

John Dickinson, *Historical Revolutionary*

A TWENTIETH-CENTURY jurist is credited with the wise observation that "if a man steals from one book it is plagiarism; if he steals from a hundred books it is research." The dividing line may seem rather arbitrary, but if this distinction is accepted, John Dickinson must stand convicted of research, and much of it was in history.

Dickinson is not particularly famous for his historical studies, but historians rarely are either. His fame rests more upon his reputation as a penman of the American Revolution, a founder of the college bearing his name, and later executive head of the independent state of Pennsylvania, and of Delaware. But he is also widely remembered as one of America's most distinguished and perplexing conservatives, a political personality replete with challenge and apparent paradox. An intellectual who believed that men should "Think for Themselves," Dickinson obeyed his own requirement of educated men,¹ and while able to rationalize resistance to Great Britain in the 1760's, could not bring himself to sign the Declaration of Independence in 1776.

Bred a colonial aristocrat and born to large wealth, he was raised in a setting perfectly complementary to his innate conservatism. Always thoughtful and cautious, he instinctively reacted against change, and rarely saw politics in the clear-cut battle lines of the professional politician. As one recent writer has put it, Dickinson was "too careful, too refining in thought to see an issue in black and white."² Dickinson himself wrote in 1767: "We cannot act with too much caution in our disputes. Anger produces anger; and differences, that might be accommodated by kind and respectful behaviour,

¹ John Dickinson, *Political Writings* (Wilmington, Del., 1801), II, 302.

² John H. Powell, "John Dickinson and the Constitution," *The Pennsylvania Magazine of History and Biography* (PMHB), LX (1936), 5.

may, by imprudence, be enlarged to an incurable rage."³ At another time, in a more metaphorical mood, he warned against rashly venturing "our *little vessel* . . . upon the *midst* of the *untry'd deep*, without being first fully convinced that her *make* is strong enough to bear the *weather* she may meet with, and that she is well *provided* for so long and so dangerous a voyage."⁴

Dickinson's inherent conservatism made him appear almost Hamlet-like in his moments of indecision, and many of his friends were baffled and distressed by his extreme concern for prudence and seemingly illogical hesitation. Benjamin Rush is well known for his belief that "Prudence, where *honor* was concerned, was a rascally virtue," and John Adams' caustic comments about Dickinson's "piddling genius" were even less kind.⁵ Yet the really remarkable feature of John Dickinson was less his reluctance to take decisive steps than his willingness to consider movement at all. His enormous commitment to stability, to the preservation of property, his personal disinclination to radical change, are less puzzling than his emergence as a leading figure in the American revolutionary drama. Immensely active in stirring opposition to British policy as represented in the Stamp Act and the Townshend duties, by 1776 Dickinson had become one of the most popular and famous of the contributors to the literature of revolution. And yet he could not and would not sign the final announcement of separation from England; although, once independence was proclaimed, he fought actively to make the new nation a victorious reality.

Obviously, John Dickinson came from a different political mold from that of a Sam Adams or a Thomas Jefferson. He was essentially a conservative sort of a rebel, a rather reluctant revolutionary whose adherence to his own political logic and conviction in 1776 cost him most of the popularity accumulated during the previous decade. It is this apparent ambivalence, this seemingly unnatural combination of conservative and radical, which is of immediate concern; and it is suggested that at least a partial explanation for the political enigma of John Dickinson can be found in an understanding of his historical perspective—a feature of his intellectual biography that has been

³ *The Writings of John Dickinson*, ed. by Paul Leicester Ford (Philadelphia, 1895), 326, hereinafter cited as *Writings*, ed. Ford.

⁴ *Ibid.*, 34.

⁵ *Letters of Benjamin Rush*, ed. by L. H. Butterfield (Princeton, N.J., 1951), I, 342; *Works of John Adams*, ed. by Charles Francis Adams (Boston, 1851), II, 411 (note).

sadly neglected. Even the briefest review of his revolutionary writing indicates a wealth of historical allusion, a sincere concern for the past, and an impressive reliance upon history as a vital guide to political thought. By examining the type of history to which Dickinson was exposed, the full measure of his reliance can be better gauged. By establishing the particular perspective that his favorite books supplied him, it is possible to suggest how Dickinson's historical viewpoint could lead a convinced conservative to become an ultimate revolutionary without perhaps being quite aware of the political progression.

John Dickinson was not trained or educated to be a historian; yet even had he wished to be, it is significant that his education could hardly have been improved upon. He was to be a Philadelphia lawyer in the better sense of that abused term, but in the process of becoming one he was exposed to an impressive historical schooling. In fact, the high degree of Dickinson's historical sensitivity stemmed from his being born in the eighteenth century into a wealthy family able to furnish him the best of legal training.

The Age of Reason was distinguished by a new devotion to the past, and modern platitudes about the need for history in order to understand the future would have been neither insincere nor banal in Dickinson's day. The elevation of man's reason brought with it an exaltation of history as a dignified and essentially useful field of study. The past was viewed as an extension of experience breeding greater wisdom, as a storehouse of examples to be dipped into for illustrations of modern political problems. Seventeenth-century England had become particularly conscious of the political utility of history when parliamentary leaders had found an appeal to ancient rights enormously effective in opposing the claims of the Stuart kings, and in the process evolved what is best known as the whig interpretation of history.⁶ While its new-found political usefulness

⁶ The best short study of the development of whig history is found in Herbert Butterfield, *The Englishman and His History* (Cambridge, 1945); more recent and specialized is J. G. A. Pocock's *The Ancient Constitution and the Feudal Law* (Cambridge, 1957), and David Douglas, *English Scholars* (London, 1939) has a brilliant sequel in his *The Norman Conquest and British Historians* (Glasgow, 1946). Also of interest is Samuel Klinger, *The Goths in England* (Cambridge Mass., 1952), and Christopher Hill, "The Norman Yoke," in *Democracy and the Labour Movement* (London, 1954). Professor Caroline Robbins' forthcoming book, *The Eighteenth-Century English Commonwealthman* (Cambridge, Mass., 1959), will discuss the political thought of many of the writers studied by eighteenth-century Americans.

lent popularity to history, even philosophers like John Locke gave historical study a personal seal of approval by recommending it as "the great Mistress of Prudence and civil Knowledge." Better yet, Locke called it "the proper study of a Gentleman,"⁷ and few young men in the eighteenth century cared to exclude themselves from the social class into which they were born by neglecting their historical prerequisites. Most were familiar with Henry St. John's judgment on history as philosophy teaching by examples,⁸ which in an age of philosophic pretensions was persuasive justification for historical study on both sides of the Atlantic. John Dickinson was thus born into an age when there was wide agreement upon history's merits as "the exhaustible mine out of which political knowledge is brought up."⁹

His historiographical environment naturally had a profound impact, but so did Dickinson's legal training. In fact, if history had now become a suitable subject for gentlemen to study, it was also one that gentlemen training to be lawyers could hardly avoid studying. For in the eighteenth century a major concern was with the English common law, a structure built entirely upon precedent. To study common law was to study history, since legal scholars were constantly searching for ancient precedents upon which to base current legal opinion. But here, too, the seventeenth century directly influenced the eighteenth century, since it was against the background of Stuart history that the study of common law had achieved its greatest popularity. The varyingly accurate scholarship of the short-lived Society of Antiquaries under James I, and the extended activities of Sir Edward Coke gave immense stimulation to English interest in common law, an explanation for which can be seen in Coke's patient but exhausting investigation of the ancient origins of common law and its evident historical seniority over royal prerogative. From here it was not far to the assertions of politically-minded lawyers that part and parcel of England's ancient legal system had

⁷ John Locke, *Some Thoughts Concerning Education*, ed. by R. H. Quick (Cambridge, 1892), 159.

⁸ Henry St. John, Viscount Bolingbroke, *Letters on the Study and Use of History* (London, 1752), 14.

⁹ James Burgh, *Political Disquisitions* (London, 1774), I, vi.

been a House of Commons with rights infinitely superior to the pretensions of the Stuart kings.¹⁰

Since lawyers of necessity continued to be historians as well, legal scholars a century after Coke were insisting upon the study of ancient history as a means of better grasping the origins of contemporary English law. Sir William Blackstone, first Vinerian law professor at Oxford, repeatedly warned law students that they should be careful historians as well as cautious lawyers, that they should examine the very fountains of English law, namely "the customs of the Britons and the Germans as recorded by Caesar and Tacitus," with particular attention to the legal practices of "our own Saxon princes."¹¹ A conscientious and responsive student of law, Dickinson fully met this requirement, and consequently met with and accepted a view of England's past which substantially eased his road to revolution, if not to independence.

Just when Dickinson's historical exposure began is difficult to say, but if to study law was to study history, then he must have suffered his first serious encounter with history by his eighteenth year when he entered John Moland's law office. Moland himself was a product of London's Inns of Court, and as one of Pennsylvania's few distinguished lawyers at that time assuredly introduced his young student to the rigors and mysteries of Coke's *Institutes* as well as the background of the seventeenth-century legal giants.¹² It was natural that from Moland's office Dickinson should go to Moland's alma mater, the Middle Temple. In London by 1753, Dickinson was at first a typical American tourist, smitten with the antiquity of English institutions. Writing to his father, Dickinson described how he trod the same walks "frequented by the Antient Sages of the Law"; perhaps, he reflected, he was even studying in the same chambers Sir Edward Coke himself had used a century before. And he reported a sort of

¹⁰ Butterfield, *The Englishman and His History*, 37, 37-54.

¹¹ William Blackstone, *Commentaries on the Laws of England* (Oxford, 1770), I, 35-36. It is worth noting that Jefferson, after reading Blackstone, concluded: "This shews that English liberties are not infringements merely of the king's prerogatives, extorted from our princes by taking advantage of their weakness; but a restoration of that antient constitution, of which our ancestors had been defrauded by the art and finesse of the Norman Lawyers." See *The Commonplace Book of Thomas Jefferson*, ed. by Gilbert Chinard (Baltimore, Md., 1926), 192-193.

¹² Charles J. Stillé, *The Life and Times of John Dickinson, 1732-1808* (Philadelphia, 1891), 19-20.

mystical communion with great legal heroes like Hampden, famous for opposing "encroaching Power" in the person of Charles I. Dickinson confessed he was "filled with awe and reverence," and related rather breathlessly how "I fly to Books, to retirement, to Labour, & every Moment is an Age, till I am immersed in Study."¹³ In London, Dickinson developed his habits of scholarship, discovering the English custom of using the academic vacations for preparation by reading; and he would often report "At present, I am wholly taken up with reading," even during vacations.¹⁴ It was while studying at the Middle Temple that he laid the foundation for a lifetime devotion to books that earned Dickinson his later reputation as "a Scholar, and . . . a Man of extensive information."¹⁵ And as a London law student he must have rediscovered the virtual impossibility of confining his reading to law books, since they led him directly to a necessary study of the English Constitution for which he developed an enduring admiration and historical curiosity. To his mother, Dickinson announced his considered opinion that "the English Constitution and the English Laws are strictly united,"¹⁶ and it was obvious that to understand either demanded an understanding of their history.

While there is no known catalogue of Dickinson's private library, the character of his historical reading can be readily established, although not with the inclusiveness possible with his colleagues Thomas Jefferson and John Adams.¹⁷ The basic books consulted by colonial lawyers are familiar enough, as are the historical inclinations

¹³ Dickinson to Samuel Dickinson, London, Mar. 8, 1754, Dickinson Manuscripts, Library Company of Philadelphia (Lib. Co.). Dickinson's letters from England have been rarely used, and are too little known; it is hoped that these Inns of Court letters will be edited for publication.

¹⁴ Dickinson to Samuel Dickinson, Mar. 29, 1754, *ibid.*

¹⁵ "William Pierce on the Federal Convention of 1787," *American Historical Review*, III (1898), 329. Pierce thought Dickinson "An indifferent Speaker."

¹⁶ Dickinson to Mary Cadwalader Dickinson, June 6, 1756, Dickinson Manuscripts, Lib. Co. Already politically alive, Dickinson was also developing a felicity of phrase: "I hope My Honoured Mother, will excuse my Politicks; if she cant approve them, & will forgive my dabbling in them."

¹⁷ Both Jefferson and Adams read more than Dickinson, and both were avid book collectors, making careful catalogues of their libraries. See William Peden, "Thomas Jefferson: Book Collector," unpublished dissertation, University of Virginia (1942), and John Adams' 1790 library list (manuscript) in the Massachusetts Historical Society. Benjamin Rush also left a library catalogue (manuscript), dated 1790, in the Rush Manuscripts, Lib. Co.

of the authorities respected by Dickinson. Like most of his legal generation, Dickinson was raised on the inherited wisdom of Sir Edward Coke, who in turn referred his readers to his own authorities, such as the fabulous *Mirror of Justices* and the *Modus Tenendi Parliamentum*, books which completely supported Coke's conclusions on the antiquity of both common law and Parliament. Admittedly these sources would be discounted by modern scholars as utterly unreliable,¹⁸ but the issue of the historical accuracy of Coke or his supporters is somewhat irrelevant to the question of what was available to Dickinson. After all, even Blackstone accepted most of Coke's legal interpretations, redigesting much of the *Institutes* into the more palatable *Commentaries*, which Dickinson owned by 1769, five years after purchasing Blackstone's *Law Tracts*.¹⁹

Dickinson, however, was reading books of a more immediate historical complexion in his student days. He was already acquainted with the best-seller, Rapin's *History of England*, by 1756, when he was citing it in letters to his mother.²⁰ He made occasional notes in his sparsely filled commonplace books, disclosing a persistent interest in the writings of Robert Molesworth, Bolingbroke, and Tacitus, and his fortunate habit of footnoting his published work confirms his indebtedness to these authors. In fact, Dickinson's footnoting amounted almost to a mania, with notes written upon other notes, nearly obscuring the original text material. Consequently, Dickinson leaves little doubt as to the authors he most admired, and happily other sources survive to demonstrate in greater detail his historical awareness.

While there is no known library list, there are many books from Dickinson's original collections currently reposing in such Philadelphia institutions as the Historical Society of Pennsylvania and the Library Company. Indeed, it seems likely that the impressive hold-

¹⁸ William S. Holdsworth, *A History of English Law* (London, 1938), II, 328; V, 459; Sir Edward Coke, *Reports* (London, 1738), Preface. For example, referring to Parliament, William Hakewell's *Modus Tenendi Parliamentum* (London, 1671), n. p., told the reader that "This great council hath been always held to be the Bulwark of our liberties, the main boundary and bank which keeps us from the inundations of tyrannical power."

¹⁹ The first edition of Blackstone's *Commentaries* was published 1765-1769, and Dickinson received a bill for volume three from David Hall on Jan. 26, 1769. Logan Papers, XXXIV, 54, Historical Society of Pennsylvania (HSP). A bill for Blackstone's *Law Tracts* (Oxford, 1762) came from David Hall, Sept. 6, 1763, *ibid.*, XXXIV, 11.

²⁰ Dickinson to his mother, June 6, 1756, Dickinson Manuscripts, Lib. Co.

ings of "Franklin's Library" were frequently used by Dickinson while he was practicing law and politics in Philadelphia. He purchased a share in the Library Company in 1762, and within a year was elected to a directorship.²¹ The known contents of the Library Company in the 1760's were both heavily historical and almost consistently whig in interpretation.²² Dickinson also enjoyed convenient access to another library quite as remarkable in its way—the collection of Isaac Norris, Jr., Dickinson's father-in-law. Most of this library was inherited by Dickinson, and later donated to his college at Carlisle.²³ What is known of the historical content of the collection indicates a similar viewpoint to that of the Library Company's and Dickinson's own history books. In 1752, for example, Norris was ordering Mackworth's *The Vindication of the Right of the Commons*, and Petyt's *The Ancient Right of the Commons*, books completely in accord with the historical assumptions of such later Dickinson acquisitions as Catherine Macaulay's *History of England* and James Burgh's famous *Political Disquisitions*.²⁴

With such detailed information available on Dickinson's historical education, there is afforded an extraordinary opportunity to reconstruct just what Dickinson was persuaded had happened in his own past. By looking at the books that he read, cited, owned, and recommended, the actual historical perspective enjoyed by Dickinson can be re-created: such a reconstruction lends a fresh significance to his own frank admission that "I spend a good deal of [my time] in a library, which I think the most valuable part of my small estate."²⁵

²¹ Deed, June 30, 1762, signed by Abram Taylor, who was paid £17 for his share sold to Dickinson, Logan Papers, VIII, 63, HSP; Dickinson to his mother, Mar. 7, 1763, Maria Dickinson Logan Manuscripts (Miscellaneous), HSP.

²² Edwin Wolf 2nd, "The First Books and Printed Catalogues of the Library Company of Philadelphia" *PMHB*, LXXVIII (1954), 45-70; see also *The Charter, Laws, and Catalogue of Books, of the Library Company of Philadelphia* (Philadelphia, 1770).

²³ James W. Phillips, "The Sources of the Original Dickinson College Library," *Pennsylvania History*, XIV (1947), 110-113.

²⁴ List of books ordered by Isaac Norris, Jr., for the use of the Pennsylvania Assembly, Mar. 16, 1752, HSP. Few of Norris' own history books survive, but this list would seem to reflect his interests. Norris' copy of Paul Sarpi's *History of the Council of Trent*, which discusses "the practices of the court of Rome, to hinder the reformation of their errors," is found in the Dickinson Collection, HSP. The Norris list of 1752 also included Thornhagh Gurdon's *History of the High Court of Parliament* (London, 1731), a copy of which was owned by Dickinson. See Note 32. Dickinson's copies of Burgh's *Political Disquisitions* (London, 1774-1775) and Macaulay's *History of England* (London, 1769), donated by the authors, repose in HSP.

²⁵ *Writings*, ed. Ford, 307.

Books mattered to Dickinson, and history books particularly. What they told him in turn informs deeply on his political thought and action.

Not yet turned into a profession, history in Dickinson's day was far from the limited fields of specialization often obtaining today. But if asked to name his main area of historical interest, undoubtedly Dickinson would choose the history of England. Colonial concern for the history of the mother country was natural enough, since English history was properly an extension of America's limited recorded past, and at one time Dickinson threw modesty to the winds by asserting, "I have acquired, I believe, a greater knowledge in history, and the laws and constitution of my country, than is generally attained by men of my class."²⁶ American reliance upon English common law as a basis for colonial law made Dickinson's seeming immodesty a rather logical consequence of his London education. But eighteenth-century gentlemen were also well versed in the classics, which led to a fairly intimate acquaintance with ancient Greek and Roman history. Allusion to the classical past was commonplace to colonial conversation, but for Dickinson, at least, classical references were more matters of simile and illustration than sources for vital information and political persuasion. He could cheerfully turn to the conquest of Greece by Philip of Macedon to demonstrate the perils of striving for freedom separately, and he could find the same lesson in the records of Carthage, Rome, and even Spain.²⁷ But this classical lesson was one already learned by Dickinson without benefit of classical history: these were merely examples of an obvious truism that in unity there is strength, and in historical illustration there is color. Of course, there were also occasions when Dickinson would skillfully combine Roman with English history for similar purposes, as with his observation that "*Julius Caesar and Oliver Cromwell*, did not dare to assume the title of *king*." But this, too, was to underline the patent fact that "there are things, which, at some times, even *slaves* will not bear."²⁸

There was one ancient historian, however, who claimed Dickinson's admiration and allegiance—a Roman, who supplied not only

²⁶ *Ibid.*

²⁷ *Ibid.*, 492 ff.

²⁸ *Ibid.*, 393-394.

convenient instances of where “*each* state resisted singly, *all* were subdued,” but even more persuasive information for students of English history. Tacitus made a major contribution to Dickinson’s historical outlook in preparing him for more recent commentators upon the English scene. As a lawyer, Dickinson frequently turned to Tacitus for details of the Germanic customs that constituted precedents for English habits of government, and he praised the Roman as an “excellent historian and statesman . . . whose political reflections are so justly and universally admired.”²⁹ In Tacitus’ *Germania* Dickinson found a fascinating portrait of his ancient German ancestors, forefathers of the Saxons who emigrated from northern Europe to England.³⁰ This rare contemporary account of German customs of free government was the common source for most of Dickinson’s favorite historians who wrote on ancient English history; Rapin was but one of many who cited Tacitus in presenting the same general picture of liberty-loving German ancestors for the Anglo-Saxon settlers of England.³¹ Almost all the pertinent historians consulted by Dickinson echoed the praises of the noble Saxons and their finest leader, King Alfred; and at least one historian of Parliament reminded his reader that English common law “did visibly spring from the old *Saxon* statutes.”³²

This concept of ancient Saxon England was the foundation for the whig historical perspective offered Dickinson in his reading. Its charms were not hidden, for it presented with a blatant pride a sort of historical utopia, replete with liberty, representative government with an annually elected House of Commons or its equivalent in the Saxon *witenagemote*, kings who were often elected, and all defended by a popular armed militia. But as Dickinson pursued the course of England’s development, he discovered that the Saxon militia were hardly up to their task of defending their freedom, since the Normans came to England in 1066, bringing feudal tyranny with them. Sir Henry Spelman, one of Dickinson’s most respected legal authorities, insisted flatly that with the Norman conquest “all things resounded with the feudal oppressions, which in the time of the Saxons had

²⁹ *Ibid.*, 24.

³⁰ Tacitus, *Germania*, ed. by Thomas Gordon (London, 1751), II, 325, 362, *passim*.

³¹ Paul de Rapin-Thoyras, *History of England*, translated by N. Tindal (London, 1732-1733), I, 27, 46, 59.

³² Gurdon, *History of Parliament*, I, ix, xiii.

never been heard of.”³³ And other writers told Dickinson that the Norman conquest was really the product of craft and deceit, that the noble freedom-loving Saxons were not defeated in a fair fight, and therefore had not surrendered their rights and privileges.³⁴ As a result, Dickinson found post-conquest history generally depicted as a persistent struggle by Englishmen for their ancient Saxon rights, partly regained from King John with the signing of Magna Charta in 1215, and more substantially restored during the struggle with the Stuarts in the seventeenth century. Dickinson was familiar with Coke’s insistence that Magna Charta was “no new declaration,” but was “for the most part declaratory of the principal grounds of the fundamental laws of England.”³⁵ And historians like the ever-popular Rapin repeated the same theme, emphasizing that the Great Charter merely began to reduce royal authority to the level obtaining among the Saxons before the Normans came.³⁶ Significantly, Dickinson’s interest in Magna Charta was renewed in 1763, when he selected a new edition of it from David Hall’s Philadelphia bookstore.³⁷

Important and encouraging as Magna Charta appeared, Dickinson’s whig historians generally agreed that the seventeenth century saw a high water mark in English restitution of ancient liberties. Stuart history was to hold a lasting fascination for Dickinson, and the views of his favorite writers on the period explain why. Catherine Macaulay’s multivolume treatment of the Stuart dynasty was among the later works studied by Dickinson, but her interpretation was not essentially different from that offered by most whig writers. Called “our incomparable female historian” by admiring colleagues,³⁸ Mrs. Macaulay’s personal enthusiasm for the colonial cause did not reduce her historical charms for American readers like Dickinson, to whom she sent her more ardent pamphlets as her expression of esteem. Certainly her attitude toward the Stuart princes of seventeenth-

³³ Sir Henry Spelman, *Works*, ed. by Edmund Gibson (London, 1723), Pt. II, 5.

³⁴ Blackstone, *Commentaries*, II, 45–53; Roger Acherley, *Britannic Constitution* (London, 1731), 168; Henry Care, *English Liberties* (London, 1680), 8–9. Widely read, Care’s work was reprinted in Boston in 1721, and in Providence, R. I., in 1774.

³⁵ Sir Edward Coke, *Institutes of the Laws of England* (London, 1681), II, “Proeme,” n. p.

³⁶ Rapin, *History of the Whigs and Tories*, translated by Ozell (London, 1717), 13–14; also included in Rapin’s *History of England*, where there is further comment on Magna Charta, I, 276.

³⁷ Bill from David Hall to Dickinson, Sept. 6, 1763, Logan Manuscripts, XXXIV, 11, HSP.

³⁸ Burgh, *Disquisitions*, I, vii.

century England was representative of more extreme whig opinion, and passed beyond the stage of showing monarchs as mere men rather than exalted symbols. Charles I, for example, she described as a brutal tyrant, lewd, unchaste, and the father of "one or two natural children." She saw Cromwell in little better light, since he used his standing army against the popular privileges so recently wrested from Charles.³⁹ And after Cromwell had come the humiliating restoration of the Stuarts with Charles II, and a return of un-Saxon oppression best illustrated by widespread accounts of the notorious Judge Jeffries. Mrs. Macaulay was only one of many who regaled Dickinson with a harrowing narration of the martyrdom of Algernon Sidney, and stories of the iniquities of Judge Jeffries' henchman Colonel Kirk, who devised music to hang men by.⁴⁰ Bishop Burnet supplied Dickinson with a contemporary account of Stuart misrule, telling how Jeffries' "campaign" under James II led to the hanging of some six hundred innocent people after Monmouth's abortive uprising.⁴¹ And the faithful Rapin included the popular story of the same Colonel Kirk as a seducer of innocent maidens eager to save the lives of equally innocent but gray-headed parents.⁴² Obviously, there was no end to injustice under the Stuart princes. Indeed, Dickinson discovered that even the lonely historical defender of that unfortunate dynasty, David Hume, was obliged to concede James II was "more imprudent and arbitrary than his predecessor."⁴³ In this sort of historical context, the Revolution of 1688 was not hard to justify.

Theoretically, the succession of William and Mary to England's throne should have brought a return to Saxon liberties since this was the chief objective of resistance to earlier Stuart kings. But most of the writers consulted by Dickinson argued otherwise. Thomas Gordon, the popular translator of Tacitus and Sallust, devoted his

³⁹ Macaulay, *History of England*, IV, 419, 422 (note); V, 215, 390.

⁴⁰ Gilbert Burnet, *History of His Own Time* (London, 1850), 371-372. Dickinson's edition was probably that of 1724-1734. For his citations from Burnet, see the *Essay on the Constitutional Power of Great Britain* (Philadelphia, 1774).

⁴¹ Burnet, *History*, 416.

⁴² Rapin, *History of England*, II, 750.

⁴³ David Hume, *History of England* (London, 1762), VI, 402. The tory complexion of Hume's history has been much exaggerated—by Jefferson, among others—and his treatment of Sidney's trial, the "violent and inhuman" Judge Jeffries, and the "easy and generous lover" Charles II is not much different from conventional whig descriptions.

surplus energies to publishing *Cato's Letters*, where with John Trenchard he described to Dickinson the evident failure of eighteenth-century England to re-enter her Saxon heritage. Instead, contemporary England was frequently shown racing toward economic, moral, and political collapse, ridden with corruption, and afflicted with an unrepresentative Parliament. Gordon told his reader of the "little beggarly Boroughs" which were, he said, "Pools of Corruption."⁴⁴ In fact, one imaginative commentator suggested that the best way for eighteenth-century England to recover from her enormous indebtedness would be for the government to cure and sell the skins of all adulterers in the country; despite declining prices for commercially cured human hide resulting from an anticipated oversupply, it was thought that more revenue would accrue than from unjust taxes on the American colonies.⁴⁵

Dickinson was thus given a disturbing portrait of a mother country on the high road to ruin, oblivious of her ancestral liberties, and mostly unaware that the way to salvation lay in a return to Saxon simplicity, with annually elected and uncorrupted parliaments, and a people's militia rather than a dangerous and expensive standing army. This composite picture of England's past and present hardly made for lively expectations for the future, and Dickinson's sojourn at the Middle Temple only made for a readier acceptance of this alarming perspective. While in London in 1755, he noted that "There are above seventy controverted Elections this Parliament, One of the greatest Proofs perhaps of the Corruption of the Age." From personal observation he concluded that "Bribery is so common that it is thot there is not a Borough in England where it is not practis'd."⁴⁶ He was no less worried over the growth of the standing army in England, seeing it, too, as a dangerous increase of royal influence; this was one truth, he told his mother, learned from "a moderate Acquaintance with the English History."⁴⁷

⁴⁴ John Trenchard and Thomas Gordon, *Cato's Letters* (London, 1748), I, 97, 117; III, 18. This work was frequently cited by Dickinson, who referred to "the excellent Gordon" in 1774. See also *American Archives*, ed. by Peter Force (Washington, 1837-1853), *Fourth Series*, I, 561 (note), for citations from Burnet and Burgh.

⁴⁵ Burgh, *Disquisitions*, III, 140. It is not surprising that John Adams praised Burgh's work as "the best service that a citizen could render to his country in a great crisis." Adams, *Works*, IX, 351.

⁴⁶ Dickinson to [probably his father], Jan. 25, 1755, Dickinson Manuscripts, Lib. Co.

⁴⁷ Dickinson to his mother, June 6, 1756, *ibid.*

If history was adding to Dickinson's sense of distress in the 1750's, it substantially colored his responses in the next decade when this corrupt British Parliament was dispatching a standing army to America. And as the colonial crisis mounted, Dickinson could not only find guidance in his historical perspective of the mother country, but he was encouraged to find some of the very authors he consulted rallying to his cause. More and more books and pamphlets reached him in the 1770's from the circle of English writers whose historical ideas he shared. Volumes sent Dickinson by Catherine Macaulay and the illustrious James Burgh, offered "As a Small Token of Respect for His Patriotic Virtue,"⁴⁸ still survive, and a regular correspondence developed between Dickinson and Edward Dilly, the London publisher of so many of his whig books. Dilly opened the exchange in March, 1774, sending, at the author's request, the first two volumes of Burgh's *Political Disquisitions*. As Dilly observed, this work contained "many useful hints . . . [on] the origins of Parliaments and . . . the necessity of frequent Appeals to the People." Dilly also confirmed Dickinson's fears for the political health of England by commenting at length on the dangers of long parliaments and septennial elections wherein "Bribery, and Corruption . . . engenders Swarms of Placemen and Pensioners . . . [which] like Leeches suck the very vitals of the Constitution."⁴⁹ But this was typical of the sort of dinner conversations enjoyed by Dilly and his friends, among whom he listed Benjamin Franklin and Mrs. Macaulay's brother, Alderman Sawbridge. Mrs. Macaulay herself was reported indisposed and taking the waters at Bath before launching upon the final phase of her attack on the Stuarts.⁵⁰ Dickinson responded to Dilly's informative letter in the summer of 1774, expressing thanks for Burgh's books, and subsequently being rewarded with a prepublication copy of the third and final volume of the *Political Disquisitions*, along with recent pamphlets by others of Dilly's whig circle.⁵¹

⁴⁸ Inscribed on title page of Dickinson copy in the Lib. Co.

⁴⁹ Edward Dilly to Dickinson, Mar. 7, 1774, Dickinson Manuscripts, Lib. Co.

⁵⁰ *Ibid.* It is interesting to recall John Adams' observation on Benjamin Rush, written Sept. 24, 1775: "He is a republican; he has been much in London, acquainted with Sawbridge, Macaulay, Burgh, and others of that stamp. Dilly sends him books and pamphlets, and Sawbridge and Macaulay correspond with him." Adams, *Works*, II, 427.

⁵¹ Dilly to Dickinson, Jan. 28, 1775, Dickinson Manuscripts, Lib. Co.

This literary exchange between London publisher and colonial author not only establishes Dickinson's interesting connection with the whig authors he read and admired, but has a special significance in his introduction thus to Burgh's writings. The *Political Disquisitions* held a natural attraction for Dickinson, an attraction that extended to his subscribing to yet a second set when a Philadelphia edition was issued in 1775.⁵² Burgh was offering Dickinson, in effect, a digest of much of the historical and legal reading already accomplished, a compendium of whig history based upon the maxim shared by Sir William Temple and John Dickinson, that "None can be said to know things well, who do not know them in their beginnings."⁵³ Burgh had read, like Dickinson, "the best historical and political writers," not to strengthen his own assertions "by the authority of established writers," but rather to find out what these writers said, what, briefly, was the historical basis for English liberties now in jeopardy. Burgh and Dickinson read the same books, and attained the same general historical perspective as a result. Citing Thomas Gordon's *Tracts*, Burgh sought to write "in the spirit of a true independent whig," and described in detail "the subversion of the [English] constitution, and ruin of the state," with additional discussion

Of corruption in general; of degeneracy in this country; of manners, education, luxury, adultery, duelling, &c. of liberty in general; of various forms of government, their respective advantages and disadvantages; of *British* liberty; danger of the loss of liberty, and consequences . . . of law, and its grievances; of colonies, and the proper methods for encouraging them; of the army, and dangers from it; advantages of a militia . . . a view of the arts of wicked ministers, and favourites; character and conduct of kings . . . of redress by the people, when government refuses it. . . .⁵⁴

Burgh's timeliness naturally enhanced his indictment of Dickinson's mother country; in many ways the *Political Disquisitions* comprised a superb refresher course in English liberties, their historic origin and

⁵² The subscription list for Burgh's *Disquisitions* reads like a "Who's Who in the American Revolution." Washington headed the list, which included Christopher Gadsden, John Hancock, Jefferson, Rush, Roger Sherman, and James Wilson. Rarely was a work reprinted in America within a year of English publication as was Burgh's *Disquisitions*.

⁵³ Burgh, *Disquisitions*, I, xiii; Sir William Temple, *History of England* (London, 1740), II, 528.

⁵⁴ Burgh, *Disquisitions*, I, viii, xvi, xxii-xxiii.

their current decline. And it was in Burgh that Dickinson could read such warnings as "When a country is to be enslaved, the army is the instrument to be used"; "No people ever lost the spirit of liberty but through the fault of their government." "Liberty," insisted Burgh, "cannot be preserved, if the manners of the people are corrupted."⁵⁵ Dickinson was in every sense prepared to agree.

The occasion for Dickinson's major political debut in Pennsylvania was not in defense of English liberties, but in support of the proprietary government of the Penn family. The question of seeking a royal charter for Pennsylvania, which would translate the colony's status from that of a mismanaged private estate of the Penns to that of a potentially mismanaged crown colony, was not new. But Dickinson's response to the issue on its resurrection in 1764 has a peculiar significance: he sided with the *status quo*, not because he believed proprietary government was satisfactory, but because he knew its faults, and he did not know what worse evils might develop from a closer connection with the Crown. But if he thus reacted in a typically conservative manner, fearful of exchanging a known for an unknown evil, he also disclosed an equally interesting and instinctive employment of history to justify his caution. Tacitus, in fact, was cited to lend prestige to Dickinson's basic conservatism, demonstrating how good men " 'with fatal speed rush upon their own destruction.' " And the dangers of a neglect of prudence were illustrated from Molesworth's *Account of Denmark*, wherein Dickinson found "the commons of *Denmark*, smarting under the tyranny of their nobility, in a fit of vengeful fury *suddenly* surrendered their liberties to their king; and ever since . . . have detested the *mad moment* which slipt upon them the shackles of slavery." Turning to English history, Dickinson suggested that through similar rashness the Duke of Monmouth had failed in his revolt against James II, whereas William III, "with a *wise delay*, pursued the same views and gloriously mounted a throne."⁵⁶

Dickinson's historical emphasis shifted substantially within a year of this proclamation of the virtues of patience and prudence: the Stamp Act of 1765 provided his first opportunity to show that

⁵⁵ *Ibid.*, II, 349; III, 3.

⁵⁶ *Writings*, ed. Ford, 24. It might be argued that Dickinson was already resisting closer control by Britain in opposing the abolition of the proprietary regime in Pennsylvania.

history had greater uses than merely supporting and illustrating arguments against dispossessing the Penns. In opposing the Stamp Act as an internal tax he significantly turned to "the principles of the English Constitution," making these principles the basis for colonial rights. In the process, he necessarily discussed his concept of the English Constitution, pointing up its historic representative character, and the liberties under the common law, which he called "the Birthright of Englishmen, and the Safeguard of their Persons and Properties."⁵⁷ Since, under the original English Constitution, Englishmen had the privilege of taxing themselves, Englishmen were entitled to the same historic rights in America. The colonial equivalent to Parliament in England was obviously the colonial assembly, which was clearly entitled to decide on colonial taxes. He cited from Gordon's *Cato's Letters* to urge "a little prudent conduct" by Great Britain, lest her colonies be driven to unite against their mother country,⁵⁸ and he insisted that the basic principle was constitutional. Magna Charta, he argued, had confirmed the historic rights of Englishmen, rights which crossed the Atlantic with Englishmen migrating to America. The colonial governments were patterned after the English Constitution, and the colonists claimed rights to representative government known anciently in England.⁵⁹ The only proper and directly discernible ties between colonies and mother country, Dickinson concluded, should be "*those of affection; which alone can . . . form an everlasting union.*"⁶⁰

Thus, in his first open disagreement with British policy, Dickinson the conservative was emerging as Dickinson the penman of revolution. As early as 1765 he was insisting on virtual self-government for Englishmen in America as an inherited right, a position Dickinson took as a logical consequence of his legal and historical reading. And as the Stamp Act crisis dragged on into 1766, he came to portray colonial rights in increasingly the same way his favorite English historians described their Saxon constitution—as historically indestructible, no matter what a misguided British government might attempt. The strikingly repetitive theme to his writing at this time

⁵⁷ *Ibid.*, 195.

⁵⁸ *Ibid.*, 242.

⁵⁹ *Ibid.*, 193.

⁶⁰ *Ibid.*, 244.

was the emphasis upon the essential Englishness of Americans: "I glory in my relation to [Great Britain]," he announced, adding, "Every drop of blood in my heart is *British*."⁶¹ Nor was there any reason why he should not admit his pride: the English connection was the very core of Dickinson's argument for rights by ancestral descent, and his political writing in the next decade demonstrated the consistency and coherence of his historical perspective as enlisted on behalf of colonial rights.

At least one reason for such consistency was the sustained nature of British efforts to raise a revenue from her American colonies. Having abandoned the Stamp Act in 1765, Britain turned to an external tax in the form of import duties contained in the famous Townshend Acts of 1767, and prompted Dickinson's strenuous protest, *The Farmer's Letters*. Here Dickinson pointedly observed that "The people of *Great-Britain*, in support of their privileges, boast much of their antiquity," and it became clear that he was quite delighted to accept such a boast. "It is true they are antient,"⁶² Dickinson cheerfully conceded, and in *The Farmer's Letters* ranged far and wide in discussing the antiquity of the privileges of Englishmen, carrying his remarks over into later pamphlets in the 1770's. Looking back to pre-Norman England, Dickinson was happy to proclaim the ancient Germans "the *Fathers of Englishmen*," since the Germanic tribes supplied both the English people and their habits of free government. He deplored the fact that modern English descendants of these original German emigrants to Britain on coming to America found "*arbitrary Government and a standing army* pursuing them even into these woods,"⁶³ with the rights once enjoyed under the Saxon King Alfred forgotten. Dickinson was frank in his affection for Alfred, whose virtues supplied such a contrast to the behavior of George III. "To one who studies the Anglo-Saxon history," noted Dickinson later, ". . . it is impossible not to contract the fondest and most enthusiastic admiration of his character."⁶⁴ But then, under Alfred there had been no standing army such as now faced Englishmen in America, and moving to more recent history Dickinson sug-

⁶¹ *Ibid.*, 267.

⁶² *Ibid.*, 336.

⁶³ Dickinson, *Essay on Constitutional Power*, 66 (note).

⁶⁴ Dickinson, *A Caution; or, Reflections on the Present Contest Between France and Great Britain* (Philadelphia, 1798), n. p. Dickinson's copy, HSP.

gested that a Tudor king, Henry VII, was responsible for introducing such armies to Britain—in reality to suppress discontent, but “disguised under pretence of majesty and grandeur.”⁶⁵

Dickinson was quite attracted to the history of English kings who had, like Henry VII, sought to subvert the ancient privileges of Englishmen, and became “possessed of an unconstitutional power”—again, like George III. Particularly fascinating were the Stuart kings, whose varying fates Dickinson found replete with encouraging political lessons. Charles I he described as a monarch whose head was so filled with “mistaken notions of his own authority” that he literally lost it. Citing Rapin as his source, Dickinson went on to review the melancholy restoration of the Stuarts in 1660, when “the *English* themselves *delivered up* these very rights and privileges to *Charles* the Second, which they had so *passionately* . . . defended against the designs of *Charles* the First.”⁶⁶ He found that both the second Charles and the second James had violated the “*express rights of their subjects*,” seeking to tax Englishmen without their consent, and for this crime James was properly deposed.⁶⁷ Historical logic suggested a similar fate for George III unless he respected the rights of Englishmen in America.

Certainly his history had not given Dickinson much room for faith in Englishmen in England. They had signally failed to restore their ancient liberties in the seventeenth century, and too many had seemingly forgotten their heritage in the eighteenth century. The Parliament which in 1688 was supposed to restore the Saxon constitution was now wallowing in bribery and corruption; and with a mother country in advanced stages of political decay, perhaps British misrule was less surprising. Indeed, Dickinson thought, Britain seemed to be applying her own decadent domestic developments to transplanted Englishmen across the Atlantic; the British mistake was their failure to realize that the colonists had better cultivated historical memories, and thus strengthened, were prepared to resist. Actually, Dickinson argued, British tyranny in America was as much a threat to England herself as to her colonies, since America was apparently the last refuge of Englishmen aware of their

⁶⁵ *Writings*, ed. Ford, 390–391. Dickinson is citing Rapin again.

⁶⁶ *Ibid.*, 387, 393.

⁶⁷ Dickinson, *Essay on Constitutional Power*, 40.

historic rights. In this context, Dickinson was able to argue that "We should be guilty of treason against our sovereign and the majesty of the people of *England*, if we did not oppose [tyranny]." Here was, in effect, a historical mandate for resistance which permitted Dickinson to offer the rather unique argument that opposition to legitimate government was a legitimate and historical duty and not radical or treasonable. "*England*," he insisted, "must be saved in *America*." Furthermore, Dickinson predicted, "she will *rejoice* that we have *resisted*—and *thank* us for having *offended* her."⁶⁸

This was a wonderfully comforting notion for a cautious man like John Dickinson. He could see himself as being in historical step; it was the British government that was not. He was being true to his inherited rights, and as he repeatedly quoted from Sallust, "I will assuredly contend for that glorious plan of *Liberty* handed down to us from our ancestors."⁶⁹ His history revealed that eighteenth-century England was fast approaching the distressing condition known earlier under Stuart despotism, with the added feature of a Parliament no longer in opposition, but kept by and co-operating with the Crown. Failure to resist, concluded Dickinson, "would place us exactly in the same situation the people of *Great-Britain* would have been reduced to, had *James* the first and his family succeeded in their scheme of arbitrary power." In fact, the historically-minded Dickinson went so far as to suggest a change in names to better illustrate the political problems facing colonial America: substitute the Stuarts for Parliament, Britons for Americans, he urged, and the arguments of the seventeenth century "apply with inexpressible force and appositeness in maintainance of our cause, and in refutation of the pretensions set up by their too forgetful posterity, over their unhappy colonists."⁷⁰ Obviously, British administration, be it represented by parliament, monarch, or both, could not win against Dickinson's history. Both reminded him too vividly of past tyrants, and both were faithless to their historic heritage.

⁶⁸ *Ibid.*, 62 (note).

⁶⁹ *Writings*, ed. Ford, 9, 406. His translation differed slightly when employing the quotation in the last of his *Farmer's Letters*: "For my part I am resolved to contend for the liberty delivered down to me by my ancestors." Note Dickinson's insistent claim to rights by racial descent: "we are not Sea Poys, nor Marattas, but *British Subjects*, who are born to Liberty, who know its Worth, and who prize it high." *Ibid.*, 460.

⁷⁰ Dickinson, *Essay on Constitutional Power*, 70-79.

To his good friend Thomas McKean, Dickinson once commented, "I have from the first outset in public life been deeply affected by the Charms of Liberty,"⁷¹ Dickinson's political career amply testifies to the truth of this admission. But the charms that so permanently seduced Dickinson were not merely historical. As an intelligently alive young man in the eighteenth century, he had been well exposed to the political philosophy that his history usually took for granted. He was deeply aware of "the immutable and unalienable rights of human nature"⁷² which preceded political privileges inscribed in ancient constitutions, and once criticized those whose worship of precedent ignored man's God-given natural rights. "The Error of those who reason by precedent drawn from antiquity," Dickinson observed, ". . . is that they do not go far enough into antiquity." And he explained that "If we go back far enough we come to the time when man came from the Hand of his Maker"; this, Dickinson insisted, was "the origin of Man" and "the Origin of his Rights."⁷³ In a sense, he viewed history as a confirmation of John Locke's political theory, blessed with a persuasiveness less common with the abstractions of philosophy. A conservative who always believed in political prudence, Dickinson was reluctant to engage in a debate on ideals or principles, fearful of departing from his preferred path of moderation. "Moderation in every thing is the Source of Happiness," he commented in 1762, even courageously extending this maxim to "too much loving," and "too much Reading."⁷⁴ But he frankly enjoyed reading history, and always found it "entertaining and instructive."⁷⁵ History instructed Dickinson in his constitutional rights and their ancient derivation, and gave him a vital foundation upon which to base his resistance to British interference with colonial government.

However, if his history tended to open the door of revolution to this cautious conservative, it should be remembered that Dickinson did not pass through to sign the Declaration of Independence. His major contribution to the American Revolution was in supplying a

⁷¹ Dickinson to Thomas McKean, Mar. 4, 1801, McKean Manuscripts, HSP.

⁷² Dickinson, *Essay on Constitutional Power*, 67-68. And yet he returned again to the rights of Englishmen: "We claim *in the colonies* these and no other rights." *Ibid.*, 114.

⁷³ Dickinson "On Government," Logan Manuscripts, HSP.

⁷⁴ Dickinson to Thomas McKean, June 8, 1762, McKean Manuscripts, HSP.

⁷⁵ Dickinson, *Writings*, II, 117.

sustained historical justification for resistance to a mother country he believed had forgotten too much history. His keynote was the legal and historical propriety of resistance, and at the same time a warning to England of the risks her policies entailed. But conservative though he was, Dickinson became in a sense a prisoner to his own historical logic, a victim to his own historical persuasion. His hesitation upon the brink of independence came mainly from a lack of conviction on the positive political prudence of such a move at that moment. He knew too well the consequences of a rash neglect of prudence, and if George III was another James II, Dickinson had no overwhelming ambition to become another beheaded Duke of Monmouth.

Dickinson never faltered in his devotion to the past as a guide to the future and an aid to understanding the present. He always found history a source of political wisdom, significantly returning to the past when discussing the new constitution to be framed in 1787 for the new nation he helped create. "Reason may mislead us," Dickinson still insisted, and urged instead that "experience must be our only guide."⁷⁶ Without his own vicarious experience, without his personal historical perspective, perhaps John Dickinson would never have been even a reluctant rebel.

Pennsylvania State University

H. TREVOR COLBOURN

⁷⁶ *Writings of James Madison*, ed. by Gaillard Hunt (New York, 1902), IV, 186-187.