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**The British Whig Foundations of American
Constitutionalism: How Its Reception Shaped
the Constitutions of Pennsylvania and
Massachusetts**

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12/21/2015

Submitted in partial fulfillment of the requirements for the degree of Master of
(Fine) Arts of the City College of the City University of New York

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Introduction

In 1776, as the American colonies seceded from British rule, new constitutions were created to build a new foundation of government. One by one, from 1776 to the 1780's, each former colony developed its own state constitution. These constitutions formed the basis of American constitutionalism and supposedly represented a break from the British past. These documents are important for understanding Revolutionary American political values and internal struggles. Of these state constitutions, two in particular stood out in setting the tone for later constitutions: the 1776 constitution of Pennsylvania and the 1780 constitution of Massachusetts. For example, Pennsylvania's constitution influenced the radical models of Vermont and Georgia, while Massachusetts's shaped the state constitutions that came after it and the federal constitution. These constitutions not only represented two different models of American constitutionalism, but also the political philosophy of British Whig thought that had developed over the previous century and American reception of these ideas. This study is a political and intellectual history of how Whig ideas shaped the constitutions and politics of these states.¹

¹ Jackson Turner Main, *The Sovereign States 1775-1783* (New York: New Viewpoints A Division of Franklin Watts Inc, 1973), 109-110, 112, 156, 170-171, 178.

In Revolutionary America, British Whig thought laid the foundations of American constitutionalism. According to Jackson Main, democratic and Whig thought rivaled each other for influence over constitutional ideas in both Pennsylvania and Massachusetts, as well as in the other states. Whig thought had developed over a long history and writings by Whig thinkers were widely read by American intellectuals. For example, John Adams's library, which exists to this day in the Boston Public Library system, has works from Whig thinkers such as James Harrington, Algernon Sidney, James Burgh, among others, and he cited their names in a 1775 speech about constitution making. Works such as the *Cato's Letters* were widely read among colonial elites. Two branches of Whig philosophy, Old and Radical Whig thought, shaped political discussions in both state houses. British Whig ideals became important during the imperial crises as British and American understandings of Whig thought clashed. According to Lee Ward, the British adopted Old Whig ideology, while the Radical Whig tradition was the centerpiece of American arguments over parliamentary authority in the colonies. While Old Whig ideology was ignored during the imperial crises, its ideals of institutionalized government were revived in what Ward called the second wave state constitutions from 1777 into the 1780s. This

structure of government prevailed in Massachusetts and ultimately in Pennsylvania with the 1790 constitution.²

The connection between Pennsylvania's constitution and British Whig thought was indirect, yet fundamental to the underlying logic of its democratic principles. Influential founders of the constitution such as George Bryan and James Cannon echoed Sidney's republican Whig ideology and adopted it to their democratic ends. The appeal of democracy to the writers of Pennsylvania's constitution was built on the assumption from Sidney and other Radical Whig works, such as the *Cato's Letters*, that the people are good rulers and are capable of wise decision making in politics. Democratic ideology in Revolutionary America had its roots in the radical Protestant tradition, and Radical Whiggism with its emphasis upon liberty and popular sovereignty was another ideological foundation. Only from this context that the Pennsylvania constitution's democratic impulses can be understood impulses that the conservatives forces of Pennsylvania later challenged. By comparison Massachusetts took a more institutionalized approach as defined by Old Whig thought.³

² Main, 116-117, 119; Lee Ward, *The Politics of Liberty in England and Revolutionary America* (New York: Cambridge University Press, 2004), 17-18.

³ Ward, 18; Main, 116, 152-154; Robert L Brunhouse, *The Counter Revolution In Pennsylvania 1776-1790* (Harrisburg: University of Pittsburgh, 1942), 13-18.

In Massachusetts, John Adams and his allies adopted the Old Whig constitutionalism fused with Radical Whig ideals of popular sovereignty and natural rights. In Massachusetts, as in Pennsylvania, delegates debated the relative priority of constitutional order versus popular control of government. This constitutional conflict reflected deep regional and class divisions between Eastern merchants and Western farmers. In the east there was support for a constitution based on mixed and balanced government, which were central tenets of Old Whig constitutionalism. Western farmers favored a more democratic system of government. Yet, before going any further the tenets of British Whig thought must be explained.⁴

British Whig philosophy emerged in the chaos of seventeenth-century Britain and later shaped political thought in both Britain and the American colonies. In the seventeenth century, influential Whig thinkers from James Harrington, who wrote in the 1650s, to Algernon Sidney and John Locke, who wrote their works late in the seventeenth century, engaged in political debates over the nature of government in relation to the people. British Whig political philosophy was deeply shaped by both British political

⁴ Main 109-114; Burton Alva Konkle, *George Bryan and the Constitution of Pennsylvania 1731-1791* (Philadelphia: William J Campell, 1922), 3-6; Boston Public Library, John Adams Library politics; Robert J Taylor editor, *Massachusetts from Colony To Commonwealth Documents On The Formation Of Its Constitution 1775-1780, John Adams Gives Background for State Constitution Making, 1775* (New York: W. W Norton & Company Inc, 1961), 12; Algernon Sidney, *Discourse On Government*, 1751 edition (Fanborough: Gregg International, 1968), 149.

history of the English Civil War and Glorious Revolution, as well as classical and European thought from Machiavelli, Spinoza, and other European political philosophers. British Whig philosophy can be generalized into two overall principles: the first dealing with government and the second with the rights of civil society and individuals. All Whigs rejected both absolute monarchy and democracy and argued that the proper form of government lying between these two extremes. They believed government must be a mixture of monarchy, democracy, and nobility to properly function. Monarchy for efficiency, nobility for wisdom, and democracy for popularity were necessary for the proper form of government. Whigs of all ideological stripes accepted in principle, natural rights theory, the natural equality of humanity, mixed government, property rights, and for government to represent their interest, among many other values. What divided Old and Radical Whigs was their different interpretations of these concepts.⁵

Old and Radical Whigs had different understandings about the state, the people, and the relationship between them. Old Whigs wanted a Constitutional order was defined by limited monarchy and a system of

⁵ Edmund S Morgan, *Inventing The People: The Rise of Popular Sovereignty In England and America* (New York: W.W Norton & Company, 1998), 85-6; Main 109-119; Edmund Burke, *Reflections On The Revolution In France* (Mineola: Dover Publications Inc, 2006), 54-55, 57; John Locke, *Two Treatise Of Government*, ed. Mark Goldie (London: Everyman, 1993), 180.

shared legislative power between King, Lords, and Commons. Constitutional Order also meant balancing the various class and estate interests of society. Sovereignty lay with King-in-Parliament established by the constitution and consented to by the people. Reform is only allowed within the institutional body itself to restore constitutional order. According to James Tyrell, an Old Whig of the 1680s, government was created by the consent of the people, defined as male property owners. Constitutions are created as a compact between the people and government, and once established, the people cannot alter the government as long as the laws are obeyed. The supremacy of King-in-Parliament is necessary in the constitutional order to secure the political compact created between the governor and governed. Therefore, Old Whigs rejected popular sovereignty and the dissolution of government. Also, within the constitutional order, power is balanced between a limited monarchy and Parliament. The monarchy is limited by law and Parliament. In exchange the power of the Crown and a bicameral legislature check popular passions. The concept of constitutional order was the fundamental debating point of Massachusetts, and the principle upon which Adams and Massachusetts elites built the 1780 constitution. Radical

Whigs on the other hand believed in a different vision of organizing government.⁶

By comparison Radical Whigs such as Locke and Sidney centered their philosophies around the concept of popular sovereignty. As government is instituted by the people, the people are sovereign. When government violates its pact with the people, the people in turn reserve the right to overthrow it and create a new government. Within Radical Whig thought, Sidney and Locke had different, but not necessarily opposing, views. Sidney's form of Whiggism was republican, while Locke's version was liberal. According to Ward, Sidney's republicanism was founded on sovereignty residing in popular institutions that are closest to the people. Sidney's republican vision of government was defined by frequent elections, rotating delegates, and numerous representation to reflect popular will. Sidney, unlike Locke, opposed separation of powers and an independent executive for a powerful lower assembly. Locke's liberalism embraced a more individualistic understanding of rights and consent, rather than the collective approach of Sidney. It did not eventually evolve into the defense of republicanism and popular government that Sidney promoted. Locke focused more on the importance of property and individualistic ideas of

⁶ Ward, 133-135, 137-141, 143, 148-150, 306, 314.

natural rights than Sidney did. Locke also believed that power was delegated, not institutionalized, in terms of popular sovereignty. Government institutions need not be as democratic as Sidney described because the people delegate their power to government institutions. Locke agreed with moderate Whigs on the need for executive prerogative and separation of powers. Both men agreed that the people can dissolve government when it no longer represents their interests and accepted mixed government. In the eighteenth century, British authors John Trenchard and Thomas Gordon blends Locke's and Sidney's ideas into *Cato's Letters*, and later in the century American colonists did the same during the imperial crises.⁷

As British Old Whig ideas shaped post Glorious Revolution British politics, Radical Whig thought was also fundamental in American political thought and ultimately the state constitutions. As colonial America became more British in the eighteenth century through increased trade and contact, Whig philosophy entered American society through newspapers and books. Works such as the *Cato's Letters* along with other Radical Whig authors like Locke and Sidney were widely read. The importance of the American adoption of Whig ideology was most evident during the imperial crises during the 1760s-70s when the colonies and Britain came to conflict over

⁷ Ward, 14, 120 122-23, 143, 156, 212-13, 288-90.

sovereignty. When the state constitutions were created, different strands of Whig thought from both its radical and conservative strains were combined and shaped the debates in Pennsylvania and Massachusetts. The adoption of this hybrid version of British Whig thought along with internal political divisions framed the history of both state constitutions.⁸

Historiography

The argument, evidence, and conclusions of this thesis build upon decades of work completed by previous scholars who focused on the question of British Whig origins of American constitutionalism. Works by Mary and Oscar Handlin, Gordon Wood, Jackson Turner Main, among others, have argued that the Pennsylvania and Massachusetts constitutions adopted unique constitutional innovations that made them distinct from British precedents. This scholarship also acknowledges the vital role of British Whig thought in American constitutional thought. This thesis seeks to show, however, the reception of British Whig thought in Pennsylvania and Massachusetts shaped its politics and evolution of American political innovation to a greater degree than previously acknowledged. It also shows

⁸ Ward, 325-26.

that Whig ideas can help explain the differences in these state constitutions.⁹

The discussion begins with Mary and Oscar Handlin's *The Popular Sources of Political Authority: Documents on The Massachusetts Constitution of 1780* (1966) which argued that the Massachusetts constitution was different from the European experience of political reform. The democratic process in which the 1780 constitution was approved set it apart from the British and European experiences of the Enlightenment movement. In Massachusetts, the people already had the political power to shape the political process and were simply making adjustments, while in Europe the common people fought for the right to enter the political discussion. In Massachusetts, based on the principle of popular sovereignty, where government derives its legitimacy from civil society, the people were allowed to vote for or against the constitution. This feat made its experience uniquely American. While the political process was unique, its inspiration was not. The ratification process can be seen as reenacting the formulation of government through a social contract, a concept that was prominent in Whig writings by both radicals and conservatives.¹⁰ Even

⁹ Gordon S. Wood, *The Creation of The American Republic 1776-1787* (Chapel Hill: The University of North Carolina Press, 1969), viii-x; Main, 116-119; Mary and Oscar Handlin, *The Popular Sources of Political Authority Documents on The Massachusetts Constitution of 1780* (Cambridge: The Belknap Press of Harvard University, 1966), 1-3.

¹⁰ Ward, 423.

innovations such as ratification could be understood in Whig terms. The Handlins perspective on the uniqueness from the British experience was expanded upon by Gordon Wood, who then looked into the constitutional principles of British and American constitutionalism.¹¹

Gordon Wood's *The Creation of The American Republic 1776-1787*, (1969) argued that despite the British foundations of American constitutionalism in Pennsylvania and Massachusetts the application of these constitutional principles differed fundamentally from British practice. For example, the separation of powers was applied differently in the state constitutions of Pennsylvania and Massachusetts than in Great Britain. In Great Britain, power between Parliament and the Crown was shared, which also was the case in colonial America. In the state constitutions of Pennsylvania and especially that of Massachusetts, separation of powers applied Montesquieu's interpretation defined by the three branches of government and direct separation of these institutional powers. Constitutional revision was another principle which in American constitutional practice differed from the British. From these different understandings of constitutional principles the Pennsylvania and Massachusetts state constitutions shifted away from their British origins into

¹¹ Handlin, 1-3, 26.

a uniquely American experience. Wood's thesis, while important, showed largely evolutionary steps from Whig thought, not a complete transformation. Jackson Main, however, several years later, shifted the narrative away from constitutional principles to rival Whig and democratic ideologies as the constitutional foundations for Pennsylvania and Massachusetts.¹²

In 1973 Jackson Turner Main's, *The Sovereign States 1775-1783*, argued that Pennsylvania's constitution was democratic and Massachusetts's was Whig, focusing on the importance of rival political ideas which framed the constitutional debates. In the midst of the revolution, Whig and democratic ideologies became rival political forces in American constitutional thought. In Pennsylvania, democratic ideals prevailed, emphasizing government for the people, whereas in Massachusetts, the Whig ideals of institutional and constitutional order prevailed.

Pennsylvania's constitution adopted democratic measures, such as the one-house legislature, the expansion of voting rights to all taxpaying citizens, and many other democratic provisions. Main's position aligns with a long historical consensus that has characterized Pennsylvania's constitution as a democratic document. The Massachusetts constitution represented the Whig

¹² Wood, *The Creation of The American Republic 1776-1787*, viii-x, 151-162, 282-83, 510; Gordon S. Wood, *Revolutionary Characters What Made The Founders Different* (New York: The Penguin Press, 2006), 185-86, 189, 193, 201.

principle of mixed government that balances the three branches of government and classic Whig ideals of popular representation limited by property qualifications. Turner's emphasis on the ideological tensions is his main contribution. Turner brings this focus into the factional politics in the constitutional debates in Pennsylvania and Massachusetts. Despite this contribution, Turner admits himself that Democrats shared many Whig values before the American Revolution. Turner also dismisses the reception of Radical Whig thought, especially Sidney's republican Whiggism to justify a democratic constitution. Sidney's notion of republicanism could easily been interpreted to advance democratic ideas. While Turner centered his thesis on opposing political ideologies, Donald Lutz emphasized consent, which, he argued, separated the constitutions of Massachusetts and Pennsylvania from a pure Whig tradition.¹³

Donald Lutz's *Popular Consent and Popular Control Whig Political Theory In the Early State Constitutions* (1980) argued that both state constitutions were Whig documents. However, by examining the four forms of consent, he asserted that they deviated in significant ways from Whig and British practices of consent. Lutz's thesis mirrors Wood's argument for constitutional innovation centered on consent. What separates the

¹³ Main, 109-114, 116-119, 151-154, 178-185.

Pennsylvania and Massachusetts constitutions was the fact that they dealt with four levels of consent. These levels of consent were governmental, social, agency, and programmatic consent; the Glorious Revolution by comparison only dealt with the first two. Agency consent deals with proportion of political agents who are directly elected as opposed to appointed. It also refers to the proportion of the adult population that can give direct consent, by means of the vote. Programmatic consent involves direct involvement of citizens in the political process. Pennsylvania's democratic clauses focused on programmatic consent. Lutz sees Massachusetts's constitution as a Radical Whig document fused with mixed government. As Lutz cites consent to support his argument, he also borrows from Wood, arguing that different constitutional practices made the difference in roles of government structures more stark. He cites the role of dual offices of the British system of government and the constitutions of Pennsylvania and Massachusetts rejection of such traditions. Lutz's argument does fall short given the fact he centers his distinction on consent alone, while Wood's argument is more expansive. While Lutz focuses narrowly on the American reception of Whig ideas and their distinctions, Lee Ward tells the story of British and American Whigs.¹⁴

¹⁴Donald S. Lutz, *Popular Consent and Popular Control Whig Political Theory In Early State Constitutions* (Baton Rouge: Louisiana State University Press, 1980), preface viii-x, intro xiv-xvi, 12-13, 16-17, 34-36, 53, 87, 93, 96-98, 100-103, 109-110, 130-32, 148.

Lee Ward's *The Politics of Liberty In England And Revolutionary America* (2004) argues that Pennsylvania and Massachusetts constitutions blended different strands of Whig thought in their constitutions. Locke and Sidney's forms of radical Whiggism held common fundamental values, such as popular sovereignty, their views diverge with Sidney's republican focus and Locke's liberal ideas. Ward notes these divisions affected the American reception of their ideas when the state constitutions were created. In Pennsylvania the constitution writers were indebted to Sidney's republican form of Whiggism which favors the supremacy of the lower assembly and popular sovereignty for the constitution's democratic principles. In Massachusetts the constitution fused Lockean liberalism with Old Whig constitutionalism. Ward states these constitutions defined the different waves of American constitutional thought, with Pennsylvania representing the first wave and Massachusetts the second. The former favored strong legislatures at the cost of the upper house and governor, and the second wave sought to balance the different branches of government. Ward, similarly to Wood and Lutz, advocated the theme of both continuity between the state constitutions and Whig ideology along with distinctions. However, his work is silent on the powerful class and regional divisions that shaped the

reception of Whig thought and the politics surrounding the constitutions. This study will examine this theme, and how these realities affected reception of Whig thought in these constitutions. This study argues the various “distinctions” between American constitutional ideals and Whig thought represented evolution of the latter, not outright innovations.¹⁵

The centrality of British Whig thought in American constitutionalism has been, over the decades, hotly contested. The subject has been approached from different angles from the emphasis on the process of constitution making, to constitutional principles, and to defining different versions of consent. These methods draw different conclusions over this question about the importance of British Whig thought for the Pennsylvania and Massachusetts constitutions versus their innovations as American documents. This paper seeks to advocate the centrality of British Whig ideology in American constitutionalism whose reception was shaped by local politics.¹⁶

The Pennsylvania Constitution

The year was 1776, and after months of debate over independence, on July 25 Pennsylvania decided to secede from the British

¹⁵ Ward, 14-18,400, 417-423.

¹⁶ Handlin, 1-3; Wood, *The Creation of The American Republic*, viii-x; Lutz, preface viii-x, intro xiv-xvi.

empire and join the revolution. In the aftermath of that decision, one of the first tasks in Pennsylvania was to create a new constitution built on democratic principles. In the 1776 constitution, democratic principles mirrored republican Radical Whig assumptions of government, including principles of institutionalized democracy in state institutions and legislative supremacy. Without these Radical Whig assumptions, the reasoning behind these principles in this constitution cannot be properly understood. Its passage ignited a fourteen-year challenge from 1776 to 1790 by conservatives who sought to overthrow its democratic principles. The conservatives' ideas reflected the Old Whig emphasis of constitutional order which rivaled democratic ideas during the years of state constitution building in Revolutionary America. The constitutional history of Pennsylvania is that of Revolutionary America at large, which adopted a radical model of government that was eventually challenged and overthrown by conservative factions.¹⁷

Background

The radicals who created the 1776 constitution reflected the political and class divisions of Pennsylvania and integrated republican Whig ideas of

¹⁷Brunhouse, 10, 12-17, 225-227; Eric Foner, *Tom Paine and Revolutionary America* Updated edition (Oxford: Oxford University Press, 2005), 125-26, 133-137.

government. The radicals represented the marginalized groups of Pennsylvania society, such as, the Scots-Irish and Germans of the western counties and artisans of Philadelphia. The radicals appealed to existing class and regional inequalities of political representation. This lack of representation also shaped their political philosophy. The radicals favored a simple democratic form of government. Their philosophy borrowed heavily from Algernon Sidney's republican Whig thought, a form of political philosophy within the larger Radical Whig tradition. Sidney's republican form of government that favored institutionalized democracy and legislative supremacy fitted very well with the radical agenda of a more democratic government. These ideas were the philosophical foundations of the radicals. Sidney's philosophy differed from Locke's liberalism, which centered on individual rights, government of delegation, and separation of powers. These distinctions were also drawn during the writing of other state constitutions in Revolutionary America. The 1776 constitution ultimately reflected Sidney's republican vision, and is the reason why it should not be understood as a Lockean document. The radicals grew out of the imperial crises between Great Britain and the American colonies of the 1760s-70s. They were part of the Whig opposition to British policies, and the moderates who became the conservative opposition of the radicals were the other faction. The radicals favored independence while moderates saw

resistance only as the means to force Great Britain to granting colonial demands of autonomy. To this end, the radicals demanded elections, arguing that the assembly did not properly represent the population it claimed to serve.¹⁸

The political conflict over independence set the stage for radicals to control the constitutional convention of 1776 and create Pennsylvania's constitution. In early 1776, tensions rose in Pennsylvania as the political establishment dominated by the Quakers and commercial elites moved too slowly on the question of independence. From April to May 1776, Thomas Paine and other radicals argued the assembly did not represent the people, especially the western counties and Philadelphia. As a result, the radicals concluded elections were necessary for the assembly to properly represent the population. The radicals pushed for elections, hoping the results would favor independence, and the assembly agreed to hold them. The elections were held on May 1776 and the radicals were sorely disappointed when they realized the people did not share their passion for independence. The population was strongly divided over the question of independence. The radicals won only one of the four new seats opened to better represent the western counties and Philadelphia. The Continental Congress in May 1776

¹⁸ Ward, 18, 400; Brunhouse, 10-14; Foner, 109-110.

suggested that Pennsylvania set up a new form of government, if the old one did not please them. The radicals seized Congress's suggestion to further challenge the legitimacy of the assembly. The moderates gradually lost control, until June, 1776, when the assembly lost its legitimacy to govern. This event was decisive for the constitutional convention of 1776, as the radicals gained control of the government, and therefore of the convention. The radicals removed the property requirement for electing officials to the convention, which worked in their favor. On July 15, 1776, the convention in Philadelphia began debating the issue of independence. Ten days later, the convention seceded from the British empire. Once the question about secession was settled, the debate shifted to creating a new constitution.¹⁹

The 1776 Constitution was meant to break from the British past, but it could not break away from Sidney's republican Whig principles of government. Sidney's republican Whig vision was built on the principle of popular sovereignty in government institutions defined by numerous representation, rotating delegates, and frequent elections to reflect the will of the people. The radicals were led by figures such as George Bryan, Timothy Matlock, James Cannon, and others who accepted these ideas and sought to

¹⁹John S. Wiestling, printer, *The Proceedings Relative To Calling The Conventions of 1776 and 1790* (Pittsburgh: Allegheny County Law Library, 1825), 45, 47-8; Brunhouse, 12-14; Main 133-34; Foner, 126-128.

implement them in the new constitution. Their domination of the 1776 convention allowed the radicals to do exactly that, and the final document was approved on September 26, 1776. Although scholars of the Pennsylvania constitution, such as Jackson Main, argue that it broke from Whig tradition as a democratic document, in fact its underlying assumptions were borrowed from the republican Whig tradition. The structure of Sidney's proposed government itself was republican due to the fact the people elect representatives to enact their interest. However, through regular elections, numerous representation, and rotating delegates the radicals sought to democratize government institutions even further. They reasoned that since sovereignty lies within the people, who are political actors capable of reason, they must be allowed an active role in shaping their government.²⁰

The Pennsylvania Constitution and Links to Republican Whiggism

The 1776 Pennsylvania constitution's Declaration of Rights was anchored in Radical Whig principles of popular sovereignty and the dissolution of government, but it adopted Sidney's interpretation of these principles. The Declaration of Rights cited these principles as the reason for independence. It stated that the, "king has not only withdrawn his

²⁰ Brunhouse, 13-16, 18; Main, 151-154; Ward, 18, 154, 156, 202.

protection, but commenced, and still continues to carry on, with unabated vengeance a most cruel and unjust war against the people... for the purpose of reducing them to a total and abject submission to the despotic domination of the British parliament.”²¹ The writers of the Pennsylvania constitution argued that because King George III had withdrawn his protection of their rights, Pennsylvania had a right to secede. Whigs of all stripes agreed that government must serve the public good, but only Radical Whigs argued that citizens had a right to dissolve government, because the people are sovereign. Article three of the Declaration of Rights restated this point. It said “the people of this state have the sole, exclusive and inherent right of governing and regulating the internal police of the same.”²² The statement points to the people’s sole right to govern themselves as they see fit. The Declaration of Rights of Pennsylvania and similar documents other states were built on Radical Whig natural rights philosophy. Sidney’s principles of legislative supremacy and institutionalized democracy laid the foundations of the Frame of Government.²³

The 1776 constitution’s Frame of Government also created a democratic structure. In particular, the constitution writers borrowed the concepts of institutionalized democracy and legislative supremacy, as its

²¹ Pennsylvania Constitution 1776, Preamble Paragraph II.

²² Pennsylvania 1776 Constitution, art. III.

²³ Ward, 400-01.

governing principles. Sidney argued legislative supremacy was necessary because only the legislature represented the will of the people. Although Sidney never advocated for a single-house legislature, which the Pennsylvania framers adopted, the principle remained. For example, the president of the executive branch was elected by the assembly, which controlled his salary. The judiciary, although appointed with a fixed salary, could be removed at any time for so called misbehavior. Sidney's disregard for notions of an independent executive and a balance of power within government also influenced the framers of Pennsylvania's constitution. The president and vice president were jointly elected by the General Assembly and the executive council. The executive council was a plural executive body consisting of twelve members and led by the President. The General Assembly could also override an appointment of the President. Sidney believed that regular elections, rotating representatives, and numerous representation would keep government connected to the people. The constitution limited terms of members of the General Assembly to four years out of seven and Supreme Executive Council to three years. Section nine called for yearly elections, and article fifteen stated that a law can only pass through reelecting state legislators. These provisions promoted rotating representatives and regular elections. The constitution's emphasis on legislative supremacy and popular control of government mirrored Sidney's

ideas of government. Due to lack of sources, connecting the Pennsylvania constitution's writers directly to Whig thinkers it is not possible in this study. Despite this flaw, the similarities between Pennsylvania's democratic principles, and Sidney's republican Whiggism is too strong to dismiss. Sidney stated these values a century earlier, and his ideas resonated with political thinkers in Colonial America.²⁴

Sidney's republican Whiggism was one of two branches of Whig thought under the larger Radical Whig tradition, with Locke's liberalism being the other. Sidney wrote *Discourse Concerning Government* (1698) to challenge Robert Filmer's philosophical defense of absolute monarchy and the divine rights of kings, during the Exclusion Crisis. Sidney was far more radical than other Whigs. He was an anti-royalist and wanted to seriously weaken the authority of the Crown or even better, create a republic. Sidney's main theme in the *Discourses* was a deep distrust of executive power and its tendency to usurp its proper authority. He argued for democratization of state institutions because the government that reflects the public will is the best. According to Ward, Sidney saw democracy not as a form of government but as a system of power relations. Later in the

²⁴ Ward, 18, 156,185-186, 407,413-15; Pennsylvania 1776 Constitution, sect iii, viii-ix, xv, ix-xx; Robert F Williams, "The Influences of Pennsylvania's 1776 Constitution on American Constitutionalism during the Founding Decade," *The Pennsylvania Magazine of History and Biography*, 112, No. 1 (1988): 29-30; Brunhouse 13-18; Sidney, 296.

eighteenth-century, Sidney was cited by Thomas Gordon and John Trenchard, the authors of the *Cato's Letters*, which were widely known throughout Colonial America. Sidney's name and work was also widely read and known by eighteenth-century Americans, and he was as influential in American constitutional thought as Locke. America colonist imported the majority of their books and other print material from Britain, and Philadelphia was a major center of the colonial literary world. Journals such as "the republic of letters" kept American colonist aware of developments in Europe. The democratic opponents who competed with the Whig vision of government owed part of their intellectual development to Radical Whig thought. In Revolutionary America, Sidney's model of consent, "defined by frequent and regular elections" was essential in Pennsylvania's and other state constitutions' Declaration of Rights. Pennsylvania's Declaration of Rights was indebted to Radical Whig concepts of popular sovereignty and government dissolution, and in particular Sidney's understanding of consent.²⁵

However, infused with republican ideals Pennsylvania's constitution was also a democratic document. Important historiographical works on the subject from Robert Brunhouse writing in the 1940s to later works by

²⁵ Main, 109-114; Ward, 153-56, 164, 180-83, 186, 201, 404; Ned Landsman, *From Colonials To Provincials American Thought and Culture 1680-1760*, (Cornell University Press, Ithaca 2000), 32-35, 41; Sidney, 109, 176, 198, 240, 379, 423.

Main, Nash, and others on the Pennsylvania constitution directly stated this view. Unlike in Massachusetts, where the direct connection between Whig thought and the writers could be confirmed, no such direct case can be made with Pennsylvania. This study can only infer that Whig ideas influenced the constitution writers, given the popularity of Radical Whig authors like Sidney and the resonances with ideas that can be found in the constitution.²⁶

The constitution undeniably broke away from certain ideas of British Whig thought. Gary Nash cites three crucial distinctions: the unicameral legislature, the weak executive, and expansive suffrage voting. While Sidney grants the right of the people to form their organization of government, and even to have more than one executive, he, like Locke, never gives specifics about the form government should take. Locke's vision of government was less radical than, Sidney's it, supported executive prerogative, the delegation of representation, and separation of powers, which were values antithetical to the writers of the 1776 constitution. Sidney believed democracy needed to be balance with nobility, and monarchy to create an effective government. Democratic thinkers in

²⁶ Burnhouse, 13-16; Main 151-154; Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the struggle to create America* (New York: Penguin, 2006), 274-78; Donald S. Lutz and Jack D. Warren, *A Covenanted People: The Religious Tradition and The Origins of American Constitutionalism* (Providence: The John Carter Brown Library, 1987), 57.

Pennsylvania and America believed the people should retain all authority, rather than the lower assembly to represent them as Sidney saw it. Democratic philosophy in America was tied to radical Protestantism which emphasized the equality of men and democracy in church governance, but also Radical Whig thought. For Democratic thinkers in Pennsylvania and elsewhere did not think an upper chamber was essential for government. For these reasons, this study views the constitution as a democratic document, yet argues such conclusions could not have been totally divorced from republican Whig understandings of government. The authors of the constitution, and their allies made arguments similar to Sidney's principles against the Anti-Constitutionalists opposition.²⁷

The Politics of the Constitution and the Battle Between Radicals and Anti-Constitutionalists

The conservative faction in Pennsylvania who opposed the radicals did so on the based on class interest, not just ideology. Men such as James Wilson, John Dickinson, and Robert Morris, were men of great wealth and, represented this class of people. Quakers and Tories elites, along with commercial and property interests, formed the base of the conservative

²⁷ Burnhouse, 13-16; Main 116-119, 151-154; Nash 274-78; Ward, 212-13, 407-08; Sidney, 130, 380.

faction. The opponents of the constitution were called Conservatives, Republicans, and Anti-Constitutionalists. Dickinson's *Letters from a Farmer* combined both Lockean and Old Whig ideas to challenge Parliament's intervention in internal colonial affairs, while respecting parliamentary sovereignty over the colonies. The Anti-Constitutionalists mixed the Old Whig constitutional order of a mixed government composed of King, Lords, and Commons with a balance of power among them, along with Radical Whig concepts of popular sovereignty and natural rights, to challenge the 1776 constitution model. The Anti-Constitutionalists believed that the constitution indulged too much in democracy and needed to create a balanced government of an independent executive and a bicameral legislature.²⁸

The conservative faction in Pennsylvania attacked the 1776 constitution because of its democratic principles. Excluded from creating the constitution by virtue of being outnumbered in the convention, conservative forces sought to prevent its enforcement. A letter in the November 13, 1776 *Pennsylvania Gazette* reflected these ideas. The author stated, "Alterations be limited to making the executive branch independent and innovations to

²⁸ Burnhouse, viii, 3, 16-17; Main, 151-54; Ward 347-350; Jane. E Calvert, "John Dickinson biography " The John Dickinson Writings project Website <www.uky.edu/DickinsonWritingsProject/biography.php>. Date accessed: 11/ 20/ 2015.

“abolish the late regal and proprietary power of the state.”²⁹ The author called for executive independence to be a co-equal in state government. This position mirrored Old Whig belief in balanced government in which the executive and legislative branches are independent from one another. This position was in direct conflict with Sidney’s view that the legislature alone holds preeminent power within the government as reflected in the constitution. The author also advocated for the dual legislature; a feature of the Old Whig vision of government. The author stated that to “Divide state legislature power that ..shall produce wise, just, and well distinguished counsels and thus secure the state from the fatal influence hasty, incorrect passionate prejudiced determinations.”³⁰ The point emphasized that wise leadership can only be achieved with two legislatures instead of one. These Old Whig critiques were central in challenging the democratic orientation of the constitution and radicals quickly rallied to the defense of their constitution.³¹

The radicals’ defense of Pennsylvania’s 1776 constitution was rooted in republican Whig ideals of government. An article in the *Pennsylvania Gazette* of November 20, 1776 titled “The Consideration Freeman

²⁹ “Letter to Republicans George Clymer, Joseph parker, Robert Morris, Michael Shubert, John Bayard, and Samuel Morris.” *Pennsylvania Gazette* 1728-1789, Historical Society of Pennsylvania reprint 1968 Volume 20 1775-1777 no. 2499 Nov 13, 1776 362-365.

³⁰ *Pennsylvania Gazette*, Nov. 13, 1776 no. 2499, 362-65.

³¹ *Pennsylvania Gazette*, Oct. 23, 1776, No 2496; Nov. 13, 1776, No 2499; Ward, 139-142, 156.

To The People” defended these convictions. The author defended the power of the General Assembly based on the right to legislative supremacy. He noted that the legislative power “is or ought to be the highest authority in every state, and the dernier resort of the people against all kinds of oppression.”³² The author argued that the legislature should have this power because it represents the people, and is the greatest protector against oppression. The author follows Sidney’s argument that since government is instituted by the people, and the legislature represents them, it should be the most powerful branch of government. His defense went even further stating, “The house represents people from all the land and the laws affects them as much as the people they represent. The legislature is the most responsive voice and interest of the people.”³³ The author again argued the legislature’s connection to the people to legitimize its preeminence in the government. It cannot oppress the people whom it serves. This is because legislators are bound by the laws they pass. Sidney stated in *Discourses Concerning Government*, that the people have a right to form government as they see fit, and through regular election control it. The author of the article defending the constitution followed many of the assumptions of republican Whig thought as defined by Sidney. These

³² *Pennsylvania Gazette*, Nov 20, 1776, No. 2500.

³³ *Pennsylvania Gazette*, Nov. 20, 1776 No. 2500.

arguments were used to challenge Anti-Constitutionalists criticisms and their attempt to revise the constitution. The radicals, also called Constitutionalists, were successful in preventing the revision of the constitution, however, the Anti-Constitutionalists attempted again and again to alter it.³⁴

During the following years of 1777 through 1779 Anti-Constitutionalists continued to challenge the legitimacy of the constitution. In 1777 they argued that a new convention was needed to change the constitution because the representatives of the state legislature were illegitimate. Only representatives who took the oath were in the General Assembly, while Anti-Constitutionalist members refused to take the oath or serve in their offices to undermine the 1776 constitution. The Quakers religious pacifisms and refusal to support independence from Britain barred them from serving in government. The Anti-Constitutionalists used the upheaval of the war and government incompetence in managing the crisis to further their case to change the constitution. The Constitutionalists were forced by events to compromise and agreed to a popular ballot over the question of summoning a convention. Yet, despite poor rule by the Constitutionalists and gains by the Anti-Constitutionalists, the Anti-

³⁴ *Pennsylvania Gazette*, Nov. 20, 1776; Main, 110-113; Sidney, 248.

Constitutionalists only controlled one-third of the assembly seats. The Constitutionalists naturally opposed the calling of any convention. In 1779 the Constitutionalists organized a petition campaign to reject the Anti-Constitutionalists calls for a convention. The campaign proved successful when the General Assembly changed direction and revoked its original decision. The Anti-Constitutionalists campaign to alter the constitution a failure, they waited until the 1784 Council of Censors meeting to once again revise the constitution.³⁵

The 1784 Convention: The Battle of the Constitution

The 1784 Council of Censors meeting was the Anti-Constitutionalists' chance to change the constitution and its democratic principles. The Council of Censors was the body summoned every seven years to determine if the constitution has been upheld. It is also the same body that determines whether or not the constitution can be revised. The Anti-Constitutionalists were in the majority after four years of growth in Pennsylvania politics. In the first session of the convention, the Anti-Constitutionalists centered their attack on the 1776 constitution in the January 19, 1784 report. The report restated previous Anti-Constitutionalists

³⁵ Brunhouse, 29-33, 54, 58-9; Karen Guenther, "A Crisis of Allegiance: Berks County, Pennsylvania Quakers and the War for Independence," *Friends Historical Association*, 90, No. 2 (2001), 17.

critiques of the constitution. It recommended a bicameral legislature, a single governor independent from the legislature, and the same for the judiciary. The Anti-Constitutionalists argued that the single house legislature was too powerful and inevitably led to an abuse of power. For example, John Dickinson's July 1784 report before the council, cited the pardoning of Matteo Bratelli as evidence of the General Assembly's abuse of power. Dickinson argued Bratelli's pardon was a violation of the constitution. Dickinson and other Anti-Constitutionalists cited such examples arguing that the structure of the constitution was defective and needed to change, because the General Assembly held too much power. Furthermore, according to Dickinson the executive and legislature must be co-equal branches within the government. The Anti-Constitutionalists further wanted to repeal sections fifteen and the Council of Censors itself. These critiques were all attacks on the constitution's democratic principles, and indirectly the republican Whig arguments of legislative supremacy. However intense the Anti-Constitutionalists' designs to change the constitution were, they also accepted some of the democratic principles.³⁶

The January 19 report challenged many republican Whig principles of government, yet it held onto the constitution's ideas of representation.

³⁶ Wiestling, 69-74, 76; Brunhouse, 156-157.

For example, the Anti-Constitutionalists decided not to challenge the voting requirements, which allowed tax paying men the right to vote. The Anti-Constitutionalists reaffirmed this right in their revisions of articles seventeen and twenty. They also maintained popular elections of the governor in their revision of article twenty of the Declaration of Rights. There was no call for high property qualifications, as in Massachusetts. While the Anti-Constitutionalists upheld some democratic values, the Constitutionalists vigorously defended the constitution as it stood.³⁷

Constitutionalists fought the claims of the January 19 report arguing these alterations replaced the democratic constitution with an aristocratic one. These alterations, the Constitutionalists believed, changed the principles of the constitution and destroyed the equality among men that the constitution defended. The Constitutionalists criticized the Anti-Constitutionalists alterations stating that “they tend to introduce among the citizens new and aristocratic ranks.”³⁸ In effect, the Anti-Constitutionalists were engaged in class warfare, lifting up one set of people above another. The Constitutionalists believed the Anti-Constitutionalists’ desire was to return Pennsylvania back to the politics before the revolution, in which the elite dominated politically. The Constitutionalists defense of their

³⁷ Wiestling, 73-6; Wood, *Creation of The American Republic*, 162-3, 168-69.

³⁸Wiestling, 79.

constitution revealed their intellectual debt to republican Whig ideals of institutionalized democracy. Ultimately, the Constitutionalists were successful in preserving the constitution.³⁹

The Anti-Constitutionalists failed to alter the constitution due their lack of numbers and political miscalculation. They lacked the necessary two-thirds majority to call a convention to alter the constitution. There were forces within the Anti-Constitutionalists coalition who called for compromises to achieve their goals, but their methods were rejected. When the second session of the convention took place in June 1784, the Constitutionalists became the majority, thus ending the Anti-Constitutionalist hopes for constitutional revision. The Constitutionalist affirmed the democratic values of the 1776 constitution in the August 11, 1784 report.⁴⁰

The Constitutionalists were victorious in preserving the constitution, but their surprisingly adoption of the conservative theme of balanced government was a concession to the Anti-Constitutionalists' claims of abuse. The August 11, 1784 report affirmed the British Old Whig political ideal of balanced government. The August 11 report was made to counter Anti-Constitutionalist criticism that the constitution created a government without restraint. The report cited "the three first sections of

³⁹Wiestling, 77-80.

⁴⁰ Brunhouse, 158-161; Wiestling 83-84.

this grand bulwark of equal liberty.”⁴¹ The three branches of government of the executive, legislative, and judicial were identified as the grand bulwarks of freedom that protected the people of Pennsylvania from abuse. Why did the Constitutionalists take this turn? The Constitutionalists in 1776 defended of the centralized power of the General Assembly. What changed? The pressure of conservative attacks on the abuses of the General Assembly forced the Constitutionalists to admit failures of the General Assembly.⁴²

While the Constitutionalists won the battle, the August 11 report was also a concession to the Anti-Constitutionalist criticism that the General Assembly’s power led to abuse. The Anti-Constitutionalists’ claims of abuse generated by the power of the Assembly were strongly presented by Dickinson and other conservatives during the convention. The constitution now seemed to stress limits on legislative power, with the Council of Censors and popular control over the legislature. This point neglects previous Constitutionalist arguments defending centralized power in the General Assembly in prior years. This argument also overlooks the rise of the conservatives in the government from 1780-84, whose main objective was get rid of the constitution. In many ways the August 11 report was a response to conservative criticism of abuses by the General

⁴¹Wiestling, 83-86.

⁴²Wiestling, 83-86; Brunhouse 161; Williams, 31.

Assembly enabled by the structure of the constitution which gave the body so much power. The Constitutionists themselves were forced to admit during the 1784 convention and the August 11 report that the General Assembly had abused its power. The August 11 report for the Constitutionists was not a victory speech, but an subtle admission of failure in their Frame of Government. The 1784 Council of Censors meeting was the Constitutionalist final victory, and in the years that followed the conservatives slowly clip away at the legitimacy of the constitution.⁴³

The Turning Point: The Rise of the Counter Revolution

Three years later, in 1787, the constitutional convention for ratification of the U.S. Constitution signaled the beginning of the end of the 1776 constitution. The 1784 Council of Censors Meeting charging misrule by the Constitutionalist faction gave Anti-Constitutionalists an opening to gradually claw their way back into power. Instead of attacking the constitution directly, Anti-Constitutionalists adopted a more gradual approach to their ultimate goal. Their support behind the U.S. Constitution was evidence of the shift in tactics. The Pennsylvania delegation was

⁴³Wiestling, 83-86; Brunhouse 161; Nash, 274-75; Williams, 31.

dominated by Anti-Constitutionalists who supported the U.S. Constitution, while Constitutionalists opposed it.⁴⁴

When the U.S. Constitution was approved by Pennsylvanian voters, many Anti-Constitutionalists, led by James Wilson, argued that the 1776 constitution was in conflict with the U.S. constitution, and therefore the state constitution needed to be changed to match it. The U.S. Constitution executed the very ideas the Anti-Constitutionalists had advocated since 1776. The U.S. Constitution featured a bicameral legislature, an independent executive and judiciary, and most important of all a check on popular power. There were all features of Old Whig constitutionalism, and the U.S. Constitution provided the Anti-Constitutionalists the vehicle to advance their agenda. They also repeated their previous objections to the constitution. With their success in 1787 and political revival, Anti-Constitutionalists were reinvigorated to challenge the 1776 constitution, while the Constitutionalists were on the defensive, arguing no conflict existed between the two documents. The 1789 elections further strengthen the Anti-Constitutionalist majority in the General Assembly, which gave them the stage to dominate the Council of Censors meeting and to finally overthrow the 1776 constitution.⁴⁵

⁴⁴ Brunhouse, 200-03, 206-09.

⁴⁵ Brunhouse, 200-03, 206-09, 221-222.

The 1789 debates over the Council of Censors meeting was the final battle over Pennsylvania's 1776 constitution. On March 19, 1789 the Anti-Constitutionalists appealed to the public for a constitutional convention ahead of time. They argued that the 1776 constitution, due to its increasing expense for the counties, conflict with the U.S. Constitution, and the inefficient structure of government all made it necessary to summon the censors early. The Constitutionalist countered arguing that the Anti-Constitutionalists should wait another year for the Council of Censors to meet on schedule to decide the issue. Constitutionalist also argued against the their critics claims that the system of government was costly, inefficient, and conflicted with the U.S. Constitution. On March 24, 1789 the handbills were printed and the conservative authors appealed to Lockean vision of dissolution of government to support their cause. The report argued the present form of government did not benefit the people and cited the U.S. constitution to support their call for revising the 1776 constitution. The document cited the Declaration of Independence as a critique of the structure of the constitution as a threat to the common interest of the people. It cited the 1776 constitution as the root of the problem and insisted that it must be overthrown to secure the liberty of the people. The conservatives of Pennsylvania adopted Lockean liberal principles of popular sovereignty and dissolution of government just as much as they embraced

constitutional balance of Old Whiggism. Since the opponents of the constitution were in the majority, the measure was approved. The Constitutionists argued in their dissent in a report March 24, 1789 that altering the constitution was dangerous to the freedom of the people of Pennsylvania. On September 15, 1789 the call for a convention was approved by the General Assembly. Since the Anti-Constitutionalists were the overwhelming majority in the General Assembly, they dominated the Council of Censors and therefore set the stage to repeal the 1776 state constitution.⁴⁶

The success of the Anti-Constitutionalists in 1787 and onward in repealing the 1776 constitution was born of moderation and patience. They learned from their earlier mistakes in rushing to change the constitution and instead focused gradually on specific issues and on compromises. The Anti-Constitutionalists also applied these lessons to later political struggles including the passage of the U.S. Constitution. The elections of 1786 saw a revival in Anti-Constitutionalist fortunes as they gained seats as popular opinion turned in their favor. As a result, the Anti-Constitutionalists became the majority in the General Assembly. By 1788, Anti-Constitutionalists had the two-thirds majority in the General Assembly, which was the number

⁴⁶ Brunhouse, 200-03, 206-09, 215, 221-226; Wiestling, 129-135.

necessary to amend the constitution. There were forty-six Anti-Constitutionalists to twenty-three Constitutionalists in the General Assembly. The Anti-Constitutionalists used that power to undermine laws passed by the Constitutionalists. Like their radical rivals before them, the Anti-Constitutionalists were able to carry public opinion in their favor because of their moderation and patience not to attack the constitution right away. Once laws such as the test law and other radical achievements were removed, the Anti-Constitutionalists went for the final prize, the elimination of the 1776 constitution.⁴⁷

The Successful Counter Revolution: The Fall of the Radical Constitution

The 1789-90 Constitutional Convention meeting of the Council of Censors was a realigning of political alliances that shaped the new constitution. Robert Brunhouse argued that with the conservative majority in 1789, the repeal of the 1776 constitution was inevitable. For Brunhouse the 1789-90 Constitution Convention the political divide was between moderate and ultra conservatives within the Anti-Constitutionalists camp. The moderates accepted a democratic theory of government, whereas the ultra conservatives were elitist. The divide between the Anti-Constitutionalists

⁴⁷ Brunhouse, 191, 194, 215-218.

mirrored their different reception of Whig thought. The moderates saw democracy in excess in the 1776 constitution and only sought to restrain it as a co-equal branch of the constitutional system. The lower assembly would be balanced by the upper house representing elite interest and independent executive. The ultra conservatives believed this, but went further desiring further limitation of popular influence in government. The former group worked with radicals to marginalize the latter. For example, James Wilson sided with the radical Albert Gallatin to have senators elected instead of being appointed by the assembly. The cooperation between moderate conservatives and radicals set the stage for the end of the 1776 constitution.⁴⁸

On December 3, 1789 a report called for altering the 1776 constitution's structure of government. The federal constitution, which embodied the mixture of Old Whig constitutional balance and Lockean natural rights theory, served as a model for a new structure of government. The December 9 report endorsed the strong governor and dual legislature of the 1780 Massachusetts and U.S. Constitutions. The Old Whig principle of constitutional balance prevailed in the 1789-90 Constitutional Convention. These were values Edmund Burke, an Old Whig, defended his 1790

⁴⁸ Brunhouse, 221-227, Wiestling, 129-135, 149-163, 309-315.

Reflections on the Revolution in France where he criticized France's single-house legislature and the overall structure of government based on the principles of constitutional order. Pennsylvania's conservatives spouted these same values. On the following day, the December 9 report was overwhelmingly adopted as the basis for a new constitution. The 1776 constitution was repealed, and the rest of the convention was spent defining the specifics agreed on December 10, 1789. On December 11 the draft of the new constitution was proposed, with the U.S. federal constitution as a model, which scholars point to as evidence for the role of British origins of American constitutionalism.⁴⁹

The Pennsylvania constitution of 1776 was a radical document created by one party within the state. Because of the lack of political inclusiveness in its creation, its legitimacy was questioned though appeals to British Whig ideals. The 1776 constitution was drafted solely by the radicals who dominated the convention, and did not compromise with conservatives forces within the convention. This, resulted in the fourteen year political struggle that followed. These ideals underscore Sidney's republican Whig ideals of legislative supremacy and popular control of government, which were fundamental in the design of the 1776

⁴⁹ Brunhouse, 221-227; Wiestling, 129-135, 149-163, 309-315; Burke, 55.

constitution. While democratic and republican Whig ideas shaped Pennsylvania's constitution, Old Whig and Lockean philosophy shaped the foundations of Massachusetts's constitution.⁵⁰

The Massachusetts Constitution of 1780

From 1779 to 1780 Massachusetts held a constitutional convention, which produced the most influential state constitution of the American Revolution. Massachusetts presents a fundamentally different approach to constitutional thought from Pennsylvania's 1776 constitution. The 1780 constitution was based on Old Whig constitutional order combined with Lockean liberal ideals of popular sovereignty and natural rights. As in Pennsylvania, Massachusetts was divided by powerful regional and class conflict between eastern merchant elites and western farmers, which drove the constitutional debates. The East championed balanced government between the branches of government, while western farmers favored the democratic vision of representative government, controlled by the people as much as possible. This regional and class struggle forced a five year battle over the fate of a new constitutional order. The Easterners ultimately prevailed with the passage of the 1780 constitution. The Massachusetts

⁵⁰ Ward 154, 156, 202, 208.

constitution became foundational in American constitutionalism and framed successor constitutions including the U.S. Constitution. John Adams, its main author, was a Whig thinker, and he adjusted these ideas for an American context. Massachusetts, in an attempt to create a new governing philosophy for a new era, turned to its British past.⁵¹

The constitutional battle in Massachusetts began in 1775. When the colonial government was overthrown in 1775, the legislature, known as the General Court, took control of the government. The General Court restored the 1691 charter. The western counties who were underrepresented in government saw the moment as their chance to create a more democratic system of government. By comparison the moderates, or Easterners, prioritized the reestablishment of all three branches of government. The courts were shut down in 1774, and the Easterners wanted them reopened. Eastern merchants could not collect their debts from western farmers, who supported such closures until a new constitution was created. The General Court was divided between moderate interests in the Council, and western radicals in the House. Old British Whig ideas which were embraced by Easterners became part of the political discourse in the constitutional debates. The western counties demanded a more democratic government,

⁵¹ Wood, *Revolutionary Characters What Made The Founders Different*; 177-78; Lutz, 34-6; Ward 212-13, 226-227, 231.

which mirrored the ideas of Pennsylvania's radicals. The election of judges was another one of their many demands. Easterners shared the Old Whig focus on constitutional order by restating the 1691 charter and seeking to reopen the courts. Massachusetts's factional politics between regions and class, while critical, did not alone explain the political fight over the constitution; different approaches to constitutional thought were important as well.⁵²

Formation of Constitutional Thought and the Whig Connection

In Massachusetts, reception of Whig ideas shaped the parameters of the constitutional debate. Adams, represented the eastern vision of constitutionalism, personally cited a variety of British Whig thinkers in his 1775 speech *John Adams Gives Background for State Constitution- Making*. Adams echoed Old Whig principles of constitutional order when he justified resistance to Parliament and the governor in their attempts to subvert the 1691 charter. Adams stated "That no obedience is due to the act of parliament for altering the charter of the Colony of Massachusetts Bay, nor to a governor or Lieutenant- governor who will not observe the direction of, but endeavor to subvert that charter." Adams justified his dissent

⁵² Stephen E. Patterson, *Political Parties In Revolutionary Massachusetts* (Madison: The University of Wisconsin Press, 1973), 125-127, 136-38; Robert J. Taylor, *Massachusetts from Colony To Commonwealth* (New York: W. W Norton & Company Inc., 1961), 13-15.

against the British government because of its failure to honor the constitutional system of Massachusetts. Adams adopted Old Whig interpretation of resistance against the British government to restore constitutional order through government institutions, in this case the General Court. Adams upheld the concept of constitutional order of balancing the diverse interests within Massachusetts, mirrored in his later works such as *Thoughts On Government* and ultimately in the 1780 constitution. While Adams's 1775 speech absorbed Old Whig constitutionalism, the Berkshire Stockbridge convention revealed the West's democratic ideas.⁵³

Massachusetts's western counties responded by adopting Radical Whig concepts of dissolution of government and consent to challenge the legitimacy of the General Court. The Petition of Pittsfield of December 26, 1775 centered on challenging the legitimacy of the 1691 charter as defective and a bad model on which to build a government. The petition also called for the direct election of civil and military officials. John Ashley's petition to the General Court on April 12, 1776 repeated the message. Ashley called for the removal of the 1691 charter, citing it as "oppressive, defective, and rotten to the very core."⁵⁴ Ashley argued that the charter was no longer legitimate. Finally in May 1776, the second

⁵³Taylor, 8, 12; Ward, 306-07.

⁵⁴ Taylor, 16-19, 24.

Pittsfield Petition adopted the radical Whig idea of dissolution of government to demand a new constitution: “That since the dissolution of power of Great Britain over these colonies they have fallen into the state of nature. In such a state .. the formation of a fundamental constitution as the basis..”⁵⁵ The petition presented a new constitution as the only means to restore legitimacy. The petition more importantly appealed to the Radical Whig principle of the dissolution of government as described by Sidney and Locke. Locke argued that, once a government is dissolved, the people have a right to create a new one and with it a new social compact. He also stated that political societies depended on the consent of the individuals who formed them. Western radicals argued, the General Court lacked consent after the fall of the colonial government. This combination of politics and philosophy shaped the reception of British Whig thought.⁵⁶

Arguments over Constitutional Order

The constitutional debate in Massachusetts did not end with independence. Ideological distinctions between East and West continue to fuel the debate. In May 1776 Massachusetts held elections in which the

⁵⁵ Taylor, 27.

⁵⁶ Patterson, 135-37; Taylor 23-4; John Locke, *Two Treatise Of Government*, ed. Mark Goldie (London: Everyman, 1993), 226.

eastern towns were overrepresented. As a result, eastern dominance of the General Court continued, but was resisted by Westerners. western radicals continued to push for a new constitution, and the Easterners used their power to ignore the issue. Eastern elites distrusted democracy and therefore opposed western reforms. This view of democracy also represented the long-held Old Whig distrust of democracy as unruly. The Easterners wanted to reestablish constitutional law and order through the Old Charter, while Westerners believed the charter was no longer binding; therefore a new constitution was necessary. Western radicals saw a new constitution as their chance to push their democratic reforms. In particular, western counties wanted more representation in the General Court. Many Easterners believed the 1691 charter needed to be maintained, and only later could a new constitution be written. The battle came to a head when the issue of reopening the courts.⁵⁷

The court battle was the issue that forced the eastern dominated General Court to confront the debate over a new constitution. Many Easterners saw the first priority as the restoration of constitutional order. This meant in part reopening the courts that had been closed since 1774. Rule of Law was a critical tenet of British Whig thought across ideological

⁵⁷ Patterson, 148-154; Ward 133; Locke, 168.

distinctions from conservative like Tyrell, to radicals, such as Locke and Sidney. Especially for Old Whig thought, legal structures created by compact were, the best protection for liberty. Many eastern merchants saw western defiance to opening the courts as challenging the right of creditors to hold debtor farmers accountable to the law for failing to pay their bills. Popular opposition to reopening the courts was widespread, as James Otis reported resistance in Barnstable, an eastern county. Courts in western Massachusetts were kept closed by mob violence. The Westerners adopted Locke's argument about the state of nature to challenge the legitimacy of the General Court and to justify their refusal to pay their debts. With the colonial government dissolved, the only way to restore order was the creation of a new constitution. Until then, the General Court held no legal right to make judges enforce contracts. The eastern establishment faced pressure from within, began preparations for a new constitution. The constitutional committee was created in the House. Easterners, both elites and townspeople, supported maintaining the 1691 charter, while most Westerners wanted reform. In the 1777 elections, western radicals won the majority of seats in the House, while Easterners retained the Council.

Finally Westerners had their chance to force the issue of a new constitution front and center.⁵⁸

The 1778 Constitution: Setting the Stage

The 1778 constitution and the process of its creation and ratification further revealed the adoption of Whig thought. In 1778 the Westerners were in the position to fulfill their request for a new constitution. However due to their lack of political experience and skill, the eastern faction became a majority, and was able to shape the process of constitution building for the 1778 and ultimately the 1780 constitution. Westerners favored a more democratic government, and Easterners on the other hand, favored a stable mixed government, very similar to the 1691 charter. For the Easterners this meant a strong and independent executive, property qualifications for voting, a bicameral legislature and separation of powers between the three branches. These ideas not only mirrored preexisting class and economic interests, but also the different reception of Whig thought. The Old Whig Philosophy of political stability based on constitutional order matched the eastern interest in reopening the courts and restoring all three branches of government. Massachusetts's western radicals,

⁵⁸ Patterson, 153-4, 156, 162-64, 166-67, 69; Ward, 138.

as with Pennsylvania's Constitutionalists, wanted the democratic institutionalization of government. Though radicals in general, they supported a unicameral legislature, an absence of or a weak executive, and no property requirement for voting. Ultimately, they desired a government closer to the people. The 1778 constitution included elements of both these conflicting views of government.⁵⁹

The 1778 constitution was a compromise document between the two factions. Initially the two factions were equally represented in the constitutional convention in the summer of 1777, but that changed by August, 1777 because many western representatives were harvesting their farms. As a result, Easterners dominated the committees of the convention. This new reality did not mean eastern domination of drafting the constitution. Later in the convention, western strength grew with delegates returning, thus raising the urgency to compromise. On December 11, 1777 the draft constitution was released to the public. On January 15, 1778 the convention resumed to consider the draft constitution and discuss its thirty-six articles. The powers of the governor and representation were the most contested issues, and compromises had to be made on both. In representation each town could send in a representative, but must pay for

⁵⁹Patterson, 171-72, 175-77, 182-83, 184-85, 188.

their expenses. The governor was denied veto power. On February 28, the constitution was concluded with final compromises on both sides. The compromises gave neither side what they desired, and led to the constitution's failure.⁶⁰

Although they ended in failure, the political debates of the 1778 constitution were a prelude to later debates over the 1780 constitution. On March 4, 1778 the General Court sent copies to the towns to accept or reject the entire document. According to Stephen Patterson, this decision doomed the constitution to failure, but so did the compromises reached the previous month. Both Westerners and Easterners were deeply unhappy with the constitution. In the East, larger towns such as Boston favored proportional representation, and the final document only favored towns with 100-1,000 residents in terms of representation. Boston was underrepresented as a city of 17,000 people. They also saw the constitution as too weak, while the Westerners saw it as too strong. Both sides were unhappy with the system of representation. Easterners thought small towns had too much representation and denied proportional representation, particularly to Boston. In the west, the cost of keeping a representative in Boston roused anger. and both sides equally rejected the constitution. William Gordon's, criticism

⁶⁰ Patterson, 171-72, 175-77, 182-86, 188; Handlin 20-22.

of the constitution as Chaplin of the General Court, mirrored the views of many. He objected to the lack of a bill of rights, and a system for amending the constitution, and to the power of appointment by the governor. The Essex Result represented the views of Easterner's desires for balanced constitutional government with, the legislative, executive and judicial branches as independent institutions. It also invoked a Lockean a bill of rights securing property rights, personal liberty, and equality of all humanity. The compromises left both sides feeling their vision of government was not represented and therefore they voted down the constitution. The tensions of class, region, and political thought that defined Massachusetts since 1775 were reflected in the convention of 1777-78 and again in the debates the 1780 constitution.⁶¹

The 1779-1780 Convention and the Creation of the 1780 Constitution

The 1779-80 convention created the 1780 constitution, and the ideological conflict between Whig and democratic ideas framed the convention. The convention began on September 1, 1779 and met in four sessions before it dissolved on June 16, 1780. The western counties made up 143 of the 313 delegates. Representation between east and west was

⁶¹ Patterson, 184-5, 188-194; Taylor, 73, 76.

generally equal in the convention's committees, as twenty-seven of the thirty-one committees were chosen on a county basis. Once the convention was organized, the old disagreements about the form of government, representation, and other issues resurfaced. Adams's vision for a tripartite legislature consisting of the House, the Senate, and the Governor was one of the ideas challenged and defeated in the convention. Adams's idea came from the Old Whig tradition of power balance. Adams felt if the governor did not have an absolute veto, he would be powerless against the will of the legislature. He also believed in the Whig notion of the executive as the basis of wisdom and the legislature as the basis for liberty.⁶²

However, Adams's idea was unacceptable not just to western radicals, but to the Massachusetts population at large, and therefore a compromise was created. The governor maintained veto power that could only be overwritten by a two-thirds vote in both houses of the legislature. The governor was removed from the legislature, and instead became part of the executive branch. The constitution maintained the principle of constitutional balance between the legislative and executive branches, thus honoring Old Whig constitutional order. The second session ended on November 12, 1779,

⁶² Patterson, 218-223.

and resumed the following year and then the tone of the convention changed in favor of the eastern faction.⁶³

The third session of the convention allowed for eastern domination and therefore the opportunity for Easterners to impose their ideas upon the convention. The third, critical session began on January 27, 1780, and due to the harsh winter weather many delegates were unable to attend the convention. The western delegates were much more negatively impacted given the fact the convention took place in Cambridge, a city in an eastern county far away from the western backcountry. More importantly, the third session dealt with the most critical issues, such as representation. Since western representatives were greatly outnumbered by eastern ones, their democratic plans were defeated. For example, the option of electorate to choose councilors if the Senate did not was defeated 36-30. The power of the governor and his council to appoint state officials were strengthened and western desires for direct elections of these offices were ignored. On the important issue of representation of the legislature, compromises between the two sides were made. Westerners were able get the General Court to pay for the travel expenses of western delegates, given the great cost associated with sending representatives from the west to Boston, but

⁶³ Patterson, 225-229.

could not secure coverage for living expenses. Easterners were able to obtain proportional representation. This meant one extra representative for towns with every additional 225 ratable polls. Westerners were successful in limiting the Governor's military authority and militiamen electing their officers. The convention finished the constitution on March 2, 1780, and sent it to the towns for approval. The final document, although with some concession to Western radicals, was at its core the combination of Old Whig constitutionalism and Lockean natural rights principles.⁶⁴

The Constitution and Whig Foundations

The 1780 constitution's Declaration of Rights was a classic Radical Whig document of natural rights theory. Popular Sovereignty, an important principle for Locke, and Radical Whigs in general was central. For example, article four said that the commonwealth is governed by the people. Article five directly stated that sovereignty originates in the people. The constitution defied the Old Whig definition of sovereignty defined by King-in-Parliament, and revealed the American fusion of different strains of Whig thought. Furthermore, the constitution legitimized the Radical Whig concept of the dissolution of government. Article eight reserved the right

⁶⁴ Patterson, 218-221, 226-233.

of the people to overthrow government officials who abused their office. Locke in his *Second Treatise* preached this principle and article eight was indebted to it. Locke's natural rights theory was best expressed by article one of the declaration, which stated "All men are born free and equal, and have certain natural, essential and inalienable rights."⁶⁵ The declaration restated this point in article ten, which described the individual's right to life, liberty and property. The article followed Locke's expression of human liberty: "Men being,..., all free, equal, and independent"⁶⁶ Locke statement defended human liberty as a basis for government, and article one repeated this principle. Ward argues that the Declaration of Rights of Revolutionary American constitutions were most heavily influenced by Radical Whig natural rights philosophy. The 1780 constitution Declaration of Rights upheld this trend. Locke's liberalism was fundamental in the constitution's Declaration of Rights, but Old Whig constitutionalism shaped the Frame of Government.⁶⁷

Massachusetts's 1780 constitution's, or Frame of Government, reflected the Old Whig principle of constitutional order. Mixed government, as defined by Old Whigs, was the equal power of all three branches of the King, Commons, and Lords. These equal and distinct roles were necessary

⁶⁵ Handlin, 442.

⁶⁶ Locke, 163.

⁶⁷ Ward, 400-02; Handlin, 442-444; Locke, 116, 141, 163, 224-227.

so that no one branch could overstep its boundaries. The executive, enforced the law, while the legislature, created it. The Massachusetts constitution operated on this very same principle, articles one through five list the powers and divisions between the two houses of the legislature. The dual legislature reflected the Old Whig vision representing the different socioeconomic interest of the elites in the upper chamber and commoners in the lower house. The Senate, modeled after the House of Lords as a upper house, and the House, the lower chamber, mirrored the House of Commons in Great Britain. In the Whig context the Senate represented the wisdom of propertied men, and the House of Representatives, the popularity of the commons. Adams's *Thoughts on Government*, written four years earlier argued in favor of balanced government when he railed against Pennsylvania's single house legislature. Adams brought this worldview into the convention with the tripartite legislature. As much as the 1780 constitution adopted radical and Old Whig strains of thought, it also developed unique constitutional principles.⁶⁸

However unique, the 1780 constitution's innovations were an evolution not a revolution of political thought. Instead of the Old Whig focus on balance between monarchy, nobility, and the people, the

⁶⁸ Wood, *The Creation Of An American Republic*, 198-201; Handlin, 448-450, 456; Adams 1-6; Patterson, 225-228.

Massachusetts constitution refocused power relations around the social structure of American life. In other words, the constitution adopted the class and regional conflicts of Massachusetts. Yet the system still mirrored the British constitution and Old Whigs beliefs of the balancing of power among diverse interest. The constitution's separation of powers was another distinction which allowed for an independent judiciary and executive to be both independent from the people and the assembly, yet through the ratification process have legitimacy through popular sovereignty. The constitution borrowed heavily from the Whig cannon of the origins of government, in which the people as the collective create government. Tyrell argued that the legislative and executive branches must be two independent institutions. While authors such as Wood, Lutz, and Ward to a lesser extent argue these innovations were breaks from British Whig thought, it is more accurate to call them evolutions of political thought. The constitution was completed and the final process of ratification was the final battle of Massachusetts five year political struggle over constitutional government.⁶⁹

The Massachusetts returns continued the regional and ideological conflict between Whig and democratic visions of government. Only 207 of the 290 town returns still exist, and they fell into either rejection of the

⁶⁹Foner, 122-123, 136; Ward, 139-140, 407, 416-17; Locke, 189; Wood, *Revolutionary Characters*, 185-6.

fundamental structure of the constitution or acceptance of its structure with minor changes. According to Stephen E Patterson, 101 towns were ideologically democratic, 86 conservative, and 20 were ideologically mixed. The returns were divided by geography. Western county towns made up 78 of the 101 democratic returns, and in the East, the constitution had its greatest support. Bristol County, an eastern county also joined the three western counties of Berkshire, Worcester, and Hampshire in supporting a more democratic government. Fifty-seven eastern towns approved the constitution with demands for conservative amendments and only fifteen wanted democratic reforms. The western towns wanted the powers of the governor decreased, popular elections of judicial and county officials, and objected to the existence of a powerful Senate. These ideas were consistent with western radical demands for a more democratic government. By comparison, eastern towns were conservative in the sense of maintaining the old social and political order. These towns by default supported the Old Whig conception of organizing government fused with Lockean liberalism. The returns reflected the long ideological division between Whig and democratic thought.⁷⁰

⁷⁰ Patterson, 234-37, 239.

The Returns and Whig Thought

Since 1775 representation was an issue of contention between east and west, and it ignited again in the returns. For western towns the property qualification for voting and elected office were deep sources of anger claiming the practice violated their natural rights. Richmond, in Berkshire County expressed this view stating “excluding persons from a share of representation... of pecuniary qualifications is an infringement of on the Natural Rights of the subject..”⁷¹ In Richmond the point was that voting was a natural right of the people, making property qualifications is illegal. Berkshire county returns had similar complaints about the property qualifications for elected offices of the General Court and Governor. New Marlborough, also in Berkshire county, rejected property requirement on the same premise as Richmond; because it violated article one of the Declaration of Rights that all men are free, equal, and entitled to inalienable rights. These western complaints also gained support in the East, even in Suffolk county where support for the 1780 constitution was strong. The power of the governor was another flashpoint in the returns.⁷²

The governor’s authority was intensely debated in the returns largely in the West, but also in some eastern towns. Many towns expressed

⁷¹ Handlin, 487.

⁷² Handlin, 1-3, 442, 478-79, 481, 793; Main 109-113; Patterson, 242-43.

their frustration over the governor's appointive and veto powers. In their eyes the governor was too powerful. Many towns expressed concern over the governor's veto power over legislation. In Norton, in Bristol County, the majority opinion argued that the governor should not have veto power because it interfered with the legislative process. The veto should be overridden by a simple majority vote of both houses of the General Court, which is to say, there should be no veto power. Middleborough, in Plymouth County, also objected to the Governor's veto power stating "the governor shall have nothing to do in the legislative Department as he must be the supreme executive Magistrate."⁷³ The message was a defense of strict separation of powers between the executive and legislative branches. This point of view has been expressed in the Whig canon. John Locke called the legislative branch the "supreme power"⁷⁴ and argued for the division between legislative and executive responsibilities. Locke also stated that the powers of making and enforcing law were separated in responsibility between the legislative and executive branches. While dissent over the constitution was widespread in the West, eastern counties by in large supported the constitution.⁷⁵

⁷³ Handlin, 694.

⁷⁴ Locke, 182.

⁷⁵ Handlin, 476, 479, 518-525; Locke, 182-83, 189; Wood, *The Creation of An American Republic*, 204-05.

The 1780 constitution received its greatest support in the eastern counties and Old Whig principles were evident in these returns. Eastern towns by in large supported the structure of the constitution. Some towns wanted the constitution to go further. For example, some towns supported higher property qualifications for voters and elected officials. Braintree, in Suffolk County accepted the constitution to create political stability stating “tis better to accept the new constitution, without alteration, than to remain any longer under the present;”⁷⁶ The Braintree return expressed the long-held Old Whig belief a constitutional system was necessary to organize society. Braintree’s position can be appreciated given five years constitutional debate. The preamble of Braintree’s returns echoed Locke’s argument for the creation of civil government for the protection of natural liberties of the people. Manfield, also located in Suffolk county, supported Adams’s vision of a tripartite legislature, and wanted the governor to be elected by the legislature, not the people. The tripartite legislature mirrored the king-in-parliament of the Old Whigs of shared government power without sovereignty. Wells, in York County, also endorsed Adams position that the governor have an absolute veto over legislation and that the

⁷⁶ Handlin, 765.

executive and judicial departments be independent. Arundel in York County accepted the constitution without any revisions.⁷⁷

The eastern towns also had strong Lockean leanings which shaped its minor criticisms. According to Patterson, Boston led the way in how eastern arguments about the constitution were made. Boston's returns focused on defending civil liberties, in particular, the freedom of speech and press. Boston returns demanded that habeas corpus not be suspended for more than six months and for freedom of the press. Many towns followed this position such as Barnstable, a town in Barnstable county, that habeas corpus be suspended only in times of emergency. The same town also approved the constitution with their revisions 54-2. The return also reported the willingness to accept the constitution without revisions if the convention found it necessary to pass the constitution. The constitution received its strongest support from Barnstable, Middlesex, Suffolk, and Essex counties. Berwick, a town in York County challenged the third article of the Declaration of Rights with Lockean language of individual rights. The town argues that the article violated the personal conscience of citizens and as a natural right it could not be taken away. Back to Wells in York County justified the governor having an absolute veto based on popular

⁷⁷ Patterson, 242-43; Handlin, 726, 734-5 782-3.

sovereignty. Since the governor is elected statewide by all of the people, he maintains the interest of the people as a whole. By comparison legislators represent only a narrow portion of the population. These arguments had strong ties to Locke's liberalism that promoted an individualist understanding of rights and relationship between the citizenry and state. The support by eastern towns of the constitution validated the blending of Old Whig constitutionalism and Lockean liberalism, and finally legitimized by the convention in Boston.⁷⁸

The convention reconvened on June, 1780, in Boston, to tally the votes and decide the fate of the constitution. The 1780 constitution fell short of the two-thirds majority needed for approval, however the convention committees rigged the votes to support the constitution. The convention committee was dominated by Easterners and only two of the twelve members came from counties west of Middlesex county. The committee based voting on counting support for individual articles rather than acceptance or rejection of the document as a whole. This applied even if a town rejected the constitution. Patterson gives the example of Northbridge, in Worcester County. The town voted 38-0 against the constitution, yet the committee voted for the constitution based on the

⁷⁸ Handlin, 716-717, 726-727, 737, 739, 749-750, 765; Patterson, 237-39.

votes of the individual articles. By marking up positive votes and neglecting negative ones the committee was able to rig the vote to discover two-thirds support for the constitution. On June 15, 1780 the final votes were taken and the constitution was approved, thus sealing the victory for the Easterners, and their reception of Whig thought that shaped their constitution.⁷⁹

Massachusetts's constitution was approved on June, 1780 and became not only Massachusetts's constitution, but also the model for later American constitutions of the decade and a vehicle for spreading Whig thought. When Pennsylvania, which adopted the most radical constitution in 1776, looked for a new constitution they saw the U.S. Constitution as its model. But the U.S. Constitution was modeled on the 1780 constitution. From John Adams's *Thoughts on Government*, to the writing of the 1780 Constitution, and finally the returns of the towns, British Whig political ideology was the governing philosophy behind the United States' longest surviving constitution. Whig values expressed in *Thoughts on Government* appeared in Massachusetts's 1780 constitution, including high property qualifications, the Declaration of Rights concern with on natural rights, and mixed government, in which all three branches of government balanced

⁷⁹ Patterson, 244-247.

each other. Whig principles on the structure and nature of government were greatest influence on the Massachusetts constitution.⁸⁰

Conclusion

“Men never start from scratch,”⁸¹ the historian Jackson Main argues. The men who wrote the state constitutions of Pennsylvania and Massachusetts did not write in a vacuum. Rather, they looked to the past to inspire their constitution. The intellectual influences were wide ranging, from the ancient world to the Enlightenment, but British Whig thought played a major role in the construction of these documents. In the thirteen colonies, Radical Whig ideas of Locke and Sidney were fundamental in the colonist resistance to British centralization of power during the imperial crises, but their different variations of Whig thought in part defined the distinctions between Pennsylvania and Massachusetts. Old Whig constitutional order and Lockean liberalism was foundational in Massachusetts in organizing the Frame of Government and later state constitutions. Whether radical or conservative, rural or coastal, the people in Pennsylvania and Massachusetts, as well as in the other colonies, were British in their political thought before the revolution. This British

⁸⁰ Adams, 1-6; Handlin, 441, 443, 447, 453; Wood, *Revolutionary America: What Made The Founders Different*, 189, 193, 201.

⁸¹ Main, 143.

influence continued after independence, affecting ideas about of constitution building throughout the new states. The American colonists received and adopted diverse strains of British Whig thought and formed it into their own political philosophy, but it remained fundamentally British.⁸²

The constitutional battles in Pennsylvania and Massachusetts revealed over time the rise of a certain American reception of Whig thought that mixed Old Whig constitutionalism with Lockean liberalism. In Pennsylvania and Massachusetts Whig and democratic ideas about government were in open conflict. On the one hand, the western backcountry in both states was the base of support for democratic ideals being institutionalized in government as much as possible. Merchant elites in both states, on the other hand, preferred a more traditional Whig constitutional order, defined by mixed government with three independent branches of government. However they also adopted Radical Whig concepts of popular sovereignty as fundamental to the legitimacy of government. In Pennsylvania the radicals initially prevailed only to be challenged and defeated by the anti-constitutionalist faction. In Massachusetts the eastern faction was able to push back against western radical's demands for a more democratic constitution, making only small concessions on the

⁸² Ward, 18, 139-142, 212-13, 256, 416-424.

margins. The constitutional battles in both states reflected the general constitutional mood in Revolutionary America. America's constitutions mixed of Old Whig constitutionalism with Radical Whig principles.⁸³

⁸³ Ward, 17-18, 416-418, 421-425, 427.

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