

Moral Reasoning 74:
The Theory and Practice
of Republican Government

Lecture 14:
Republicanism and the
Revolt against Executive Power
in the American Revolution (I)

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Major Themes

- I. Revolution (and petitions and docs that presage Declaration)
- II. Revolution through lens of Republicanism
- III. Declaration
- IV. Fear of Executive Power (mainly next time)

The Context of Rebellion

- French and Indian War (1754-63) doubled national debt of England. Shift in colonial policy with PM George Grenville.
- Revenue Act of 1764: placed new duties on wine, silk and linen, and enumerated more products (incl hides and skins) that could only be exported to England.
- Quartering Act of 1765: required colonies to contribute to upkeep of 10,000 royal troops.
- Stamp Act of 1765: required that revenue stamps costing up to 20 shillings be affixed to all licenses, legal documents, leases, notes and bonds, newspapers, pamphlets, almanacs, advertisements and other documents.

Context of Rebellion

Intolerable Acts:

- *Townshend Acts*: In 1766, after repeal of Stamp Act, Chancellor of Exchequer Charles Townshend proposes an increase of customs receipts required for revenue.
- *Boston Tea Party*: East India Tea Company dumps surplus tea on colonies by undercutting tea smuggled from Holland. Boston Tea Party provoked closing of Port of Boston and new laws revising the Massachusetts charter, laws which strengthened royal control and transferred to England the trials of colonists charged with murder.
- *Quebec Act*: granted all land west of Appalachians lying north of the Ohio River and east of the Mississippi.

Petition of Congress in Philadelphia

IN CONGRESS IN PHILADELPHIA

October 26, 1774

To the King's most excellent Majesty:

MOST GRACIOUS SOVEREIGN,—We, your majesty's faithful subjects, ... on behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general Congress, by this our humble petition beg leave to lay our grievances before the throne.

A **standing army** has been kept in these colonies ever since the conclusion of the late war, without the consent of our Assemblies; and this army, with a considerable naval armament, has been employed to enforce the collection of taxes. The authority of the commander-in-chief, and under him the brigadier-general, has, in time of peace, been rendered supreme in all the civil governments of America.

Petition of Congress in Philadelphia

The commander-in-chief of all your majesty's forces in North America has, in time of peace, been appointed governor of a colony. **[MIXING OF CIVIL AND MILITARY POWER]**

The charges of usual officers have been greatly increased and new, expensive, and oppressive offices have been multiplied.

The judges of admiralty and vice-admiralty courts are empowered to receive their salaries and fees from the effects condemned by themselves.

The officers of the customs are empowered to break open and enter houses without the authority of any civil magistrate, founded on legal information. **[LACK OF EXECUTIVE CONSTRAINTS]**

The judges of courts of common law have been made entirely dependent on one part of the Legislature for their salaries as well as for the duration of their commissions. **[COURTS DEPD ON LEG]**

Petition of Congress in Philadelphia

Counselors, holding their commissions during pleasure, exercise legislative authority. [SEPARATION OF POWERS]

Humble petitions, from the representatives of the people, have been fruitless.... [RIGHT OF PETITION]

Assemblies have been repeatedly and injuriously dissolved.

Commerce has been burdened with many useless and oppressive restrictions.

... our property is taken from us without our consent, the trial by jury in many civil cases is abolished, enormous forfeitures are incurred for slight offenses, vexatious informers are exempted from paying damages to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

Petition of Congress (1774)

Had our Creator been pleased to give us existence in a **land of slavery**, the sense of our condition might have been mitigated by ignorance and habit. But, thanks be to his adorable goodness, **we were born the heirs of freedom**, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the throne to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant. Your majesty, we are confident, justly rejoices that your title to the crown is thus founded on the title of your people to liberty; ...

The **apprehension of being degraded into a state of servitude from the preeminent rank of English freemen**, ... we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty.

Concern for abuse of exec office

Olive Branch Petition (1775):

We shall decline the ungrateful task of describing the irksome variety of artifices practised by many of your Majesty's Ministers, the delusive pretences, fruitless terrours, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitical plan, or of tracing through a series of years past the progress of the unhappy differences between Great Britain and these Colonies, that have flowed from this fatal source.

Your Majesty's Ministers, persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful Colonists, that when we consider whom we must oppose in this contest, and if it continues, what may be the consequences, our own particular misfortunes are accounted by us only as parts of our distress.

II. Revolution through the Lens of Republicanism

“To the radical Whigs, rooted in the Commonwealth period of the seventeenth century, the perfect government was always republican. Since a republic represented not so much the formal structure of government as it did its spirit, pure Whigs could even describe the English mixed monarchy as ideally a republic. Consequently the principles of republicanism permeated much of what the colonists read and found attractive.”

[Wood, *Creation*, p. 61]

Republican Liberty: Communal, not Aggregate Individual

“Since everyone in the community was linked organically to everyone else, what was good for the whole community was ultimately good for all the parts. The people were in fact a single organic piece (*“for God hath so tempered the body that there should be no Schism in the body but that the Members should have the same care for one another”*)...

This common interest was not, as we might today think of it, simply the sum or consensus of the particular interests that made up the community. It was rather an entity in itself, prior to and distinct from the various private interests of groups and individuals. As Samuel Adams said in 1776, paraphrasing Vattel, the state was ‘a moral person, having an interest and will of its own.’ [Wood, *Creation of the American Republic*, 58]

II. Revolution through the Lens of Republicanism

Goes further:

“Ideally, republicanism obliterated the individual. ‘A Citizen,’ said Samuel Adams, ‘owes everything to the Commonwealth.’ ‘Every man in a republic,’ declared Benjamin Rush, ‘is public property. His time and his talents – his youth – his manhood – his old age – nay more, life, all belong to his country.’”

[Wood, *Creation*, p. 61]

Revolution through Republicanism

“The extensive mercantilist regulation of the economy, the numerous attempts in the early years of the war to suppress prices, control wages and prevent monopolies, reaching from the Continental Congress down through , was in no way inconsistent with the Spirit of ’76, but in fact was ideally expressive of what republicanism meant. In the minds of the most devoted Commonwealthmen it was the duty of a republic to control “the selfishness of mankind...; for liberty consists not in the permission to distress fellow citizens, by extorting extravagant advantages from them, in matters of commerce or otherwise.” [Charleston S.C. and American Gazette, August 14-21, 1776; Wood, *Creation*, p. 64.]

Samuel Adams **denies** that liberty “that in a state or society you had a right to do as you please.”

Strong Government is OK, but it must be our strong government, extended by our consent.

III. Declaration (1776)

Read Wood Chapter 2, then re-read Declaration

The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

III. Declaration

He has obstructed the Administration of Justice, by refusing his Assent to **Laws** for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to **harrass our people, and eat out their substance.**

III. Declaration

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

III. Declaration

“For depriving us in many cases, of the benefits of Trial by Jury:
For transporting us beyond Seas to be tried for pretended offences
For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:
For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:
For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.”
He has abdicated Government here, by declaring us out of his Protection and waging War against us.
He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. “

Notice third person throughout. Liberty is collective, public.

Declaration (1776)

“We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”
