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Discourses of Resistance in the American Revolution

Abstract

Debates over whether the discourse used to justify resistance during the American Revolution was "liberal" or "republican" often obscure the more central question of why and how early American thinkers were able to combine strands of political thought that many modern scholars find contradictory. The arguments the Americans used to justify resistance are better understood as falling into four types that were not understood to be mutually exclusive: Lockean, Biblical, legal/historical, and republican. Locke's ideas often provided an organizing framework within which the other types of argument were used.

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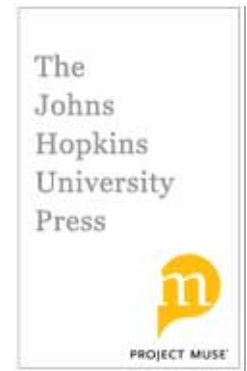
Discourses of Resistance in the American Revolution

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Discourses of Resistance in the American Revolution

Alex Tuckness

Much of the debate about the political thought of the American Revolution has centered on the relative influence of the liberal tradition as exemplified by John Locke and the republican tradition. The tide of recent scholarship has been against the revisionist position that downplayed the influence of Locke on the American founding in favor of authors in the republican tradition. One can grant that Locke was not a hegemonic figure and that republican sources played an important role without denying Locke's central place. The real puzzle for scholars now is the ease with which early American thinkers combined liberal and republican strands of political thought that many modern scholars find contradictory.¹ In this paper I suggest that to answer this question we must broaden our scope and recognize that revolutionary thought cannot be placed along a simple continuum between liberals and republicans. Rather, the arguments the Americans used to justify resistance are better understood as falling into four types: Lockean, Biblical, legal/historical, and republican. These are not rigid types but indicators of relative emphasis. Each represents a distinct way of arguing for resistance, but the American writers did not see them as mutually exclusive. A survey of American resistance pamphlets reveals that Lockean themes were very common and that for a number of reasons writers were able to see Lockean arguments as complementary to the other types. Close analysis of what Locke actually said and of the types of arguments made in each of these genres reveals the underlying unity the American writers understood these different modes of discourse to have. Where there were sharp differences, the other modes of discourse were often modified in a Lockean direction.

The thirty-three pamphlets surveyed in this article are drawn from the seventy-two pamphlets in Bernard Bailyn's projected four-volume series of pamphlets of the revolutionary period. He selected the pamphlets on the basis of

¹ See Gordon Wood, "Ideology and the Origins of Liberal America," *William and Mary Quarterly*, 44 (1987), 634.

relevance, contemporary fame, representativeness, and originality of thought.² Although there is one sermon from 1750, all other pamphlets in the series were published between 1760 and 1776. The thirty-three pamphlets represent those that present conditions under which resistance is legitimate, even if the author did not believe those conditions existed, and they illustrate how colonists argued for resistance and combined different types of arguments. This procedure necessarily calls for judgment in deciding which pamphlets to include and therefore the possibility of bias. By using the pamphlets selected by Bailyn, who is generally thought to have played down the Lockean influence, the selection procedure should if anything overstate the influence of republican authors.

One important methodological question that must be addressed before proceeding to the typology is the criteria for inclusion in the study. Since this study includes pamphlets that present the argument that resistance is *sometimes* appropriate even if the writer did not think that facts of the current situation warranted resistance,³ some pamphlets by Loyalist writers and writers who did not support the actual revolution enthusiastically are included in the sample. Two considerations justify their inclusion. First, many colonists made the decision to resist only gradually and grudgingly. These “hypothetical resistance” pamphlets (to coin a term) provided a necessary intermediate step en route to calls for actual resistance. It is striking how many of the arguments used to justify actual resistance were first put forward by persons who were not themselves advocating resistance. Second, there are also pamphlets that actively argue against resistance on the grounds not that such resistance is always wrong but that it was wrong in this particular case. These pamphlets show that in some cases Lockean vocabulary was present on both sides of the argument.

Before proceeding further, it will be helpful to compare this project to previous contributions to the literature. The works of both Stephen Dworetz and Jerome Huyler support my findings. Dworetz finds a central place for Locke in revolutionary thought based on the instances of direct references to Locke and his texts, as well as instances of content correspondence.⁴ Dworetz, however, spends little time showing how the Lockean strand of resistance theory was

² Bernard Bailyn (ed.), *Pamphlets of the American Revolution, 1750-1765* (4 vols. [projected]); Cambridge, Mass., 1965), I, xiii.

³ See Jonathan Mayhew, *A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers ...* (Boston, 1750) in Bailyn, *Pamphlets; The Snare Broken. A Thanksgiving Discourse*. (Boston, 1766), 35. Andrew Eliot, *A Sermon Preached Before his Excellency Francis Bernard, Esq. Governor ...* (Boston, 1765), 10, 17, William Hicks, *The Nature and Extent of Parliamentary Power Considered ...* (Philadelphia, 1768), xv., and *A Serious Address ... Boston-Port Act* (New York 1774), 4; also Samuel Seabury, *The Congress Canvassed ...* (New York 1774), 24; Jonathan Boucher, *A Letter from a Virginian to the Members of the Congress* (New York, 1774), 24-25; and *No. 3 The Douglid. On Liberty ...* (New York, 1770), 1.

⁴ Stephen M. Dworetz, *The Unvarnished Doctrine: Locke, Liberalism, and the American Revolution* (Durham, 1990), 34-37.

combined with the other modes of argument described above. Huyler's work concentrates on showing the coherence of the synthesis of Lockean and republican themes; my work focuses on a wider typology of types of argument.⁵ Michael Zuckert's conclusions are similar to those presented here insofar as we both claim that Lockean natural rights played a central role in the thought of the American founding and that other modes of argument were frequently interpreted in ways congenial to Lockean theory. Zuckert, however, takes the Declaration of Independence as his point of departure and does not focus on the earlier resistance pamphlets that led up to it.⁶ John Dunn's position is also compatible with the conclusions that follow, since his claims center primarily on Locke's direct influence prior to 1760 and after the American Revolution.⁷ The present work concentrates on the period between 1760 and 1776 and allows for the possibility that Locke's influence was largely indirect and that his theories often reached the colonists secondhand. The study of citation frequency by Donald Lutz confirms that Locke was cited more often than any other author in the 1760s and 1770s, but citation tallies alone do not explain how the modes of discourse were combined with each other.⁸

While corruption and virtue do form an important part of the Revolutionary vocabulary, these themes are not themselves antithetical to Locke, though the concept of politics as a trust based on compact is difficult to reconcile with a civic republican reading of the Revolution.⁹ This study also casts doubt on the generalization that *Cato's Letters* was of equal importance to the *Two Treatises* as a political authority, at least regarding the issue of resistance.¹⁰ Similarly problematic is the assertion that Locke was rarely used with reference to the dissolution of government.¹¹

⁵ Jerome Huyler, *Locke in America* (Lawrence, 1995).

⁶ Michael Zuckert, *The Natural Rights Republic* (Notre Dame, 1996).

⁷ John Dunn, "The Politics of Locke in England and America in the Eighteenth Century," *John Locke, Problems and Perspectives*, ed. John Yolton (Cambridge, 1969), 74-78.

⁸ Donald Lutz, "The Relative Influence of European Writers on Late Eighteenth Century American Political Thought," *American Political Science Review*, 78 (1984), 189-97.

⁹ Cf. J.G.A. Pocock, *The Machiavellian Moment* (Princeton, 1975), ch. 15.

¹⁰ See Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, Mass., 1967), 34-35. Since Trenchard and Gordon were not advocates of revolution, this is perhaps unsurprising.

¹¹ This claim is made by Clinton Rossiter, *Seedtime of the Republic* (New York, 1953), 358; also Joyce Oldham Appleby, "The Social Origins of American Revolutionary Ideology" *Journal of American History*, 64 (1978), 935-58; Thomas Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago, 1988); Ronald Hamowy, "Cato's Letters, John Locke, and the Republican Paradigm," *History of Political Thought*, 11 (1990), 273-94 and "Jefferson and the Scottish Enlightenment: A critique of Gary Willis's 'Inventing America: Jefferson's Declaration of Independence,'" *William and Mary Quarterly*, 36 (1979), 503-23; Isaac Kramnick, *Republicanism and Bourgeois Radicalism: Political Ideology in Late Eighteenth-Century England and America* (Cornell, 1990); Paul Rahe, *Republics Ancient and Modern* (Chapel Hill, 1992).

In the 33 pamphlets surveyed here, Locke was cited more frequently (12 pamphlets, 36%) than any other non-Biblical source and far more than Sidney, Harrington, or *Cato's Letters* each of which was cited 3 times or less. Fifteen authors use few non-biblical quotations and cite none of the major figures.¹² In such cases their failure to quote Locke is hardly evidence that they were more influenced by another writer and more likely reflects literary style. Two-thirds of the remaining eighteen pamphlets quote Locke. Locke's direct citations tend to occur between 1766-68 and 1772-74 (ten citations); after the fighting began in 1775, the revolutionary writers began to change their focus away from resistance theory, and direct invocation of Locke became more rare. It may be that as other concerns became more pressing, Lockean ideas functioned more as implicit assumptions than as the main topic of discussion.

Although any typology will be imperfect, it is helpful to differentiate four modes of argument: Lockean, Biblical, legal/historical, and civic republican.¹³ The four types of argument do not provide clear, mutually exclusive categories. Revolutionary authors used all four methods of argument, sometimes in the same pamphlet. What is most striking is not the tensions between these modes of argument but the almost complete absence of any recognition on the part of American authors that there was a tension in need of resolution. My goal is decidedly not to try to force the pamphlets into a rigid typology. Although I emphasize the Lockean elements in the pamphlets, I also emphasize the way pamphleteers combined these forms of argument in the same pamphlet. The groupings are illustrative rather than definitive. Some of the pamphlets fit quite easily into more than one category, illustrating the lack of tension between the categories. Some pamphlets do not fit the criteria because of the literary style in which they were written.¹⁴ Others are not discussed because the right of revolution appears more as a premise than as something to be defended.¹⁵ Pamphlets illustrating each of the four themes are discussed in turn.

A Lockean argument for resistance will generally focus on the claims that: natural rights, especially the right to life, liberty, and property, exist regardless of the existence of any positive law; government must be by consent, especially when questions of property and taxation are at stake; government is a trust and

¹² None of these authors cited Locke, Coke, Blackstone, Harrington, Sidney, *Cato's Letters*, or Montesquieu.

¹³ Cf. Barry, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton, 1994), 25-26, and Michael Zuckert, *The Natural Rights Republic*.

¹⁴ In particular Alexander Martin, *America. A Poem ... To Which Is Added Liberty. A Poem. By Rusticus ...* (Philadelphia, 1769?), 17 and the anonymous *A Ministerial Catechise ...* (Boston 1771), 6.

¹⁵ See Charles Lee, *Strictures on a Pamphlet, Entitled, A "Friendly Address to All Reasonable Americans ["] ...* (New London, 1775), 4; Carter Braxton, *An address to the Convention of ... Virginia; on the Subject of Government ...* (Philadelphia, 1776), 3-4; *The Genuine Principles of the Ancient Saxon, or English Constitution ...* (Philadelphia, 1776), 3; and Thomas Paine, *Common Sense ...* (Philadelphia, 1776), 4.

that, therefore, representation is an adequate (and possibly preferable) substitute for direct personal participation in politics; and resistance is legitimate if the government betrays its trust by systematically failing to protect rights or promote the public good. Lockean writers may also make explicit reference to the idea of a state of nature and may view the act of resistance as an “appeal to heaven.”¹⁶ Although not all of these ideas are unique to Locke, they do form a body of thought that taken together represents a distinctive way of arguing for resistance.

The Rights of the British Colonies by James Otis is an important example of Lockean justification for resistance. His muted radicalism is also an example of why writers who did not actually call for resistance are of crucial importance to the present study. He presented Lockean resistance theory in relatively full form at an early stage, yet steadfastly denied he was challenging the authority of Parliament. In discussing the origins of government, he directed those who would raise endless questions about the doctrine of compact to “consult Mr. Locke’s discourses on government.”¹⁷ Otis attacked despotism and affirmed that in civil society there must be a sovereign power “from whose final decisions there can be no appeal but directly to Heaven.”¹⁸ The supreme power is ultimately in the people and government is a “trust” which pursues their good. Quoting Locke, he argued that absolute monarchy must lead to slavery.¹⁹ Again citing Locke, he argued that the people will bear much before resisting, but that the power of a people facing enslavement is “*irresistible*.”²⁰ He went on to quote large sections of the *Second Treatise* that deal with the way in which altering the legislative power or violating the trust dissolves the government, the principle that property can only be taken by consent, and the concept that the people retain the right to resume their original liberty if the government fails to protect their lives, liberties and estates.²¹ He later quoted Locke’s comments on the nature of liberty and equality and in opposition to slavery.²² Citing chapter eleven of the *Second Treatise*, he noted that the government is obliged to govern by stated laws for the good of the people, that taxation can only be by consent, and that the legislative power is non-transferable.²³

¹⁶ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, 1988), 2.4, 6, 22, 134, 142, 155-56, 222, 225.

¹⁷ James Otis, “The Rights of the British Colonies Asserted and Proved,” *Pamphlets*, ed. Bernard Bailyn (Boston, 1764), 421.

¹⁸ *Ibid.*, 424.

¹⁹ *Ibid.*, Cf. John Locke, *Two Treatises of Government*, 1.1.

²⁰ *Ibid.*, 429. Cf. John Locke, *Two Treatises of Government*, 2.223.

²¹ *Ibid.*, 434-35.

²² *Ibid.*, 440. Cf. John Locke, *Two Treatises of Government*, 2.4, 2.22.

²³ *Ibid.*, 446.

Otis's extensive use of Locke may have provided a means of popularizing Locke to Americans who were not familiar with him in 1764, before the situation between Britain and the colonies intensified. If Dunn's claim is correct regarding the relative obscurity of the *Two Treatises* in the early part of the century, Otis's presentation would provide an explanation for the subsequent popularization of Locke. There are only a few subsequent pamphlets that use Lockean arguments other than those present in Otis's pamphlet, so it is unclear whether Otis inspired thorough or merely cursory reading of Locke's political theory. Otis supplemented Lockean theory with extensive arguments from English law, trying to bolster the natural rights claims with justifications from legal sources.

In 1765 Otis published a defense of his 1764 pamphlet that had been, understandably, accused of radicalism. In his *Vindication* the tension within his thought was even more pronounced than in the earlier pamphlet. He did not repudiate his earlier resistance theory and continued to cite Locke, but nonetheless argued that the "Parliament of Great Britain hath a just, clear, equitable, and constitutional right, power, and authority to bind the colonies by all acts wherein they are named."²⁴

A 1766 pamphlet by Richard Bland contains a novel use of Locke that was not present in Otis. He cited Locke and argued that in a state of nature all are free and independent; society is created by consent. He then drew on the Lockean claim that there is a natural right of persons to emigrate and remove themselves from society.²⁵ When the colonists immigrated to America, they reclaimed their natural freedom and now could create a sovereign, independent state and negotiate binding charters and compacts.²⁶ He used the example of a robber to illustrate that conquest gives no political rights, and argued that taking property by force creates a "State of War."²⁷ Natural rights bind the powers of parliament, and if the parliament oversteps this boundary, the first recourse would be to peacefully seek settlement. A continued "Denial of Justice" can excuse breaking the public peace.²⁸ These statements are very similar in content to Locke's argument in the *Second Treatise*. Ideas associated with Lockean discourse, such as natural rights, the state of nature, the social contract, and an appeal to heaven, were present in the thought of many of the writers.²⁹

²⁴ James Otis, "A Vindication of the British Colonies, against the Aspersions of the Halifax Gentleman, in His Letter to a Rhode Island Friend," *Pamphlets*, ed. Bailyn (Boston, 1765), 555.

²⁵ Richard Bland, *An Inquiry Into the Rights of the British Colonies, Intended as an Answer to ['] The Regulations Lately Made[']* ... (Williamsburg, 1766), 9-10.

²⁶ *Ibid.*, 14-15.

²⁷ *Ibid.*, 24-25.

²⁸ *Ibid.*, 26-27.

²⁹ See also Andrew Eliot, *A Sermon Preached Before his Excellency Francis Bernard, Esq. Governor* ... (Boston, 1765), 8, 10, 17-18, 30, 35, 42; William Hicks, *The Nature and Extent of Parliamentary Power Considered*, xv, 2 and *Considerations upon the Rights of the Colonists to*

Biblical arguments here refer to interpretations of the Bible used to support resistance, most notably by claiming resistance was not a sin. Some writers even argued that resistance to tyranny was a Christian duty. During the Revolutionary War itself, preachers often reassured the colonists that God would cause them to prevail. The pamphleteers drew on a wide variety of Biblical texts. Jonathan Mayhew interpreted Romans 13 as commanding obedience to the king who punishes evil and rewards good but not the tyrant who punishes good and rewards evil. Christians are subject to the government like everyone else, but like everyone else they still may throw off the yoke of a tyrant.³⁰ This gloss on the passage was common among colonial preachers. Another popular argument was that the use of government force must be appropriate in some cases because John the Baptist instructed soldiers to act justly and be content with their pay, not to leave their profession because it was necessarily sinful.³¹ The colonists often appropriated the Old Testament, for example, appealing to the book of Esther. Like the Americans, the Israelites were in danger of being destroyed. If the king could take one shilling of their property without consent he could take everything. When Esther interceded with the king for her people, she did not obtain a revocation of the decree that commanded the Israelites be attacked. Rather, the Israelites were merely allowed to use weapons to defend themselves, a right they had by nature anyway. The people prayed for God to deliver them from their oppressors and he did so by aiding them in battle. The author derived lessons from this about how the colonists should respond to England.³² Their battle against England was an appeal to heaven.

Locke made it so easy for persons to combine Biblical arguments with his own philosophical arguments that he did much of the work for them. Locke spilled considerable ink trying to show that his positions were consistent with the Bible. This aim dominates the *First Treatise*, and his explication of Romans 13 in his *Paraphrases on the Epistles of St. Paul* is almost identical to the

the Privileges of British Subjects ... (New York, 1766), 16; *A Serious Address ... Boston Port Act*, 4; Stephen Johnson, *Some Important Observations ...* (Newport, 1766), 10-11, 18-23; Silas Downer, *A Discourse ... At the Dedication of the Tree of Liberty ...* (Providence, 1768), 5, 14; *The Votes and Proceedings of the Freeholders ... of ... Boston ...* (Boston, 1772), 2-6, 10, 33; *The Speeches of ... Governor Hutchinson to the General Assembly ... With the Answers of His Majesty's Council and the House of Representatives Respectively ...* (Boston, 1773), 90, 111-12; Philip Livingston, *The Other Side of the Question ... in Answer to a Late Friendly Address to All Reasonable Americans ...* (New York, 1774), 12-13; John Allen, *An Oration on the Beauties of Liberty ...* (Boston 1773), VI-XIII, 66ff and *The American Alarm, or the Bostonian Plea, for the Rights, and Liberties, of the People ...* (Boston, 1773), 6-8; John Carmichael, *A Self-Defensive War Lawful ...* (Lancaster, Pa., 1775), 9-12; Moses Mather, *America's Appeal to the Impartial World ...* (Hartford, 1775), 5-6, 95.

³⁰ Mayhew, *A Discourse Concerning Unlimited Submission*.

³¹ Carmichael, *A Self-Defensive War Lawful*.

³² Oliver Noble, *Some Strictures upon the ... Book of Ester, Shewing the Power and Oppression of State Ministers ...* (Newburyport, 1775).

interpretation that Mayhew presented in 1750.³³ Although the similarity does not prove that Locke was Mayhew's source, we do know that Mayhew had some familiarity with Locke's thought. Mayhew referred to Locke explicitly on the question of liberty in a 1766 sermon.³⁴ This later sermon maintained the right of resistance, but emphasized that the current conditions did not warrant such action. Locke's theistic presentation of natural law also made it very straightforward to combine those claims with biblical ones. If one takes Locke's religious claims at face value as the pamphleteers generally did, then it is unsurprising that they saw Lockean and Biblical modes of argument as complementary.³⁵

Zuckert has argued for an even stronger thesis. He claims that there is considerable discontinuity between earlier Puritan theology and a rather secular Lockean theory of natural rights.³⁶ It is not so much that the two positions arrived at the same conclusion as that "To put the issue bluntly and perhaps too starkly ... I am arguing for a Lockean conquest, or at least assimilation, of Puritan thought."³⁷ His clear implication is that the move toward Lockean natural rights is a move toward secularism insofar as it reveals the priority of nature and reason over the Bible and revelation. Just as I argue below that republicanism was modified to fit within a Lockean framework, so Zuckert claims that Christianity was modified to fit within a Lockean framework.

There is much in Zuckert's work that is consistent with the present analysis, for example, that on the most important theological issue for the present purposes, the legitimacy of revolution, the colonists interpreted Romans 13 more like Locke did than like Luther did. That is, resistance pamphleteers did adopt a theology remarkably consistent with Lockean natural law. By itself this might merely indicate a shift from one version of Protestantism to another. Whether one views this shift as a shift toward secularism depends largely on how one views Locke's theory of natural law. If one takes it to be quite secular, as Zuckert does, then one reaches the conclusion that allowing natural law to help interpret the Bible is a move toward secularism. If on the other hand one thinks Locke's natural law doctrine was itself deeply intertwined with Christian theology, there is little reason to see the change as an intentional move toward secularism. I have argued elsewhere that Locke's natural law theory is more coherent than is often thought if it is understood in this second way.³⁸ We

³³ John Locke, *A Paraphrase and Notes on the Epistles of St Paul to the Galatians, 1 and 2 Corinthians, Romans, and Ephesians* (Vol. 2), ed. Arthur Wainwright (Oxford, 1987), Romans 13; See Dworetz, *The Unvarnished Doctrine*, 157 ff.

³⁴ Mayhew, *The Snare Broken*, 35.

³⁵ See Oliver Noble's *Some Strictures upon the ... Book of Ester*.

³⁶ See *The Natural Rights Republic*, 148-201.

³⁷ *Ibid.*, 172; and cf. Dworitz, *The Unvarnished Doctrine*.

³⁸ Alex Tuckness, "The Coherence of a Mind: John Locke and the Law of Nature," *Journal of the History of Philosophy*, 37 (1999), 73-90.

should not necessarily assume that natural law arguments and scriptural arguments stand in, or were understood by the Pamphleteers to stand in, direct competition with one another. Explicit references to the primacy of reason over revelation were rare in these pamphlets.

The legal/historical mode of argument attempted to show that Americans were entitled by positive law and tradition to the full rights of British subjects and that the forces of tyranny were seeking to deprive them of those rights.³⁹ For example, a common claim was that historically all Englishmen had a right to be taxed only by the consent of parliament and that, therefore, a denial of representation was also a denial of legal rights. Colonists often cited from the texts of statutes and charters, as well as the writings of jurists like Coke and Blackstone, to make their case. Colonists could also refer to episodes in English history, such as the Glorious Revolution with which Locke is so closely associated, where resistance was generally recognized as legitimate, and try to show analogies to the current situation. When David Hume was invoked, it was more often as an historian than a philosopher. Richard Bland argued that the right of persons to be taxed only in cases where they had given consent could be traced to the ancient Saxon constitution.⁴⁰ Here he uses a historical argument to supplement the natural law argument that property may not be taken without consent.

Although Locke's arguments were in one sense both radical and ahistorical, the timing of their publication made them seem much less so. The Glorious Revolution prompted Locke to publish the previously written *Two Treatises* as a justification for that revolution.⁴¹ Because Locke's argument was seen as justifying a historical event that most citizens on both sides of the Atlantic regarded as legitimate, it was possible for later writers to appeal to the historical precedents surrounding the Glorious Revolution as justification for American resistance. Because Locke's *Two Treatises* was read as a defense of the status quo, and because many Lockean rights were recognized in the law after the Glorious Revolution, it was very easy for later writers to claim that English legal tradition and Lockean theory came to the same conclusions. Joseph Emerson's sermon of 1766 made this connection explicit. Writing after the repeal of the Stamp Act, he noted that the attempt at taxation without consent was an attempt at slavery that justified resistance to that act and did so by comparing American resistance to the Glorious Revolution.⁴² He claimed that Americans had joined in the rebellion against James II and that the resistance

³⁹ See Maurice Moore, *The Justice and Policy of Taxing the American Colonies, in Great Britain, Considered ...* (Wilmington, N.C., 1765); Hicks, *Considerations upon the Rights of the Colonists*; and Joseph Emerson, *A Thanksgiving-Sermon preach'd at Pepperall ...* (Boston 1766).

⁴⁰ Bland, *An Inquiry into the Rights*, 7-8.

⁴¹ See Peter Laslett's introduction to Locke's *Two Treatises of Government*.

⁴² Joseph Emerson, *A Thanksgiving-Sermon preach'd at Pepperall*, 9-10.

of 1765 was similar to the resistance in 1689.⁴³ Americans could thus appeal to the revolution that Locke helped justify, making the linkage of Lockean and historical arguments seem quite natural.

Moses Mather presented his defense of resistance “to an impartial world; to whom, (under God) we make our appeal.”⁴⁴ The next two pages of his pamphlet present a succinct Lockean theory in which God is the source of both reason and freedom. Since each man has a property in himself that is initially subject to God alone, property can only be taken by consent. Each person has a natural right to “personal security, liberty, and private property.”⁴⁵ These opening pages serve as a theoretical background for a much longer section that made arguments from legal materials and the writings of Blackstone. After arguing that the colonial charters were binding on parliament, he argued that altering the legislative power in violation of these charters justified resistance. He assured the colonists that God’s vengeance would be poured out on America’s enemies. His appendix contains other Lockean themes. He claims that liberty and freedom are related to reason and opposed to licentiousness and the passions and that the people institute government for the protection of their natural rights.⁴⁶

When the writers turned to the common law, they of course emphasized those aspects of the law that were most favorable to their case. I concur with Zuckert’s claim that the colonists often reinterpreted the legal materials in the light of a Lockean theory. The actual legal precedents were less congenial to revolution than the colonists claimed that they were.⁴⁷ Often their strongest case was to claim that Lockean principles like the right of consent were also legal, historical rights. Bland appealed to the colonial charters as evidence that the colonists had become free when they immigrated and that they were therefore free to negotiate with the King whatever sort of governing arrangement they desired.⁴⁸ Again, legal arguments (whatever we may think of their plausibility) are presented as corresponding in content to Lockean political theory.

The Lockean, Biblical, and legal/historical justifications for resistance thus represent overlapping but distinct modes of argument. “Distinct mode of argument” refers to differences in reasons rather than differences in conclusions. An appeal to history is different than an appeal to the Bible, although there is no necessary reason why these two types of argument could not come to the same conclusion in many instances. The appeal to Lockean political theory rests on grounds that are different than direct appeals to tradition or the Bible.

⁴³ *Ibid.*, 27, 29.

⁴⁴ Mather, *America’s Appeal to the Impartial World*, 4.

⁴⁵ *Ibid.*, 5-6

⁴⁶ *Ibid.*, 65.

⁴⁷ Zuckert, *The Natural Rights Republic*, 99-101.

⁴⁸ Bland, *An Inquiry into the Rights*, 15-20.

The most controversial question has to do with the relationship of Lockean arguments to republican ones. John Pocock draws on Gordon Wood's characterization of the revolutionary movement as largely republican to claim that we should emphasize Machiavelli at the expense of Locke. But when we actually look at the revolutionary writers, we do not generally find a group of Lockeanes pitted against a group of republicans. Instead, we find arguments of both types frequently occurring in the same pamphlet. One explanation is that the colonists mustered every argument that supported revolution without worrying much whether they were logically consistent with one another or not. While there is some truth to this, it is not the whole truth. If we are precise about what each tradition states and implies, the fact that the two modes of argument were used by the same writers becomes much easier to understand.

What do we mean by republicanism? Trying to actually distinguish Lockean and republican themes is in practice rather complex. Ronald Hamowy characterizes republicanism as emphasizing "the singular importance of the civic virtues and of active participation in public life. It is associated with a distrust of commerce and an aversion to the marketplace, a preference for landed wealth and for agrarian values, a preoccupation with questions of political morality and corruption, and a propensity to couch political debate in the language of the ancient constitution rather than in terms of abstract rights."⁴⁹ If we ask which writers are to be placed in this tradition, we find that the republican tradition is capacious. The fact that Aristotle and Machiavelli are alternatively put forward as the paradigm republican theorist is itself a strong indication of just how capacious a tradition it is. If one simply contrasts Locke's *Two Treatises* and Machiavelli's *Discourses* the contrast seems clear enough. But as one moves away from Machiavelli and the Italian city states toward British writers like Algernon Sidney, James Harrington, John Trenchard, and Thomas Gordon, the distinction between liberals and republicans begins to blur. Quentin Skinner describes the significant changes that republican, "neo-roman," writers in the seventeenth century made in the Machiavellian tradition in *Liberty before Liberalism*.⁵⁰ Most of these writers accepted schemes of representation that seriously constrained the opportunities for the average citizen to exercise political virtue. In many ways they actually provide a transition to Locke.

For example, Sidney, a contemporary of Locke's often grouped with the republicans, wrote: "Those multitudes that enter into such contracts, and thereupon enter civil society, act according to their own will: Those that are engaged in none, take their authority from the Law of Nature; their Rights cannot be limited or diminished by any one man, or number of men; and consequently whoever does it, or attempts the doing of it, violates the most sacred laws of

⁴⁹ Hamowy, "Cato's Letters, John Locke and the Republican Paradigm," 273.

⁵⁰ Quentin Skinner, *Liberty before Liberalism* (Cambridge, 1998), 17-36.

God and Nature.”⁵¹ One could mistake this sentence for Locke, never for Machiavelli. There is considerable debate as to whether any of these writers are really “republican” in a non-Lockean sense at all.⁵² Part of what makes Machiavelli’s thought different is the absence of natural rights, a state of nature, and a social contract. If one compares Locke to these other writers, the difference is not as stark. In sum, the language of contract and natural rights does not dominate Sidney’s thought any more than the language of corruption dominates Locke’s, yet both are present in each author. It should not be surprising, then, if the two are used together a century later.

It is not just that there are Lockean themes in the later republican writers; it is also that many of the republican themes are either present in or easily reconcilable with Locke’s own philosophy. If we look at the areas where Lockean discourse is normally contrasted with republican discourse, the contrast is not as sharp as one might think. First, consider the differences between liberal and republican concepts of liberty. It is telling that Skinner in *Liberty before Liberalism* chooses Hobbes rather than Locke as the spokesman for liberalism. Since Hobbes’s thought is far less congenial to republicanism, Skinner’s move allows for a striking contrast, but the contrast is misleading to the extent that Locke’s rather than Hobbes’s version of liberalism was the more historically influential.⁵³ In the case of the American colonists there was no contest, since Hobbes was the last person someone advocating revolution would want to invoke. Hobbes is the archetype proto-liberal with his claim that to be unfree is to be forced or restrained. For republicans the opposite term of freedom is not constraint but slavery, and to be a slave is to be subject to the will of another.⁵⁴ When we see colonists complain that to be subject to a parliament in which they are not represented is a state of slavery, it is easy to read this as a rejection of the liberal (Hobbesian) view of liberty. This contrast does not hold up well with respect to Locke. He himself decried Filmer by comparing subjection to the arbitrary will of the monarch to slavery in the opening pages of the *Two Treatises*. His definition of liberty, moreover, is not the Hobbesian one. According to Locke, coercive threats as well as physical restraint can limit freedom. To be free involves not being dependent on the arbitrary will of another. Locke describes a state of freedom as one where persons may “order their Actions, and dispose of their possessions, and persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the will

⁵¹ Algernon Sidney, *Discourses Concerning Government* (New York, 1979), 81.

⁵² See Hamowy, “Cato’s Letters, John Locke and the Republican Paradigm,” 273-94; Huyler, *Locke in America*, 224-30; and Alan Craig Houston, *Algernon Sidney and the Republican Heritage in England and America* (Princeton, 1991).

⁵³ Blair Worden, “Factory of the Revolution,” *London Review of Books*, 5 February 1998, 13-15.

⁵⁴ Quentin Skinner, *Liberty Before Liberalism*, 71-72.

of any other Man."⁵⁵ Americans understood that Lockean liberty was not a right to do whatever one wants but to act within clear moral constraints.⁵⁶ Moreover, Locke did not think it a restriction on one's liberty if public opinion pressured someone into behaving in accordance with natural law. A writer who equates liberty with not being dependent on the will of another, or who thinks liberty should be limited by social pressure to comply with moral principles, is not necessarily rejecting Locke.

Second, consider the republican themes of virtue and corruption. The pamphleteers did invoke these themes and used them to promote a mindset that viewed Britain as increasingly corrupt and greater virtue as a prerequisite for the restoration of liberty.⁵⁷ This does not prove that critics of corruption were rejecting Locke, however, because Locke also discussed corruption and believed that it could ultimately lead to the dissolution of government. For Locke, widespread corruption was itself evidence that the government had betrayed the people's trust.⁵⁸ His writings on education gave a prominent role to virtue and he recommended Cicero to students interested in ethics.⁵⁹ Since being a Lockean does not make one a supporter of corruption, one cannot infer a rejection of Locke from the presence of such rhetoric. The colonists may have perceived a difference of emphasis rather than a tension.

Third, one might try to bring out a contrast between those theories that emphasize a respect for individual rights and those that would sacrifice individual rights to the public good. The emphasis on the public good might be republican or, following Shain, reformed Protestant.⁶⁰ Once again, the contrast is not as simple as one might think. Locke repeatedly claims that a government breaches its trust if it uses its power for anything other than the public good.⁶¹ In the *Two Treatises* Locke never explicitly considered the possibility that the protection of individual rights and the promotion of the public good might be in conflict. On the contrary he seems most concerned with instances where the people as a whole are deprived of rights, an occurrence Locke thought obviously contrary to the public good. Gordon Wood's portrait of American thinkers in 1776 is equally true of Locke: the tendency was to view the people as a collective whole with a single interest and not to worry much about the possibility of a majority faction oppressing minorities through democratic power.⁶²

⁵⁵ *Two Treatises of Government*, 2.4.

⁵⁶ Barry Shain, *The Myth of American Individualism*, 119-20.

⁵⁷ J. G. A. Pocock, *The Machiavellian Moment*, 506-7.

⁵⁸ *Two Treatises of Government*, 2.128, 158, 222, 223.

⁵⁹ *Ibid.*, 222; Locke, *Some Thoughts Concerning Education*. ed. John W. and Jean S. Yolton (Oxford, 1989), 18-23.

⁶⁰ *The Myth of American Individualism*, Ch. 1.

⁶¹ *Two Treatises of Government*, 2.3, 135, 142, 158, 160, 164-66, 199, 200, 215, 222, 229, 239.

⁶² Wood, *Creation of the American Republic, 1776-1787* (New York, 1972), 53-65.

If Locke, a more rigorous thinker than the average American pamphleteer, failed to sense a tension, it is not surprising that later thinkers did not either. They were more likely to see the protection of rights as one aspect of the public good than as something in competition with it.

Fourth, consider the questions of wealth and commerce. Wood emphasizes the hostility of Americans to luxury and their preference for a simple, virtuous lifestyle.⁶³ Locke, on the other hand, is thought to be the apologist for capitalism and the pursuit of self-interest. There are a number of problems with this contrast. First, it relies heavily on an ahistorical portrait of Locke made famous by C. B. Macpherson, who presented Locke as the apologist for unlimited personal accumulation and the critic of any claims that wealth carried with it social responsibility.⁶⁴ The influential interpretations of Locke by Dunn, James Tully, and others have cast serious doubt on this portrait of Locke.⁶⁵ Locke's theory of natural law created an obligation to support those in desperate need, and many of his practical proposals allowed the government to regulate property rights for the common good. The most persuasive reconstruction of Macpherson's thesis that Locke is an apologist for capitalism is Neal Wood's, which argues that Macpherson's mistake was in associating Locke with modern industrial capitalism; instead, the appropriate context is the enclosure movement in England where agriculture was established on a capitalist basis as the traditional land rights of commoners gave way to single proprietorships.⁶⁶ As Wood notes, almost all of Locke's examples are agricultural not industrial in their nature. Even his examples of commerce are normally trade between agricultural producers.

These considerations go a long way toward explaining why Locke was not seen as a foe by those who supported virtuous agriculture over luxurious commerce. Locke's thought was useful as a defense of the appropriation of land by individual proprietors at the expense of the Native American inhabitants who, according to Locke's thought, had left the land "waste."⁶⁷ Because there were no existing feudal arrangements, it was easy for American agricultural land to be owned by individual proprietors who were free to hire wage laborers and sell their product as they chose. It is true that after the Revolutionary War was over political tensions between agricultural and manufacturing interests became politically salient, but there is little evidence that the colonists would have read Locke as favoring the latter over the former. Locke's fervent praise of

⁶³ Wood, *American Republic*, 107-18.

⁶⁴ C. B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford, 1962).

⁶⁵ See John Dunn, *The Political Thought of John Locke* (Cambridge, 1969); and James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge, 1980).

⁶⁶ Neal Wood, *John Locke and Agrarian Capitalism* (Berkeley, 1984).

⁶⁷ Barbara Arneil, *John Locke and America: The Defense of English Colonialism* (Oxford, 1996).

hard work and avoiding spoilage could easily be read as consistent with the colonists' concerns about luxury. Most of them would have distinguished between living "comfortably" and living "luxuriously" and found Locke's thought amenable in that respect.

In effect, much republican rhetoric could exist within a Lockean framework. The place where the distinction between Lockean and republican themes holds up best is in the theory of representation. If meaningful distinctions can be drawn between Locke on the one hand and the tradition of classical republicanism and its Machiavellian rebirth on the other, one is certainly the distinction between politics as a "trust" and man as a "political animal."⁶⁸ Pocock writes that "republican humanism, which was fundamentally concerned with the affirmation of moral personality in civic action, had cause to ask whether the concept of representation did not exclude that of virtue." He also notes that in classical republicanism "the *zoon politikon*, the being naturally civic must act immediately and in his own person."⁶⁹ In the republican tradition political virtue is the highest form of virtue, and preservation of liberty requires direct, personal, and active involvement in political life. Because politics is a trust in Locke's theory, active personal participation in politics is not required, except in the rare circumstances when the trust is dissolved. It is not less virtuous, in the Lockean scheme, to entrust political power to a representative and engage in other forms of productive labor and study. Although Locke agrees with the republicans that liberty requires that one not be dependent on the will of another, he claimed that such a conception of liberty is compatible with a politics of trust in which the people can intervene when the trust is broken. Even on the issue of representation the distinction between Locke and later republican writers is unclear. It is important to remember that government by consent of the majority plays an important role not only in Locke's thought but also in the thought of the seventeenth century neo-Roman writers like Sidney and Harrington.⁷⁰

In addition to the idea of government as a trust, a number of related Lockean themes, such as natural right and the state of nature, were important to the Revolutionary vocabulary of resistance, yet alien to republicanism in its Renaissance and classical forms. Again, many of these themes are present in "republican" writers prior to Locke, making the traditions difficult to distinguish. Still, a civic republicanism that includes natural rights, a state of nature, and that emphasizes representation rather than direct participation is one that has been significantly modified in a Lockean direction. Although not all of these phrases or concepts are exclusive to Locke, together they do suggest a body of thought that can be called "Lockean" in a way useful for the sake of compari-

⁶⁸ On Locke and "trust" see John Dunn, "The Concept of Trust in the Politics of John Locke," *Philosophy in History*, ed. Richard Rorty et al. (Cambridge, 1984).

⁶⁹ J. G. A. Pocock, *Machiavellian Moment*, 518.

⁷⁰ Skinner, *Liberty Before Liberalism*, 27-29.

son. These phrases set out a mode of argument and a vocabulary distinct from that of the Machiavellian tradition.

The best and most developed example of republican discourse in the pamphlets I surveyed is probably John Dickinson's "Letters from a Farmer in Pennsylvania, (1768)" aimed at the Townsend Acts. His persistent theme was that taxation without the consent of the people or their representatives is illegitimate. Unlike Locke, he does not ground this principle in abstract rights or natural law but instead appeals to history and the traditional rights of Americans as British subjects. He quotes extensively from the English statutes as well as the writings of Coke to defend the idea that England had the right to levy taxes on the colonies only for the purpose of regulation of trade and not simply to generate revenue.⁷¹ The legal arguments are so prominent that he could easily be put in that category as well. Dickinson was widely read and quoted many different sources. His writings are filled with quotations from classical writers as well as Machiavelli and Cato's Letters. There is a pervading sense that liberty is fragile and that the people must be ever vigilant to check every attempt at usurpation by the government. He worried about the threat standing armies posed to liberty. Most of all he was concerned that Americans would simply accept the tax because the amount was small and thereby set a precedent for future encroachments.⁷²

Despite the absence of Lockean themes and the predominance of republican themes, Dickinson did not see Locke as a hostile writer. He was so enamored by the following speech of Lord Camden that he presents the quotation twice (once in part and once in full) in the same letter:

My position is this—I repeat it—I will maintain it to my last hour—Taxation and representation are inseparable. This position is [f]ounded on the laws of nature; it is more, it is itself an eternal law of nature; for whatever is a man's own, is absolutely his own; and no man hath a right to take it from him without his consent, either expressed by himself or representative.... "The forefathers of the Americans did not leave their native country, and subject themselves to every danger and distress, to be reduced to the state of slavery. They did not give up their rights; they looked for protection, and not for chains, from their mother-country. By her they expected to be defended in the possession of their property; and not to be deprived of it: For should the present power continue, there is nothing which they can call their own, or, to use the words of Mr. Locke, what property have they in that, which another may, by right, take, when he pleases, to him self."⁷³

⁷¹ Dickinson, *Letters from a Farmer in Pennsylvania ...* (Philadelphia, 1768; New York, 1903), 13-26.

⁷² *Ibid.*, 118-31.

⁷³ *Ibid.*, 77-78.

Dickinson then wrote, "It is impossible to read this speech and Mr. Pitt's [not quoted here], and not be charmed with the generous zeal for the rights of mankind, that glows in every sentence."

Dickinson's *Letters* emphasize themes more associated with republicanism than with Locke. He discusses virtue and standing armies; he argues in terms of history rather than abstract natural rights. But it is dangerous to draw a distinction based on what a writer does not say. His admiration for Camden's position strongly implies that he saw claims of natural right as legitimate and relevant, even if they were not the focus of his own writings. He could see Locke as compatible for the reasons we discussed above: Locke was willing to describe liberty as not being dependent on the will of another and to describe those who were so dependent, particularly in the disposition of their property, as slaves. Moreover Dickinson, like Locke, accepted representation as an adequate substitute for regular direct participation in government. He repeatedly stresses that consent to taxation by one's representatives is adequate. His role for popular participation is sporadic. The people must keep a careful watch on those they have entrusted power to as representatives and must oppose them if they overstep their bounds. This is precisely Locke's notion of political participation. The people must always be ready to oppose the government when it oversteps its commission, but they need not be personally present in the assembly itself. Dickinson also believed that while resistance was in principle legitimate in such cases, violent resistance should be used rarely. In fact he was not an enthusiastic supporter of the revolution when it did eventually occur.

Taking the set of pamphlets as a whole, there is a significant and comprehensive use of Lockean ideas as well as a significant intermingling of those ideas with other complementary modes of argument. In some of the writers, like Bland and Otis, Lockean arguments are dominant. For writers like Warren and Dickinson they receive less emphasis even though they are present. Even in those writers who were most Lockean, there are always historical or biblical arguments invoked to supplement the position. The portrait of the revolutionary writers as simply Lockean is indeed too simple; there were a variety of discourses available. Combining modes of discourse was the norm. The fact that Locke's thought could serve as a justification for resistance while being compatible with diverse other forms of arguments is an important reason for Locke's prominence in revolutionary thought.

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