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## The Localization of Authority in the 17Th-Century English Colonies

Gordon S. Wood

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## HISTORICALLY SPEAKING

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THE LOCALIZATION OF AUTHORITY IN THE  
17TH-CENTURY ENGLISH COLONIES\*

Gordon S. Wood

In 1989, at the 200th anniversary of the founding of the U.S. Congress, I gave a lecture at the Library of Congress on the origins of the Congress. During the question period a woman very angrily asked: "Why don't you historians of the founders give proper credit to the Iroquois in the creation of the Constitution?" I had never heard of this Iroquois contribution. I should have, I suppose, because I later discovered that during the previous year in October 1988, the House of Representatives and the Senate had passed resolutions thanking the Iroquois for their contribution to the framing of the United States Constitution. Laura Nader was this woman's name. She's the sister of Ralph Nader and a professor of anthropology at Berkeley. She was

so angry she wrote a letter to the Librarian of Congress, James Billington, enclosing an article by another anthropologist, and suggested that Billington send this to Wood and educate him in the origins of the Constitution. So Billington sent it on to me.

This is how the anthropological argument roughly goes. Benjamin Franklin was at the Albany Congress in 1754 and, diplomat that he was, congratulated the Iroquois on their ability to bring five tribes together to form the Confederacy of the Iroquois Nation. Then three decades later at the Constitutional Convention in 1787, Franklin presumably passed this idea of confederation on to his fellow delegates at Philadelphia, and in this manner the Iroquois influenced the creation of the Constitution.

This curious notion of causality doesn't quite

work. The Iroquois and the other Indians certainly contributed a great deal to early American culture. But ideas about federalism and the dividing and parceling out of political power were not among their contributions. The framers in 1787 did not have to borrow such ideas from the Iroquois. The English

colonists had their own long tradition of dividing up and parceling out power from the bottom up; the framers knew all by themselves how to draw up confederated governments. The origins of American federalism and American localism went back at least to the early 17th-century English settlements in Virginia and New England.

The migrants who settled Jamestown and the Chesapeake, and later New England, came already primed with a long English her-

itage of local autonomy. As the populations in both the Chesapeake area and in New England quickly dispersed, this acute English sense of local authority was reinforced and intensified. No one had quite expected such rapid dispersion. The Virginia Company, for example, hoped to set up boroughs in the Chesapeake and, indeed, created four towns on paper—Jamestown, Charles City, Henrico, and Kic-cowtan. The settlers' desire to grow tobacco, a very soil-exhausting crop, undid the plan of having boroughs with burgesses as citizens. Although only one of the four towns, Jamestown, actually arose, the colony's legislature was initially called the House of Burgesses, and the name stuck.

Instead of congregating in towns, the settlers dispersed and created private plantations throughout the Chesapeake area. By 1622 the spread of the population was such that not all of the judicial cases could be brought to Jamestown. And so the magistrates, that is, the members of the governor's council, went on circuit to hear judicial cases. By 1632 the



An 1859 print showing the Pilgrims, below deck on the Mayflower, signing the Mayflower Compact. Library of Congress, Prints and Photographs Division [reproduction number, LC-DIG-ppmsca-07842].

\* This essay is adapted from Gordon Wood's plenary address given in Williamsburg, Virginia on April 13, 2007 at the National Council for History Education's annual conference, "Expanding Horizons: Individuals and Their Encounters with the New."

authorities created five monthly courts, each headed by one of the magistrates. By 1634 the scattering of settlements had become so great in the Chesapeake area that some sort of local organization became necessary, and the colony was divided into eight counties, in imitation of England's county structure, each with its own court.

Within less than a generation of settlement, these county courts became not only the basic unit of local government in Virginia, but also the source of representation in the central government, with each county sending two burgesses to the central government. Although the parish originally had been the organization for local government, the county soon supplanted it and became the sole authority relating to the central authority in Jamestown. The county courts became powerful, self-perpetuating bodies that combined within themselves various civil, criminal, ecclesiastical, admiralty, and administrative jurisdictions that in England were exercised by different institutions. They assumed the power to deal with orphans, probate wills, collect taxes, regulate morals, supervise the militia, maintain prices, relieve the poor, issue land titles, license taverns, control the parish vestries—in fact, the men sitting on the vestries tended to be the same men sitting on the county court—and to enact bylaws for their counties.

The same dispersion of people and localization of authority took place in New England. Within three months of landing in 1630, the Puritans had created seven towns surrounding Boston. These New England towns became the sole unit of local government. Like the Chesapeake county courts, the town united within itself a host of powers that had been widely shared by different local institutions in England. The parish, the borough, the village, the manor court, the county—all were collapsed into the New England town.

In England the Crown was considered to be the source of all local authority. But during the first generation of settlement in the New World, the English Crown for all intents and purposes simply did not exist. This meant that the local units of

government in both the Chesapeake and New England attained extraordinary degrees of autonomy and power without being beholden to the Crown at all. Indeed, so strong and autonomous did the local authorities become that even the central governments in each of the early colonies in the Chesapeake and New England had difficulty dealing with them.

It soon became evident that these central authorities not only often existed at the behest or the sufferance of the local units, but also were sometimes the creatures of the local units. The colony of Connecticut, for example, was created in 1639 when three independent towns—Hartford, Windsor, and Wethersfield—came together and agreed in a written Fundamental Orders to form a superintending central government. (Which is why Connecticut today puts “the constitution state” on its auto registration plates). These Connecticut colonists had a clear sense that they were creating a central government from the bottom up. A similar development took place in New Haven in 1643, when a half-dozen towns joined together to form a separate colony. In the 1660s these towns revolted and joined Connecticut. All this reinforced the view that authority was created by the pooling together of local power from below.

Some towns in New England sometimes belonged to no colony at all. Springfield, for example, existed independently for a decade or so until 1649, when it was finally incorporated into the colony of Massachusetts Bay. Although ostensibly a colony, 17th-century Rhode Island was in reality four more or less independent towns: Providence, founded by Roger Williams; Portsmouth, founded by Anne Hutchinson, in flight from the Puritans in Boston; Newport, founded by William Coddington; and Warwick, or Shawmut as it was called then, founded by a real radical, Samuel Gorton, who was as cantankerous a character as you'll ever find in American history. Williams was constantly trying to bring these cranky Puritans together, but they were at each other's throats through the whole period. Williams finally got a patent from the Pu-

## THE HISTORICAL SOCIETY

656 Beacon Street, Mezzanine  
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ph. 617.358.0260  
fx. 617.358.0250  
historic@bu.edu  
www.bu.edu/historic

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## FIVE VOLUMES OF *HISTORICALLY SPEAKING*

**W**ith this issue, we have now edited five volumes of *Historically Speaking*. We believe there is a niche for a publication filled with essays, exchanges, and interviews that cut across the boundaries separating the many subfields of history. We hope that the past five volumes have given busy historians, teachers, and laypersons a sense of the kinds of work and issues occurring across the discipline. As we contemplate another five volumes of *Historically Speaking*, it is appropriate to state clearly our editorial principles and direction for the future. *Historically Speaking* will continue to fea-

ture short but substantive conversations about all aspects of history and history-related matters for the non-specialist. We will strive to publish viewpoints from across the methodological and subdisciplinary spectra. Our overriding concern is to present the best in historical thinking and writing.

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the Editors

ritan Parliament in 1644, and unified the towns temporarily in 1647, but that central authority remained very weak. The towns couldn't agree where the colony's government should meet, so they rotated from one town to another. In the 1650s the confederation of towns, such as it was, fell apart. Rhode Island now had two general assemblies, two sets of officials. In the end the colony was rescued by a man named John Clarke, who, unlike Roger Williams, is virtually unknown today. Although he was a Puritan, Clarke nonetheless succeeded in securing a royal charter from Charles II's government in London in 1663, three years after the ousting of the Puritans and the restoration of the Stuarts. To this day no one knows quite how he did it, but he saved the colony of Rhode Island. Yet despite the royal charter, near town anarchy continued to exist throughout the 17th century. The towns disregarded many laws—from collecting taxes to recording land titles—and scarcely existed as a united colony.

This intense localization of authority that took place both in New England and the Chesapeake was not matched by any corresponding clarification of the relationship between the central governments and the local governments, whether towns or counties. Plymouth Colony is a good example. It was founded in 1620 by Pilgrims who had a patent from the Virginia Company. But they landed in Cape Cod, and then Plymouth, outside of the Virginia Company's claim. They realized that immediately, which is why the Pilgrims drew up the Mayflower Compact, granting them some legal authority to govern themselves. In 1621 they got a new patent from the New England Council, which soon went out of business and was superseded by the Massachusetts Bay charter of 1629. So the Pilgrims found themselves in Plymouth with no legal authority whatsoever except from a patent from a company that no longer existed. William Bradford, the great diarist—he wrote a wonderful history of Plymouth Colony that everyone should read—controlled the patent, such as it was, and ruled rather autocratically. But there were protests from the towns, which by 1640 numbered ten. As the towns scattered westward, the central authority's control over them was steadily weakened. By the 1680s the towns were in open revolt, refusing to pay taxes to the central government in Plymouth. When Massachusetts Bay acquired a new royal charter in 1691, it inevitably swallowed up the disintegrating Plymouth Colony.

Given this experience of creating government from the bottom up, it was natural for the colonies of New England—Massachusetts Bay, Plymouth, New Haven, and Connecticut—to come together in 1643 to form the New England Confederation (Rhode Island was too insignificant or objectionable to be included). Since this was more than a century before the Albany Conference, these New Englanders created their confederation without the help of the Iroquois. They designed their confederation to protect themselves from the Indians and from the Dutch and the French who were on their flanks.

Since Massachusetts Bay tried to dominate the other colonies, the confederation was short-lived. But the idea of pooling authority from the bottom up—creating confederations—was very much a part of the early American experience.

Even the legislatures of the separate colonies were in a sense the products of the bringing together of local authorities. Both the counties in the Chesapeake and the towns in New England demanded voices in the central governments, which, at the outset, were simply the governors and their councils, usually a dozen men or so. Of course, the governors and their councils had a need to reach out to the local units, and these mutual interests of the central and local authorities led to the creation of legisla-

*Given this long colonial history of local autonomy, it was something of a miracle that Americans accepted such a strong and centralized national government as was created in 1787.*

tures—composed in the case of Virginia of two burgesses from each county and in the case of the New England colonies, two deputies from each town.

In those colonies where strong central and local forces pulled in opposite directions, the legislatures split apart and created bicameral assemblies. This didn't happen in Connecticut or Plymouth because the central governments in those colonies were too weak. But the central government in Massachusetts Bay was especially strong, and it resisted the centrifugal pull of the town authorities. In 1644 a series of disputes between the magistrates and the town deputies came to a head over a case involving Goody Sherman's sow. Up to then the magistrates, standing for the central authority, and the deputies, representing local interests, had met together as the General Court. In this case the Court voted seventeen to fifteen in favor of Sherman, with two magistrates and fifteen deputies for Sherman, and seven magistrates and eight deputies for her opponent, a merchant named Robert Keayne. The magistrates protested, contending that a majority of magistrates should have a negative over all decisions. The magistrates eventually won, and the General Court was divided into two houses, with the magistrates in one and the deputies in the other. Virginia had a similar struggle in the 1660s that also led to a two-house legislature.

Although in the 18th century this bicameralism was often considered to be an imitation of the English Parliament, with its House of Commons and its House of Lords, its 17th-century origins lay in these struggles between local and central authorities.

Yet even as 18th-century Americans began regarding their governments as miniature copies of the English Parliament, they continued to think of their legislative representatives in 17th-century

terms, as in effect ambassadors from their local districts. Not only did the counties and towns often bind their agents with instructions, they sometimes refused to pay taxes if their representatives weren't present at the time the taxes were voted.

This was what the Americans came to call "actual representation," which by the 18th century was very different from the English conception of representation. Although the House of Commons had begun in the 13th century as a collection of delegates from particular towns and counties, by the 18th century it had come to be thought of as representing the whole commons of England, the entire estate of the people, not particular local units. Indeed, by the 18th century some local English places that continued to send representatives to Parliament had no populations had all; the town of Dunwich, for example, had long since fallen into the North Sea. During the imperial debate of the 1760s and 1770s the English called their hodgepodge of representation "virtual representation."

Those contrasting ideas of representation were aspects of a larger difference of opinion over the nature of state power. Since Americans had tended to think of government as a pooling together of power from below, they never really developed, as the English did, a modern sense of state power. Because the state bureaucracy of the English Crown had never reached deeply into the colonial localities, state authority had generally remained for the colonists an extraneous and alien force; when it did touch them, as it did with the trade regulations, it was usually hostile and susceptible to corruption. Consequently, Americans came to think of state power as something distant and dangerous.

Given this long colonial history of local autonomy, it was something of a miracle that Americans accepted such a strong and centralized national government as was created in 1787. But the modern state power embodied in the new federal government was much more potential than actual. Although Alexander Hamilton and the Federalists in the 1790s did attempt to create a modern European-style state, with a bureaucracy and a standing army, their efforts provoked a vigorous reaction that brought the United States in 1798-99 close to a civil war. The Federalists flew in the face of the local realities of American life and provoked a backlash that catapulted Jefferson into the presidency.

Because Jefferson allowed America's localist realities to express themselves, his election, as he later claimed, was as important a revolution as the Revolution of 1776. Jefferson dismantled most of the state apparatus that Hamilton had tried to build up. He eliminated all internal taxes and cut back the bureaucracy and the military forces. He, in effect, destroyed, for the first half of the 19th century at least, whatever chance there was for a European-style centralized state to be imposed on America.

Jefferson hated all bureaucracy and all coercive instruments of government. In fact, he sometimes gave the impression that government was only a de-



vice by which the few attempted to rob, cheat, and oppress the many. He certainly never accepted the modern idea of a state as an entity possessing a life of its own, distinct from both the rulers and the ruled. For Jefferson, there could be no power independent of the people at large. In place of a modern state apparatus, he wanted tiny ward republics that would involve the actual participation of people in their localities.

Not only did Jefferson refuse to recognize the structure and institutions of a modern state, but he scarcely accepted the basic premise of a state; that is, its presumed monopoly of legitimate control over a prescribed territory. During his first presidential administration, the United States was really just a loosely bound confederation, not all that different from the Articles of Confederation of the 1780s. Jefferson's vision of an expanding empire of liberty over a huge continent posed no problem for his relaxed idea of a national government. "Who can limit the extent to which the federative principle may operate effectively?" he asked in his second inaugural address. In fact, Jefferson always conceived of his empire of liberty as one of like principles, not like boundaries. As long as Americans believed certain things, he said, they remained Americans, regardless of the territory they happened to be in. At times he was remarkably indifferent to the possibility that a western confederacy might break away from the

eastern United States. What did it matter? he asked in 1804. "Those of the western confederacy will be as much our children and descendents as those of the eastern."

It was Jefferson's contempt for the modern state, his extraordinary faith in the natural sociability of people as a substitute for the traditional adhesives of government, that made the Federalists, and especially Hamilton, dismiss him as a hopeless, pie-in-the-sky dreamer. Yet it was Jefferson's localism and his view of the minimal state that dominated American thinking through at least the first half of the 19th century. In fact, most Americans in that period only felt the presence of the federal government through the delivery of the mail.

Of course, all this has now changed. We've discovered that the national government created by the founders in 1787, especially the presidency, was latently very powerful. Indeed, compared to many federal governments that now exist—Canada, Australia, and Germany—the United States is one of the strongest and most centralized. But as powerful and centralized as the American federal government has become, it still operates in a culture that profoundly mistrusts distant, centralized, political power. A long tradition of local authority, deeply rooted in the earliest experiences of the American people, still affects the character of American political life. When former Speaker of the House Tip O'Neill declared that

all American politics is local, everyone knew what he meant—435 representatives speaking for their local constituencies were not easily brought together. We all sense that it is the American people in their separate localities that ultimately matter, and that any superior centralized authority set over them is a kind of temporary delegation from these localities. This intense sense of localism is the product of the historical experience of those original settlers that began 400 years ago.

*Gordon Wood is Alva O. Way University Professor and professor of history at Brown University. He is the author of many works, including The Creation of the American Republic, 1776-1787 (University of North Carolina Press, 1969), which won the Bancroft Prize and the John H. Dunning Prize in 1970, and The Radicalism of the American Revolution (Knopf, 1992), which won the Pulitzer Prize for History and the Ralph Waldo Emerson Prize in 1993. His The Americanization of Benjamin Franklin (Penguin, 2004) was awarded the Julia Ward Howe Prize by the Boston Authors Club in 2005.*

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