state governments. Backcountry colonists were dissatisfied with their separation and lack of attention, and their colonial governments were unable to control them from their far-away seats of power when resistance escalated. Inhabitants of the colonial countryside carried with them the same knowledge of British mob traditions that informed urban politics. However, mass action was difficult outside of population centers—as it was more difficult to gather people together and more difficult to directly threaten political actors. So, rural colonists adapted British traditions and developed their own in an attempt to craft a mass politics to fit their grievances and their geographic situation.

Most small farmers and other inhabitants of the so-called backcountry, in the western reaches of the colonies, were represented “virtually” in their colony legislatures. As it applied to a lack of colonial representation in the British Parliament, many colonists rejected the doctrine of virtual representation. However, many were quite happy to apply it to deny backcountry colonists direct representation. Most colonies were reluctant to establish new counties or townships, thus denying the backcountry means of formalized political participation and organization. When

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<sup>58</sup> *Ibid.*, 462.



legislatures did extend government westward, they created large districts with relatively few representatives—preventing them from having any real voice in colonial politics, which was dominated by coastal population centers. In many colonies, the concerns of poor farmers were irrelevant. Property qualifications kept those with little or no holdings from voting—whether they were backcountry men or the urban poor.<sup>59</sup>

Other aspects of the colonial polity blatantly favored the upper classes. Poll taxes prevented many who met property qualifications from voting. The policy of taxing land by acreage, and not by value, disproportionately drew from the coffers of rural farmers, while sparing estate owners and speculators. Lower-class colonists were aware of the social pressures they faced, and petitioned their legislatures and governors for redress.<sup>60</sup> However, they were generally ignored unless their grievances came with a real and present threat of violence. Such was the lack of responsiveness innate in colonial legislatures, made up of wealthy, eastern legislators. Thus, part of the cry for change was a demand for responsive representatives, and governments that addressed the grievances of their people.

Those in the backcountry were most easily ignored, as they were far from coastal centers of power. Western populations swelled as social and economic forces pushed poor farmers away from the coast. By 1775, around a quarter of American colonists lived in the backcountry of the 13 colonies. Their villages and scattered farms were on the frontier of “civilization,” exposed to Native attacks and the difficulties of the wilderness. Understandably, northern backcountry populations were

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<sup>59</sup> Jensen, *The American Revolution Within America*, 5.

<sup>60</sup> *Ibid.*, 6.

relatively small, as they faced brutal winters. However, about half of the populations of Pennsylvania and South Carolina lived in the backcountry, as did about 40% of North Carolinians.<sup>61</sup> In the northern colonies, most eastern farmland was claimed by the mid-1700s. As colonists arrived from Europe, they worked smaller and smaller plots of land, and eventually were faced with the choice of moving to the backcountry to acquire more land at the cost of a greater threat from Native American attacks or becoming landless laborers in swelling cities. In the southern colonies, groups of wealthy plantation-owners controlled coastal farmland. Small farmers were forced to either become landless tenants or move to the backcountry and accept the risks of doing so. Southern colonists lacked the urban options that many northerners had, as the only real commercial hub in the region was Charleston, South Carolina.<sup>62</sup>

Residents of the colonial backcountry were understandably aggrieved. They had little political voice, and the centers of colonial power showed little regard for their well-being. When anti-British sentiments swelled in cities, the farmer was again ignored. Though the backcountry had perhaps the strongest anti-colonial feelings, there was little initial outreach from urban dissidents to their rural brethren. Many western farmers felt that popular leaders like Samuel Adams were merely frustrated at their exclusion from colonial politics, and that they did not really stand for liberty for all, or for the plight of the common man.<sup>63</sup> The backcountry cried out for a new social order, but, from the early days of revolutionary murmurings, signs were there that they would be denied. One Anglican missionary voiced the frustrations of great masses of rural colonists, saying:

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<sup>61</sup> Jensen, *The Founding of a Nation*, 8-10.

<sup>62</sup> Jensen, *The American Revolution Within America*, 8-9.

<sup>63</sup> *Ibid.*, 14.

Lo! Such are the men who bounce and make such noises about Liberty! Liberty! Freedom! Property! Rights! Privileges! and what not; and at the same time keep half their fellow subjects in a state of slavery.... Their throats bellow one thing, but their hands would execute the reverse. They would fetter and chain the back inhabitants, could they get them in their clutches. And deprive them equally of their civil concerns as they do their spiritual. These are the Sons of Liberty! On Paper, and in print. But we will never believe them such.<sup>64</sup>

Such was the status of those colonists least able to influence the grand machinations of colonial politics. For many backcountry Americans, the only chance for political change and improved status lay in taking matters into their own hands—and asserting the right to decide for themselves when their government had abused their rights.<sup>65</sup> While rioting was an easy and potent form of collective action for urban colonists, rural Americans were denied such easy influence over the colonial gentry. They needed modes of political participation that met the challenges of their geography and their social exclusion.

### *Regulator Movements and the Rural Mob*

The Carolina Regulator movements developed as a rural alternative to urban mob politics. Decades later, the post-revolutionary rebellions drew from Regulator traditions to develop a theory rural republican resistance in the new republic. The methods of the Carolina Regulators, who resorted quite quickly to violence, was unrefined in comparison to that of Shaysites, whiskey rebels, or the resisters of southeastern Pennsylvania. However, these first regulations could not engage with a republican polity. The absolute unresponsiveness—and lack of clear promises of

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<sup>64</sup> Quoted in *Ibid.*, 15.

<sup>65</sup> T. H. Breen, *American Insurgents, American Patriots* (New York: Hill and Wang, 2010), 251.

responsiveness—of colonial governments drove Regulators to use violence as a means of political participation. Violence was simply difficult to ignore. Thus, these Regulations established an American tradition of rural resistance and radical political participation that was ripe for adaptation in a republican system.

In North and South Carolina, as in most other colonies, political power was heavily concentrated in the coastal, tidewater regions. In early 1767, the western reaches of South Carolina underwent a period of anarchic instability and roiling violence. Farmers paid taxes, but generally didn't receive basic governmental services—such as law enforcement or courts.<sup>66</sup> The colonial legislature, dominated by wealthy tidewater planters, ignored petition after petition to establish formalized local governments to bring the rule of law to the backcountry.<sup>67</sup> As a last resort, farmers formed Regulator associations to protect themselves and their families, to safeguard their property, and to provide for themselves when colonial officials refused to do so. In a show of vigilante justice, Regulators hanged robbers and horse thieves without formal trials. In horror, Lord Charles Managu, the Governor of South Carolina, decried such “lawlessness” and instructed his legislature to stamp it out. Before they could act, 4,000 rural colonists barreled into Charleston, bringing their grievances directly to the legislature. Of course, their grievances were all the more pressing with the impending threat that the “lawless” backcountry would spill into the low country, jeopardizing plantation wealth. Legislators, many of whom owned plantations or made their fortunes from coastal trade, made haste to pass an act establishing courts

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<sup>66</sup> Elisha P. Douglass, *Rebels and Democrats: The Struggle for Equal Political Rights and Majority Rule During the American Revolution* (Chapel Hill: University of North Carolina Press, 1955), 34.

<sup>67</sup> Jensen, *The American Revolution Within America*, 6.

in the western expanses of South Carolina. The Regulators' struggle wasn't over, however. Not only did they have to use the threat of force to make their voice heard to their own legislature—their own legislature couldn't pass an act to help them without approval from Britain. The first such act was struck down upon imperial review. A second act, sent years later and with greater urgency by the threatened socio-political elites of South Carolina, was made law in 1772.<sup>68</sup> Regulators would come to consider their courts a mixed victory. While access to the legal system brought the rule of law to the backcountry, it also brought largely unforeseen government control. The court system allowed eastern landowners to more easily collect debts and foreclose on debtors, and became a symbol of government interference in the everyday life of independent-minded yeomen.

In North Carolina, the Regulator movement was an even more direct condemnation of government corruption and skewed class interests. A Granville County schoolteacher, George Sims, explained in what has come to be known as “The Nutbush Address”:

It is not our mode, or form of government, nor yet the body of our laws, that we are quarrelling with, but with the malpractices of the officers of our county court, and the abuses which we suffer by those empowered to manage our public affairs.<sup>69</sup>

As in South Carolina, the legislature ignored repeated petitions from the backcountry. Colonists asked for greater representation, paper currency to increase ease of transaction far from cities, lowered taxes, and the enforcement of important laws limiting court fees—which could be quite prohibitive for rural inhabitants. Giving up on bettering their lot through formal channels, backcountry men formed Regulator

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<sup>68</sup> Jensen, *The Founding of a Nation*, 29.

<sup>69</sup> Quoted in Jensen, *The American Revolution Within America*, 7.

associations. These groups used force to prevent courts from functioning, and to drive away exploitative lawyers. In contrast to the South Carolina Regulation's demand for governmental services, North Carolina's backcountry Regulators opposed governmental overreach. These cases show the dual powers of Regulation—to make demands of the government and to push back the government—and the overarching goals of Regulation: a society that lived up to the duties its people felt the government had to them. After the Revolution, underserved populations would be able to hold their state governments to the promises made in their various constitutions. As colonists, dissidents were forced to hold their governments to more abstract theories, or to understandings—explicit or implicit—in their histories or colonial charters. This uncertainty drove resisters to make assertions with force—but not ideological strength—and, oftentimes, violence.

Regulators were particularly violent, and disturbed the social order enough that the colonial government finally took notice of their grievances. Governor Tryon ordered the leaders seized, but other Regulators simply overran the jails and released them. Now, the eyes of the coastal socio-political elite were firmly on the once-ignored backcountry. In 1768, the Governor led a military force into the sprawling farmland. However, once confronted with armed resistance, he chose to promise reform instead of engaging in battle.

Spurred on by this symbolic victory, Regulators stormed the ballot boxes in 1769 and took control of the lower legislative house. They demanded greater economic democracy, legislation to allow those who first improved land to gain title to it, a land bank, fair debt collection laws, just small-claims courts, and a more logical

distribution of taxes.<sup>70</sup> As soon as the group sat to legislate, Governor Tryon, predictably, dissolved the body for passing resolutions denouncing British policies. After years of struggle, the Regulators saw their chance at formalized reform snatched from them. They turned, again, to violence—this time with the fervor of a people pushed to the brink. Instead of shutting down courts and chasing away lawyers, backcountry men beat judges and lawyers who dared appear in rural counties. When fellow inhabitants of the backcountry protested their actions, they were whipped and Regulators burned down their houses and outbuildings.<sup>71</sup>

Tryon and the coastal government raised an army and marched west to restore order to their colony. The two sides met in battle at Alamance on May 16<sup>th</sup>, 1771. Regulators, with twice the manpower, were a formidable force—at least in appearance. After a period of stalemate, the governor grew tired of parlaying and attacked. The undisciplined farmers broke ranks and ran. What had started as a self-government movement culminated in a tense standoff between armies. The Regulators were hardly saints, and committed crimes that even their extensive grievances may not have justified. However, their plight was such that they had little choice but to resort to violence and law-breaking to be heard in colonial politics. An obedient backcountry was an ignorable backcountry. As much as coastal political elites would have loved to be able to continue to ignore the farmers, they were forced to address frontier issues when rural frustration spilled over into anarchic violence and political action.

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<sup>70</sup> Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002), 216.

<sup>71</sup> Jensen, *The Founding of a Nation*, 31.

The Regulator movement was more of an attempt at self-preservation and self-government than it was a means of resisting the colonial government or pushing a revolutionary agenda—though it became a resistance movement when confronted. Regulation was a deeply communal form of political participation. It allowed colonial yeomen, so often denied the ability to influence their own society, to assert a power of extra-legal self-determination. Regulators were not revolutionaries, but people who picked up where their government left off. They worked within their political reality, in a form of practical political participation, to provide order and a sense of self-sufficiency in the backcountry.

While eastern neglect was answered with western Regulation, some backcountry issues led directly to insurrection. Such instances are part of a pattern of rural violence, carried out with a frenzied passion, that colored perceptions of post-revolutionary rural movements—which were considerably more reasoned, if no less provoked. During the Seven Years War, the Pennsylvania backcountry was caught in a terrible position. Attacked by Native Americans and underserved by their colonial government, the rural west was ravaged. The Quaker-controlled colonial assembly was unwilling to fund defensive efforts—unless they could do so by taxing Penn lands. The Penns supported defensive funding, but insisted that their land be exempt from taxation.<sup>72</sup> This squabble amongst the politically powerful left the backcountry underfunded. In 1763, as the war was ending, Native American raids intensified during Pontiac’s uprising. Once again, western Pennsylvanians petitioned their assembly for help.

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<sup>72</sup> Jensen, *The Founding of a Nation*, 27.



Predictably, their calls were rejected. In an outburst of frustration and the rage of an impotent and ignored population, a group of frontiersmen slaughtered a group of Native Americans under government protection at Conestoga in the fall of 1763. The Governor damned their actions, and their outrage grew. During the winter, a band of hundreds of men, who called themselves the Paxton Boys (Paxton was a township that was particularly exposed to attacks and thus brimming with anti-government sentiment), marched on Philadelphia to kill Native Americans housed in barracks outside of the city. In January 1764, the Paxton Boys neared Philadelphia, and the city was gripped by a fear that these rural folks would sack the city.<sup>73</sup> This was the power of backcountry mobilization.

In the end, backcountry anger fizzled out. A group of colonial officials met the Paxton Boys outside of Philadelphia, in Germantown. After prolonged negotiations, the farmers turned around and headed home. Two leaders of the movement stayed in eastern Pennsylvania to present a statement of backcountry grievances. Their final product decried the inequality of representation in the colony, the assembly's failure to fund adequate frontier defenses (a failure they blamed on the Quakers), and accused James Pemberton, a Quaker leader, of being a spy for the Native Americans.<sup>74</sup> With immediate trouble behind them, the assembly was faced only with demands on paper. These were easily ignored, as had been the pattern of interaction between aggrieved backcountry Pennsylvanians and the colonial assembly.<sup>75</sup> The Paxton Boys showed the power of political participation via intimidation, and demonstrated that rural colonists could influence colonial elites in the same ways that

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<sup>73</sup> Ibid.

<sup>74</sup> Ibid., 28.

<sup>75</sup> Jensen, *The American Revolution Within America*, 7.

out-of-control urban mobs could. By marching on cities, rural colonists overcame the geographic barrier that limited the effectiveness of rural collective political participation.

Long before an assembly of colonial elites declared formalized independence, and before the ‘Shot Heard Round the World’ signaled the start of a violent, governmental revolution, farmers of the colonial backcountry were engaged, with varying degrees of intentionality, in the development of a new strain of rural political participation. This movement demanded representation, access to government institutions, a say in colonial politics, and treatment that acknowledged their equal status as British subjects. The yeoman struggle was never complete, but it was always important. Without small movements towards new iterations of old collective politics, the backcountry may have remained ignored and underserved. As it was, resisters in the western frontiers made modest gains, and won few clear-cut victories. Their struggle was, unlike the broader revolutionary movement, a fight against both colonial elites and British colonial government. Because their fight was against their colonial brethren, and not simply against British taxation and overreach, it is difficult to understand in the context of the American Revolution. In cities, where the lower classes were more politically powerful, but still frequently ignored, lower-class participation often took the form of mob coercion. Rural colonists were faced with the challenge of developing modes of political participation that addressed their dual demands of social and governmental change. They modified traditional British means of participation, such as petitioning and mob violence, and used them to provide stability, a self-legitimized politics of backcountry order, and a means of influencing eastern political proceedings.

*A New Rural Tradition*

Opposition to British colonial policies was combustible. In the colonial countryside, social struggle through political participation bubbled as an answer to political marginalization and a status quo that favored coastal cities over exposed frontier farmers and spread-out yeomen. With next to no voice in politics, and little ability to make their issues relevant to political elites, rural colonists resorted to violent, collective modes of political participation learned and modified from the British urban tradition. Their angry outbursts were directed against both the British colonial government and their fellow colonists. For the backcountry, real political progress required reorganization in structures of political participation and government accountability—and theories of resistance that legitimized their actions. Thus, rural populations developed new iterations of British mass politics to suit their need for a new method of political participation that fit their geographic situation—and their need to legitimize incidents of necessary anti-state violence. During the buildup to the Revolution and during the war itself, American farmers continued to unite using habits learned while resisting colonial rule. As ideologies of republicanism permeated American society during the struggle for independence, they gave a new sort of doctrinal legitimacy to community assemblies and local populist politics. However, without documents of republican government to interpret, these colonial movements could not engage in the same sort of discursive search for legitimacy that later movements would. In an interpretive dialogue with their documents of government, citizens in the rural United States legitimized their movements with greater clarity and ideological force.

## Chapter Two

### The New Gentry and Radical Republican Resistance

A popular poem celebrated post-revolutionary America as, “Where happy millions their own fields possess/No tyrant awes them, and no lords oppress.”<sup>76</sup> However, many Americans would come to disagree with every aspect of these lines. At the end of the revolution, happy millions did possess their own land. America was remarkable for this. Yeoman landowners constituted a significant portion of the American population, and they took great pride in the economic and political independence that landowning afforded them. But many yeomen fell victim to the post-revolutionary cycles of indebtedness, foreclosure, and economic hardship—losing their land and their independence to a government many perceived as putting the interests of the creditor rich over those of the debtor poor.

With state constitutions written and the Articles of Confederation established, there were no codified tyrants or oppressor lords to awe the population. However, the new American gentry, those who survived the revolution with their wealth and status intact as well as those who rose during the fighting, sought to reassert control after the fervor for democracy waned. They expressed dismay at the relatively egalitarian society of the early United States. One member of the new gentry exclaimed: “Fellows who would have cleaned my shoes five years ago, have amassed fortunes and are riding in chariots.”<sup>77</sup> Creditor elites, by virtue of their economic status and

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<sup>76</sup> *Pennsylvania Gazette*, 5 Oct. 1785, quoted in Merrill Jensen, *The New Nation: A History of the United States During Confederation 1781-1789* (New York: Knopf, 1950), 90.

<sup>77</sup> Quoted in James A. Henretta, *The Evolution of American Society, 1700-1815* (Lexington, MA: D. C. Heath and Company, 1973), 163.

holdings in government debt, asserted great political influence in state capitals, and used it, many rural Americans argued, to oppress the yeomen countryside. Many Americans understood tyrannical power as stemming from a standing army, which did not exist in early America. Nevertheless, states used their militias to put down populist resistance movements, and a standing army to oppose such expressions of radical participation was a core aspect of the Constitution of 1787. The revolution brought with it a wave of hope and promise, but counter-revolutionary forces took hold in the decade following independence. They wrested control of the statehouses from the people, and began to govern with little regard for rural grievances. Finally, when state power was not enough to suppress popular interests and ensure stability, the Constitution of 1787 provided for a national government with greater power to do so. It replaced the Articles of Confederation, which allowed for democratic, republican political participation in ways that terrified the new American gentry, with a Federalist document that made it easier to put down insurrection and harder for those on the political periphery to participate in politics.

In establishing a new government for a new nation, the American colonial experience was the primary guide. The aim of the Articles of Confederation was to create a stable nation without any of the tyrannical, centralized, rights-violating characteristics of the colonial regime. While the Articles established a national government, it was left intentionally weak. Congress had no power to impose taxes. That was left to the states—where people were, theoretically, more directly represented. Thus, there would be no taxation without representation—and no

tyrannical executive.<sup>78</sup> With no ability to raise money, the federal government left responsibility for war debts to the states. To meet these obligations, as well as newly levied requisitions to Congress, states increased taxes to levels that far surpassed those of colonial America. With the notable exceptions of New York and Pennsylvania, where state governments raised significant sums from import duties, the new states were dependent on what were primarily regressive taxes on people and property. Many Americans seemed willing to pay higher taxes to sustain their new nation, but they objected to the regressive nature of many of the new land taxes—which taxed land by acre and not by value.<sup>79</sup>

Thus, many Americans became increasingly agitated with their new state of existence. Not only was it, in many ways, worse than their lot under colonial rule, it so failed to live up to the high expectations that independence had engendered. Those most aggrieved resorted to forms of protest learned during colonial resistance, which they felt should be logical and efficacious in a republican context. It was widely held that state legislatures were simply misinformed in passing regressive taxes and legislation that hurt debtors, and that a well-reasoned petition that carried the weight of a region's popular support could turn the tide by alerting legislators to their mistakes. However, as the years wore on and reformist efforts proceeded in fits and starts, petitioners became increasingly weary. In 1786, petitioners in Brunswick County, Virginia, wrote, "the honest labourer who tills the ground by the sweat of his brow Seams hitherto to be the only sufferers by a revolution which ought to be glorious but

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<sup>78</sup> Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon & Schuster, 2010), 11.

<sup>79</sup> *Ibid.*, 15.

which the undeserving only reap the benefit off.”<sup>80</sup> By this point, as the Brunswick petition shows, many would-be reformers had given up hope of bettering their plight through formalized republican political participation. Legislatures simply were not responsive to their petitions, and legislators seemed unable to deliver concrete victories for their constituents. Many simply believed that state governments were not sufficiently reactive to the will of certain subsections of “the people.”<sup>81</sup> Tensions were so high, and divisions so deep, during the 1780s that many Americans believed that the nation was bound to split in two—either by south/north or east/west.<sup>82</sup>

However, the failure of formal republican political participation did not lead to a split. It simply led to more creative thinking about how the people of an unresponsive republic could go about legitimately seeking redress for their grievances. In many rural areas, reform movements turned into resistance movements. These sought to preserve rural communities through collective resistance to anti-debtor legislation, or through court-closings. In the most radical iteration of republican resistance, Shays’ Regulation took legitimate resistance to its logical extreme. Shaysites met in assemblies, drafted petitions and passed lists of grievances, and appealed to the popular support their actions received in western Massachusetts. Shays’ Regulation displayed an obsessive desire to legitimize active resistance at every step. Shaysites claimed a republican right to use legitimate violence against the state—for the state was meant to serve the people and it had to be corrected into doing so. By demonstrating popular support for their movement, the Regulators of western

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<sup>80</sup> *Connecticut Courant*, 12 Nov. 1787, quoted in Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2007), 131.

<sup>81</sup> *Ibid.*, 153.

<sup>82</sup> Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986), 29-30.

Massachusetts grounded their violence in republican ideology and a new idea of radical republican political participation. This rural republicanism, expressed in action, established a pattern that later resistance movements would follow.

Community meetings produced petitions that expressed populist grievances by drawing on republican documents of government as a standard to which “the people” could hold their politicians. As petitions were ignored, they grew more urgent—and hope for redress through formal channels faded. After exhausting formalized means of expressing their political voice in dissent, the movement turned to non-violent resistance. When this was no longer sufficient, and all other means of resistance had already been exhausted, Shaysites became violent. This pattern developed out of colonial habits of rural resistance and collective politics as an attempt to use a republican right to constitutional and theoretical interpretation to reassert political agency in rural America. These actions reveal an implicit theory of republicanism, republican representation, and legitimate republican resistance developing in the rural United States.

#### *Adapting Political Participation for a New Republic*

While establishing a post-revolutionary society, American leaders dealt with important trade-offs—and many conservatives began to push back against the Revolution’s populist groundswell. On the one hand, the revolution had been a powerful expression of a desire for self-determination, for government without tyranny, and for a certain type of responsive polity. On the other hand, common wisdom told the framing elite of the new nation that overly responsive government



was unstable, that government needed to exert some degree of stabilizing, authoritarian control in certain situations, and that self-determination only worked when the correct sorts of people were doing the determining. Often, practical concerns for stability and growth triumphed over idealistic values. For instance, town meetings, both legal and extra-legal, were core aspects of the revolutionary movement. Especially in New England, town meetings were essential in popular petition writing and legitimizing resistance movements in the colonial era. After the revolution, American conservatives, many of whom had always been wary of the power of oft-uncontrollable town meetings, sought to discontinue them as much as possible to minimize the potential for populist disorder.<sup>83</sup> Eventually, town meetings died off—with the notable exceptions of those in Boston, where town meetings were simply too essential to civil society, and the less directly controllable rural areas, where community meetings continued to unite aggrieved farmers.<sup>84</sup>

In the American backcountry, people came together to participate in a collective politics. The most common act of mass republican participation was attendance at local conventions. These were particularly popular between 1780 and 1785, when the spirit of republican, populist reform was not yet tired. Conventions provided a space for locals to write petitions to voice their grievances to far-away eastern legislatures. The convention was a place to legitimize concerns, and to come together in solidarity with other westerners who experienced roughly the same hardships across the various states. Many attendees were subsistence farmers, frustrated at economic conditions, court actions, and regressive taxation. They turned

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<sup>83</sup> Jensen, *The New Nation*, 118.

<sup>84</sup> *Ibid.*, 122.

to petitions and conventions reflexively, but also spoke of the possibility of violence.<sup>85</sup> In many locales, there were sporadic outbursts of violence directed primarily at courts, but the hope of formalized reform kept violence in check. Violence was used to seek a temporary reprieve, keeping courts from harassing debtors for a time, while yeomen sought redress for their grievances through more conventional channels.

Americans who used the vocabulary of republican, populist reform often found themselves unable to organize movements outside of their own locales. By using phrases such as “the people” in their petitions and contrasting the interests of “the people” with those of “moneyed men”, reformers across large swathes of geography sought to universalize their grievances while masking important differences among reform movements. Yeoman petitioners asked for different things and employed different methods based on their geography, religion, ethnicity, and economic standing.<sup>86</sup> It was often tempting for reformers to view the possibility of reform as a one-shot deal. State legislatures appeared so unresponsive to popular demands that reform groups competed to be the one group that succeeded. There was little evidence to suggest that many petitions would be addressed, and each convention wanted theirs to come first.

Some problems were near universal in the rural backcountry, and could have inspired sufficient unity to bridge the various divisions in American society. Most counties found it quite easy to organize internally, but few managed to organize across county lines.<sup>87</sup> Without centralized leadership, or the necessary know-how,

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<sup>85</sup> Slaughter, *The Whiskey Rebellion*, 39-40.

<sup>86</sup> Terry Bouton, *Taming Democracy: “The People,” the Founders, and the Troubled Ending of the American Revolution* (New York: Oxford University Press, 2007), 126.

<sup>87</sup> *Ibid.*, 133.

conventions were largely unable to recruit support from without, thus becoming statewide movements. In many counties, they were unable to use their local government to organize conventions or make contact with other groups across the nation. As in colonial times, most county leaders were members of the local gentry.<sup>88</sup> These lawyers, merchants, storekeepers, and so-called gentleman farmers faced their own difficulties in the post-war economy, but showed little solidarity with the farmers who so often owed them money.

The new American gentry had little interest in exploring alternative republican modes of political participation—and even fewer incentives to do so. The Articles of Confederation were, in the minds of many, dangerously democratic. They allowed the masses political power that a more traditional form of republicanism held they could not be trusted with. Much of the white, male, adult population was able to vote, empowered by the ideologies of the American Revolution to pursue their own, populist interests, and unfettered by the lack of a clear veto power for the wealthy minority. Conservative Americans saw the beginnings of anarchic democracy. Even more worrisome than the current climate was the possibility that the aforementioned democratic elements were just the beginning, the top of a slippery slope of over-democratization. For example, with the vote already given to those who held little property, perhaps it would soon be given to the property-less. These men of little virtue would sell their votes out of greed and economic necessity, leading to the election of representatives who would vote for policies to violate and redistribute private property.<sup>89</sup> A group of Cambridge merchants described their fears of resistor

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<sup>88</sup> Ibid., 129.

<sup>89</sup> Holton, *Unruly Americans*, 173.

victory and, “property afloat....Private property will fall with them and lie wholly at the mercy of the most idle, vicious and disorderly set of men in the community.”<sup>90</sup> Of course, these concerns were largely unfounded. Even the more democratic reformers were wary of the dangers of allowing those with no property stake in society to vote. Yeoman petitioners who practiced popular republican political participation were often property-owners themselves, and were deeply attached to the sanctity of their private property as a symbol of independence. The fabric of American society was under much less of a threat than the most hyperbolic of the eastern elite feared. Indeed, yeoman Regulators were advancing their own economic interests through political participation, much as the gentry felt entitled to do.

Nonetheless, it appeared to the new gentry that their greatest fears were well founded. Reform movements began to turn into Regulation, resistance, and rebellion. In the early 1780s, when petitioners believed that their grievances would be addressed if only they could make their legislators see reason, violence was primarily used as a last resort to forestall local economic catastrophe. Such instances followed attempts to close courts through petitioning. Farmers would ask their assemblies to allow people a short reprieve to pay off their debts with produce and property instead of specie, to avoid being jailed as debtors.<sup>91</sup> After these pleas were ignored, people were apt to turn to violence to protect their communities and their neighbors. In three backcountry Virginia counties, there were 155 cases in the mid-1780s in which sheriffs or their

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<sup>90</sup> *Worcester Magazine*, 4<sup>th</sup> week, Nov. 1786, quoted in David P. Szatmary, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amherst: University of Massachusetts Press, 1980), 71.

<sup>91</sup> Holton, *Unruly Americans*, 55.

deputies attempted to seize property from debtors and were forcibly repelled.<sup>92</sup> Up and down the new American nation, rural communities signed “no bid” pacts in a show of solidarity against foreclosure auctions.<sup>93</sup> Many western communities adopted a siege mentality, as it seemed that eastern political interests were inescapably bearing down on them.

Both wealthy easterners and yeoman westerners recognized that their interests were often at odds. The eastern gentry had a much greater ability to advance their interests through the new state political systems, but that didn’t sap western faith in their state governments. Rather, it confirmed their fears that the system, as it stood, was too easily controlled by the rich. Despite such blatant corruption, it is striking that western political participation and protest alike came to be a struggle to preserve the ideals of new American government—even as that government often worked against rural interests. While westerners were striving to preserve their political liberties, the eastern gentry simply wanted to maintain social order. Thus, they ignored attempts by westerners to engage in state politics.

Eventually, rural Americans grew disillusioned with their state governments, and resorted to uniquely republican forms of resistance. In many New Hampshire and Massachusetts towns, the people decided to withdraw their representatives to the state legislature in protest of the body’s unresponsive behavior.<sup>94</sup> In Pennsylvania, the common people also expressed their discontent through non-participation. In a government where, in theory, those elected to office derived their legitimacy from

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<sup>92</sup> Ibid., 145.

<sup>93</sup> Bouton, *Taming Democracy*, 158.

<sup>94</sup> Holton, *Unruly Americans*, 134.

their popular, electoral support, only 27% of eligible voters cast ballots in 1786.<sup>95</sup> Thus, through refusing to participate, the peoples of Pennsylvania, New Hampshire, Massachusetts, and several other states refused to legitimize their republican governments. As the 1780s wore on, and state governments still refused to address popular grievances, yeoman resisters began to think of their governments as British in nature, and insensitive to public influence.<sup>96</sup> Thus, resisters turned to old colonial-era tactics, such as Regulation.

Many resisters conceptualized a republican right to resistance, in order to protect their other rights. They were, according to a particularly popular theory of republicanism, tasked with defending their liberty against any governments that would violate it.<sup>97</sup> Though resisters often engaged directly in fighting their governments, they saw themselves as attempting to preserve the principles the American polity stood for. The revolution gave them an expanded right to participate in politics through voting and petitioning—and even a continued revolution. In a logical extension of revolutionary thinking, the more ideological resisters thought that their new political order empowered them to use civil disobedience, mass demonstration, resistance, Regulation, and even rebellion when their governments failed them.<sup>98</sup> In fact, many thought violence was a core part of American republicanism, as the people were to use violence to fight oppression and to engage with their governments when all other methods failed.<sup>99</sup> These patterns played out in the mid-1780s, as yeoman resisters did not generally leap straight to violence. Rather,

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<sup>95</sup> Bouton, *Taming Democracy*, 143.

<sup>96</sup> Slaughter, *The Whiskey Rebellion*, 47.

<sup>97</sup> *Ibid.*, 48.

<sup>98</sup> Bouton, *Taming Democracy*, 146.

<sup>99</sup> *Ibid.*, 159.

they attempted to reform their polities in more formalized ways, and grounded their actions in popular politics. Even when groups did resort to violence, it was clear that it was more of an act of self-preservation than it was an attempt to actually harm government officials. Quite often, acts of resistor violence were even preceded by a clear warning.<sup>100</sup> This was an important step in adapting colonial modes of resistance to the republican politics of the United States.

*Pennsylvania's Democratic Experiment: An Illustration of Post-Revolutionary Problems*

As colonies became states, they adopted constitutions in the spirit of self-rule. For some colonies, a new constitution was simply a restatement of gentry rule. For others, the new state constitution was an idealistic experiment in republicanism and popular participation. Pennsylvania's struggles with the populist legacy of the Revolution and the conservative backlash of the new American gentry illustrate the countervailing forces in post-revolutionary America. The state's complicated politics help elucidate the restrained form of republicanism that developing rural republican ideology reacted against. Eventually, Pennsylvania was the site of two incredibly important movements that refined rural resistance republicanism after the ratification of the Constitution. Before these events, it was a state experimenting with new ideas and newly empowered political actors.

Pennsylvania's 1776 constitution attempted to deliver on the Revolution's promise of democratic republicanism. The document did away with property qualifications for voting, allowing nearly 90% of adult men to vote, and removed

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<sup>100</sup> Bouton, *Taming Democracy*, 161.

long-standing property qualifications for holding office.<sup>101</sup> The Pennsylvania Constitution was explicitly designed to adjust the power imbalances that pervaded colonial society. The drafters, popular leaders of the revolutionary movement, talked excitedly of forming a government that would wrest power from the hands of the wealthy and end policies that were beneficial only to the gentry. They went so far as to propose giving the state government power to forcibly take from the wealthy to bring about greater equality. While this measure was struck down by the convention, the concept of social “leveling” was widely accepted by the delegates.<sup>102</sup>

The 1776 Pennsylvania Constitution embodied a new ideal of citizenship in America. By removing property qualifications for voting, the new order opened the vote to all men over the age of twenty-one who paid any sort of state or local tax. In colonial America, citizenship and political participation were deeply rooted in having a propertied ‘stake’ in society. It was thought that only those with private property would have an unimpeachable incentive to work toward a stable society. Now, the mission of Pennsylvanian government was to limit the influence of large property-holders, who could corrupt popular government. Men with no property were still considered a potential threat, or at least an unpredictable political force. However, those with little property were not only allowed to vote, but were encouraged to do so as a check on the previously celebrated power of the wealthy.<sup>103</sup>

The new state gentry, those who survived revolutionary forces and those who rose during the revolution, supported the broad strokes of the new constitution. Many took issue with specific aspects of it—proposing “checks and balances” that would

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<sup>101</sup> *Ibid.*, 5-6.

<sup>102</sup> *Ibid.*, 52-53.

<sup>103</sup> *Ibid.*, 54.



allow them to moderate populist tendencies—but they publicly supported the gist of the new system.<sup>104</sup> After the war ended, independence was achieved, and the support for popular government that a common struggle had engendered waned. The Pennsylvanian economic and political elite began to behave more and more like the old British colonial elite. They attempted to eliminate paper money in the state, and to shut down land banks—which helped open up landowning opportunities to new populations. They proposed taxes payable only in gold and silver, and fought to insulate state government from popular agendas and the will of the masses.<sup>105</sup> These pursuits were in keeping with a colonial attitude about political participation. This ideology held that only certain types of people were fit to rule, and that government by popular sentiment would prove ruinous to society. The new gentry observed their economic interests being harmed by post-war monetary depreciation, and blamed democratic policy influences and the mistakes of popularly elected politicians. Blaming depreciation on too much democracy was an easy, and even reflexive action. After all, it's exactly what the British colonial elite had done after the Seven Years War, and the depreciation that followed.<sup>106</sup>

Those in the new gentry who had climbed the social ladder during the revolution had a complicated relationship with their new nation. They had espoused the values of self-determination and opposition to British rule, but now they found themselves in a position to benefit from the same sorts of policies they had opposed in the colonial era. The new gentry, by and large, came to reject the democratic,

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<sup>104</sup> Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution 1774-1781* (Madison: University of Wisconsin Press, 1940), 20.

<sup>105</sup> Bouton, *Taming Democracy*, 62.

<sup>106</sup> *Ibid.*, 63.

egalitarian aspects of the revolution and the new American nation. Instead, they embraced the conservative republican notion of government by social “betters”. However, they had to perform an ambitious transformation to justify themselves as social “betters.” After all, it was not long ago that the colonial gentry had looked down upon the men who rose with the revolution. So, the new gentry developed an obsession with traditional symbols of a European-style status to differentiate themselves from common Americans.<sup>107</sup> Through a snobbish elitism, and a spirit of intense consumerism, they set about proving their class status and individual worth.

The new gentry framed their political situation as a struggle “between the respectable Citizens of Fortune & Character” and “People in lower Circumstances, & Reputation.”<sup>108</sup> In this binary political climate, some among the gentry were driven to the extreme pursuit of an inequality-based polity. Robert Morris, chief financier of the Revolution, devised a plan for government premised upon the belief that the only way for the new American nation to achieve greatness comparable to that of Europe was to ensure that a vast majority of the nation’s wealth was concentrated among the privileged elite.<sup>109</sup> The new gentry articulated their own view of republicanism, in which the core freedom was an absolute right to use private property without any interference from the government—regardless of the social implications.<sup>110</sup> Thus, the elite’s republicanism denied the value of political participation, and rejected the notion that government had a duty to look after those with little property. Many believed that the government had been coopted to harm creditors. James Madison

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<sup>107</sup> Ibid., 65.

<sup>108</sup> Silas Deane, July 27, 1799, quoted in Bouton, *Taming Democracy*, 69.

<sup>109</sup> Ibid., 70.

<sup>110</sup> Ibid., 74.

exclaimed, “Debtors have defrauded their creditors” with post-revolutionary legislation.<sup>111</sup> The new gentry’s project was one of regaining control, refusing influence to outsiders, and reversing the ills of the post-revolutionary democratic era.

As the eastern elite proved more and more obstinate, western Pennsylvanians resorted to a range of alternative means of political participation—from civil disobedience and extra-legal protest to acts of communal violence against government agents.<sup>112</sup> Yeoman resisters rooted their actions in republican values, and in their state constitution. They claimed that their actions were legitimate, and in fact the proper behavior of an ignored people in a republican polity. The Pennsylvania Constitution of 1776 stated, “The community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish government in such manner as shall be by that community judged most conducive to the public weal.” Government was “instituted and supported for the security and protection of the community” to allow the people to “enjoy their natural rights.” It added that, “Whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness.”<sup>113</sup> Of course, the eastern elite thought that the Constitution had also provided for a government so democratic that the people would never feel a need to rebel, because they had a right to participate in formal politics. However, when that participation was insufficient to address western grievances, resisters argued that

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<sup>111</sup> Quoted in Young, *Liberty Tree*, 194.

<sup>112</sup> Bouton, *Taming Democracy*, 6.

<sup>113</sup> “The Constitution of Pennsylvania,” quoted in Bouton, *Taming Democracy*, 54.

opposition to the malfunctioning government was not only their right, but also their duty.<sup>114</sup>

The oppositional duty had concrete motivations, as economic crisis gripped much of rural America. To finance the Revolutionary War, state governments issued promissory notes. These became their own sort of currency, and many soldiers received them as pay when states ran low on money. After the war, these government notes became virtually worthless, as the newly independent state governments often refused to honor them. Oftentimes, average Americans were forced to sell their piece of government debt at a fraction of its promised value to wealthy speculators. These rich Americans had the political capital to influence state legislatures and pressure them into paying out where they had so recently refused to do so. All across the new nation, war debt came to be concentrated in the coffers of the few. In Pennsylvania, 96% of the state's war debt ended up in the hands of 434 people by 1790. Soldiers and other commoners still possessed war bonds in many regions, but the majority of government debt would never return to the people.<sup>115</sup> With an enormous economic stake in repayment and the political ability to advance their own interests, the debt-holding upper class pressured state legislatures to pay through taxation.<sup>116</sup> Thus, the very common Americans who sold their government debt for pennies were forced to pay back the speculators who had bought their promissory notes through new taxes.

During the war, high taxes were palatable, and part of a deal that Americans made with their governments. In a time of collective struggle, common Americans were willing to pay taxes even higher than those imposed by the British—if it meant

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<sup>114</sup> Patrick Griffin, *American Leviathan* (New York: Hill and Wang, 2007), 214-215.

<sup>115</sup> Holton, *Unruly Americans*, 37.

<sup>116</sup> Bouton, *Taming Democracy*, 85.

winning independence. After the war, taxes often continued to rise. Many Americans experienced post-war tax bills three or four times the size of their bills under colonial rule. In 1786, when Shays' Rebellion broke out in Massachusetts, tax collectors in the state took a four to five times greater percentage of the typical farmer's income.<sup>117</sup> Taxes were often payable only in specie (gold or silver), which became increasingly rare—especially in the ever-expanding backcountry. When yeoman taxpayers complained that they lacked the money necessary to pay their taxes, the debt-holding elite accused them of laziness, greed, and ignorance.<sup>118</sup> In colonial America, British policy led to monetary scarcity and depression, which was blamed on commoners. After the Revolution, the new elite fell into the same cycle of passing legislation to restrict money and then lashing out at those “lesser sorts” who protested.

The brutal cycle of taxation, lack of specie, and ensuing economic downturn left the average rural Pennsylvanian struggling. In 1781, Philadelphian Thomas Pickering observed that, “for want of money the interests of our country are every day receiving lasting wounds. Wherever we turn we see the marks of public poverty and distress.” Five years later, the problems wore on. “Never have we seen a crisis that wore so gloomy an aspect as the present, for want to cash; which puts it entirely out of our power to discharge our public debts and other demands; such as land-office fees, surveyor fees, and...lawyer fees, which are worst of all,” wrote “A Farmer” in the *Pittsburgh Gazette* on December 9<sup>th</sup>, 1786.<sup>119</sup> These observations, separated by five years, from a man from an eastern city and a man living in the far western backcountry, illustrate the pervasive nature of the post-war economic crunch.

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<sup>117</sup> Holton, *Unruly Americans*, 28-33.

<sup>118</sup> Bouton, *Taming Democracy*, 87.

<sup>119</sup> *Pittsburgh Gazette*, 9 Dec. 1786, quoted in Bouton, *Taming Democracy*, 88.

Money was scarce before the Revolution, and, for many Americans, it only became scarcer after the war. In Pennsylvania, there had been \$5.30 per person of government-issued money in circulation under colonial rule—and Pennsylvanians had protested the extremity of the situation. By 1790, the state was so devoid of money that there was only about 30 cents per person in circulation. The typical Pennsylvanian had debts amounting to roughly half of the average working family's yearly income. Many families couldn't cope with their repayments, and creditors, with their own debts to settle, were eager to foreclose. In Berks County, Pennsylvania, an astonishing 68% of families were foreclosed on between 1782 and 1792.<sup>120</sup> When foreclosure couldn't settle a family's debts, they could be taken to court. In court cases, the loser paid the costs of the trial, as well as any costs imposed by the judge. Quite often, the mere costs of the trial were too much for the typical debtor to pay—and they only increased the more the defendant fought the case in the legal system. Even when the ruling was a simple one, and the debtor was made to raise funds through a property auction, the debtor bore the costs of organizing the auction.<sup>121</sup>

As debts mounted and the costs of dealing with them did as well, Pennsylvanian yeomen stood to lose their economic independence and the pride that came with it. Many rural families lived a modest, subsistence lifestyle, and even the slightest unanticipated expenses could destroy their finances. As more and more poor families lost all they had, and the debt crunch ate away at the rural economy, inequality grew to astonishing levels. In Philadelphia, where the poor were often better off than in the western backcountry, the lower 90% of the population owned

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<sup>120</sup> Bouton, *Taming Democracy*, 89-92.

<sup>121</sup> *Ibid.*, 93.

more than 56% of the wealth in 1780. By 1789, they owned a mere 33%—and it dropped to 18% in 1795.<sup>122</sup> In Chester County, a rural area in eastern Pennsylvania, the lower 60% of the population held 26% of the wealth in 1775. In 1799, they held a mere 16%. In the backcountry, wealth was often measured in land-holdings. A typical Pennsylvania yeoman owned a 100-acre farm in the 1780s. By the mid-1790s, it was more commonly 50 acres, and fewer and fewer farmers owned their land outright. At one point, up to 40% of western Pennsylvania's planter population faced foreclosure.<sup>123</sup>

One Pennsylvanian observed,

There are now three times the number of tenants to be found in all the old countries of the state, [than] there was before the war. This dependent class of people are created only by the impossibility of borrowing money upon interest, which formerly was the principal source of the freeholds; —and of course, of the free and independent spirit of our country.<sup>124</sup>

This free and independent spirit is what gave birth to pre-revolutionary resistance and Regulation, and what fueled revolutionary fervor. Yeoman farmers hoped that the successful revolution would bring about a government that would secure their freeholding liberties and enable them to prosper in ways they felt the colonial government had closed off to them. It struck many as deeply unjust, disappointing, and downright contradictory that the new government of Pennsylvania only seemed to be making life worse for western farmers, while creating great profit for the new gentry.

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<sup>122</sup> *Ibid.*, 101.

<sup>123</sup> Griffin, *American Leviathan*, 221.

<sup>124</sup> Quoted in Bouton, *Taming Democracy*, 102.

Aggrieved Pennsylvanians responded as they thought good republican citizens should—by gathering together to voice their concerns. One petition that drew support from farmers across the state read:

No observation is better supported than this that, a country cannot long preserve its liberty, where a great inequality of property takes place. Is it not therefore the most dangerous policy in this infant republic, to combine the wealthy in order to make them powerful?<sup>125</sup>

This sort of political participation through popularly supported grievances and logical appeals was quite common. It was, to many, reflexive. Before the revolution, colonists had used mass meetings to draft petitions, and then they sent their petitions off with the hope that those in power would see reason and come to their senses. The most famous such petition was, of course, the Declaration of Independence. It was a careful listing of grievances, with the stipulation that the signers had lost the sort of faith that accompanied reformist petitions. Thus, the Declaration was not intended to seek reform, but to act as a means of legitimizing and justifying the struggle for independence. By making their reasoning clear, and making it clear that the independence movement had popular support, the authors of the Declaration appealed to the same republican, democratic ideal that Pennsylvania debtors would ten years later. When the people are aggrieved, they have a right to be heard, they have a right to redress, and they have a right—and perhaps even a duty—to pursue redress when their government fails them.

Now, the yeomen farmers who engaged in reformist petitioning did not want a complete social revolution, nor were they levelers. Most actually benefitted from a degree of social inequality, as landowners, and they accepted that differences in

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<sup>125</sup> Quoted in *Ibid.*, 105.



property could occur for natural reasons. However, they believed that there should be equality of political rights, and that the government should not be in the business of creating or exacerbating material inequalities.<sup>126</sup> Pennsylvanian resisters gained a modicum of success from their movements—for a period. When the state legislature passed new taxes in 1782, to be paid only in specie, western farmers loudly voiced their consideration of secession, and fought the government through popular participation. Protests, at the time a relatively new phenomenon in the relatively new state, took eastern political elites aback. The new gentry reconsidered, and made certain concessions to rural demands, allowing farmers to pay taxes in flour, for instance. However, farmers had already sold their flour by the time their tax bill came due.<sup>127</sup> Even when their state government responded to their calls for redress, they did so with little gusto and even less desire to introduce meaningful changes.

Ultimately, instances like this misguided attempt at placation only reinforced the obvious political divide in the new United States. Government was for the gentry, and hardship was for the people. The Pennsylvanian experience illustrates the contradictions of the new American nation. The state constitution was quite democratic, but the state government managed to ignore the demands of its people. While rural America had achieved independence, it was often hard to tell how their new government differed from the British. What was, distinct, however, was the standard to which Americans could hold their government. The Revolution brought with it a promise of representative republicanism and a cure to the ills of British tyranny. State constitutions formalized these promises, and theories of republicanism

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<sup>126</sup> *Ibid.*, 108.

<sup>127</sup> *Ibid.*, 81.

provided a means of channeling revolutionary-era methods of resistance. Now, in the new American nation, those with little political voice had political contracts—their new constitutions—to hold their state governments to, and to use to legitimize their alternate forms of political participation.

*Regulation and Rural Republicanism in Massachusetts*

In Massachusetts, Shaysite resisters from the western countryside used their state constitution to legitimize a spirited resistance to taxation without local knowledge and a political paradigm that normalized ignoring yeoman interests. They asserted the illegitimacy of taxes, passed by the legislature in far-away Boston, that favored the state's elite and ignored the economic troubles in the backcountry. Resisters protested the irresponsiveness of their representatives to popularly expressed grievances and petitions—which indicated the interests of “the people” of western Massachusetts—and claimed a right to legitimate resistance and extralegal political action based on government violations of their rights and their state constitution. These aspects of Shaysite resistance were planks in the strain of rural republicanism that developed in politically disempowered communities. They legitimized a certain kind of resistance, following procedures that Shaysites and other resisters adapted from colonial traditions of rural resistance. Thus, Massachusetts bore witness to the refinement of a theory of republicanism that was explicitly stated in petitions and community meetings and implicitly asserted in the actions of resisters.

This theory responded to the circumstances many farmers in the United States found themselves in. Like most Americans, a vast majority of Massachusetts' citizens

engaged in subsistence production in a subsistence economy—as they had done before independence. Yeomen, land-owning farmers, made up about 70% of the agrarian population.<sup>128</sup> These farmers had a strong sense of self-mastery in large part because they owned their own land and their own tools. Thus, they controlled their means of production, and were able to act independently of the kinds of economic dictation that befell tenant farmers. For backcountry yeomen, independence did not entail individualism. Rather, their autonomous pride was part of a community-oriented lifestyle. Farmers relied on each other in times of hardship, they served together in local militias, and they held common interests.<sup>129</sup> Thus, the land-owning independence of yeomen stemmed from their cooperative collectives.

Massachusetts had significant debts from the Revolutionary War, and had raised funds through issuing notes that it found itself unable to honor.<sup>130</sup> Initially, these notes were given to soldiers, often in lieu of pay. However, veterans were often unable to redeem their notes, so many sold them to speculators for an immediate, if small, sum. The combination of this phenomenon and the private loans that had financed the war left the state's war debt highly consolidated. The men who held the debt were understandably unrelenting in their attempts to force the state to pay them back—and they wielded significant influence in doing so. Of the 35 men who held over 40% of the state's debts, all of them either served in the state house or had a close relative in the state house during the 1780s.<sup>131</sup> They used their legislative powers to forestall debtor relief and to raise money that the state could use to pay them back.

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<sup>128</sup> Szatmary, *Shays' Rebellion*, 1.

<sup>129</sup> *Ibid.*, 6-7.

<sup>130</sup> Leonard L. Richards, *Shays's Rebellion: The American Revolution's Final Battle* (Philadelphia: University of Pennsylvania Press, 2002), 74.

<sup>131</sup> *Ibid.*, 78.

Public creditors had tied their economic well being to the state government, and thus sought to mold it to their interests by passing laws, and a constitution, that favored creditors.

The machinations of public creditors were hardly subtle, and it was common knowledge that they stood to profit enormously from their debt holdings. Westerners, who had sold their promissory notes to speculators in cut-price deals, had an intimate understanding of the unjust forces at work. The state showed little interest, initially, in honoring notes. Farmers, strained by their debt obligations and new tax policies, had little choice but to sell their notes to the highest bidder. Now, with the state's debt consolidated in the hands of the political elite, the creditor-run government was suddenly quite keen on using regressive taxation to raise money, and thus to pay off the promissory notes. Veterans were understandably incensed. They had been meant to profit from these notes, as payment for their part in winning independence.<sup>132</sup> Instead, their government ignored the notes until they fell into the hands of those with actual political power and influence.

As the state levied more and more taxes on rural communities, many farmers increasingly struggled to raise the specie to pay them—let alone what was necessary to pay off their mounting debts. They fought for paper money conciliations from the state legislature, with little success. Petitioners in the town of Greenwich explained, “we beleve that if prudant mesuers ware taken and a moderate quantety of medium to circulate so that our property might sel for the real value we mite in proper time

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<sup>132</sup> Gregory Nobles, ““Satan, Smith, Shattuck, and Shays”: The People’s Leaders in the Massachusetts Regulation of 1786” in Alfred F. Young, et. al. eds. *Revolutionary Founders: Rebels, Radicals, and Reformers in the Making of the Nation* (New York: Alfred A. Knopf, 2011), 219.

say said debt.”<sup>133</sup> However, the legislature turned a blind eye on petitions such as this one. With little ability to buy the everyday items necessary to run a farm, yeoman farmers turned to eastern merchants, who sold them goods on short-term credit. However, when farmers experienced a bad crop, they often found themselves unable to meet the merchants’ credit demands. So, they looked to local shopkeepers for longer-term credit. Thus, yeomen became systemically indebted.<sup>134</sup> Shopkeepers, who often extended credit to many farmers, faced their own creditors from the coastal region.<sup>135</sup> These creditors, often the very merchants who also lent to farmers, had their own debts to larger financiers. To pay these off, they resorted to legal action against farmers and shopkeepers—who, in turn, took their yeoman debtors to court.<sup>136</sup>

The burdens of post-war debt and increased taxation prompted a re-evaluation of the benefits of independence. In 1786, a Massachusetts farmer surmised:

What are the present state of facts as they represent the yeomanry of this Commonwealth? Our taxes are so high, together with calls of a private nature, that our stock and cattle are greatly diminished...the greater part then of those who gloriously supported our independence now find their moveables vanishing like empty shades, their lands sinking under their feet.<sup>137</sup>

It was a simple calculus for yeomen to perform. From the birth of the new nation, they could sense that the revolution had not produced the social changes they had hoped for. Now, with petitioners predicting, “that unles something takes place more

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<sup>133</sup> “Petition from Shays’ Rebellion” (1786), in Timothy Patrick McCarthy, et. al., eds. *The Radical Reader: A Documentary History of the American Radical Tradition* (New York: The New Press, 2003), 52.

<sup>134</sup> Szatmary, *Shays’ Rebellion*, 16-17.

<sup>135</sup> *Ibid.*, 30.

<sup>136</sup> *Ibid.*, 29.

<sup>137</sup> Quoted in *Ibid.*, 36.

favourable to the people, in a little time at least, one half of our inhabitants in our opinion will become bankrupt.”<sup>138</sup> By 1782, judging from resolutions by local assemblies and town meetings, about two-thirds of the residents of western Massachusetts were convinced that the state’s “great men” were oppressing them even more than the British colonial government had.<sup>139</sup> The new constitution, they argued, was contrary to revolutionary principles. It gave the eastern elite despotic power, deprived too many men of the right to vote, placed the senate beyond the people’s influence, paid the governor too much, and absolved Judges and Justices of the Peace from any responsibility to the people.<sup>140</sup>

Indeed, the Massachusetts Constitution of 1780 was largely intended to shift power back to the east—after a flirtation with a more representative, populist democracy during the revolutionary era. The framers of the Massachusetts Constitution were weary of the experience of other states with overly democratic constitutions—such as Pennsylvania—and they set out to avoid making such mistakes in their polity.<sup>141</sup> These elites admired the Maryland Constitution, and wanted to follow the model of “balancing” politics in favor of the wealthy. However, their first attempt at a binding document was rejected by towns that became unhappy about the voting restrictions it would impose.<sup>142</sup>

When the state finally agreed upon the Constitution of 1780, it was an explicitly geographic document. It consolidated power in the east, with the merchant elite. It took power from backcountry towns and gave it to the government in Boston,

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<sup>138</sup> “Petition from Shays’ Rebellion”, 52.

<sup>139</sup> Richards, *Shays’s Rebellion*, 59.

<sup>140</sup> *Ibid.*, 59.

<sup>141</sup> *Ibid.*, 68-69.

<sup>142</sup> *Ibid.*, 70.

and sapped power from the people while empowering the legislature and the governor. Most importantly, the Constitution guaranteed that the new American gentry would have a disproportionate say in control over state debt and debt collection.<sup>143</sup> Thus, the very system of state government was designed to prevent the new gentry from having to engage with popular movements and the demands of the people. The people were left to find new ways of engaging with government, and seeking redress for their grievances. Shaysite republicanism provided a viable way of doing so.

The first stage of Shays' Regulation was participation through formalized political channels. Town meetings and county conventions called for paper money legislation to ease the specie shortage in the west.<sup>144</sup> Between, 1784 and 1787, 73 rural towns (more than 30% of the recognized communities in the state) sent petitions to the state government in Boston.<sup>145</sup> Violent resistance was an unattractive option. Yeomen were willing to put their faith in the political process, with the assumption that legislators would see reason and cooperate with their petitions upon seeing their popular support. They never adopted measures against the established government, and committed themselves to a reformist agenda. Yeoman conventions cited the state Constitution of 1780, which affirmed that:

The people have a right, in an orderly and peaceful manner, to assemble and consult upon the common good; give instruction to their representatives, and to request of the legislative body, by way of address, petitions or remonstrances, redress of wrongs done them, and of grievances they suffer.<sup>146</sup>

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<sup>143</sup> Ibid., 74.

<sup>144</sup> Formisano, *For the People*, 28.

<sup>145</sup> Szatmary, *Shays' Rebellion*, 38.

<sup>146</sup> "The Constitution of Massachusetts," quoted in Szatmary, *Shays' Rebellion*, 40.

The initial petitions from dissatisfied yeomen suggest a pervasive belief in the power of popular petition and associative action. Having participated in revolutionary-era assemblies, western farmers believed that their collective actions, protected by the state constitution, were the appropriate form of interaction with their new government.

This vision of collective participation played out primarily on minute scales. Small communities regularly ignored dictates from the state government on electoral policies. They frequently forced adult males to attend annual town meeting to vote in elections, and often ran candidates who were not legally eligible to hold office.<sup>147</sup> Norms of local republicanism overrode the importance of legal obligations. Thus, the issuances of community meetings were important acts of collective political participation. In the town of Pelham, a local convention adopted twenty-one articles to send to the state government. Of the twenty-one, seventeen were explicit grievances and six called for radical change to the state constitution. Delegates from among “the people” wanted to dissolve the upper house of the state legislature, abolish the Courts of Common Pleas, and move the legislature from Boston to a more central location. The convention also decried the state’s tax codes, the costs associated with the legal system, the dearth of paper money, and the economic favors done for the coastal elite. In line with a vision of responsive, representative republicanism, the Pelham convention demanded that the state legislature be recalled immediately to address their grievances.<sup>148</sup>

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<sup>147</sup> Richards, *Shays’s Rebellion*, 5.

<sup>148</sup> *Ibid.*, 8-9.



However, such a mode of interaction depended upon legislators who were willing to engage with the petitioners. Due to a lack of proportional representation, most legislators were from coastal, mercantile areas, and supported the economic and social interests of the eastern commercial class.<sup>149</sup> Furthermore, because the state capitol was in Boston, legislators from the backcountry were disadvantaged. Legislators from eastern Massachusetts were more able to converse and act together. Merchants and lawyers in the east were able to more directly appeal to political leaders and express their policy preferences. Oftentimes, western legislators were unable to even attend legislative sessions. Poor roads and harsh winters could prevent legislators from traveling to Boston.<sup>150</sup>

Creditors understood that paper money could provide a way for yeomen to pay off their debts with an inflated currency—largely worthless to lenders. Thus, petitions for paper money represented an attempt to shift the post-war economic burden from the indebted farmers to the debt-holding elite. Fisher Ames, a lawyer from the town of Dedham outside of Boston, wrote that paper currency would result “in the transfer of my property to my debtor...a confiscation of my estate, and a breach of that compact under which I thought I had secured protection.” He predicted that paper currency would end “the legal protection” of private property grounded in “fair contracts made under the due regulation of law.”<sup>151</sup>

Legislators ignored petitions for paper money and formal redress, allowing frustration to build to a fever pitch in the western reaches of the state. In the fall of

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<sup>149</sup> Szatmary, *Shays' Rebellion*, 38.

<sup>150</sup> *Ibid.*, 48.

<sup>151</sup> “October 12, 1786” in *The Works of Fisher Ames Vol II* ed. Seth Ames (Boston: 1854), 96.

1786, many farmers began to shift their mode of political participation from legislative petitions and engagements through formal channels to violence and armed Regulation. Some yeomen went as far to demand open rebellion, as Regulation implied an ability to work within a modified version of the current political system.<sup>152</sup> These voices were generally suppressed by the more moderate resisters. Through the fall of 1786 and winter of 1786-1787, Massachusetts's Regulators sought reform through attacks on the state court system. During this non-growing season, yeoman farmers had the time and the desire to mobilize—and they did so. On August 29<sup>th</sup>, nearly 1,500 farmers forcibly halted proceedings at the Court of Common Pleas in Northampton and, one week later, more than 300 did the same to a debtor court in Worcester.<sup>153</sup> In the second instance, Chief Justice Artemas Ward, a Revolutionary War General and, in addition to his judgeship, Speaker of the Massachusetts House of Representatives, ordered the crowd to disperse. Chief Justice Ward spoke with authority, and expected to be obeyed. Instead, he was harassed and ignored. Incensed by the insubordination of the crowd, Ward turned to Governor James Bowdoin to put an end to the unrest. Bowdoin called out the Worcester militia to forcibly open the courthouse. In a remarkable show of solidarity, the militiamen refused to assemble. Many joined the protestors. Embarrassed and defeated, Chief Justice Ward postponed all of his court's cases.<sup>154</sup>

Spurred by such unqualified victories, Regulators continued to organize, and used newspapers to communicate their demands and to spread the dates of court sessions to be targeted. Newspapers also carried stories of successful Regulations,

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<sup>152</sup> Formisano, *For the People*, 28.

<sup>153</sup> Szatmary, *Shays' Rebellion*, 58-59.

<sup>154</sup> Richards, *Shays's Rebellion*, 10-11.

particularly against the hated debtor courts.<sup>155</sup> The court system was the most prominent symbol of governmental authority in rural Massachusetts, and highly public and publicized closings were a powerful statement of resistance. The state judicial system was seen as an entity emblematic of the injustice of the 1780 state constitution, and thus attacks on courts were implicitly attacks on the state government and the legitimacy of its founding document.<sup>156</sup> The symbolism was akin to that of attacks on British tax collectors. Then, as in 1786, common people showed their dissatisfaction with their rulers through mobilization against the most invasive and pervasive aspects of government. In this way, resisters sought to regulate government overreach, attaching themselves to the tradition of American Regulation.

Regulators came to be known as Shaysites, named for Daniel Shays, a resident of Pelham and a reluctant participant in early Regulations. Shays was an officer in the Revolutionary War, a competent soldier who gained promotions and came to be honored with a sword by the Marquis de Lafayette.<sup>157</sup> He gained prominence as the visible leader of the successful action to close a session of the Supreme Judicial Court in Springfield, and became a committed member of the Regulator movement. After this, the eastern elite cast Shays as the leader of the ongoing yeoman resistance. All in all, this movement came to involve about a quarter of the adult men in the region.<sup>158</sup> Shaysites were largely yeomen working small farms. They were ethnically representative of the varied groups of the Massachusetts backcountry.<sup>159</sup> Many Shaysites were revolutionary veterans, stung by the injustice of the politics of

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<sup>155</sup> Szatmary, *Shays' Rebellion*, 63.

<sup>156</sup> Richards, *Shays's Rebellion*, 10.

<sup>157</sup> *Ibid.*, 26.

<sup>158</sup> Gary B. Nash, *The Unknown American Revolution* (New York: Penguin, 2005), 448.

<sup>159</sup> Szatmary, *Shays' Rebellion*, 60.

promissory notes and armed with a vocabulary of revolutionary-era republican participation.<sup>160</sup> On November 7<sup>th</sup>, Shaysite Adam Wheeler summarized the reformist attitude of the Regulators, stating, “I had no intention to destroy the public government, but to have the courts suspended to prevent such abuses as have taken place by the sitting of those courts, distressed to see valuable members of society dragged from their families to prisons.” The Shaysite Regulation, Wheeler explained, “did not intend to destroy law, but only to reform all those laws which were oppressive.”<sup>161</sup>

Overblown fear of the consequences of Regulator actions was due to the close associations that the gentry made between popular protest and anarchy. As former leaders in the Revolution, the new American elite believed vehemently in political and economic self-determination—and they saw their new government as the ideal means of delivering on these principles. Though the Revolution had begun through popular, extra-legal protest, it had come to be a formalized, organized process. Leaders of the new nation, men like Massachusetts Governor James Bowdoin, feared extra-legal popular protest and the implications of over-democratization.<sup>162</sup> The blueprint for anarchy, in the eyes of the gentry, was popular, mindless action led by an opportunistic demagogue—the same sort of dynamic that colonial officials had seen in the Stamp Act resistance. Fisher Ames, the Dedham lawyer, wrote that, “Wearied by anarchy, and wasted by intestine war, [the people] must fall an easy prey [to inciting influence].”<sup>163</sup> Ames, and other wealthy men, thought the Daniel Shays was exactly

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<sup>160</sup> *Ibid.*, 64.

<sup>161</sup> Quoted in *Ibid.*, 69.

<sup>162</sup> *Ibid.*, 76-77.

<sup>163</sup> Ames, *The Works of Fisher Ames Vol. II*, 93.

this kind of inciting demagogue. Eastern media portrayed Shays as an aggressor, a conqueror who aimed to burn Boston to the ground. Western newspapers cast Shays as a downtrodden veteran and a leader who strived to restrain the violent potential of justifiably frustrated mobs. Some accounts even label Shays a reluctant participant, a man who was only involved because of his military experience.<sup>164</sup> Whatever the truth about Daniel Shays was, he came to be a powerful symbol of the western plight. He fought in the Revolution, and expected to reap the rewards of a living in a newly free nation. Instead, Shays and his fellow westerners were subjected to what they deemed unfair government and unjust taxation. So, they engaged politically, until it became clear that formal political engagement was insufficient in the face of a clearly unresponsive legislature.

By the early months of 1787, many yeoman Regulators were ready to abandon reformist action and engage in active rebellion. The state government stoked agrarian frustration by suspending the right of *habeas corpus* and passing the Riot Act, which allowed sheriffs and other officials to kill rioters for failing to disperse or resisting arrest, as well as the Militia Act, which imposed the death penalty on any militia officers or soldiers who neglected their duties.<sup>165</sup> Not only had the state legislature ignored popular demands, they now insisted that regulatory action was illegitimate republican participation. This further alienated farmers, who asserted a group identity and a philosophy of their role in a legitimate government. Shaysites articulated this philosophy as a demand that “the people” have dominant political power. John Billings, an Amherst Shaysite, provocatively claimed that, “we are a

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<sup>164</sup> Richards, *Shays's Rebellion*, 26.

<sup>165</sup> Formisano, *For the People*, 28.

republic. Government rests upon the shoulders of the people. The staff of government is in the hands of the people.”<sup>166</sup> Regulators were not alone in making such claims, and Chief Justice William Whiting of the Berkshire County Court characterized the gentry as “overgrown Plunderers.” Whiting expressed a belief in the power, and indeed duty, of popular political participation. Citizens had allowed government to ignore them through their “Inattention to public affairs for Several years past.” They now had an obligation and an “indispensable duty to watch and guard their Liberties, and to crush the very first appearances of incroachments upon it.”<sup>167</sup> Chief Justice Whiting, from a position of formal authority, legitimized Regulation, writing, “if redress cannot be had without, it is virtue in them to disturb government.”<sup>168</sup> Thus, Shaysites turned to violence as a desperate form of political participation. It was a last resort, an action they believed was legitimate—but that was hardly desirable.<sup>169</sup>

As anticipated by the Shaysites’ doubts about escalating violence, they did not fare well in armed rebellion. Resisters suffered a crippling string of defeats, and prompted the eastern elites to fund a military expedition to put down the insurrection. As the rebels’ momentum waned, and conflict became costly, many Shaysites chose to move westward, and to leave Massachusetts, instead of standing and dying.<sup>170</sup> On February 15<sup>th</sup>, Vermonter Eli Parsons issued a last call to arms and glorious resistance:

Will you now tamely suffer your arms to be taken away from you, your estates to be confiscated, and even swear to support a constitution and form of government, and likewise a code of laws, which common sense

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<sup>166</sup> Quoted in Szatmary, *Shays’ Rebellion*, 96.

<sup>167</sup> Quoted in Richards, *Shays’s Rebellion*, 14-15.

<sup>168</sup> Quoted in Szatmary, *Shays’ Rebellion*, 97.

<sup>169</sup> Nobles, “”Satan, Smith, Shattuck, and Shays,” 221.

<sup>170</sup> Szatmary, *Shays’ Rebellion*, 92.

and your consciences declare to be iniquitous and cruel? And can you bear to see and hear of the yeomanry of this commonwealth being patched and cut to pieces by the cruel and merciless tools of tyrannical power, and not resent it even unto relentless bloodshed? .... You, as citizens of a republican government [have an obligation] to support those rights and privileges that the God of nature hath entitled you to.<sup>171</sup>

Parsons' plea was in vain, but it illustrated the ongoing feeling that there was something basically rotten about the state of politics in the new nation. Parsons echoed a call that rang out in many parts of the rural United States. Yeoman farmers took it upon themselves to engage in radical republican resistance, based on the assertion that the people had a duty to oppose government overreach. However, overreach was all a matter of perspective, and even as the Parsons of the nation lamented the tyranny of the new gentry, the eastern elite pondered the anarchic power of the masses, and the ensuing democratic overreach they feared.

From the eastern, gentry perspective, Shays' Rebellion (an intentional phrasing applied by those in power to delegitimize the resistance) was an important example of the overgrown and weedy democratic sentiments of the new American nation. After the rebellion was suppressed, Henry Knox, a former artillery commander who was the superintendent of war under the Articles of Confederation, went about dictating the official line on the history of the Shaysite actions. Knox wrote to George Washington that the Shaysites had mustered anywhere from twelve to fifteen thousand organized, armed men. They planned to march on Boston, sack the Bank of Massachusetts, increase their strength with recruits from New Hampshire and Rhode Island, and march south to redistribute private property across the country. This account gained traction, and was prevalent in newspaper coverage and

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<sup>171</sup> Quoted in *Ibid.*, 107.

private accounts of the events.<sup>172</sup> More generous histories have advanced a narrative of overbearing taxes and debt, which drove farmers to desperate acts of self-preservation. However, Leonard Richards' historical examination of the distribution of Shaysites contradicts this explanation. Richards shows that active Shaysites were unevenly distributed across western Massachusetts. Farmers who took part in the Regulation-turned-rebellion were no more indebted than those who did not. There is, in fact, no correlation between indebtedness and towns with increased Shaysite action.<sup>173</sup> Moreover, Massachusetts' farmers were no more indebted than farmers in other states, who did not engage in such active and violent resistance. Court-closings had occurred for years without any greater implications.<sup>174</sup>

While Shaysites had economic reasons to regulate their government, these reasons are not persuasive enough to describe the totality of the impetus behind their movement. The deeper, unifying core of Shaysite grievance was political. Whether or not debt and taxes had ruined rural economies in Massachusetts, yeomen lived with the knowledge that they had little power to influence debt- and tax-related legislation when it threatened to do so. Thus, Shaysites looked to revolutionary traditions of extra-legal resistance, combined with a deference to an idea of local republicanism, to assert their political voice. Shays did not lead a rebellion, nor did he lead a tax revolt. Rather, he led a Regulation to demand a voice in politics, to assert an idea of representative republicanism, and to use extra-legal means of political participation to achieve their ends when they were unable to do so through formal channels.

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<sup>172</sup> McDonald, *Novus Ordo Seclorum*, 177.

<sup>173</sup> Richards, *Shays's Rebellion*, 60.

<sup>174</sup> *Ibid.*, 58.



*The Consequences of Radical Political Participation*

As punishment for their extra-legal, illegitimate political participation, the Disqualification Act barred Shaysites from serving as jurors, holding office, or voting.<sup>175</sup> Ultimately, the Massachusetts gentry thought that the Shaysites were simply common people swept up by anarchic forces and duplicitous demagogues. They blamed the democratic influence of their neighbors to the southeast, Rhode Island. In this, the smallest state in the new nation, democratic participation gone wild led to mass printing of paper money, and use of paper money as payment for debts.<sup>176</sup> Interestingly, assuming that Shaysites were motivated by economic circumstance, and not by a rebellious nature, meant that the state legislature took it upon themselves to change the circumstances of yeoman existence to avoid future violence. Even the most conservative of the Massachusetts gentry conceded that taxes, which were more burdensome than those levied by the British, were “heavier than the People could bear.”<sup>177</sup> In the final months of 1787, the new legislature passed a moratorium on debt payments and trimmed direct taxes. They shifted the tax system so that more taxes were now indirect, and no longer worked as blatantly to the advantage of speculators. With the state tax burden lessened, towns were more able to collect their own taxes, paying down their debts in the process.<sup>178</sup> Thus, the typical yeoman’s tax bill was significantly lessened, and more taxes were administered by local governments. One of the Shaysites’ chief complaints was that they suffered from an oppressive, distant government. Though the Regulators’ rebellion failed, it provided

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<sup>175</sup> Szatmary, *Shays’ Rebellion*, 106.

<sup>176</sup> Richards, *Shays’s Rebellion*, 83-85.

<sup>177</sup> Quoted in *Ibid.*, 88.

<sup>178</sup> *Ibid.*, 119.

the impetus for reducing taxes and shifting the primary mode of political interaction for many of Massachusetts' rural citizens to a more local level.

However, Shaysite Regulation also gave nationalist politicians an impetus to demand a stronger federal government. The Massachusetts gentry framed Daniel Shays as a swashbuckling villain, and a threat to the fabric of American society.<sup>179</sup> This image resonated with the fears of elites from every state, and represented a sort of extreme example of the possibility of total anarchy. In September of 1786, a small convention of nationalist-minded individuals met in Annapolis Maryland. They had accomplished very little, and a new, nationalist constitution was far from inevitable. Shays' Rebellion changed the national climate, and spurred renewed calls for federal reform. Led by Alexander Hamilton, so-called Federalists demanded a change to the Articles of Confederation, to forestall the forces of democratic anarchy.<sup>180</sup>

Centralization, and a rethinking of republican principles, was in vogue. New Englanders, in particular, saw their ideologies challenged by the deplorable actions of the rebel Shaysites. Previously, it had been widely accepted that ownership of land conferred republican virtue. Now, the new gentry was led to believe that republican virtue might not be worth anything. After all, yeoman resistors, Regulators, and rebels were largely landowners. Many among the New England elite began to consider, again, the notion of a sort of political puritanism, wherein the government ruled over the lawless, sinful masses and attempted to restore order to a morally corrupt society. This was the moral argument for a strong national government. As some elite argued

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<sup>179</sup> *Ibid.*, 117.

<sup>180</sup> *Ibid.*, 125.

so clearly, the American people were simply not virtuous enough for republicanism.<sup>181</sup> Among the new gentry, there were even murmurs of support for a constitutional monarchy, to act as a safeguard of liberty and property in a way that republicanism had seemingly failed to.<sup>182</sup> This American counter-revolution was strong and ideologically motivated—and its leaders were poised to draft a new constitution to limit the influence of radical republican political participation.

While Shaysite resistance inspired this strong response from entrenched political powers, it also provided a template for a new kind of legitimate resistance. In a republic with clear documents of government, the people of rural Massachusetts expressed their belief that they could interpret these documents and the theories of republican government that undergirded them. They asserted a right not only to interpret, but also to subsequently act on their interpretations to exercise their popular sovereignty and check their government. Shaysites established a pattern, which whiskey rebels and Fries' followers would modify, of methodologically rigorous republican resistance. These later resistance movements refined this alternative rural republicanism in an adversarial relationship with the Federalist republicanism codified in the Constitution. This discursive relationship pushed resistance movements to legitimize their actions and their theory in a way that made it more coherent and clear.

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<sup>181</sup> McDonald, *Novus Ordo Seclorum*, 179.

<sup>182</sup> *Ibid.*, 180.

### Chapter Three

## The Constitutional Counterrevolution and the Reification of Federalist Republicanism

When the Constitutional Convention met in Philadelphia during the summer of 1787, it did so with the intention of saving a nation at a crossroads. The young United States was a relatively egalitarian society, a polity without economic inequalities as stark as those of the old European powers. Still, inequality entailed more than wealth disparity, and social divisions were manifested in power inequalities. While the US lacked a feudal peasant class, small yeoman farmers made up 80-85% of the white population.<sup>183</sup> The farmer population was relatively homogenous, but the western-most among them tended to be the poorest, with Scotch-Irish roots. Many yeomen were landowners, a status that separated them from the European peasantry in important ways. Perhaps most importantly, many farmers could vote—as could two-thirds of the white male population. However, most voters did not qualify to run for office, and the combination of oral voting, lack of a secret ballot, and a dearth of choice in candidates or policy platforms meant that voters often lapsed into apathy.<sup>184</sup> Wealthy, high-status Americans dominated public offices. In the western backcountry of the new nation, the rural poor were trapped in a cycle of indebtedness. While the region was rich in land, it was largely owned by speculators. So, as farmers moved away from the crowded coast, they were forced to either live as squatters or as purchasers from eastern elites. Yeomen relied on regional towns for loans, and were often deeply in debt. Low prices for their agricultural

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<sup>183</sup> Michael Parenti, *Democracy for the Few* (New York: St. Martin's Press, 1977), 50.

<sup>184</sup> *Ibid.*, 51.

produce, overcharging for land and other goods at the hands of eastern merchants, and a lack of specie to pay off debts were a common problem across the 13 original states.<sup>185</sup> In many areas, the commonality of debt-related problems led to a strong collective consciousness and unity in pursuit of common interests.<sup>186</sup>

The very men many farmers suspected were the cause of their problems, the men who were delegates at the Constitutional Convention, had their own concerns. The chaotic possibilities of Shays' Rebellion were fresh in their minds. The anarchic proceedings of fledgling democracy terrified many of the American elite. Alexander Hamilton, a man whose star rose with the increased power of the federal government, gave word to this sentiment,

All communities divide themselves into the few and the many. The first are the rich and the well born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second and as they cannot receive any advantage by a change, they therefore will ever maintain good government.<sup>187</sup>

These ideas, about the fallibility of popular rule and the necessity to consolidate power to protect the nation, were core aspects of an ideology supported by men known as Federalists.

The idea of Federalism emerged as a result of disagreement about the power and organization of the federal government. Men like Patrick Henry, Samuel Adams, George Mason, and Melancton Smith were among Anti-Federalists, who opposed the

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<sup>185</sup> Ibid., 50-52.

<sup>186</sup> Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: MacMillan Company, 1957), 27-28.

<sup>187</sup> Alexander Hamilton, in *Records of the Federal Convention Vol. I* ed. Max Farrand (New Haven: Yale University Press, 1926).

federal expansion proposed at the Constitutional Convention. The more powerful Federalists included Alexander Hamilton, who would later found the Federalist Party, and James Madison, the chief framer of the Constitution. However opposed to centralized power as the Anti-Federalists may have been, they were hardly the champions of the downtrodden westerner. Anti-Federalists were generally political elites, and had many of the same concerns about the west, the poor, and debt as Federalists. Thus, the core debate at the Constitutional Convention, and during ratification proceedings, largely excluded western voices. It was presented as a struggle between Anti-Federalists and Federalists, and the yeoman backcountrymen were left, once again, to fight to provide their own voice in American politics.

Ultimately, the Constitution strengthened federal ability to suppress rural resistance movements through the Militia Clause. It excluded rural voices of dissent, so often ignored, from the process of creating or ratifying the document—but it also taught them a lesson. The Constitution, and the military powers it gave the centralized government, underscored the practical importance of engaging in non-violent resistance for as long as possible. Shays' fate demonstrated the futility of armed conflict. Legitimate or not, it was not viable as a practical matter. The Constitution also articulated a particular theory of Republicanism—one that was in line with the sort of ideas political participation and representative duties that produced a voiceless rural population and an ignored backcountry. By articulating this Federalist republican theory, the Constitution enshrined it as the dominant interpretation in America. Thus, it was all the more pressing that rural resistance movements articulated, implicitly or explicitly, a contradictory interpretation as coherently and with as much methodological rigor as possible. In doing so, they remind the observer

that the debate about American government, values, and republicanism was not simply taking place in Philadelphia—and it could not be expressed as a simple struggle between Anti-Federalists and Federalists. The process of Constitution-making underscores the dominant binary of republican interpretation in United States politics and reinforces the importance of the third way developing in dissatisfied rural America. Federalist republicanism presented a useful contrast for rural republican theory—forcing it into greater coherence through its opposition to the dominant republican interpretation.

*The Constitutional Convention: An Ideologically Exclusive Gathering*

The men who gathered in Philadelphia to construct a new American government were predominantly from coastal towns, a majority were lawyers, and most were of higher social status than the yeoman masses.<sup>188</sup> The make-up of the convention was, in the eyes of the new American elite, just as it should be. Common wisdom among the American gentry was that the rich were the most virtuous and informed politicians. Unlike the poor, they had incomes that allowed them to be beyond bribery or economic intimidation. Moreover, they had the leisure time to read the classics, and to educate themselves for public service.<sup>189</sup> The American gentry thought that the post-revolutionary period had been scarred by the irresponsible action of state assemblies, acting under pressure from common Americans to grant the benefits of independent, republican government without holding the people responsible for the costs of financing the very war that enabled

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<sup>188</sup> Beard, *An Economic Interpretation of the Constitution of the United States*, 149.

<sup>189</sup> Holton, *Unruly Americans*, 202.

independence.<sup>190</sup> The delegates sought to return to responsible legislating, government that was for the people but insulated from the capricious will of the people, and an atmosphere that would enable economic growth. Thus, the Constitution can be read as an assertion of “proper” republican theory. It provides a codified foil for developing rural republican theory and challenged resistance movements to establish their legitimacy under the terms of a Federalist document of government.

The struggle against democratization was framed as a fight to save the new American nation. Most delegates believed in a form of classical republicanism in which the republic depended on a virtuous citizenry. These men, who had organized and, in some cases, funded, the revolution looked at democratic reforms across the various states and thought they had lost control of their country. From their perspective, popular demagogues had played on the unfettered desires of the masses and taken over state assemblies. Their legislation—debtor relief, paper money, land banks, and the like—was symptomatic of a lack of restraint and virtue. Believing that the tide had turned at the state level, these Federalists turned their hopes for the stability of their country to the national government.<sup>191</sup> To prevent state assemblies from wreaking democratic havoc, they needed a powerful and virtuous overarching force.

Even the most staunchly anti-democratic delegates did not necessarily want to roll back the entirety of post-revolutionary democratization. They considered themselves genuine supporters of the revolutionary project. In line with the brand of

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<sup>190</sup> Ibid., 81.

<sup>191</sup> Ibid., 22-23.



republicanism most popular at the convention, the Federalists simply wanted to prevent the people from exercising anarchic, corrupting power over economics or other important aspects of government policy.<sup>192</sup> Edmund Randolph, a delegate from Virginia, explained that,

Our chief danger arises from the democratic parts of our constitutions....The feeble Senate of Virginia is a phantom. Maryland has a more powerful senate, but the late distractions in that State, have discovered that it is not powerful enough. The check established in the constitution[s] of New York and Massachusetts is yet a stronger barrier against democracy, but they all seem insufficient.<sup>193</sup>

Thus, the Constitution would be tasked with establishing a new, insulated government. A national government, by the very nature of its existence at a larger geographic level than state or local governments, and by the limitations placed on number of representatives, lacked the same sorts of direct connections to the people that plagued state and local policy-makers.

Federalists, asserting an ideology of a passive, voter-based republicanism, imagined a paradigm of public life in which the only legitimate form of political participation for most citizens was voting. In his *Address to the People of the United States*, Benjamin Rush, a prominent figure in Philadelphia politics, cautioned that the American people had grabbed too much power for themselves:

It is often said, that “the sovereign and all other power is seated *in* the people.” This idea is unhappily expressed. It should be—“all power is derived *from* the people.” They possess it only on the days of their elections. After this, it is the property of their rulers, nor can they

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<sup>192</sup> “Stephen Collins to Colborn Barrel, Aug. 11, 1786,” quoted in Bouton, *Taming Democracy*, 177.

<sup>193</sup> Quoted in Bouton, *Taming Democracy*, 171.

exercise or resume it, unless it is abused. It is important to circulate this idea, as it leads to order and good government.<sup>194</sup>

While limited, proper popular participation was a cornerstone of stability, the American people, Rush proclaimed, had a confused notion of the power of their states, and thus of the power of their individual political participation in the more directly representative state legislature. In reality, he explained, only the national legislature was truly sovereign—as that body had the sole power to declare war.

By diminishing the power of state governments, and asserting the dominance of the federal level, this sort of Federalist thinking sought to produce a shift in the popular understanding of political participation. At the state and local levels, America had a long tradition of popular participation, coercive force exercised by mobs, rioters, Regulators, and rebels, and an assumed relationship of direct representation and legislators that were accountable to the demands of the people. The shift towards a strengthened, centralized, national government was also to be a shift from direct participation in government. At this higher, larger, more abstract level, Americans had never had much say. Under the British, the American colonies were ruled from abroad. During the revolution, the prominent, generally wealthy, men of the Continental Congress were the primary force for inter-colony cooperation and organization. While popular rule flourished on smaller levels, the gentry managed to maintain control of national organization by claiming it for themselves, and through the greater ease with which monied men could consort across colonies, states, and hundreds of miles. Now, through the Constitution of 1787, the great men of America

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<sup>194</sup> Benjamin Rush, “Address to the People of the United States” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 310.

codified the national government as distant from the people, and a place for educated, trained, elite politicians.

The most obvious area of concern for Federalists was the new national legislature. It was the aspect of government most open to populist interference and over-participation. As a body of the “right sort” of men, a representative assembly was an important aspect of Federalist republicanism. The problem with state assemblies was simply that they followed an overly democratic idea of representation and allowed the people too much influence. James Madison, reflecting on the policy mistakes of state legislatures, identified two common factors—improperly constructed representative bodies and “the people themselves.”<sup>195</sup> Federalist leader John Adams, in his 1776 *Thoughts on Government*, explained the proper form of a republican legislature, writing that “the greatest care should be employed in constituting this Representative Assembly. It should be in miniature, an exact portrait of the people at large.”<sup>196</sup> This model would, of course, satisfy the criteria of republican representation—or at least descriptive representation—and allow the assembly to claim republican legitimacy. Thus, if a group such as, the Shaysites were to claim that they were being treated unfairly and lacked a voice in legislative affairs, the government could simply point to the composition of the legislature as proof that this was not so, and that government policy was, by its very nature, popular policy.

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<sup>195</sup> James Madison, “Vices of the Political System of the United States” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 321.

<sup>196</sup> John Adams, “Thoughts on Government” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 81.

The key addition that Federalists made to this model of assembly was the controlling hand of a strengthened executive. Adams cautioned that, “A single Assembly is liable to all vices, follies, and frailties of an individual. Subject to fits of humour, starts of passion, flights of enthusiasm.... A single Assembly is apt to grow ambitious, and after a time will not hesitate to vote itself perpetual.”<sup>197</sup> Thus, the Constitution, a document heavily influenced by Federalist thinking, placed checks on the legislature. The executive veto was the very embodiment of the idea that the legislature could get carried away, and that the nation would need a qualified, strong, cultured man to prevent them from causing the people harm.

Popular influence on state legislation waxed and waned, and varied state-to-state. However, it was successful often enough that many delegates at the Constitutional Convention were weary of its unsettling potential. Meeting on the heels of Shays’ Rebellion, it is tempting to assume that the delegates had every reason to write a document to prevent popular resistance. However, the gentry was most troubled not by the act of rebellion, but by the legislative concessions the government of Massachusetts had given to Shaysite interests after the rebellion had been suppressed. The very idea that a state legislature would respond to an act of what was, in their eyes, illegitimate anti-state violence, with concessions was repellant. It spoke to a weakness in overly representative legislatures that threatened the gentry’s dominance—a tendency to act on popular demands.

To avoid popular influence on important legislation, the new Constitution provided for a more powerful executive. The presidential veto was, in the words of noted Federalist Gouverneur Morris, to prevent elected legislators from passing

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<sup>197</sup> Ibid.

“Emissions of paper money, largess to the people, a remission of debts, and similar measures.”<sup>198</sup> In short, the lesson of Shays’ Rebellion was not that the people needed to be controlled, or that the combination of taxes and debt could provoke violent resistance. The American political elite already knew this. They took for granted that the people could not be trusted, and that they were easily swayed to take illegitimate extra-political action. However, the gentry had not anticipated that an elite-controlled state government would actually grant concessions following popular demands. Federalist thinkers understood the follies of Rhode Island in adopting paper money to have been caused by democracy run amok. Massachusetts was unlike Rhode Island. It was not, by the standards of American Federalists, overly democratic or especially prone to cave to popular pressure. If Massachusetts could make such mistakes, then the nation could not trust any state governments to handle the most important aspects of economic and social policies.

It was this sort of action from an unchecked legislature that led so many delegates at the Constitutional Convention to conclude that they needed a new document of American government. While the yeoman class thought post-revolutionary legislation worked against their interests, many wealthy Americans felt the same way. One Pennsylvania speculator wrote to a friend in 1786, “We are next kin to ruin. I am almost ready to give out hopes that the abomination of these laws and times will be done away.”<sup>199</sup> Such men were victims of a credit crunch that connected the indebted backcountry to the merchant coast. Speculators and

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<sup>198</sup> “Gouverneur Morris, July 21, 1787,” in *Records of the Federal Convention Vol II* ed. Max Farrand (New Haven: Yale University Press, 1926), 76.

<sup>199</sup> “Stephen Collins to Colborn Barrel, Dec. 28, 1786,” quoted in Bouton, *Taming Democracy*, 174.

merchants lent to storekeepers, who lent to farmers. In an attempt to maximize their holdings, and invest in their appreciation, speculators and merchants borrowed money from European lenders. When their loans were called in, speculators and merchants turned to storekeepers for payments, and storekeepers turned to farmers, who lacked the gold or silver to settle their debts. So, at the other end of the American debt chain, the economic elite faced bankruptcy as Europeans refused to lend more to an unstable democracy and demanded payment on their previous loans.

With both national and personal interests in mind, the convention wrote a document that would protect creditors and obstruct debt relief. James Madison, like many other framers, believed that eliminating debt relief would clear up many of the issues farmers complained about. By paying off their debts, they would introduce more specie into the economy. Furthermore, swift repayment would inspire economic confidence, making it easier for ambitious businessmen to obtain loans, buy land, expand domestic trade, develop their businesses, and start a revival with benefits that would trickle down to yeoman debtors.<sup>200</sup> Thus, the Constitution would aid the economy by allowing the government to do what was right—not what was popular in some corners. More basically, the constitutional provision for stronger debt actions was a move to protect private property—or at least that of the gentry. Western yeomen would, of course, contend that the infamous federal excise on whiskey—driven by the need to raise money to pay off debt—violated their own private property to an unjust extent.

For the delegates, property and political participation were intimately connected. Madison stated that,

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<sup>200</sup> Holton, *Unruly Americans*, 25-26.

Viewing the subject in its merits alone, the freeholders of the Country would be the safest depositories of Republican liberty. In future times a great majority of the people will not only be without landed, but any other sort of property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty will not be secure in their hands, or, which is more probable, they will become the tolls of opulence and ambition; in which case there will be equal danger on another side.<sup>201</sup>

Economic inequality was not dangerous on its own merits, but because of what it might mean if those without property could pass laws that harmed those with property. Article I, Section 10 prevented the states from passing legislation to “coin money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts;” or to undertake any action “impairing the Obligation of Contracts.” These provisions were designed to shift the responsibility for protecting private property rights from the state governments to the federal government. In Article I, Section 8, the Constitution claimed economic powers for the federal government:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and Provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow Money on the credit of the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.....To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.<sup>202</sup>

Congress could now tax directly, state assemblies could no longer adopt debtor relief legislation, and national officials were insulated from the influence of voting

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<sup>201</sup> James Madison, quoted in *Records of the Federal Convention Vol. II* ed. Max Farrand (New Haven: Yale University Press, 1926), 203.

<sup>202</sup> “The Constitution of the United States” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 400-401.

debtors.<sup>203</sup> In Article VI, the Constitution ensured that all debts would survive the transfer from the Articles of Confederation to the new constitutional order. Thus, the class of wealthy men who held much of the war debt could be sure that the new government would be empowered to pay off their debt more reliably than the state governments had been.

As the Constitutional Convention wore on in Philadelphia, a farmer's anti-tax movement boiled over in Greenbrier County, Virginia. The yeomen believed that their state government too often sided with speculators and passed legislation, such as high taxes, that needlessly hurt their interests. The organized farmers burned down the county jail and then, in the tradition of democratic associations, met to legitimize their grievances and their acts of resistance. In a community meeting of "the people" of the area, they declared themselves victims of "Great oppressions." They swore, collectively, to resist a recently imposed tax on war bonds.<sup>204</sup> As in previous acts of popular resistance, the Greenbrier farmers used collective, associative actions to legitimize their movement. They interacted with their state government as a group, representing the interests of a segment of the people in a way that their formal representatives could not. The Virginia gentry, operating within the understanding that the elite had following Shays' Rebellion, ignored the collective, republican, aspects of resistance and blamed the rebellious actions on one criminal demagogue, Adonijah Matthews.<sup>205</sup> The Greenbrier uprising confirmed for many delegates that it was not enough to insulate the new government from formal, legal means of populist

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<sup>203</sup> Holton, *Unruly Americans*, 182.

<sup>204</sup> Quoted in *Ibid.*, 11.

<sup>205</sup> *Ibid.*, 11-12.



influence—they had to account for the propensity of western farmers to engage in violent resistance.

With an eye on the Greenbrier resistance and Shays' Rebellion, the delegates drafted a constitution that gave the federal government power to do what states had struggled to accomplish—put down uprisings with overwhelming force. Such a power was vital to “ensure domestic tranquility.” The Militia Clause was a bludgeon against already-oppressed groups in the new union. Federal militias could suppress slave uprisings just as easily as they could be used to put down any western rebellions. It was a weapon against disruption of the status quo, and a sign that Federalists saw the brief history of the Articles of Confederation as proof that states could not be trusted to maintain social order. The Militia Clause would make putting down insurrections like Shays' Rebellion a simpler task—but simplicity came with a cost. It may not have troubled Federalists, but the Militia Clause created an incentive to deal with western resistance movements through violence—instead of through diplomatic engagement and discourse. The very legitimacy of backcountry violence, at least in the eyes of westerners engaging in it, lay in the last-resort nature of it. When oppressed and ignored, western republicanism reasoned that violence was an acceptable mode of republican political participation. Now, however, it was clear that violence would be met with a more efficient form of governmental violence.

*Selling the Constitution: No Voice for the Rural Resistor*

At long last, 38 delegates at the Convention signed the final document, submitting it for ratification. The process would be conducted state by state, with nine

states needed to ratify the Constitution. The Constitutional Convention had been a venue for debates among the elite of the American political scene. Once the Convention had produced its document and submitted it for ratification by the individual states, the fate of the proposed system of stronger, more centralized government was suddenly subject to approval in a relatively populist procedure. Thus, many of the very men who so feared the power of the people were put in the position of convincing the masses to think one way or the other. The process of drafting the Constitution had largely excluded voices of rural resistance and their interpretations of republicanism—and the extent to which these voices were also excluded from the ratification was a clear demonstration of how the new political order would deal with rural political participation.

Federalists mounted a concerted propaganda effort, aided by their power in state capitals across the nation. The many essays, published under three different names, known as *The Federalist Papers*, were the core aspect of Federalist ideological advertising. In these documents, Federalist thinkers expressed arguments for the Constitution, articulated the Federalist view of government and society, and presented an idea of Federalist republicanism. *The Federalist Papers* had dual purposes: to convince those voting to ratify that they needed a change in government from the status quo of the Articles of Confederation and to convince them that the proposed Constitution was that necessary change.

James Madison's *The Federalist* No. 10 presents perhaps the most popular take on Federalist theory. Madison decried decentralized, overly democratic government, arguing for a re-evaluation of just how populist and democratic the United States should ideally be:

The friend of popular government, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to dangerous vice....The instability, injustice, and confusion, introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have every where perished.<sup>206</sup>

Instability, injustice, and confusion—accusations leveled at many different state governments by underserved western yeomen—were also the chief complaints of the largely Federalist gentry. While poor westerners felt their governments were not established to serve them, the gentry felt the same way—driven on by fears of rebellions, Regulations, and riots.

Not content merely to warn of the danger of a government overly responsible to the people, Madison proposed a Federalist alternative:

The two great points of difference, between a democracy and a republic, are, first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, the greater sphere of country, over which the latter may be extended.<sup>207</sup>

These differences, and their implications for Federalist republicanism, are interestingly counterrevolutionary proposals. While the revolutionary ideology of representative government always called for rule by an elected few, the willingness to cede increased power to an intentionally small number of representatives and other elected officials shows just how separated Federalist ideology became from the revolutionary fear of centralized power that lurked in the background of rural republican resistance movements. Federalist thinkers were willing to take the risk of centralizing power, having been removed from a state of tyrannical government for a

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<sup>206</sup> James Madison, “The Federalist No. 10” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 485.

<sup>207</sup> *Ibid.*, 489.

relatively short period of time. While western farmers complained of tyranny of the gentry, and of eastern government, the men who ran eastern governments felt threatened not by consolidated power—but by the idea of diversified, populist power.

Federalist theory embraced a limited form of popular democracy—and was willing and, indeed, eager to embrace majority rule. Of course, this theoretical approach may have been inspired, at least in part, by the simple fact that Federalists believed that many (if not most) of their policies and ideas had the support of a majority of voting Americans. In *The Federalist* No. 10, Madison explains how factions should be subjugated to the majority, while allowing for a diversity of voices:

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views, by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizen. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is the great object to which our inquiries are directed.<sup>208</sup>

Writing less than a year after Shays' Rebellion, Madison surely had such rebellious, seditious groups in mind when he described the “sinister views” so often held by minority factions. Madison dismisses the very idea of a legitimate form of republican minority resistance when it takes an openly violent or law-breaking form. His view was, it seems, that the Federalist Constitution would not allow for such actions. Any group, when it is such a disruptive faction in society, must also be kept in check. Here, we see the theoretical safeguard against repeating such anti-luxury, deeply class-based rioting and politics as occurred during the Stamp Act riots. It is clear, in Madison's

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<sup>208</sup> *Ibid.*, 488.

Federalist worldview, that while there will always be majority and minority groups, the most important constant in a republican society is that there are correct beliefs and causes, and incorrect ones. When the majority is in the right, disruptive factions must not oppose it—and when the majority becomes too worked up about an incorrect cause, it must be reined in.

In Federalist republicanism—as in many 18<sup>th</sup>-century political ideologies—not all opinions were equal. Madison, in *The Federalist* No. 10, explains that, “Those who hold and those who are without property have ever formed distinct interests in society.”<sup>209</sup> Experience, especially that of the Stamp Act Riots and the rhetoric over debt repayment, made it clear that these distinct interests were often directly at odds. John Jay, a prominent Federalist and Secretary of Foreign Affairs for the latter half of the 1780s, explained how the government should choose between these competing interests, simply asserting that, “the people who own the country ought to govern it.”<sup>210</sup> The most debt-ridden backcountry farmer might reply that, it seemed, this was already the case. However, while it was largely members of the gentry who held public office, they were subject to influence from citizens who owned little, or nothing. Federalists sought to enforce a divide between the representative and the represented—to ensure that only the right sort of people had power in important policy decisions.

This divide would be more easily maintained at the Federal level, and thus Federalists were enthusiastic about the potential for a national representative body to

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<sup>209</sup> Ibid., 487.

<sup>210</sup> Quoted in Jensen, *The Articles of Confederation*, 4.

walk the line between under-representative and overly representative. *The Federalist* No. 10 explains that,

As each representative will be chosen by a greater number of citizens in the large, than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit, and the most diffusive and established characters.<sup>211</sup>

The assumptions in Madison’s thinking—that voters will choose the “best” kind of men to represent them, and that doing otherwise is often the result of nefarious goings-on—spring from the long tradition of an interesting sort of political apathy in the colonies. While colonists may have been very political active when provoked, they were long used to electing the men they were “supposed” to, as dictated by local political establishments. Such traditions were common in Virginia, Madison’s home.<sup>212</sup> The idea that departure from this norm was due to corrupting influences stems from the same sort of thinking that led powerful men to denounce mob action and mass political participation as the mere hysteria of ignorant commoners manipulated by a few ambitious, self-interested rabble-rousers. Surely, Federalist doctrine seems to insist, it must be best for even the lowest of the low—the most ignorant, backwards, frontier yeoman—to elect the ‘right’ sort.

Put bluntly, the only explanation for Shays’ Rebellion and other acts of mass political disturbance, was that, as Alexander Hamilton explained, “The people are turbulent and changing; they seldom judge or determine right.”<sup>213</sup> Thus, Federalist republican ideology imagined governmental power coming from the people—but

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<sup>211</sup> Madison, “The Federalist No. 10”, 490.

<sup>212</sup> Jensen, *The American Revolution Within America*, 28.

<sup>213</sup> Sanford Levinson, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We The People Can Correct It)* (New York: Oxford University Press, 2006), 19.

believed in the stark separation of the people and the actual apparatus of governance. As William Livingston, the first Governor of New Jersey, put it, “The people ever have been and ever will be unfit to retain the exercise of power in their own hands; they must of necessity delegate it somewhere.”<sup>214</sup> Now, Livingston also reminds the reader that, though the people should not exercise power, their concerns are part of a larger “public good.” When the people delegate their power into the hands of a single legislature, run by too few men, “a few leading men influence the majority to pass laws calculated not for the public good, but to promote some sinister views of their own.”<sup>215</sup> This fear, of corruption and overly concentrated power, pervades Federalist thinking as a reminder of the lessons learned during the Revolution, and the desire to avoid the situation that had caused it. While Federalists were, in the context of early America, emphatically in favor of a larger, more concentrated, more powerful central government than many Americans, they still considered themselves representative republicans, with a strong aversion to arbitrary government authority.

This is why, Madison explains in *The Federalist* No. 51, the proposed Constitution provided for three branches of government with power to restrain each other. The state and local governments would continue to play a role as well, for, “In a single republic, all the power surrendered by the people, is submitted to the administration of a single government; and the usurpations are guarded against, by a division of the government into distinct and separate departments.”<sup>216</sup> This system would do the most to separate the people from their government, as it allows for no

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<sup>214</sup> Quoted in Beard, *An Economic Interpretation of the Constitution of the United States*, 202.

<sup>215</sup> Quoted in *Ibid.*

<sup>216</sup> James Madison, “The Federalist No. 51” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 527.

intermediate steps to moderate interactions between voters and the highest power in the land. Federalist republicanism cut the voter off from the power of government, but provided for a system of government wherein different levels could check each other:

In the compound republic of America, the power surrendered by the people, is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different government will control each other; at the same time that each will be controlled by itself.<sup>217</sup>

This plan, when functioning properly, would leave no legitimate way for citizens to check their government outside of voting. Rather, it entrusted the power of resistance to tyranny in the states—as the period since the Revolution had done little to convince Federalists that the people, and especially backcountry farmers, had the ability to correctly identify and respond to tyrannical governance.

Now, the tradition of the American Revolution left many with the idea that the people had a natural right to alter their government. Madison, in *The Federalist* No. 40, acknowledged, “the people are the only legitimate fountain of power.”<sup>218</sup> However, he argues, it would be a mistake to assume that it follows that altering the government requires an, “appeal to the people themselves.”<sup>219</sup> Indeed, “frequent appeal to the people would carry an implication of some defect in the government [and] deprive the government of that veneration which time bestows on every thing, and without which perhaps the wisest and freest governments would not possess the requisite stability.” Stability was a Federalist obsession in this period, as the economic,

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<sup>217</sup> Ibid.

<sup>218</sup> James Madison, “The Federalist No. 40,” quoted in Levinson, *Our Undemocratic Constitution*, 18.

<sup>219</sup> Ibid.



social, and rebellious turbulence of the United States' brief history did little to inspire confidence that it would be a long-lived experiment.

In a sense, stability was the core reason behind every aspect of Federalist republicanism. As such, it was an important part of selling the Federalist ideology, and the Constitution, to the American people. In hopes of a quick ratification campaign, *The Federalist Papers* stressed, again and again, the staying power of their plan for the United States. Even those who may have disagreed with the Federalists, or who believed their interests would be harmed—or ignored—by the proposed new government, could find attractive aspects in Federalist ideology—if only because it promised to preserve the nation and impose stability where there had been relative chaos. In the interest of stability, Madison had little interest in considering radical forms of future governmental alteration or increased participation. He explained, “frequent appeal to the people would carry an implication of some defect in the government” and would “deprive the government of that veneration which time bestows on every thing, and without which perhaps the wisest and freest governments would not possess the requisite stability.” In short, appealing to the people too often about big questions would risk “disturbing the public tranquility by interesting too strongly the public passions.”<sup>220</sup>

*The Anti-Federalist Case: An Exclusive Binary*

While Federalist propaganda was most notably concentrated in *The Federalist Papers*, Anti-Federalist efforts were fittingly decentralized. Many different men stated

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<sup>220</sup> Ibid.

their case against the Constitution, notably George Mason in his *Objections to the Constitution*. Mason raised concerns with the design of the Senate, and the responsibility then given to the unrepresentative body, while working with the unrepresentative President—complaining that,

The Senate have the Power of altering all Money-Bills, and of originating Appropriations of Money, & the Sallerys of the Officers of their own Appointment in Conjunction with the President of the United States; altho' they are not the Representatives of the People, or amenable to them.<sup>221</sup>

This was typical of Anti-Federalist objections to the Constitution, which tended to arise from a mistrust of centralized power and non-representative government.

However, while Anti-Federalists expressed a fondness for representative republicanism and theoretical power of the people, they were hardly allies for the backcountry farmer. Indeed, Anti-Federalists were largely unwilling to coordinate with “commoners” in their efforts to thwart ratification.<sup>222</sup> Even the opponents of bigger, stronger government did not support the cause of the rural yeoman.

Ironically, one of the pseudonymous Anti-Federalist writers dubbed himself the Federal Farmer. The unknown dissenter held that:

The people of this country, in one sense, may all be democratic; but if we make the proper distinction between the few men of wealth and abilities, and consider them, as we ought, as the natural aristocracy of the country, and the great body of the people, the middle and lower classes, as the democracy, this federal representative branch will have but very little democracy in it, even this small representation is not secured on proper principles.<sup>223</sup>

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<sup>221</sup> George Mason, “Objections to the Constitution” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 428.

<sup>222</sup> Bouton, *Taming Democracy*, 191.

<sup>223</sup> Melancton Smith, “Letters from the Federal Farmer” in Jack N. Rakove ed. *Founding America: Documents from the Revolution to the Bill of Rights* (New York: Barnes and Noble Classics, 2006), 449.

This was, of course, how many of the delegates to the Constitutional Convention had intended it to be. Their model of representation assumed that the democratic masses didn't know what was best for them, and that they needed the "right sort" to govern. While Anti-Federalist thinking embraced a more populist idea of republican representation, it still held on to aspects of Federalist elite representation. The Federal Farmer explained that,

The essential parts of a free and good government are a full and equal representation of the people in the legislature... a full and equal representation, is that which possesses the same interests, feelings, opinions, and views the people themselves would were they assembled.<sup>224</sup>

This theory of representation did more to include the people than the more descriptive representation—which gave weight to the geography of voters instead of their ideologies—that Federalists imagined. However, it would still allow for the east to dominate the west, by virtue of population statistics.

Moreover, the Federal Farmer's model of representation was likely not designed to actually have common people directly involved in government. Melancton Smith, one of the men most often proposed as the mind behind the Federal Farmer, argued at the New York ratifying convention that there was a natural aristocracy, in this case the new American gentry, and that they were likely to oppress the people in any form of government. Thus, he suggested, a "middling class" should rule.<sup>225</sup> This suggests a mistrust of the lower classes in Anti-Federalist thinking that was commonplace in early American politics. Rural Americans, so routinely ignored during the Colonial period and in the early years of the United States, would once

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<sup>224</sup> Ibid., 443.

<sup>225</sup> Quoted in Maier, *Ratification*, 354-355.

again have to fight to make themselves heard in a system run by men who had little interest in listening.

Yeomen could take heart in the support that legitimate resistance received from some members of the political community—most notably Thomas Jefferson. Jefferson, who didn't call himself an Anti-Federalist, was a staunch political opponent of many Federalists. He didn't think that representation of the peoples of the various states was an adequate provision for self-determination. Shaysite ideology held that self-determining political participation demanded a response by representatives to collective action and reasoned presentations of grievances. These measures were intended to ensure that, at any given time, government was responsible to its constituents. Jefferson envisioned a society where popular resistance was not only legitimate, but a crucial aspect of a well-sustained and responsively adaptable polity. In a letter to Madison in 1785, Jefferson described the necessity of rebellion roughly every twenty years. The ideal republican government should not punish rebellions too harshly, as these acts of extra-legal political participation served to elucidate problems within the polity. Jefferson described regular, considered rebellion as, "a medicine for the sound health of government."<sup>226</sup> Now, Jefferson, a man deeply invested in the socio-political status quo of post-revolutionary America, should not be taken to condone all rebellions. There would, surely, be senseless rebellions, the kind inspired by opportunistic demagogues and a lack of political virtue in the populace.

The question was, for those who supported necessary rebellion: who decides when a rebellion is warranted? Article X of the New Hampshire Constitution put that privilege squarely in the hands of its people:

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<sup>226</sup> Quoted in Adams, *Those Dirty Rotten Taxes*, 20.

Whenever the ends of government were perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the doctrine of non-resistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.<sup>227</sup>

In this provision, popular resistance is the last, and perhaps most vital, check on government overreach and tyrannical oppression. However, Article X also stresses the necessity of pursuing “all other means of redress” before engaging in active resistance. Surely, in an American polity based on self-determination, the primary means for redress were electoral. Through voting, popular sentiment could change representatives, indirectly influencing legislation. The organization of representation in many of the United States was such that those most likely to have grievances to address via electoral participation, yeoman farmers, were underrepresented. Thus, they turned to the next logical form of redress, collective, popular petitions and presentations of grievances. For many Americans, pursuit of reform through legislative and electoral action had failed too many times.

#### *Rushed Ratification and the New Order*

The very nature of the ratification process rendered Federalist hopes for a swift victory mere fantasy. Every state held its own proceedings and debates, and thus controversies arose across the country. In Massachusetts, New Hampshire, and New York, the number of delegates elected purporting to oppose ratification suggested that a majority of voters in these states opposed ratification as well. However, all three states ratified the Constitution after delegates changed their minds, defying the will of

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<sup>227</sup> “The Constitution of New Hampshire,” quoted in Adams, *Those Dirty Rotten Taxes*, 20.

the people who elected them to represent their interests.<sup>228</sup> This was, of course, just another in a series of instances where state legislatures defied the will of their voting population. In Connecticut, New Jersey, Georgia, and Delaware, the ratification process was fast-tracked, and rushed to the point where it greatly favored the pro-ratification status quo and disadvantaged the disorganized anti-ratification movement.<sup>229</sup> Of course, these ratification proceedings were in keeping with a Federalist idea of representation, in which representatives were tasked not with representing the interests of the people, but with using their judgment to decide and vote for the common good.

Pennsylvania, having played host to the Constitutional Convention, saw ratification as an opportunity to assert its case to have the new federal capital in Philadelphia.<sup>230</sup> So, Pennsylvanian Federalists also attempted to execute a rushed ratification process. They did little to provoke debate, or encourage discussion. Official efforts to distribute copies of the proposed Constitution were minimal, and so were efforts to disseminate copies to the far reaches of the state—which would take considerable time.<sup>231</sup> However, as opponents of the new Constitution managed to slow down the process, opposition brewed. John Montgomery, a one-time delegate to the Constitutional Congress, described the backlash against jubilant Federalists in rural Carlisle, Pennsylvania, writing that popular sentiment held that Federalists “are enemies to equal liberty, and that they are in favor of the Constitution, because they expect to be enabled under it to make dependents of the farmers, who will be reduced

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<sup>228</sup> Beard, *An Economic Interpretation of the Constitution of the United States*, 237-238.

<sup>229</sup> *Ibid.*, 238.

<sup>230</sup> Maier, *Ratification*, 59.

<sup>231</sup> *Ibid.*, 60.

to a sort of vassalage.”<sup>232</sup> These fears were existential, and highlighted the political, social, and personal independence that yeomen so valued. Without their property, without an ability to resist eastern policies that they thought were actively trying to rob them of their property, westerners would revert being to mere subjects—as though they had never fought a revolution.

In states that gave more thought to the process, ratification became bogged down by debates over delegates, representation, and the proper methodology. Often, the manner in which ratification conventions proceeded reinforced socio-political divisions, and was a painful reminder to the west that the east ruled in the present system, and would rule in the new one. In Virginia, elections were normally bacchic affairs. Large crowds drank, fought, and voted one-by-one in a highly public manner. Candidates tempted voters with alcohol, and incumbents rarely lost.<sup>233</sup> When it came time to determine delegates to the ratifying convention, elections played out as usual. The political status quo dominated, and the backcountry was distressingly underrepresented.<sup>234</sup> It was as if the Federalist doctrine of protection of property had expanded to dictate representation of property holdings, and not of people.

The ratification process underscored the geographic divide in the American polity. Supporters of ratification were clustered in the east, in centers of economic activity. Leaders of the movement to ratify were largely eastern men, members of the new gentry, and individuals who held significant sums of government debts.<sup>235</sup> Underrepresentation at ratification conventions plagued rural communities across the

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<sup>232</sup> Quoted in Bouton, *Taming Democracy*, 188.

<sup>233</sup> Maier, *Ratification*, 233-234.

<sup>234</sup> *Ibid.*, 250.

<sup>235</sup> Beard, *An Economic Interpretation of the Constitution of the United States*, 290.

nation. In Pennsylvania, as in other states, many citizens of western counties simply didn't vote for delegates.<sup>236</sup> Perhaps they didn't see the point, given that their delegates could hardly influence proceedings, or maybe they simply didn't want to legitimize the seemingly corrupt process by participating in it. Either way, this trend only exacerbated the effects of underrepresentation—as counties that, as a whole, did not support ratification elected pro-ratification delegates. Even when counties managed to rally against ratification, they struggled to organize any sort of larger-scale resistance. It was difficult to coordinate between townsfolk and backcountry farmers. Organizing over any large geographical area entailed long journeys, often in the bad weather of late winter and spring. Furthermore, it was hard to argue against ratification—as there were no tangible benefits to rejecting the Constitution. The only arguments to be made were against the Constitution, which meant that people had to have read it. The group of people with the most obvious stake in opposing ratification, debtors who would have to pay off their debts under the new national government, had little influence.<sup>237</sup> Still, ratification was hardly an easy process—despite the many ways in which the very system of ratification was rigged against Anti-Federalists, anti-ratification westerners, and their allies. As Charles Beard muses in *An Economic Interpretation of the Constitution of the United States*, “The wonder is that they came so near defeating the Constitution at the polls.”<sup>238</sup>

Though the Constitution represented a defeat for rural republican interests, and for the prospects of the strain of rural republican resistance theory this thesis describes, it also provided a useful contrast. Through debates at the Constitutional

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<sup>236</sup> Maier, *Ratification*, 115.

<sup>237</sup> Beard, *An Economic Interpretation of the Constitution of the United States*, 251-252.

<sup>238</sup> *Ibid.*, 252.



Convention, the text of the Constitution itself, and the writings that circulated during the ratification process, Federalists and Anti-Federalists articulated the various iterations of gentry republicanism. The ideological limits of these iterations demonstrated just how completely the mainstream of American political thinking had dismissed rural resistance movements and their ideological challenges to American republicanism. Thus, the subsequent practical assertions of legitimate republican resistance were important as reminders of its viability as political theory and of its popular support in parts of rural America.

## Chapter Four

# The Pennsylvania Rebellions and the Dominance of Federalist Ideology

The Whiskey Rebellion and Fries' Rebellion refined the pattern of rural resistance in the American republic that the Shaysites developed. These two Pennsylvanian movements—one in the western backcountry and the other in the southeastern countryside—drew from the long history of populist resistance movements in the state and learned from the failures of Shays' Regulation. There were significant differences between the two resistances. The Whiskey Rebellion stayed non-violent for a significantly prolonged length of time, but eventually lapsed into violent confrontation with government officials. Fries' Rebellion, on the other hand, was even more intentionally non-violent—and it was only a threat of violence that ultimately brought the strong arm of the law down on the resisters. Both movements engaged with the new Federalist constitutional order, asserting their alternative ideas about republicanism, representation, and the role of “the people” in the American polity.

The two rebellions were quite culturally different. One was a movement of backcountry farmers. The other was a union of Germanic planters and rural townspeople. Each engaged first in community meetings, asserting the power of local populism to lend legitimacy and weight to their petitions and grievances. Each did so, it seems, with a genuine belief that their representatives would take heed and provide redress. When the Pennsylvania legislature proved unresponsive, each turned to non-violent resistance to the offending tax. Each then reached a tipping point into

violence—but only as a last resort. Violent resistance was, in this republican ideology, a means of legitimate political participation, and provided a strong political voice—but was always bound to be crushed.

The procedural doctrine that each movement was fastidious in following shows the beliefs that these rural resisters held about republicanism. They asserted a right to interpret their state and federal constitutions, and thus to decide which government actions needed to be resisted. In each case, the tax that inspired resistance showed a lack of local knowledge on the part of legislators, an improper (Federalist and non-ideological, opinion-based) idea of representation, and were understood to be products of a political system that denied “the people” in question their proper political voice. Thus, this variety of republicanism in rural Pennsylvania deemed the taxes illegitimate, and worthy of resistance.

The way these movements made judgments about legitimacy—and the means by which they resisted government action based on these judgments—were a refinement of ideas that percolated in colonial America. They grew out of a need to modify traditional British urban mass politics for rural use, which engendered habits of local populism in rural America. These habits informed the pattern of resistance in republican America that Shaysites in rural Massachusetts engaged in before the Constitution enshrined Federalist republicanism as the dominant interpretation of republican theory. After the Constitution was ratified, resistance movements responded to the Federalist interpretation of republicanism with increasing ideological clarity. By 1800, the repeated pattern of rural resistance and thinking about legitimate government action was refined into a relatively coherent, if often necessarily implicit, alternative theory of American republicanism.

*Whiskey Rebellion, Non-Violence, and a Test of the Federal Order*

While aspects of the Constitution were designed to prevent internal rebellion, they largely addressed the effects of such radical political participation—not the causes. The Whiskey Rebellion, in the early-1790s, was the first radical republican challenge to the new Constitution. After nearly two decades of American experience in republican government, the Whiskey Rebellion inspired a fierce debate about the legitimacy of extra-legal republican participation. It picked up the theoretical mantle of Shaysite republican interpretation and resistance methodology and demonstrated how it could continue under the Federalist Constitution.

The 1787 Constitution did little to change the dismal prospects of western Pennsylvania's yeoman population. The economy, hit by cycles of debt and a brutally contracted monetary supply, remained depressed. Even with a more united American nation, there were few markets for the region's goods, and the east showed little desire to strengthen economic ties with the west.<sup>239</sup> By the mid-1790s, as many as 60% of the inhabitants of some western townships were landless. The bottom 10% of taxpayers saw their holdings of the region's land fall from 2% to 1% as the top 10% increased its holdings from 26% in the 1780s to 35% in the mid-'90s. Roughly a quarter of the male tax-base worked as sharecroppers, dependent on eastern landowners who bought up the most fertile tracts.<sup>240</sup> Social inequality was blatantly on display, and local sheriffs—the most visible manifestations of eastern legal authority in most parts of the backcountry—were usually among the wealthiest westerners. To some, this fact was proof of a conspiracy that implicated the wealthy

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<sup>239</sup> Slaughter, *The Whiskey Rebellion*, 57.

<sup>240</sup> *Ibid.*, 65.

men of the state and the government itself. It became clear, to western Pennsylvanians long used to being let down by their government, that easterners profited from the status quo, and that they used legal means to subjugate the west.

General descriptions of the region don't do justice to the plight of individuals throughout western Pennsylvania, and the backcountry reaches of the other states. One visitor described the inhabitants as "a parcel of abandoned wretches ... [living] like so many pigs in a sty." Another account gawked at the miserable "scum of nature" who could be found in the west. Travelers wrote with excited, disgusted, fascination about the overwhelming filth and pervasive violence of the western expanses. Easterners expressed their shock at the cavalier horsewhipping of men, and the speed with which men resorted to shooting each other. It was observed that Western Pennsylvania had an astoundingly large population of one-eyed men—as a result of the practice of eye gouging. Looking to explain the depravity of western life, eastern observers settled on uninhibited whiskey consumption as the root of barbaric backcountry behavior.<sup>241</sup>

Whiskey was not, however, merely a route to drunken lawlessness. As the state legislature continued to refuse to print paper money, farmers needed a way to conduct business without legal tender. They turned to whiskey, which was easily distilled from surplus grain stores, as a commodity that could serve as an effective medium of exchange.<sup>242</sup> Whiskey was the mainstay of a necessary, if not thriving, barter economy in western Pennsylvania—and in many other states. The tax was particularly odious in that it taxed whiskey at market value—before farmers had been

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<sup>241</sup> Quoted in *Ibid.*, 64.

<sup>242</sup> Griffin, *American Leviathan*, 222.

given a chance to sell it at market. So, if prices fell, as they were wont to do in the down economy, the farmers ended up paying an outsized amount. Their already thin profit margins vanished. For farmers who often depended on selling their excess grains in the form of whiskey in order to cover the costs of preparing to plant the next year's crop, loss of these profits was untenable.<sup>243</sup> So, the government, through the whiskey excise, appeared to be crippling the ability of farmers to subsist in the future, robbing the west of a core element of its barter economy, and generating revenue purely to pay its creditors—the very speculators who were taking over the west from afar. It was, to some, a clear sign that eastern elites controlled government policy. After all, there had been little interest in raising revenue to pay off revolutionary-era government debt when it was in the hands of veterans. Now, as the thriving gentry held much of the war debt, collecting taxes to pay it off was suddenly deeply important.<sup>244</sup>

The state and federal governments, on the other hand, saw western tax contributions as payment for services rendered. The west had long been a sinkhole for defense spending, and rapid migration westward after the Revolution made it even more costly.<sup>245</sup> State governments spent money defending western settlers from Native American attacks, and the need to protect the frontier proved costly and often went unappreciated by westerners—who suffered despite the governments' efforts. Between 1790 and 1796—in part due to unrest such as the Whiskey Rebellion—the

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<sup>243</sup> James Kirby Martin, "Introduction: The Whiskey Rebellion Redivivus" in *The Whiskey Rebellion: Past and Present Perspectives* ed. Steven Boyd (Westport, CT: Greenwood Press, 1985), 4.

<sup>244</sup> Bouton, *Taming Democracy*, 220.

<sup>245</sup> J. Franklin Jameson, *The American Revolution Considered as a Social Movement* (Princeton: Princeton University Press, 1967), 45.

national government spent nearly 5/6 of its budget on war in the west. Governments in Pennsylvania and Virginia, among other states, committed money and manpower to keeping peace in the backcountry.<sup>246</sup> Thus, collecting taxes from those who drove so much spending was, in a sense, just.

However, it was difficult for many backcountry Pennsylvanians to see the benefits of western spending. For decades, they had been under-protected from Native American attacks, and their protection was subject to political maneuvering. Petitions expressing “apprehensions” detailed a “defenseless situation, having neither garrison, arms, or ammunition in case of attack from the Indians.”<sup>247</sup> Spending, in and of itself, was not enough to make westerners feel safe, and cared for. Instead, the ineffectiveness of spending meant for frontier defense was yet another example of inefficient public infrastructure and the problems of corruption. While funds were allocated to defending the west, the efforts they funded did not satisfy westerners. Many frontier families were forced to defend themselves with what little energy, money, and supplies they had. While public spending had increased, it had done little to tangibly improve life in the backcountry.<sup>248</sup> So, the idea that the west should help pay for policies that claimed to help their situation but did little to actually do so was deeply unpalatable.

Instead of a repayment plan, the whiskey excise appeared, for yeomen used to various abuses from eastern governments, to be an attempt to further remove money from the cash-strapped region. That the tax was on the chief commodity of the western barter-based economy was simply an additional slap in the face. The primary

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<sup>246</sup> Slaughter, *The Whiskey Rebellion*, 94.

<sup>247</sup> *Ibid.*, 107.

<sup>248</sup> Formisano, *For the People*, 48.

evil of the whiskey excise was the complete lack of understanding—and of a will to understand—that it exhibited. Western settlers had hoped for significant changes and a more responsive government after the revolution. Despite periods of hope, they were left largely underwhelmed. Now, as they entered into yet another period of new government under the 1787 Constitution, it was clear that their hopes were, again, in vain.

Eastern responses to western resistance were characterized by a Hobbesian fear of disorder. Many among the gentry saw westerners as prone to barbaric outbursts born of ignorance. *The Gazette of the United States* called resisting farmers “strangely fettered by custom.”<sup>249</sup> Some in the east argued that western resisters were blinded by a lack of understanding of politics, political necessity, and the larger scope of America’s situation—politically, economically, and militarily—which justified western taxation. Westerners responded, of course, by explaining that the problem was, in fact, that the east that lacked knowledge of the west.<sup>250</sup> Thus, the tax lacked local knowledge—and lacked legitimacy in the percolating rural understanding of republicanism and the bounds of republican government. Moreover, many who supported the whiskey tax thought that, regardless of the wisdom of the excise, dissent was downright unpatriotic in a new and relatively weak nation with a brand-new Constitution. Resisters were determined “to excite the people to destroy” the new federal government and presented a threat “more injurious to our wealth than the Hessian fly in our wheat-field.” Even worse, “anarchy and civil discord spare nothing.

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<sup>249</sup> *The Gazette of the United States*, quoted in Slaughter, *The Whiskey Rebellion*, 138.

<sup>250</sup> Griffin, *American Leviathan*, 233.



The insect takes the seed—violence would seize the crop.”<sup>251</sup> Proponents of discord were viewed as simply opposed to the new government, and as having a faulty understanding of republicanism—which drove them to criticize without standing and to dissent for dissention’s sake. The Philadelphia-based *General Advertiser* laughed off the very notion that there were parallels between Stamp Act resistance and resistance against the whiskey excise, explaining,

It may be justly observed that there exists some difference in bearing a burden imposed by a government in which we had no participation, and in paying a tax laid by our immediate representatives, and for the support of a government of our own choice.<sup>252</sup>

Of course, even if this reasoning was universally accepted, it hinges on a shared belief that the tax was, in fact, laid by immediate representatives—and that the government was of the people’s own choice.

Some supporters of the tax and the new Constitution went so far as to reject the very notion that there could be legitimate modes of republican political participation outside of voting in elections. Representatives were elected in a display of public political preferences, and were then tasked with passing laws, which the people—regardless of whom they voted for—were obliged to obey. This philosophy of republicanism embraced a very lax view of representation—in stark contrast with the rigorous representation that many anti-federalists and excise-resistors demanded. Voters were represented simply by having voted. Representation was not a question of understanding local situations and expanses of geography—but rather a matter of working for what the representatives judged to be the best interests of the public who voted. While many resistors embraced a revolutionary idea of liberty as an ongoing

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<sup>251</sup> Quoted in Slaughter, *The Whiskey Rebellion*, 103.

<sup>252</sup> *General Advertiser*, quoted in Slaughter, *The Whiskey Rebellion*, 103.

project—to be fought for and guarded against governmental intrusion—hardline supporters of the tax believed that liberty was not found in fighting one’s government, but rather in obeying the law and maintaining order. Republicanism did not require public assemblies, mass political action, or popular debates—it simply required obedience and representatives who worked for the public good. Thus, while many frontiersmen thought that the new government and the eastern elite were harming American republicanism, those on the other side of the debate thought the American republic faced a great threat from politically-confused, easily manipulated, and narrow-minded farmers and other members of the American lower classes.<sup>253</sup>

Perhaps the most famous of the “order-first” republicans was Alexander Hamilton, then-Secretary of the Treasury. He took great personal interest in the Whiskey Rebellion, and reported on the unrest to President George Washington. Hamilton, with a perplexed and meticulous diction, articulated his view a meeting on in Pittsburgh that called itself “A Meeting of sundry Inhabitants of the Western Counties of Pennsylvania.”<sup>254</sup> The gathering produced the usual grievances—that a tax on whiskey is oppressive to the poor, that internal taxes on consumption were contrary to republican liberties, and that the circumstances of the west were inadequately understood in the east and made the excise a particularly ruinous policy. Hamilton observes that the grievances led those involved to decide that it was their republican duty to resist the excise, and use legal and, in their minds, legitimate

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<sup>253</sup> Ibid., 133.

<sup>254</sup> Alexander Hamilton, “Report on the Western Country, August 7, 1794” in *The Whiskey Rebellion: Past and Present Perspectives* (Westport, CT: Greenwood Press, 1985), 37.

methods “that may *obstruct* the *operation* of the LAW.”<sup>255</sup> This, Hamilton explains, is ridiculous and contradictory. His Federalist views were such that the primacy of established law over appeals to broader, theoretical laws was obvious. He writes, “Legal measures may be pursued to procure the repeal of a law, but to *obstruct its operation* presents a contradiction in terms. The *operation*, or what is the same thing, the *execution* of a *law*, cannot be *obstructed*, after it has been constitutionally enacted, without illegality and crime.”<sup>256</sup> Thus, there is no room for a legitimate republican resistance in Hamiltonian thinking—for the very nature of resistance is illegitimate.

So, it was up to the yeoman resisters to articulate a vision of republicanism that legitimized their actions. Resistance to the whiskey excise began as non-violent political action. Residents of Pennsylvania, and the various other states particularly affected by the tax, engaged in methodologically rigorous forms of radical republican participation learned from past rural movements and implemented under the new Constitution. Through a plethora of extra-legal meetings, groups of aggrieved yeomen developed systems to elect leaders and lend their resistance an air of legitimacy through organization.<sup>257</sup> As local associations took root—many following patterns established during the revolutionary era and reinforced by use under the Articles of Confederation—they began to communicate with each other. This growing, deeply decentralized, and dramatically fragmented network of resisters

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<sup>255</sup> Ibid.

<sup>256</sup> Ibid., 38.

<sup>257</sup> Kenneth Owen, “Violence and the Limits of the Political Community in Revolutionary America,” in *Between Sovereignty and Anarchy: The Politics of Violence in the American Revolutionary Era* eds. Patrick Griffin et. al. (Charlottesville: University of Virginia Press, 2015), 179.

proved threatening to the newly empowered federal government.<sup>258</sup> Some groups of local associations developed revolutionary-style committees of correspondence, communicating their ideas of legitimate, republican resistance to other backcountry communities.<sup>259</sup> Though the national organization of the disparate movements was poor at best, the very idea of such a web of resistance was anathema to the order-driven ethos of Federalist government.

Associations of resisters petitioned their state governments, particularly in Pennsylvania, with its tradition of a wide electorate and popular political participation. However, politicians tended to dismiss these petitions—arguing that these groups should voice their concerns through their representatives, as representative republicanism seemed to demand.<sup>260</sup> This appeal to procedure only further frustrated western farmers, who felt that they had taken important steps to legitimizing their petitions. Local associations were permeated by a deep concern for process. Though their representatives were, theoretically, their voice in legal proceedings, backcountry yeomen thought that their associations were in line with republican ideology.<sup>261</sup> Elections of association leaders were dictated by established procedure, petitions were voted on and assembled in popular meetings, and the language of local grievances was crafted with the belief that well-reasoned, popularly-supported demands submitted by an organized body of the people were legitimate and persuasive demonstrations of civic unrest.

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<sup>258</sup> Bouton, *Taming Democracy*, 226-228.

<sup>259</sup> Griffin, *American Leviathan*, 230.

<sup>260</sup> Slaughter, *The Whiskey Rebellion*, 74.

<sup>261</sup> *Ibid.*, 111.

Local associations were broadly analogous to urban town meetings. As such, they were of vital importance to organizing grievances and attitudes of dissent held by many people over broad areas. The petitions generated by rural associations were hardly unique, or importantly different from those produced by town meetings. However, backcountry associations were less controllable than town meetings—which were largely suppressed by this point—and thus represented a real threat to the eastern gentry’s social stability. Thomas P. Slaughter, author of *The Whiskey Rebellion*, argues that democratic societies threatened eastern government because they established their own order, implicitly undermining the existing social and political framework.<sup>262</sup> However, calls for a new order in the west, and for any form of independence, were largely present only in the latter stages of the Whiskey Rebellion. When resistors were still pursuing redress through formal channels, and engaging in local republican politics, they were not trying to establish a new order—they were asserting their understanding of the current order. Assemblies were intended to convey grievances based on a broad “sense of the people” in a given locale.<sup>263</sup> This, perhaps, was the most basic aspect of the prevailing western understanding of republicanism—that though the west was small in population, its needs must be addressed when presented logically and with the clear support of the people of the region.

This view of republicanism—and tiered, representative government—was deeply local, and rejected the idea that urban governments could understand the countryside or the western backcountry, and thus that they could dismiss rural

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<sup>262</sup> Ibid., 163.

<sup>263</sup> Formisano, *For the People*, 54-55.

grievances. It was much the same argument that colonists made about rule from across the Atlantic, but without the dramatic geographic illustration of two continents separated by a vast ocean. Understood this way, opposition to the whiskey excise was part of a lineage that began with resistance of the Stamp Act. In resisting this tax, colonists used mass extra-legal political participation to deny the right of a body that didn't represent them, and that governed from afar, to rule them. Of course, this resistance came to oppose the prevailing philosophy of government and of centralized power—thus meaning that positive change would entail governmental revolution. In the 1790s, even the resisters assembling and writing petitions did not harbor the same sorts of beliefs about the nature of their system of government.

The idea of republican rule was appealing to most Americans. It was simply the implementation of this broad mandate to govern in a republican fashion that much of the west took issue with. The 1787 Constitution centralized power in a way that brought colonial-era issues of representation and geography to the fore. The 1790 Pennsylvania state constitution, while allowing 90% of adult men to vote and lacking property requirements for office holding, took authority to appoint officials from the locality's voters and gave it to a stronger Governor's office.<sup>264</sup> Once again, the backcountry was taxed from afar—and by a government that, many argued, couldn't possibly understand the local situation when it had so few representatives representing such large territories.<sup>265</sup> If American republicanism was meant to be a departure from the old habits of taxation without representation and centralized, distant power, then, yeomen argued, the backcountry was justified in attempting to

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<sup>264</sup> Bouton, *Taming Democracy*, 195.

<sup>265</sup> Slaughter, *The Whiskey Rebellion*, 128-129.

reinterpret the broad strokes of American government to legitimize local assemblies and petition-writing. This, perhaps, was actually the path towards saving American republicanism, and the many liberties it was meant to protect and ensure.

When non-violent forms of what westerners regarded as legitimate political participation failed, resisters turned to old habits of resistance. In the west, excise collectors were threatened, told to resign, and occasionally attacked by frustrated mobs.<sup>266</sup> These outbursts of localized violence against the most visible representatives of centralized government had become common in America, but they did not necessarily represent a point of no return on the way to outright rebellion. Indeed, many rural resisters feared the repercussions of open violence and were committed to exploring their myriad options before resorting to violent rebellion or Regulation. The Constitution had, quite publicly, alerted the nation to the possibility of an overwhelming, national army. Thus, westerners feared provoking a reaction from the east such that they would bring the new army down upon themselves if they disrupted the sociopolitical order.<sup>267</sup> While many understood these fears, and the likely doom facing open rebellion, it was also clear to many that forced implementation of the whiskey excise would destabilize the fragile order of the west and provoke a violent response. An anonymous North Carolina poet wrote:

The countrys' a' in a greetin mood  
An some are like to rin red-wud blud:  
Some chaps whom freedom's spirit warms  
Are threatning hard to take up arms,  
And headstrong in rebellion rise  
'Fore they'll submit to that excise:  
Their liberty they will maintain

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<sup>266</sup> Bouton, *Taming Democracy*, 224.

<sup>267</sup> Slaughter, *The Whiskey Rebellion*, 132.

They fought for't, and they'll fight again.<sup>268</sup>

While the eastern gentry may have held that anti-tax violence was a product of uncivilized, ungrateful thinking, this poem captures the parallels that many western farmers drew between the fight for their liberty against British tax policies and their current situation. This resistance was provoked by much more than a harmful tax on whiskey. Backcountry yeomen rallied against a central government that had never been on their side, and that had rarely done anything but abuse them. The Whiskey Rebellion was not just a tax revolt, though it certainly was that—it was an expression of an unrefined rage. The republicanism of the assemblies, petitions, and methodologies of resistance in western Pennsylvania was, thus, a product of rage—and should be considered as such. It provided a legitimate outlet for the anger of oppressed sections of the population.

Eastern elites were, understandably, unsettled by the rhetoric of whiskey resistance. With worries about democratic anarchy still prevalent—even after the Federalist Constitution had been ratified—politicians feared that that they weren't dealing with a resistance, or even an uprising—but rather a fight for independence.<sup>269</sup> Determined to implement the tax, a US marshal traveled west to confront those who refused to pay. In response, resisters assaulted the home of General John Neville, a tax inspector and an easy target for backcountry frustration—both at the whiskey excise and at the inevitable doom the resistance movement faced after provoking federal interference.<sup>270</sup> An army of over 13,000—soldiers from militias in Virginia, Maryland, New Jersey, and Pennsylvania—traveled into the frontier to find that the

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<sup>268</sup> Quoted in *Ibid.*, 132.

<sup>269</sup> *Ibid.*, 117.

<sup>270</sup> Griffin, *American Leviathan*, 232.



resistors had dispersed, accepting their fate. A few leaders were arrested, and the Whiskey Rebellion ended in a thunderous anti-climax.

The nature of the suppressing army—from 4 different states—speaks to the seriousness with which the federal government took the threat of an armed movement in western Pennsylvania. Though the resistance had taken steps to showcase its methodological legitimacy, their appearance—as armed barbarians with little civility and even less ability to intelligently engage in politics—meant that Federalists were able to easily dismiss them without considering the theory of republican resistance they presented.

*Fries' Rebellion: Refinement and a Final Assertion of the Republicanism of Rural Resistance*

On March 7<sup>th</sup>, 1799, Captain John Fries, of Pennsylvania's Montgomery County, told militiamen under his command: "All those people who were Tories in the Last War mean to be the leaders, they mean to get us quite under, they mean to make us Slaves! And if we let them go on things should be as they are in France... [where people are] as poor as Snakes."<sup>271</sup> Fries came to be branded as a rebel for leading a relatively successful movement to resist the Direct Tax Act of 1798 and the general tide of Federalist policy, but he and his followers showed little desire to overthrow their government. Instead, they are properly considered as a logical continuation of the struggle for local means of republican resistance and participation under the Federalist Constitution. The ideological underpinnings of Fries' 'Rebellion'

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<sup>271</sup> "Deposition of Phillip Schlough before Judge Richard Peters, April 9, 1799," quoted in Paul Douglas Newman, *Fries's Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia: University of Pennsylvania Press, 2004), 15.

are quite similar to radical republicanism of Shays' Regulation or the Whiskey Rebellion. The band of mostly Germanic Pennsylvanians resisted the increased centralization of functions that they thought were properly left to local governments in a republic—they were localist republicans—and protested the refusal of central government to respond to local grievances.<sup>272</sup>

The German immigrants of southeastern Pennsylvania were largely farmers. They held the state constitution of 1776 in high esteem, and took its participatory ideals seriously. In particular, the localists admired the aspect of the document that gave the people the “sole exclusive and inherent right of governing” and tasked them with correcting governmental ills with “such measures as to them may appear necessary.”<sup>273</sup> Now, that these men believed in the regulatory right of the people does not mean that they had supported the Whiskey Rebellion. In fact, many who would come to resist the state government—including Fries, their nominal leader—marched in the Federalist army that vanquished the whiskey rebels.<sup>274</sup>

Still, the localists' methodology suggested that they believed in the same sort of legitimate—and potentially non-violent—right to resistance that the whiskey rebels embraced during their petitioning phase. Fries and his supporters imagined legitimate republican resistance, within the framework of the American Constitution, which would allow the people to assert their control on government without being branded as criminals or inciting military action. To do this, they drew on an idea of an authority they believed the Constitution had left to the people, and grounded their actions in the Bill of Rights. Unlike the relatively disorganized—and significantly

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<sup>272</sup> Formisano, *For the People*, 59.

<sup>273</sup> Quoted in Newman, *Fries's Rebellion*, 5.

<sup>274</sup> Bouton, *Taming Democracy*, 252.

more desperate—western Pennsylvania farmers, southeastern resisters were set on conducting their movement without violence. This, they believed, was the fatal flaw in previous instances of reasoned resistance.<sup>275</sup> Refusing to resort to violence also promised to confound the sentiments behind the Sedition Act. The resisters articulated a logical defense of the legitimacy of their actions and insisted on the legitimacy of their methodologies—which invoked the support of “the people” of their region to demonstrate the righteous nature of their grievances and their movement. These aspects of rural republicanism and resistance thinking asserted the right to resist their government in a time when that right was under attack from Federalist politicians.<sup>276</sup>

Now, Fries and his fellow southeastern Pennsylvanians were facing a different kind of threat than the whiskey rebels—or even Shaysites more than a decade earlier—had encountered. For frontier farmers, excessive taxation and the arbitrary actions of local officials were a threat to their livelihood, and thus their existence in the hard-edged backcountry. Pennsylvania localists did not face an existential threat from their state government, from the Direct Tax Act, or from the controversial Alien and Sedition Acts. As they saw it, the threat was more pernicious than that. The Direct Tax Act combined the taxation that many rural Americans so loathed with an immediate impact on their ability to hold private property. Moreover, it taxed farmland, with its various improvements, more than it taxed speculators’ holdings, which were generally unimproved.<sup>277</sup> Thus, the Direct Tax fit into a long-running

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<sup>275</sup> Newman, *Fries’s Rebellion*, 11.

<sup>276</sup> Robert H. Churchill, “Popular Nullification, Fries’ Rebellion, and the Waning of Radical Republicanism, 1798-1801” in *Pennsylvania History* 67 (2000), 111.

<sup>277</sup> Bouton, *Taming Democracy*, 246.

narrative of economic preference in governmental policy. This kind of tax would not immediately break them. Rather, it would serve to further normalize a type of taxation and Federalist behavior that, in their view, was contradictory to American republican values.<sup>278</sup> Taxation without local knowledge was, as Shaysites and whiskey rebels had previously articulated, illegitimate. It revealed, as well, that representatives had failed to live up to their duties of responsiveness to their constituents and of representing the broader interests of their region instead of their own.

Resistors also objected to acts of Federalist government characterized by overly centralized legislating and a claim on a monopoly of interpretation. The Alien and Sedition Acts were a prime example. Like the Direct Tax Act, these did not, on their surface, threaten the livelihoods of southeastern farmers. Rather, the Sedition Act challenged their right to resist government action—even when they deemed it legitimate.<sup>279</sup> This was a threat to their beliefs about republicanism—but perhaps not to their physical circumstances. So the choice to commit to non-violent resistance was much more of an option for the eastern yeomen than it had been for Shaysites or whiskey rebels. It was a luxury, but it also further developed the brand of republican resistance for marginalized political groups.

Of course, the marginalized groups had, for a glorious moment, taken charge of their state government. The 1776 Pennsylvania Constitution was democratic in nature primarily because western leaders overrepresented themselves at the convention that wrote it.<sup>280</sup> Now, with a new state constitution, eastern Pennsylvania Germans, a politically disempowered group themselves, initially attempted to gain

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<sup>278</sup> Formisano, *For the People*, 58.

<sup>279</sup> Churchill, “Popular Nullification,” 108.

<sup>280</sup> Newman, *Fries’s Rebellion*, 19.

political agency by asserting local control. They fought to control the office of the justice of the peace—a hugely important figure in any community, as the official who headed up debt collection. Many communities were fairly debt-ridden, and relied on lenient justices of the peace to prevent widespread foreclosures and thus prevent local economies from collapsing. Foreclosure was a nightmare scenario for rural republicans—who tended to be land-owning, middle of the road, yeomen—in this era. Due to voting restrictions, and traditions of rural life, personal property was vital to citizenship, independence, and political participation.<sup>281</sup> Without their property, farmers could not provide for themselves or their families, and could not vote. Thus, without property, rural Americans had little formal political voice.

In southeastern Pennsylvania, resistance began as it so often did—with petitions and associations. Encouraged by local legislators and community leaders, the Germanic farmers and rural townspeople produced popularly-supported documents explaining their grievances, and sent them to the state legislature in Philadelphia.<sup>282</sup> With little reason to expect a prompt response, towns looked to Pennsylvania’s history of local democratic associations as a means of organizing a legitimate resistance to the tax.<sup>283</sup> These township associations provided a platform from which to petition behind the strength of the whole locality, and to organize with a reinforced legitimacy.

It became clear that, no matter how many petitions people signed, the Direct Tax Act would be enforced. Thus, resistance groups turned to thwarting its implementation. Displaying a stubborn commitment to non-violence, they prevented

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<sup>281</sup> *Ibid.*, 7-8.

<sup>282</sup> *Ibid.*, 16.

<sup>283</sup> *Ibid.*, 20.

assessments of homes and property. Non-violence, at this point in the resistance process, was truly notable. When it came to interactions with tax officials, non-violence historically had given way to ritualistic mob violence. In Pennsylvania's resistance to the Direct Tax Act, the worst assessors suffered were threats.<sup>284</sup> In this way, it was a truly unique resistance movement. While Shaysites had been quite violent, one need not look outside of the state of Pennsylvania for examples of horrific violence in the name of marginalized groups asserting political voice. Paxton's Boys had conducted a massacre, and more mundane acts of violence against state and federal officials were common—historians estimate that 86 such instances occurred during the post-war period alone.<sup>285</sup> Southeastern resisters knew this history, and chose to break from it—instead turning to a model of resistance based not only on their revolutionary history, but also on a constitutional interpretation that broadened their legitimate options.

Resistors saw the existing political structure as an adequate tool to address their grievances, and thus did not withdraw from political life. Non-violence, in addition to being a way to avoid armed confrontation with a surely superior force, was a way to ensure that the people of rural Pennsylvania could resist the tax while still engaging in politics with those they resisted. As the period of active resistance wore on, people preserved non-violence by warning tax collectors about potentially dangerous situations, and helping them save face while avoiding confrontation.<sup>286</sup> Thus, resisters showed that they respected the American and Pennsylvanian governments, while asserting their right to legitimately resist overreach. They were, in

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<sup>284</sup> Bouton, *Taming Democracy*, 252.

<sup>285</sup> Newman, *Fries's Rebellion*, 43-44.

<sup>286</sup> *Ibid.*, 44-45.

their own minds, patriots—acting on a specific idea of the Bill of Rights and the Constitution that legitimized their movement.

This ideology—and methodology—of resistance helps to explain why John Fries, and others who followed him, had marched to put down the Whiskey Rebellion. That act of resistance had not proceeded with the necessary procedural rigor. So, their efforts to neutralize it were to, as a young Meriwether Lewis explained, “support the Glorious cause of Liberty.”<sup>287</sup> Now, the southeastern Pennsylvanians believed they had a reason to oppose their government, and an understanding of how to do so legitimately. Their representative to Congress, Blair McClenachan, supported the tax resistance movement. Federalists, he explained, “wished to oppress the people...’til they got their lands and then they would lease it out again to the people for their life...and that if [they]...and other people did not oppose the laws they would certainly lose their lands.” This was legitimate confirmation, from a source of traditional governmental authority, that the Direct Tax Act was a very real threat to the resisters’ political participation and independence. McClenachan went on to suggest that resisters could legitimately change the law: “the Tax Law was not fixed and finally determined upon but if the people were to oppose it, it yet might be altered.”<sup>288</sup>

To further legitimize their resistance, Fries’ followers constructed liberty poles. This connected their cause to the cause of Stamp Act resistance, and the revolutionary fervor.<sup>289</sup> However, they made a concerted effort to shed the more violent, negative aspects of the earlier resistance movements—burning effigies, tarring

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<sup>287</sup> Quoted in *Ibid.*, 56.

<sup>288</sup> Quoted in *Ibid.*, 85.

<sup>289</sup> Bouton, *Taming Democracy*, 249.

and feathering, and destruction of property.<sup>290</sup> The average resistor was not necessarily the “common man” who was so often associated with mass action and protest. In fact, Fries’ followers had slightly larger property holdings and a more valuable home than non-resistors in the area.<sup>291</sup> These were landed farmers and townspeople, men with a history of civic involvement, and relatively high levels of education. In the Germanic parts of rural Pennsylvania, literacy rates were above 70%. Resistors demanded to read the Direct Tax Act themselves, and to fully understand the tax. When they encountered tax officials, they asked to see their papers, and to inspect them.<sup>292</sup> In this sense, their opposition was truly against the law, and the larger system of government. Unlike previous resistance movements, they did not focus on the tax officials as the root of the problem.

On March 7<sup>th</sup>, 1799, John Fries led a force of over 300 men into Bethlehem, Pennsylvania to demand the release of 17 resistors who had been arrested. Fries’ men didn’t need to fight to break the men out of jail—their numbers and the history of mob violence against jailors was enough to lead to their peaceful release.<sup>293</sup> After this success, Fries and his men went back to their lives. Having not actually attacked any officials, they had little expectation of reprisal. By their logic, they had worked to uphold the Constitution—acting as a popular check on federal overreach.<sup>294</sup> Fries’ resistors believed that the Constitution was designed to defend the people’s liberty from their government. The Bill of Rights, they reasoned, actually granted a sort of positive power to the population—allowing them, primarily through the First

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<sup>290</sup> Newman, *Fries’s Rebellion*, 91.

<sup>291</sup> *Ibid.*, 33.

<sup>292</sup> *Ibid.*, 99.

<sup>293</sup> Bouton, *Taming Democracy*, 253.

<sup>294</sup> *Ibid.*, 140.



Amendment, to act to thwart their government when it overstepped its bounds. Moreover, though this was merely one interpretation of the Constitution, these Pennsylvanians believed that the sovereignty of the people that was inherent in republicanism gave the people a say in judging constitutionality, and the ultimate application of the Federalist Constitution.<sup>295</sup>

However, in a show of federal strength, a small army marched into the resisting counties and made a slew of arrests. Federalists were determined, as they had been in the case of the Whiskey Rebellion, to deem Fries and his men traitors—guilty of treason and fomenting rebellion. In a series of highly suspect trials, Fries was convicted and sentenced to death—twice. Finally, in 1800, he received a presidential pardon and went back to his life in southeastern Pennsylvania.<sup>296</sup>

*The Federalist Response: A Rejection of Alternative Republicanism*

When Shaysites regulated their state government, they were called rebels. When western Pennsylvanians resisted the whiskey excise, they are also called rebels. So, it comes as no surprise that Fries' resistance was branded a rebellion. Federalist leaders understood resistance to government action through the vocabulary of rebellion.<sup>297</sup> Thus, they were quick to liken Fries' resistance to previous episodes of backcountry rebellion—whether or not these movements desired the same ends or espoused the same ideologies. Of course, by calling it a rebellion, Federalists delegitimized the very serious aspects of the tax resistances rhetoric and arguments.

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<sup>295</sup> Formisano, *For the People*, 59.

<sup>296</sup> Adams, *Those Dirty Rotten Taxes*, 70-71.

<sup>297</sup> Newman, *Fries's Rebellion*, xi.

Calling an action a rebellion was a way of suspending debate, and rendering it useless. Rebels acted against their polity—not only in action, but also in thought. So, rebel ideology could not be American ideology, and a rebel’s republicanism had no place in American republicanism.

Rebel ideology was foreign in this sense, and Federalists thought it might literally be foreign in inspiration—as they watched the French Revolution unfold across the Atlantic. To many Federalists, the French Revolution was the perfect example of the ultimate dangers that popular resistance, Regulation, and rebellion movements posed to an organized society.<sup>298</sup> It was democracy run amok, but this time with enough power to magnify its deleterious effects. Federalists worried that Jacobin ideas would spread across America. They looked zealously for signs that it had—and Fries’ resistance provided a perfect example for those determined to find one. This alleged connection—which, in some accounts, went as far as to describe Fries’ followers as products of active French subversion—proved useful. Federalists cited the French theory while attempting to raise a military force to quell the rebellion. Much to their dismay, the trials that followed the resistance revealed that the resisters had absolutely no connection to French revolutionaries.<sup>299</sup>

*Whiskey Rebels and Fries’ Followers: What Did They Stand For?*

It is difficult to judge the true intentions behind the Constitution of 1787. However, it is clear that one of them was to make it easier for states, and the federal government, to quell rural resistance movements. So, during the early years of the

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<sup>298</sup> Ibid., 27.

<sup>299</sup> Ibid., 57.

new American Constitution, rural resisters had to weigh the benefits and risks of their actions—judging when they might provoke an armed response.

The Whiskey Rebellion, deemed a rebellion under the auspices of the hypersensitive Federalist regime, was the first major incident to test the new order. In its early days, resistance to the whiskey excise was non-violent, and intentionally so. Leaders were wary to the experience of Shays' Rebellion, and the promise of a swift federal response. Drawing on an idea of republicanism that privileged local rule and understood representatives to be beholden to the will of the people, rural Pennsylvanians met in democratic associations and town meetings. These expressions of local populism produced reasoned petitions and lists of grievances. As Shaysites had done before them, backcountry Pennsylvanians believed that their legislature would listen to a logical presentation of demonstrated grievances, and would act to alleviate them. When, and only when, it became clear that formalized avenues of political participation (petitioning, appealing to the legal system) wouldn't advance their cause, the resisters turned to the rich Anglo-American tradition of mass political action.

This was the tipping point into violence—against tax officials, against local representatives of the eastern government, and against the tax itself. Now, the Whiskey Rebellion became, in the minds of those in power, a true rebellion. The dominant, Federalist, conception of American republicanism left no room for violent opposition to the law. Instead, those who felt a law was unfair or unjust were left to petition, speak to their representatives, and exercise their ability to vote. However, this route offered little to rural Pennsylvanians, who were unable to affect change between elections, and did not have faith that their representatives could accomplish anything for them. So, left without a political voice, these groups turned to the same

ideas of legitimate resistance that Shaysites had done, and colonial resisters before them. Pennsylvanian yeomen asserted the primacy of popular sovereignty in the republican system as allowing citizens to legitimately resist laws—and even to perform illegal acts—in the name of expressing the opinion of the people, or at least a section of the people. Violence was not ideal—but it became necessary when the aggrieved had no other means of effective political participation.

Later in the 1790s, Fries' Rebellion tapped into the same tradition as the whiskey rebels—but drew lessons from their failures. These eastern yeomen and rural townspeople displayed a more concerted commitment to non-violent resistance—and were, perhaps, more able to do so given their relatively lighter grievances. After all, the backcountry farmers were seeking to preserve a vital cog in their dismal economy, while Fries' followers were protesting a tax that, while burdensome, was representative of a larger movement that they feared would chip away at their freedom and economic independence. Nevertheless, eastern rural resisters stuck to non-violence for as long as they could—and took steps to prevent any unnecessary violence from occurring. They claimed a right to resist the tax, and to seek redress through formal channels. Fries' resisters gained more traction in the legislature than their western predecessors—with the vocal support of a few elected officials—but had no hope of stopping the tax through the legislative process. They were content to simply repeal the tax through noncompliance, but aggressive enforcement from Philadelphia forced their hand.

After resorting to a brief bout of violence, Fries' followers melted back into the landscape and resumed their lives. They believed, as had many a resister before them, that their actions were justified and legitimate, an expression of popular sovereignty

and the ultimate importance of the people's political voice in republican government. They did not lay siege to a tax collector's house, as the Whiskey Rebellion had done, or attack an armory, as Shaysites had done. However, the severity of the violence was of little concern to Federalist officials—and particularly those of a more Hamiltonian persuasion. These law and order Federalists, the same ones who had insisted that resistance to the whiskey excise constituted a full-fledged rebellion, deemed the actions of eastern rural resistance an act of rebellion as well.

Such were the power dynamics of the new constitutional order. Federalists, and Federalist ideology, claimed a legitimate—if not exclusive—right to interpret and decide the correct idea of American republicanism. The dominant, codified, American republicanism left no room for voiceless, subaltern groups to practice extra-legal forms of political participation and popular action. Rural resistance movements did not bend in their commitment to an idea of republicanism that supported their political voice, but they did change their tactics to allow for the practical realities of the times. Under the 1787 Constitution, resistance movements had much more to fear from the Federalist government, and good reason to wait as long as possible before resorting to what was, to resisters, legitimate violence. The Constitution forced rural resistance movements to articulate a more coherent ideology about legitimate action in republican government and legitimate methodologies of resistance.

## Conclusion

### What Can We Learn From a Losing Battle?

Political participation is not an instinct. It is learned over generations. It waxes, it wanes, and it evolves. In America, mass political participation was tied to the historical practices of the English mob. Colonists brought English assumptions about public life, of the political rights of the individual, and of the duties of government with them across the Atlantic. In the New World, these notions grew in strange new directions—but remained rooted in a devotion to ritualistic expressions of populist political voice. The Stamp Act Riots began with a uniquely American twist on an old British tradition—Pope Day. During resistance to what came to be known as the Intolerable Acts, colonial mobs asserted their place in the tradition of British mob culture.

These acts of extra-legal political participation were not inspired by theoretical treatises, or ideological belief—but by frustration and impotence. Those who had the least ability (among, it must be said, white adult males) to participate in politics took to the streets with a contagious fervor. Members of the colonial elite, popular leaders who shared common goals with the crowds, gave these acts of resistance a theoretical base—in Lockean natural law. It was necessary to resort to political theory, and a foreign text, because disempowered colonists lacked a clear mechanism to hold their government accountable for their grievances. In resisting the Stamp Act, the Townshend Acts, and other actions of the distant Parliament, the colonial mob scene gained a new scope. It was no longer local, or regional—it spanned the colonial coastline. In Boston, Philadelphia, and Charleston, colonists joined together in

resisting the most invasive aspects of British rule. Widespread cooperation was fostered by networks of resisting colonial leaders—whose socio-economic status gave them the ability to communicate and organize across long distances.

By giving the resistance movement a greater scope and a theoretical backing colonial elites militarized the old tradition of British mass politics. As a local force, mobs could effect local change. Now, popular resistance united Massachusetts fishermen and Carolina tobacco merchants. It also began to bridge a long-standing division between the western colonial backcountry and eastern cities. Rural colonists modified British urban mass politics to fit their geographic situation, and developed new means of resisting their government and asserting political power.

Relative cross-colonial solidarity was feasible while the colonies were united in revolution—but it became much less feasible after they emerged victorious. With a country to establish, and a new system of government to implement, old social cleavages reared their ugly heads. A new American gentry emerged, and was taken aback by the realities of post-revolutionary popular republicanism and widespread political participation. They sought to tamp down the inflated influence of rural yeomen and lower-class populists.

Under colonial rule, disempowered, ignored backcountry yeomen lacked a concrete means for holding their government accountable to their interests. Independence, and new documents of American government, presented the underserved with new opportunities. New government meant new promises, and the republican nature of early state constitutions and the Articles of Confederation lent strength to claims of popular sovereignty. So, as the war ended, and a new American gentry began to resume conducting business as usual, many in the rural United States

were outraged. They were used to being dismissed by colonial Governors, and they were used to fighting for their political voice. Now, they had republican aspirations of popular sovereignty—codified to one extent or another in state constitutions—to hold their legislature and their representatives to.

In Massachusetts, Shaysite Regulators presented the first large-scale challenge to the political elite of post-revolutionary America. Their resistance movement, armed with an interpretation of the proper republican ideas of the state constitution, displayed a methodological rigor that was simply impossible in the colonial era. With a firm grasp of what their country was meant to be—a republic built on popular sovereignty—Shaysites looked to the core of populist republican ideology to legitimize their resistance to burdensome taxation. Their movement began as a non-violent one, based on the long tradition of American town meetings and local government. Resisters held votes and banded together to write petitions and lists of grievances that expressed their political preferences with the force of popular backing. When they failed to accomplish anything through channels of formal political participation—which allowed little voice to many rural communities—Shaysites resorted to violence. However, this was not the violence of Stamp Act riots and colonial mobs. This violence stemmed from the decisions of community assemblies, and was intended to be a legitimate reaction to the government’s unwillingness to grant its people their rights of political participation as republican citizens.

For the new American gentry, the Shaysite resistance was their worst fears of over-active populism and democratic anarchy come to life. The resistance movement, branded as a rebellion, gave impetus to calls for a new constitution. While those who wrote the Constitution were not homogenous in their wealth, status, or geographic



location, significant populations went unrepresented at the Constitutional Convention. Backcountry farmers, and the rural yeoman, large and important groups, had little say in the process—as was to be expected. When the Federalists won out, and produced a document to centralize and empower a national government—in part to facilitate the suppression of resistance movements—ratification became a state-by-state battle. In many states, perhaps most notably Pennsylvania, the ratification process was rushed along so as to preclude debate or resistance. For those in the far reaches of rural America, it was hard enough to quickly receive, read, and react to the proposed Constitution. With state legislatures moving to vote with minimal outside influence, rural yeomen and backcountry farmers had little ability to make their voices heard in the process.

The Constitution dealt two specific blows to rural dissidents. The Militia Clause gave the federal government new power to coordinate state militias and bring greater force to bear with greater speed against resistance movements that provoked such a response. Thus, resisters were challenged to remain non-violent for even longer than they had during Shays' Rebellion. More broadly, the Constitution enshrined Federalist republicanism as the dominant, and most formally legitimate, interpretation of republican theory. The constitutional framers considered the debate about republican theory to be somewhat settled—or at least to be restricted to such elite meetings as the Constitutional Convention. Resistance movements asserted their belief in the right of the people to judge the legitimacy of government actions—as well as their belief in the right of the people to interpret the Constitution and republican theory.

After the Constitution of 1787 was ratified and became the new template for American government, Pennsylvania came to the fore as a case-study in resistance in the new, Federalist, America. In Pennsylvania, the constitution of 1776 affirmed the people's right to act to check their government. A new constitution, written by a Federalist government in 1790, rolled back aspects of the state's democratic tradition—but left a vast majority of white, adult, men able to vote. So, the spirit of popular sovereignty remained alive and well in Pennsylvania.

When, in 1791, the federal government passed a tax on whiskey, rural America erupted in protest and resistance. In Pennsylvania, a resistance movement solidified, and began as Shaysites had before Federalist dominance. They met in local assemblies, voted together, debated together, and sent petitions and lists of grievances to their representatives and the state legislature. They resisted attempts by tax collectors to implement the tax, and looked to Philadelphia for redress. Surely, the farmers reasoned, the state house would see how important whiskey was to the feeble backcountry economy. However, formal political participation, and appealing through formal channels, was useless. Denied the ability to effect change through formal political participation, western Pennsylvanians took the 1776 Constitution to heart and acted to violently resist their government. In doing so, they asserted the primacy of popular sovereignty over overreaching legislation. That is to say, these yeomen understood republicanism to dictate that when a group was unjustly denied a political voice, they were within their rights as citizens to correct the situation—even if it meant engaging in illegal acts.

In 1799, rural Pennsylvanians—this time in the southeastern areas of the state—again resisted an attempt to implement a tax that they held threatened their

political independence by jeopardizing their ability to own property. This movement, led by John Fries, was even more concertedly non-violent than either the Shaysites or the whiskey rebels before them. These Pennsylvanian farmers and rural townspeople drew on past instances of rural resistance to inform their methods—and realized that they had to take non-violence as far as they could. Under the Federalist Constitution, with its increased ability to use overwhelming force against resistance movements, Fries' men knew that violence, even if it was legitimate in their minds, would end in failure. So, the southeastern resistance managed to avoid violence until they began to be arrested. Then, they acted to free their fellow resisters—but with relatively little violence. This was their undoing, as the federal government jumped at the chance to brand them rebels and put them down with an army. This underscored the new reality of American republicanism. After the Federalist idea of republicanism won out, and was enshrined in the Constitution, it protected itself with violent force. So, Pennsylvanians underwent a process of attempting to assert their political voice through old methods while modifying their movements to adapt to the practical concerns of the time.

That the Whiskey Rebellion and Fries' Rebellion were able to proceed as non-violent movements for relatively long spells suggests that rural republican ideals of resistance were much more than logical excuses for frustrated, wild, violence. Rather, these movements represent a refinement of a tradition of political participation with little formal political voice that traces its roots back to Britain, and British mob politics. Americans learned these traditions in Britain, or from those who brought them across the Atlantic with them. They took hold in the colonies, and came to the fore during resistance to the Stamp Act and the Townshend Acts. During the

revolution, the tradition of British mass politics took on republican ideas. After independence, rural Americans took their old traditions of subaltern participation and shaped them into rigorous methodologies of legitimate republican resistance.

While the Federalist Constitution of 1787 laid claim to a narrower republicanism, one that left no room for legitimate resistance, Pennsylvanian resistance movements took on the mantle of rural republicanism and developed it even further. They refined ideas of non-violence, and continued to assert the primacy of popular participation and sovereignty in republican government—which allowed them to rationalize illegal acts with legitimate resistance. While none of the rural resistance movements in early America won outright victories, or achieved formalized acceptance for their ideologies of republican resistance, they are part of an important history of struggle in America.

Those least able to participate in formal politics articulated an implicit theory of republicanism in early America. Dissidents used documents of republican government, produced to fulfill the promises of the Revolution, to develop a standard of legitimacy by which they could judge governmental action. If said action was carried out or set in motion by representatives who did not represent the popular sentiments and will of their constituents, if it was executed without local knowledge of areas that it would affect the most, if it was the product of unresponsive government, or if it denied the people's right to act to check their government, it could—by this theory of republicanism—be deemed illegitimate. Because this theoretical movement asserted the primacy of the sovereignty of the people—and the peoples' right to resist illegitimate government action—over the maintenance of law and order, it legitimized extra-legal political participation and resistance against illegitimate governance.

Resistance movements, initially legitimized by the actions they opposed, were then tasked with maintaining their legitimacy through adherence to procedural norms. They were to continuously demonstrate local, popular support for their cause, and to exhaust all methods of formal political participation before turning to extra-legal resistance. Even at this stage, rural resistance movements strived to maintain non-violence for as long as possible—as a practical concern and out of a desire to try all other options. When violence was the final path available to resisters, it was legitimate.

This strain of republicanism, implicit in the actions of Shaysites, whiskey rebels, and Fries' followers, presents a formidable challenge to the assumptions of Federalist republicanism and its Anti-Federalist counterpart. It presents an alternative mode of republican interpretation and problematizes the binary present in debates over the Constitution and the direction of the United States. It must be taken seriously on its own terms, and on the terms of the legitimacy it derived from its discursive engagement with documents of government and with ideas of republicanism. It is not a theory like those written about in treatises. Rather, it is a theory expressed and explained by actions. It is a practical and practicable political theory that aims to empower—not to explain human behavior and outline utopian government. It exposes flaws in the republican, populist façade of the early United States, and reminds the historical observer of the importance of a political ideology that serves those with the least ability to participate in politics. Moreover, it gestures to the future development of the American political system—when democratic values became exalted, when responsive representation became desirable, and when a Pennsylvania farmer became a courted swing-state voter.

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