A WINTER SCENE ON THE DELAWARE, 1856
A popular Philadelphia sport as practised in the 1850's. In the background may be seen the old United States Navy Yard at the Federal Street Wharf. The vessel shown is the U. S. S. Powhatan.

(Sketch by David J. Kennedy, from the Gilpin Library of The Historical Society of Pennsylvania)
JOHN DICKINSON AND THE CONSTITUTION*

In the spring of 1787, about the time that Daniel Carroll was writing from Maryland that his appointment to the Federal Convention was neither expected nor wished for, and that he dared not endanger his health by "residing in Philad" during the Summer months," John Dickinson, who was at that time one of the most prominent men in American political life, arrived in the busy little Quaker city to take a distinguished part in the revision of the Articles of Confederation. His arrival was a matter of considerable interest to the delegates. "Tall,... slender as a reed, pale as ashes," with white hair, carefully groomed in an out-of-date style, excessively modest, shy even, he was frail in health, which made him look older than his

* An address read before the meeting of the Pennsylvania Historical Association on October 26, 1935, in Philadelphia.
1 Daniel Carroll to Michael O'Brien, May 25, 1787; Gratz Autograph Collection, H. S. P.
2 He took his seat in the convention on Tuesday, May 29. Madison, Writings (Hunt, ed.), III. 13.
3 John Adams, Works, II. 560-61.
4 A splendid portrait of Dickinson by Charles Willson Peale hangs in the library of The Historical Society of Pennsylvania.
5 Pierce's Notes, American Historical Review, III. 329.
6 There are constant references in Dickinson's letters to his ill health, which apparently pursued him throughout his life.

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fifty-five years.\textsuperscript{7} Although he was not a good speaker, he was sincere, and what he said on the floor of the Convention was heard with respectful attention.\textsuperscript{8} One junior statesman not half his age, but destined to rise high in the counsels of a later government, considered that he "well combined the information and respectability of age with the animated fervor of the youth which his mind still retains."\textsuperscript{9}

Few of the delegates were as adequately equipped to cope with the problems of the Convention as Dickinson. Born the same year as Washington, November 2, 1732,\textsuperscript{10} he had received legal training at the Inns of Court in London, and, though Jefferson deemed him a lawyer more ingenious than sound of judgment, and still more timid than ingenious,\textsuperscript{11} he soon had acquired one of the largest practices in Pennsylvania.\textsuperscript{12} He belonged to that Philadelphia circle which included such old provincial families as the Pembertons, the Logans, and the Norrises,\textsuperscript{13} and which was generally known as the Whig group.\textsuperscript{14} In this society Dickinson moved with easy grace, revealing himself as a sportsman,\textsuperscript{15} a poet,\textsuperscript{16} a brilliant and popular conversationalist.\textsuperscript{17} Of his wealth, even at this early stage, there is abundant evidence, and on his retirement in 1786 from public life his vast fortune had increased until he was one of the richest men in America.\textsuperscript{18} He had entered public life as a young man, and had participated in every important step in the growth of the political theory by which

\begin{itemize}
  \item \textsuperscript{7} Pierce, \textit{op. cit.}
  \item \textsuperscript{8} Ibid.
  \item \textsuperscript{9} Edward Livingston to Caesar Augustus Rodney, October 20, 1801; Gratz Autograph Collection, H. S. P.
  \item \textsuperscript{10} In Talbot County, on the Eastern Shore of Maryland. The family Bible establishes the date. It is in the Maria Dickinson Logan Collection, H. S. P.
  \item \textsuperscript{11} Scharf, \textit{History of Delaware}, I. 568.
  \item \textsuperscript{12} This on the authority of Mr. Burton Alva Konkle, who has examined the legal records of colonial Philadelphia for his forthcoming biography of Thomas Willing.
  \item \textsuperscript{13} To most of this group Dickinson was related either through his mother, Mary Cadwalader, or his wife, Polly Norris; Sharpless, \textit{Political Leaders of Provincial Pennsylvania}.
  \item \textsuperscript{14} Professor Parrington's able discussion of Dickinson as the typical American Whig probably emphasizes this point unduly; \textit{Main Currents in American Thought}, I. 239–33.
  \item \textsuperscript{15} Dickinson to John Hall of Annapolis, May 3, 1762; Dreer Autograph Collection, H. S. P.
  \item \textsuperscript{16} There are several poems of Dickinson's authorship in the family papers. His famous "Song for American Freedom" is published in \textit{The Life and Writings of John Dickinson}, P. L. Ford, ed., II.
  \item \textsuperscript{17} See the early pages of Deborah Norris Logan's manuscript biography of \textit{Dr. George Logan}; Maria Dickinson Logan Papers, H. S. P.
  \item \textsuperscript{18} The records of his estate are in the Norris and Logan family papers, H. S. P.
\end{itemize}
the American Colonies separated from England. He defended the proprietary charter of Pennsylvania in 1762–1764. He wrote the resolves formulated by our first national assembly, the Stamp Act Congress of 1765, and contributed several influential pamphlets to the press on the Stamp and Sugar Acts. In 1767, as a consideration of the despised Townshend Acts, he began his famous Letters from a Farmer in Pennsylvania, in which he directed American thinking on colonial-English relationships into the new and significant channels of distributed powers, pointing out the important distinction between taxation and the regulation of commerce. He was the author of most of the state papers of the Continental Congresses except the Declaration of Independence, and one of the several who framed the Articles of Confederation. He led a brigade in the Revolution, and was again active in Congress in 1779. He was chosen President of

20 Stillé, Life and Writings of John Dickinson, I. 35–65; Root, Relations Between Pennsylvania and the British Government, 1696–1765, 340–77; Sharpless, op. cit., 227 ff. For Dickinson's speeches and papers in this debate, see Life and Writings of John Dickinson (Ford, ed.), II. 1–168.

21 Ibid., 168–277.

22 The Farmer's Letters are the best known writings of Dickinson, and represent his most important contribution to the theory of the American Revolution. For their effect in the colonies, see Ford, op. cit., 277 ff. There have been several discussions of them recently, among which may be mentioned Van Tyne, Causes of the War of Independence; McLaughlin, Constitutional History of the United States; Adams, Political Ideas of the American Revolution; and Mullett, Fundamental Law and the American Revolution. One of the best treatments of Dickinson's political thought as a whole is a commencement address delivered by the (then) Assistant Secretary of Commerce, the Hon. John Dickinson, at Dickinson College, June, 1934, The Political Thought of John Dickinson.

23 Including, among others, the Declaration of Rights and Grievances, the first and second Petitions to the King, the Address to the People of Canada, the Declaration of the Causes of Taking up Arms, and the Answer to the King's Proclamation.

24 Dickinson was the chairman of the committee appointed to prepare a frame of government, and which was expected to report with the committee appointed to draw up a declaration of independence. Ryden, ed., Letters to and from Caesar Rodney, 1756–1784, 92–93. The latter committee reported July 1, 1776, but Dickinson's committee did not report until July 11. The draft prepared by Dickinson underwent searching debate until November 15, 1777, when a new draft was prepared by Secretary Thomson which included all amendments. Ratification was finally completed March 2, 1781. The original draft in Dickinson's handwriting is in the archives of the State Department.

Franklin must share the credit of the authorship of the Articles, for his plan of union, presented to Congress July 21, 1775, was probably before Dickinson's committee. Franklin, Works (Sparks, ed.), V. 91–96; Secret Journals of Congress, I. 283–89; 290–304.

25 Stille, op. cit., 200 ff.

26 Dickinson, Nicholas VanDyke, and Thomas McKean were elected delegates to Congress for a year's term by the Delaware General Assembly on January 18, 1779. Minutes of the Council of the Delaware State from 1776 to 1792, 362. Published by the
"the Delaware State" in 1781, and a year later President of Pennsylvania, when that officer was the first gentleman of the land. He had refused to sign the Declaration of Independence, and that had cost him his popularity. Before that time, says a distinguished historian, "none but the illiterate or the remote frontiersman could have been ignorant" of the arguments of the Pennsylvania Farmer, but afterwards he was attacked by the radicals and even by the more temperate, for timidity and vacillation. His counsel was always "Moderation and Prudence," but Benjamin Rush found "Prudence, where honor was concerned, a rascally virtue," while John Adams

Historical Society of Delaware, Wilmington, 1887. See also VanDyke to McKean, January 24, 1779; McKean Papers, H. S. P. Dickinson took an important part in the work of this critical but neglected Congress. He did not at once take his seat, however. On March 22, John Jay, the president, wrote congratulating him and urging him to come to Philadelphia, saying, "were you apprized of the very important affairs now under Consideration, you would think with me that your Attendance ought not to be longer delayed—" Dickinson's daughter endorsed the letter, "My Father took his seat in Congress in April, 1779." (Maria Dickinson Logan Collection, H. S. P.) The records show that he took his seat on April 23. (Journals of the Continental Congress, W. C. Ford, ed., XIV. 501.) Among other activities, he and VanDyke signed the Articles of Confederation in behalf of Delaware on May 5. Ibid., 548. McKean had already signed on February 22. Ryden, op. cit., 293. Matters of the war, finance, and the union of the colonies occupied Dickinson's attention during this session. Noteworthy is this passage in a letter to Rodney: "We have most momentary Business to transact. It may happen in managing the Affairs of so extensive a Confederacy, that particular States may be more interested in certain points than other States or than the Confederacy in general—My opinion is clear, that the Interests of each State being Objects comprehended within the Confederation, are to be regarded as the Interests of the whole, & as such to be contended for and defended—[On] Interests of this kind, Difficulties, I apprehend, will not arise—but on Interests beyond these Limits they may. On these, my opinion is also clear, that as a Delegate I am bound to prefer the general Interests of the Confederation to the partial Interests of Constituent Members, how many soever they be, & however respectable and meritorious; and further, that if ever such a Competition should arise it is my Duty to prefer the particular Interests of the State that honours Me with her Confidence & invests me with a share of her power, to the particular Interests of any other State on this Continent—" (Dickinson to Caesar Rodney, May 10, 1779. Ryden, op. cit., 300-10.) This declaration significantly forecasts Dickinson's attitude in the Constitutional Convention of 1787.

Dickinson was elected a member of the Council of Delaware for New Castle County, October 25, 1781. On November 6 he was elected president by the Council and House of Assembly, by a vote of 25 to 1, for a term of three years. On November 13 he was sworn in his new office. He addressed the General Assembly in what the scribe of that body called "the following pathetic speech," in which these two typical paragraphs occur: "May a happy harmony, in sentiment and measures, so beneficial to society, always prevail among us, or, if there must be division, let it only be between those who generously contend for the freedom, independence and prosperity of their country, and such as weakly wish for a dangerous and dishonorable submission to enemies so infatuated as to hate
scorned the "great Fortune and piddling Genius, . . . [who] has given a silly Cast to our whole doings," and Sam Adams considered he had caused an "utter Loss of every power of manly sentiment of Liberty and Virtue." Indeed, Dickinson had none of the bold confidence or the buoyancy of Sam Adams, who reported that "Our Army is reduced to an handful and I suppose by the last of this Month will be reduced to Nothing," but in the same lines, declared with something of the sublime, "Our cause however will be supported. It is the Cause of God and Men." Rather was Dickinson thoughtful, cautious and considerate. He was too careful, too refining in thought to see an issue in black and white. He pleaded for a "mild and steady wisdom" in affairs of government. He lamented the absence of "that dignified Spirit, that can with Elevation and Firmness of Language and Conduct vindicate its own Rights, without committing the Honor and perhaps the Wellfare of a great free and independent People, by the gross Vulgarities of an irritating and exasperating Petulance," and where they ought to admire, and to provoke their own and pursue the ruin of these States, though nature and policy point out that we should be blessings to one another.

"Above all things, gentlemen, let us seriously endeavor to recommend ourselves and our cause to the adorable Providence that has so graciously conducted us thus far, through a wilderness of difficulties, and made, as it were, the sea to give way before us; and therefore let us more and more promote a spirit of benevolence, equity and liberality, and heartily join together in discouraging every kind of vice and immorality, being assured that 'Righteousness exalteth a nation, but Sin is a reproach to any people'." (Minutes of the Council of the Delaware State, 653-79.)

On October 12, 1782, Dickinson was elected Councillor for the County of Philadelphia. He took his seat on November 4, and on November 7 was chosen President of Pennsylvania by a vote of 41 to 32, defeating James Potter, the retiring Vice-President. (Minutes of the Supreme Executive Council of Pennsylvania, Colonial Records of Pennsylvania, XIII. 391-414.)

Charles Lee wrote Dickinson on December 11, 1775, from the camp that sentiment was against the injunction laid by the Pennsylvania assembly on its delegates to refrain from any resolve tending to independence. He declared there was a strong party for independence, which should be granted a hearing. "I cannot help wishing your people of Pennsylvania better represented, I mean more adequately." Gratz Autograph Collection, H. S. P.

Goodman, Benjamin Rush, 330.


Ibid.

Dickinson to James Pemberton(?), June 21, 1792. Gratz Autograph Collection, H. S. P. And again, "May our national character be an animated moderation, that seeks only its own, and will not be satisfied with less." Letters of Fabius, first series, no. IX. Political Writings (1801), II. 165.

Dickinson to Thomas McKean, February 2, 1799; McKean Papers, H. S. P.
pleaded that "We cannot act with too much caution in our disputes. Anger produces anger; and differences, that might be accommodated by kind and respectful behaviour may, by imprudence, be enlarged to an incurable rage."  

Dickinson found this temperate attitude toward governmental matters more generously accepted in 1787 than it had been in 1776. The courageous independence of his political thinking had regained for him the respect of intelligent persons which he had lost in the radical victory of a decade earlier. His record as President of Pennsylvania, and the remarkable patriotism he was considered to have shown by taking up arms in defense of a cause with which he did not entirely sympathize, but which had been sanctioned by his country, had made an indelible impression on the public mind.

Although he had been the author of the Articles of Confederation, Dickinson was one of the first to see the need of certain changes in their provisions. As early as 1779 he had written that revision ought to be made, and that the States, in ratifying the Articles, ought at the same time to address to the Congress a "strong Declaration upon the parts objected to," and pointedly express "our expectation of a Revision and Alteration thereof at a more convenient Season."  

Throughout the trying economic experiences of the period 1781-1787, he was acutely aware of the financial difficulties of the country, and of the need for a change in the form of government to remedy this situation. When other leaders in the country reached this same state of mind, they met in the Annapolis Convention to seek some remedy. Dickinson was chosen chairman of that body, and together with Hamilton advocated a meeting of the states to adopt serviceable remedies.

He was, therefore, a conspicuous figure in the Convention of 1787, although for several reasons he did not have a large part in the final result. He spoke a great many times, and seemed anxious to assume a vigorous leadership of the small-state group, but his constant daily attendance throughout the hot, malarial summer so weakened his

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87 Farmer's Letters, no. III. Political Writings (1801), II. 171
88 Ibid. Also, Thomas Rodney to Dickinson, July 28, 1778. Ibid.
89 The doings of this convention are singularly obscure. They are discussed in Channing, History of the United States, III. 473, and the writings of Washington, Madison, Jefferson, and Monroe reveal some things. Dickinson's report as chairman, in the form of a letter to the various state legislatures, is in the Gratz Autograph Collection, H. S. P.
frail constitution that this was impossible.\textsuperscript{40} Fundamentally, also, he entertained a distrust of written constitutions. He perceived that the flexibility of the British government resulted from the lack of cumbersome restrictions imposed upon the agencies of administration in a spirit of timid legalism. The English people, he declared, “know, that there are powers that cannot be expressly limited, without injury to themselves; and their magnanimity scorns any fear of such powers. . . . They ask not for compacts, of which the national welfare, and, in some cases, its existence, may demand violations. They despise such dangerous provisions against danger.”\textsuperscript{41} He boldly asserted in the Convention, that the British constitution had no superior in the world’s history,\textsuperscript{42} and declared that to it the Americans must look for the best guide in framing a government. “Experience must be our only guide. Reason may mislead us. It was not Reason that discovered the singular & admirable mechanism of the English Constitution. It was not Reason that discovered or ever could have discovered the odd & in the eye of those who are governed by reason, the absurd mode of trial by Jury. Accidents probably produced these discoveries, and experience has given a sanction to them. This then is our guide.”\textsuperscript{43} He insisted upon the unwisdom of inserting in the constitution restrictions of which the public interest would require violation in times of crises. A social organization, he believed, consisted of an agglomeration of individual rights contributed to the whole, and a constitution he considered to be the organization of those contributed rights.\textsuperscript{44} It therefore should deal with the powers of government in the large, and should not concern itself with unimportant or embarrassing details.

Dickinson’s name was linked with several important debates. He spoke considerably on the executive, advocating wide discretionary powers well checked by the other branches of government.\textsuperscript{45} He fa-

\textsuperscript{40} Mary Norris to Mrs. John Dickinson, July 4, 1787; Maria Dickinson Logan Collection, H. S. P.

\textsuperscript{41} Letters of Fabius, first series, no. IX, \textit{Political Writings} (1801), II. 161–62. “I know of no more statesmanlike warning,” says the present Assistant Attorney General; “he . . . recognizes the danger, which is so clear to us today, of seeking in a spirit of legality to impose upon government restrictions which may prove to be incompatible with necessary action in the public interest.” Dickinson, \textit{The Political Thought of John Dickinson}.

\textsuperscript{42} Madison, \textit{Writings} (Hunt, ed.), III. 75, 105.

\textsuperscript{43} Ibid., IV. 186–87.

\textsuperscript{44} Letters of Fabius, first series, no. IV. \textit{Political Writings} (1801), II. 102.

\textsuperscript{45} He shared in the discussions of the powers of the executive, and spoke vigorously on the responsibility of the president to the country. The power of removal was in his mind a valuable check. He moved that the executive be removable by the national legislature
vored "free and frequent elections," as an expression of the ability of an intelligent people to control well their own government, and thought that rule by the people "forms an adequate security against every danger that has been apprehended."$^{46}$ He spoke on the judiciary, on financial questions, on the slave trade, and his thorough knowledge of the common law was of considerable value throughout the debates.$^{47}$

As leader of the group from small states who espoused the "New Jersey plan," as it was called, Dickinson's position was more significant than in his advocacy of certain particular measures. He opposed the consolidation of the states into one great Republic, and, indeed, looked upon the preservation of the autonomy of the states as the basis of our constitutional system.$^{48}$ He told Madison that the smaller states "would sooner submit to a foreign power, than submit to be deprived of an equality of suffrage in both branches of the legislature, and thereby be thrown under the domination of the larger states."$^{49}$ One of the conspicuous states-rights leaders in the Convention, he was not doctrinaire, and advocated at the same time a strong national govern-

on the request of the majority of the legislatures of individual states. "It was necessary he said to place the power of removing somewhere. He did not like the plan of impeaching Great officers of State. He did not know how provision could be made for removal of them in a better mode than that which he had proposed." Madison, *Writings*, III. 73-74. He hoped that this plan, while keeping the three departments of government as separate as possible, would establish a valid check by one upon another, and would also guarantee the integrity of the individual states. *Ibid.*, 75-76. The discussion of the executive in the *Fabius Letters* is in his *Political Writings* (1801), II. 84 ff.

* *Ibid.*, II. 77.

Dickinson felt that America needed to discover and preserve elements of stability in the new government. The British government derived this feature from "the attachments which the crown draws to itself." "In place of these attachments we must look out for something else. One source of stability is the double branch of the Legislature. The division of the Country into distinct States formed [sic] the other principal source of stability. This division ought therefore to be maintained, and considerable powers to be left with the States. This was the ground of his consolation for the future fate of his Country. Without this, and in case of a consolidation of the States into one great Republic, we might read its fate in the history of smaller ones. . . . If antient republics have been found to flourish for a moment only & then vanish for ever, it only proves that they were badly constituted; and that we ought to seek for every remedy for their diseases. One of these remedies he conceived to be the accidental lucky division of this Country into distinct States; a division which some seemed desirous to abolish altogether." Madison, *Writings*, III. 75-76.

* *Ibid.*, III. 166n.
ment, which led him in his thinking to the sort of compromise finally adopted. He shared his leadership of the small-state group with such men as William Patterson, Luther Martin, Elbridge Gerry, and Ellsworth, Johnson and Sherman of Connecticut. He often allied himself against Madison and his former law apprentice, James Wilson. But this opposition was not merely truculent. The historian of the Convention passes a final judgment upon this group: "They must . . . be given great credit for the form which the Constitution finally assumed. They were not mere obstructionists, and, while not constructive to the extent that Madison and Wilson were constructive, it is certain that the Constitution would not have assumed so satisfactory a form if it had not been for the part taken by them. Their best service was rendered in restraining the tendency of the majority to overrule the rights of states and individuals in endeavoring to establish a thoroughly strong government."

Opinions of historians have varied in attributing the honor of the responsibility for the Constitution to certain of the statesmen concerned in its framing. It is undoubtedly true that the most important rôles in the Convention of 1787 were played by James Madison and James Wilson. To them must go most of the credit for the document which emerged. But Madison, Wilson, and the others who participated in the debates did not construct a constitution from new materials. Their work was an expression—perhaps the most eclectic expression—of a theory of political organization which had emerged from thirty years of conflict. Their solution of the question of the relationship of state to Empire was that which had appeared in the American protests following each oppressive measure of the English from the Stamp Act of 1765. Each of these protests had come from the pen of John Dickinson. In the years following 1765 no American had the influence in political thought which Dickinson attained, through his many signed writings and his activities as the leader of the dominant party in the Continental Congresses. The philosophy of society, the theory of imperial federation, the experience in government which he brought to Philadelphia in 1787 resulted from vigorous training in the art of politics. No member there had a broader basis for his contributions to the Convention. Professor Farrand's statement that the most useful document to the Committee of Detail in writing

Farrand, Making the Constitution, 200.
the new constitution was the Articles of Confederation, adds new interest to the career of the man who wrote them.51

But in still a larger sense, the Constitution and the philosophy which lay behind it represented the culmination of a long history of intellectual politics. The statesmen who worked out those theories of sovereignty which we call the American Revolution were fashioning a product which had been three centuries in the mold, and the tools they used were the tools of Luther, of Calvin, and of Locke. We are only beginning to understand the appropriate place of the Constitution in the evolution of political thought, but we have recently caught a glimpse of its importance as the most sanguine expression, the highest attainment, of Puritanism in America. If there is in our present-day governmental problems a seemingly irreconcilable divergence between twentieth century economic conditions and eighteenth century political processes, we must realize it is because the spirit of the Constitution no longer reflects accurately the habits of the people. We must realize that the spirit of the Constitution expressed those great forces of individualism and "inalienable rights" let loose upon the world by the Reformation, and that these forces no longer retain as tenacious hold on the minds of men as they once had. Puritan individualism, which a later age has called laissez faire, is being called into question in many places, and the Constitution which expresses that philosophy may well be exposed to change. For, as Dickinson realized, a constitution which does not mirror the habits and customs and modes of thinking of a people, is no constitution at all. As long as the Puritan individualism of the nineteenth century shall control the thinking of our courts and legislatures, the provisions made in 1787 for adapting the Constitution to "an undefinable future" are adequate. If, however, revision of the nature of the government is deemed proper, full and frank account must be taken of the new spirit of social collectivism.

"There is a hearty Puritanism," saws Lord Bryce, "in the view of human nature which pervades [the constitution]";52 and, he adds, there is blended with this Puritanism "a double portion of the spirit of legalism.... The aim of the Constitution seems to be not so much

51 "The significant change is the attempt to infuse into the new system sufficient energy and power to carry out the functions that had been granted to the old... it is not too much to say that the Articles of Confederation were at the basis of the new constitution." Farrand, op. cit., 128.
52 American Commonwealth (second edition), II. 419.
to attain great common ends by securing good government as to avert the evils which will flow, not merely from a bad government, but from any government strong enough to threaten the pre-existing communities or the individual citizen. And one might continue with Dean Pound’s remark that “the Puritan ideal state was a permanent deadlock where the individual, instructed by a multitude of rules but not coerced, had free play for the dictates of his own reason and conscience.” This Puritan philosophy was the outcome of an involved intellectual history. From the religious phase of the Reformation, which insisted upon the ability of each individual to determine his faith for himself, emerged the political tendency of Protestantism to constrict the province of government and emphasize the privileges of the subject. The assertion of individualism as a principle by which governments were to be measured overthrew the concept of unity which had characterized the Middle Ages. The Puritan made use of the ancient doctrine of natural law, and reinforced it with a spiritual individualism from which he constructed a tough system of natural rights, which has withstood all assaults from within and without, and still dominates in the public halls. The eighteenth century added the apotheosis of reason, which, together with a spirit of humanitarianism, generated a veritable faith in the individual as such. In Dickinson, with his conception of the state as a group of individuals rather than as an organic unity, with his legalistic belief in the natural rights of each individual, with his moralistic habit of mind, with the fundamental animism in religion to which he constantly referred, with the reinforcing agreement of the Society of Friends, with his thorough knowledge of the history of the common law and English liberty, these forces of Puritanism had a vigorous expression. It is precisely because Dickinson epitomized the philosophic tenets of the Puritan Revolution that his theories were of enormous importance in the formation of the Constitution, and have considerable meaning for us today.

The central point in Dickinson’s idea of the state, transmitted through his writings to the Constitution, was the jealous freedom of the individual. Whether, or how far, a proposed measure infringed upon the liberty of the subject became the test of all governmental

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*The Spirit of the Common Law*, 56.
powers and activities. There was as yet no talk of subjective or objective freedom. The eighteenth century conception was simply that the citizen should not be hampered by governmental interference in anything ("within reason") he wished to do.

"I have," said Dickinson, "from my first outset in public life been deeply affected by the Charms of liberty," and have, "from that early Period to my old Age been, . . . without Fee or Reward an Advocate for her slandered righteous Cause." Thus liberty, which meant inalienable rights, for "Liberty is the sun of society. Rights are the rays," limited the state. But liberty was a valuable possession, which must ever be cautiously guarded. Dickinson knew his Machiavelli well enough to believe with a unique realism that the oppressive power of the strong was an omnipresent source of danger. "It is essential to Liberty as to Morality," he wrote, "to 'watch always.' The History of Mankind proves this position. In perusing its mournful pages We find, that there has ever been an increasing struggle of the few for obtaining Aggrandisement at the Expense of the many, and that this execrable Diligence has been attended with an alarming Fatality of success." "Thus Government has hardened into a tyrannical Monopoly, and the human Race in general become as absolutely property as Beasts in the Plough. The preventive of this Catastrophe is Watchfulness," he cried at another time (and it has the ring of contemporaneousness), "if, with such unequalled advantages, committed to their trust in a manner almost miraculous, they lose their liberty?"

This individualism was, to Dickinson, a philosophic rationalization of the progress of man. In an age which had not learned the sterile grace of "scientific" history, he studied the past to derive instruction for the conduct of public affairs. "History is interesting and instruc-

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65 Dickinson to Thomas McKeon, March 4, 1801; McKeon Papers, H. S. P.
66 Farmer's Letters, no. VII; Political Writings (1801), I. 211-12.
67 Letters of Fabius, first series, no. IV; Political Writings (1801), II. 111.
68 Dickinson to Thomas McKeon, November 22, 1802; McKeon Papers, H. S. P.
69 Letters of Fabius, first series, no. IX; Political Writings (1801), II. 160.
tive," he wrote, "but if admired chiefly for amusement, it may yield little profit... one nation may become prudent and happy, not only by the wisdom and success, but even by the errors and misfortunes of another." History seemed to tell him a convincing story of the importance of the individual, and of the struggle for freedom. He went through the same "strategic retreat" that most of the American theorists did, from defending the colonial position on the basis of the rights of Englishmen, to defending it on the higher (or less tenable?) ground of the rights of man. The English constitution, Dickinson thought, had for seven centuries championed the rights of individuals. But he was also imbued with the eighteenth-century juristic theory of the natural rights of man, the core, in so many ways, of eighteenth-century thinking; and his earnest faith in the Christian religion made it possible for him to derive individualism from a divine source. The cause of liberty, he wrote, "is a cause allied to Heaven. It is better to defy its Foes than to treat with them." The principles of liberty "are the gift of God"; with them "Heav'n itself 'hath made us free'. Liberty "is founded on the nature of man, that is, on the will of his MAKER, and is therefore sacred."

This concept of sacred rights, the gift "of Nature and Nature's God," is a part of the Puritan spirit of the constitution. It is still an important force in our habits of thought on political matters. In the writings of John Dickinson, who more perhaps than anyone else of his generation represented this point of view, Puritanism had its most vigorous expression. His career is, therefore, of considerable interest to us today. We face problems of government which are vastly different from those of 1787, but we know no more of the fundamental nature of the state than was known then. We have not reached greater heights in political philosophy than the ancient thinkers of Greece and Rome reached; and we cannot meet problems with a greater awareness of their philosophic implications than the statesmen of the American Revolution were conscious of. As in that troubled period, so today we face issues which touch the very foundations of the social order. As the men of that time experienced a thorough change in the

**Ibid., no. IV; Political Writings (1801), II. 117.**
**Dickinson to Thomas McKean, July 9, 1800; McKean Papers, H. S. P.**
**Ibid., July 3, 1798.**
**Dickinson to James Otis, December 5, 1767; Warren-Adams Letters, I. 374.**
**Letters of Fabius, first series, no. IV; Political Writings (1801), II. 102.**
economic and political relationship of America to the rest of the world, so we, too, are finding it necessary to readjust the structure of our lives. As in 1776 and 1787, so today, uncertainty, war, and economic instability jeopardize every effort toward national health. We can learn much from the early national period, not of solutions to our difficulties, but of the spirit with which similar problems were approached in an earlier time. It may not be ill-advised to turn back a hundred and fifty years to grasp something of the hardy confidence of the men who dealt with the existence of nationhood. We may realize something of present truth in the mature statement of Dickinson, that the success of society depends, in the last analysis, upon social likemindedness of the people—upon friendship, in the social sense—a profound fact of which ancient political theory was much more aware than modern. And we could surely derive comfort from his brave advice to his countrymen on that critical, incendiary day, March 4, 1801, when he wrote to Chief Justice Thomas McKean, in a sturdy Catonian phrase, "De Republica nil desperandum." 

Iowa City J. H. Powell

Dickinson to Caesar A. Rodney, November 9, 1803; Gratz Autograph Collection, H. S. P. See also, Political Writings (1801), I. 340 n; II. 187.

Dickinson to Thomas McKeand, March 4, 1801; McKean Papers, H. S. P.