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LIBERAL ELEMENTS IN THE POLITICAL THOUGHT OF JONATHAN BOUCHER

A Thesis

Presented for the

Master of Arts

Degree

The University of Tennessee, Knoxville

Earl Sheridan, Jr.

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DEDICATION

Liberal Elements in the Political Thought of Jonathan Boucher is dedicated to my mother, Mrs. Irene G. Sheridan, whose unselfish love and devotion has continually helped sustain me.

ACKNOWLEDGMENTS

The author is grateful to Professors Milton Klien and Dan Nimmo for their help in locating sources, and to Professor Anne Young Zimmer for valuable advice. I would also like to thank my friends at the Wesley Foundation for their concern, and the members of my committee for all the help they gave me in making the completion of this project possible.

ABSTRACT

Jonathan Boucher was a Loyalist political philosopher at the time of the American Revolution. He has been termed an ultra-conservative by most scholars of American political thought. It was my purpose in this thesis to show that this is a highly inaccurate characterization of Boucher and does not take into account certain segments of his thought that by most definitions would be termed liberal. These segments were Boucher's ideas on slavery, Indian policy, and religious toleration of Catholics. I hoped to show that in much of his thought Boucher was not very different from the revolutionaries and, indeed, in some aspects he was more liberal.

In order to do this, I searched the writings of Boucher, of other Loyalists, and of the American revolutionaries in order to compare their ideas. I also made extensive use of secondary materials on this era.

I found that in much of his political thought Boucher was very close to the founders of America. In his ideas on slavery, Indian policy, and toleration of Catholics, he held ideas that were much ahead of his time. He did not fit neatly into the ultra-conservative mold. I also found that colonial and early American society was not as liberal and democratic as we are sometimes led to believe by scholars. This myth of early American democracy is in part the reason that Boucher

has been saddled with classification as a reactionary. Studying Boucher's thought has also cast further doubt on the terms "liberal" and "conservative" as adequate descriptions of political beliefs and behavior.

I concluded that the characterization of Boucher as an ultra-conservative was an erroneous one. It was a characterization that ignored certain aspects of Boucher's thought as well as the realities of early American political philosophy.

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INTRODUCTION

There is an adage that history belongs to the victors. This seems especially to be the case where the American Revolution is concerned. Because it marked the beginning of our nation, the political thought of the revolutionary leaders has received most of the attention from scholars and has been enshrined by this country. The ideas of the revolutionaries, of Paine, Jefferson, Hamilton, John and Samuel Adams and the philosophies of those who inspired them, chiefly, Locke, Blackstone, Coke, and Harrington are very familiar to students of American political thought. On the other hand, the ideas of Loyalist thinkers, like Boucher, Galloway, Leonard, and Seabury are not as familiar. Indeed, Lawrence Leder has said that they represent a "lost generation."

Although excellent general studies have been done on Loyalism as a whole by Nelson, Brown, Calhoon, Van Tyne, and others, the Loyalist political philosophers have not received the attention they deserve. That the political thought of the Loyalist thinkers has been largely ignored is unfortunate for they represented far more than a small, insignificant,

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[1]Lawrence Leder, ed., The Colonial Legacy: Loyalist Historians (New York, Evanston, San Francisco, London: Harper and Row, 1971), p. 12.

minority. It has been estimated that of the 2.5 million people that constituted the population of Revolutionary American one-third were neutral, another third were Loyalist and only the remaining third were supporters of the Revolution.[2] John Adams also put Loyalist strength at about one third of the total population.[3] Thus it seems that in terms of numbers, Loyalist strength was equal to that of the patriots.

The numerical significance of the Loyalists can further be seen in the tremendous number that fled America during and after the Revolution. It has been estimated that between 80,000 and 100,000 Loyalist left America because of the Revolution. Thus the American Revolution had a higher proportion of exiles than either the French Revolution or the Cuban Revolution of 1961.[4] Clearly, the Loyalist constituted more than a microscopic portion of the American colonists.

Not only were the Loyalists significant in numbers but within their ranks were to be found some of the most distinguished and important men in the colonies. Tyler says that

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[2]Thomas H. Greene, Comparative Revolutionary Movements (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1974), p. 47.

[3]Charles Frances Adams, ed., The Life and Works of John Adams, Vol. 10 (Boston: Little, Brown, and Company, 1856), p. 110.

[4]Wallace Brown, The Good American: The Loyalists in the American Revolution (New York: William Morrow and Company, 1969), p. 269.

they seemed "to have had among them a very considerable portion of the most refined, thoughtful, and conscientious people in the colonies."[5] Merely a survey of many of the Loyalist leaders is enough to lend credence to this statement, for such prominent Loyalists as Thomas Hutchinson, the Dulanys, Joseph Galloway, and Daniel Leonard were among the most powerful and prestigious men in their respective colonies before the advent of the Revolution. They were men of some wealth and education, men of established colonial families, and men who had had some degree of success in colonial politics. Therefore, it seems that the Loyalists also included many of the most important figures in colonial America.

However, one should not assume that the Loyalists were drawn exclusively from aristocratic elements in the colonies. They drew from all classes. A majority of them were farmers of various types, and many of them were professional people. Many of the immigrants, particularly those from Scotland and Germany, became Loyalist. A large portion of blacks became Loyalist, drawn by a British offer of freedom to those who would leave their rebel masters. Also, many Indians on the frontier supported the British cause.[6]

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[5]Moses Coit Tyler, The Literary History of the American Revolution, 1763-1783, Vol. I (New York: Frederick Ungar Publishing Company, 1897), p. 303.

[6]Brown, pp. 44-81.

So, we see that Loyalism was not confined to the upper classes; like their patriot counterparts the Loyalist drew from all segments of colonial American society.

I believe scholars should take a fresh look at the political thought of the Loyalists, for to ignore it is to ignore the ideas of a substantial portion of the people of Revolutionary America, not only substantial in numbers but also in stature and in diversity. Furthermore, it should not be assumed that because the Loyalists lost the Revolution that their arguments were somehow strewn with weaknesses. Tyler writes that "the side of the Loyalist . . . was even in argument not a weak one and in devotion and self-sacrifice not an unheroic one."[7] Galloway's argument for dominion status for America, Boucher's refutation of Locke, and the arguments on the part of many Loyalists on the question of "virtual representation" do not lack merit, but they have simply been relegated to a subordinate position because they were expressed by the defeated side. Indeed, the political philosophies of many Loyalists, as we shall see later, were not radically different from those of the patriots. Virtually all colonial Americans, both Whigs and Tories, disagreed with post 1763 British policy toward the colonies. It was the mode of resistance, whether there should be merely

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[7]Tyler, Vol. 1, p. 296.

reform or revolution that divided them.[8] So it seems that the political philosophies of Loyalist political thinkers deserves much more attention than it has heretofore been shown. Perhaps the "lost generation" may yet be saved for political science and other disciplines by a careful study of their thought. Such a study would promote a more balanced picture of American political thought at the time of the American Revolution.

As a step in this direction, I propose to examine in this thesis certain elements of the political thought of Jonathan Boucher, the Anglican minister whom Andrew Scott has called, "the most talented, if not the most influential of Tory spokesmen."[9] Here was a man whose political thought Michael Clark said, "has not received the systematic attention commensurate with his significance as an observer and interpreter of the revolutionary struggle."[10] It is clear that Boucher's thought merits further study by students of political philosophy.

Jonathan Boucher was a believer in strict obedience to government. In his opinion, to disobey the laws of the

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[8]Ibid., p. 374.

[9]Andrew Scott, ed., Political Thought in America (New York: Holt, Rinehart, and Winston, 1959), p. 45.

[10]Michael Clark, "Jonathan Boucher's Causes and Consequences" in The Colonial Legacy: Loyalist Historians, Lawrence Leder, ed., p. 90.

state was to disobey God's law, for God had ordained all governments, good and bad. Boucher adhered to Sir Robert Filmer's doctrine of patriarchialism, which likened a country to the family.[11] Just as the father was the head of the family, the king was the head of the country, and one should obey the government just as one should obey his father. The only time one should not obey the government was when its laws conflicted with the law of God. Then one should practice "passive obedience," which is to say that, he should obey the law of God rather than the law of the state but passively accept the punishment meted out by the state for doing so. Because of his belief in obedience to government, Boucher attacked the principle of equality, and the Lockean concepts of the right to revolution, and the social compact.[12]

Thus Boucher has usually been viewed as an extreme conservative, a man whose philosophy was antiquated and alien to the prevailing American pattern of thought. Michael D. Clark said, "His [Boucher's] peculiarly ultra-conservative political assumptions . . . placed him in a class almost by himself." Leonard Labaree talked of him as representing the

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[11]Sir Robert Filmer, Patriarcha and Other Political Writings, Peter Laslett, ed. (Oxford: Basil Blackwell, 1949).

[12]Jonathan Boucher, "Causes and Consequences" in Political Thought in America, Andrew Scott, ed., pp. 74-81.

"reactionary point of view" in the southern colonies. V. L. Parrington painted Boucher as clinging to an "outworn" and refuted doctrine, a "voice of seventeenth-century Cavalier England, speaking to an alien people, bred up in another philosophy of government." And Allen Guttmann wrote, "he [Boucher] ought to be remembered as an authentic, if somewhat exaggerated, representation of what the majority of his contemporaries were not."[13] This is the view of Boucher that has been most often expressed by scholars of early American political thought, the view of Boucher the arch-Tory and ultra-conservative.

However, this is not the only view of Boucher. Robert G. Walker saw Boucher as a civil libertarian and defender of minority rights. Anne Young Zimmer saw him as a moderate Loyalist, a Whig pushed into high-Toryism by the turbulence of Maryland politics and years of bitter exile in England.[14] And indeed if one searches Boucher's political thought, one will find certain aspects that are quite liberal for a man

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[13]Clark, p. 89; Leonard W. Labaree, Conservatism in Early America (Ithaca: Cornell University Press, 1948), pp. 63, 128; Vernon Louis Parrington, Main Currents in American Thoughts (New York: Harcourt, Brace and Company), pp. 214-215; Allen Guttmann, The Conservative Tradition in America (New York: Oxford University Press, 1967), pp. 17-18.

[14]Robert G. Walker, "Jonathan Boucher, Champion of the Minority" in The William and Mary Quarterly, 3rd Series, Bol. 2 (January 1945), pp. 3-14; Anne Young Zimmer, Jonathan Boucher: Moderate Loyalist and Public Man (Ph.D. dissertation, Wayne State University, 1966).

considered to be an ultra-conservative. These liberal elements are Boucher's ideas on slavery, treatment of Indians, and religious toleration, and these are the elements on which I intend to concentrate in this thesis.

In his book, A View of the Causes and Consequences of the American Revolution, which is composed of thirteen sermons preached between 1764 and 1775, Boucher called for the gradual compensated emancipation of slaves.[15] Although his opposition to slavery was somewhat on humanitarian grounds, claiming that it debased the slave and was injurious to society as a whole, Boucher's main objection to slavery was based on economic grounds.[16] He felt that in the end free labor was cheaper than slave labor.[17] In this he was not alone; both Benjamin Franklin and John Adams held similar views.[18] Boucher's opposition to slavery, for whatever reasons, placed him in the company of such men as Jefferson, John Adams, Franklin, Patrick Henry, and Alexander Hamilton, all of whom either made anti-slavery statements or openly joined anti-slavery societies.[19] Indeed, as Ann Zimmer points out,

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[15]Jonathan Boucher, A View of the Causes and Consequences of the American Revolution; in Thirteen Discourses Preached in North America Between the Years 1763 and 1775 (London: G. G. and J. Robinson, 1797), pp. 38-39.

[16]Ibid., pp. 38-41. [17]Ibid., pp. 38-39.

[18]David Brion Davis, The Problem of Slavery in the Age of the Revolution, 1770-1823 (Ithaca: Cornell University Press, 1975), p. 85.

[19]Ibid., pp. 84-85, 94, 165.

Boucher came out against slavery years before Jefferson's more famous statements on the subject, and years before the rhetoric of the Revolution pointed out the glaring contradiction of holding slaves while complaining of one's own slavery.[20] Thus, Boucher's views on slavery would certainly not seem characteristic of an ultra-conservative or a man behind the times.

Boucher also called for the humane treatment of Indians, a suggestion that Michael Clark says was liberal in 1763.[21] He believed that the Indians were not "untameable monsters" and that they should not be exterminated, as was the policy in Virginia at the time, but that attempts should be made to civilize and Christianize them. To civilize the Indians, Boucher recommended that they be changed from a hunting society to an agricultural society. He seemed to think that an agricultural existence fostered peace.[22] Zimmer again points out that Boucher cried out against the ill treatment of Indians years before Jefferson addressed himself to the problem.[23]

Boucher, like Jefferson, was a supporter of religious toleration. He supported religious toleration of Catholics while the revolutionary, Hamilton, decried the "unparalleled

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[20] Zimmer, p. 80. [21] Clark, p. 113.

[22] Boucher, pp. 24-35. [23] Zimmer, pp. 76-77.

stride of power by which Popery and arbitrary dominion were established in Canada."[24] So, neither in this aspect of his thought does Boucher appear to fit the description of an ultra-conservative.

These liberal elements are the aspects of Boucher's thought I intend to study. I intend to look at them against the prevailing pattern of political thought in America at the time and to try to explain how they fit in with Boucher's generally conservative philosophy. These liberal elements are parts of Boucher's thought that, with the exception of a handfull of scholars, have been largely overlooked. I believe that in order to get a more complete picture of Boucher we must look also at these aspects of his thought. Moreover, these liberal elements raise other questions about Boucher, and about early American political thought in general. For instance, was Boucher as far to the right of the mainstream of American political philosophy as scholars have suggested? Was early American political thought as liberal and democratic as many historians and political scientists would have us believe? Did other Loyalists hold liberal views similar to those expressed by Boucher? If so, might not America have lost, through the Loyalist exile, a significant liberal segment to its population that may have helped eradicate

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[24]Harold C. Syrett, ed., The Papers of Alexander Hamilton, Vol. 1 (New York: Columbia University Press, 1961), p. 49.

slavery sooner and led the way to a more humane Indian policy? These are questions on which I shall attempt to shed more light.

There is some question as to when Boucher held the political philosophy expressed in his sermons, Anne Zimmer claiming that his Tory position did not materialize until after his exile to England. In this thesis I am not so much concerned with the development of Boucher's thought as I am with the substance of it. Of course, some time will be devoted to the development of his thought, but I will concentrate mainly on Boucher's philosophy as articulated in his book of sermons.

In the course of this work extensive use will be made of the terms "conservative" and "liberal" or derivations thereof. These are loosely defined, value laden terms that have different meanings and connotations to different people. Therefore, it seems fitting that we should come up with some kind of operational definition as to what is meant by these terms in this particular work. For this purpose I looked at several other definitions of liberal and conservative and selected from them those elements that seemed most often to recur.[25] From these I constructed my own definition.

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[25]Kenneth M. Dolbeare, Directions in American Political Thought (New York: John Wiley and Sons, Inc., 1969), pp. 16-18; William A. Orton, The Liberal Tradition, A Study of the Social and Spiritual Conditions of Freedom (New Haven: Yale

Therefore, for the purpose of this paper, conservatism shall be defined as a political ideology characterized by: a skepticism toward change, a belief in the natural inequality of man, an advocacy of community rights over individual rights, a reverence for religion, a positive view of government, a belief in some sort of aristocracy, a belief that man is basically evil, and an "organic" view of society. Liberalism, on the other hand, shall be defined as a political ideology characterized by an eagerness for change, a belief in individualism and individual rights over community rights, the natural equality of man, a negative view of government, a positive view of the nature of man, and a faith in reason as a solver of problems.

So, when I speak of liberals I am speaking of people who adhere to at least most of the above characteristics of liberalism, and when I speak of conservatives I am talking of people who adhere to at least most of the above characteristics of conservatism. Of course, these definitions will not satisfy everyone. Few definitions of these two terms do, but the boundaries must be set somewhere.

Now that we have some idea as to what is meant by liberal and conservative in this work, let us look at the

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University Press, 1945), p. 15; Clinton Rossiter, Conservatism in America (New York: Alfred A. Knopf, 1955), pp. 61-62; J. Salwyn Schapiro, Liberalism, Its Meaning and History (Princeton, New Jersey: D. Van Nostrand Company, Inc., 1958), pp. 9-13.

body of the thesis. It will consist of five chapters, the first of which will deal with Boucher's life. I feel that it is important to look first at Boucher's life for it is impossible to understand a man's political philosophy without looking at his life and the times in which he lived. The second chapter will consist of an overall view of his political philosophy. The third chapter will deal with Boucher's views on minorities, specifically his ideas on the treatment of Indians and on the question of black slavery. In the fourth chapter we will look at Boucher's ideas on the toleration of Catholics, touching also on his civil libertarian nature in general. In the final chapter I hope to conclude, tying all of the various elements of the thesis into some kind of package.

CHAPTER I

LIFE

Jonathan Boucher was born in 1738 in the village of Blencogo, Cumberland County, England, which lies in the northwestern corner of the country, bordering Scotland. It was an economically depressed area partially due to the fact that it had been the object of constant strife between England and Scotland, changing hands between the two countries several times before their unification in 1603.[1] Jonathan's parents were poor. They ran an ale-house while his father doubled as a schoolmaster. Jonathan remembered his first years as being years of miserable poverty. In his Reminiscences, he wrote: "I remember only that we lived in such a state of penury and hardship as I have never since seen equaled, no, not even in parish almshouses."[2] Although this statement may be somewhat exaggerated, it is clear that Boucher's family was not in a financially stable position. The only thing that remained for them was the pride they had in a rich family tradition.

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[1]Norman Nicholson, Cumberland and Westmorland (London: Robert Hale, Limited, 1949), pp. 120-131; Zimmer, p. 3.

[2]Jonathan Boucher, Reminiscences of an American Loyalist, Jonathan Bouchier, ed. (Boston and New York: Houghton Mifflin Company, 1925), p. 9.

According to that tradition, the Bouchers had come to England from Normandy with William the Conqueror who had granted them land in northern England. Jonathan wrote in his Reminiscences how his father would recount for him the many exploits of their ancestors in the Border wars with Scotland and how two of them had been active chieftain in the wars, receiving large estates for their services. Later, however, during the English Civil War, the head of the Boucher family had supported the Parliament and as a result lost a great deal of his estate. The family never recovered its lost wealth and prestige. Jonathan's family seems then to have been the remains of a decayed gentry.[3]

The poverty of Jonathan's early years seemed to have had a tremendous effect on him. After observing how much his parents toiled for so little return, he resolved that he would not spend his life that way. The poverty of his youth seemed to have awakened an ambition in him, an ambition to "move up" in life. Thus, at times he seemed a social-climber, motivated predominantly by the desire to attain a higher social position. The view of Boucher as a social-climber is further buttressed by the fact that he hated physical labor. He wrote in his Reminiscences, "It is, however, an undoubted fact that both young and old I was naturally lazy and hated work."[4] Therefore, at times Boucher

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[3]Ibid., pp. 204. [4]Ibid., p. 10.

seemed to be a lazy man, seeking to reach the top through the easiest possible means.

Zimmer has suggested another possible reason for Boucher's ambition somewhat connected with his childhood poverty: to regain for himself and for the Boucher family some of the wealth and status they had known generations before. According to Zimmer, James Boucher had taken great pains to imbue in his son a deep sense of commitment to struggle, to maintain and if possible to increase the class position of the Boucher name in English society.[5] So it appears plausible to say that Boucher's ambition had a great bearing on his life. It is difficult to say whether this ambition was the result of an effort to escape the hard work and poverty of his youth and regain the lost social status of his family heritage, or whether it was the result of some other force. At any rate, this quest for social position, as we shall see later, seems to have had, at least, a partial effect on Boucher's future conservatism.

Despite their financial position, Jonathan's parents were concerned that their son should have a decent education. Boucher attended schools near his home in the early years of his life and at the age of sixteen became a schoolmaster, the

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[5]Zimmer, p. 19.

profession his father had chosen for him.[6] Then, on his father's orders he went to be an usher at the school at Saint Bees. The master of Saint Bees was the Reverend Mr. James for whom Boucher developed a tremendous admiration. The two men became life-long friends. James served as Boucher's schoolmaster, according to Jonathan, the best one he ever had. He corrected Jonathan's deficiencies in grammar and opened to him a whole new world of books.[7] Jonathan's years at Saint Bees were apparently very happy and productive ones. Of them he wrote, "I never have spent my time, or lived more rationally, than I think I did for the two years that I spent at Saint Bees."[8] At Saint Bees, under Mr. James' tutelage Boucher wrote that he became a "decent scholar, and, what was of more moment, a tolerably decent man. . . ."[9]

In 1759 James heard that an English merchant, a Mr. Younger, was looking for a young man to go to Virginia to be a private tutor for a gentleman's sons. The position offered paid passage to America, board, and sixty pounds sterling per year for tutoring four boys with the option of taking on four more at whatever terms could be arranged. James helped to secure the position for young Boucher and in April 1759 he left for America.[10]

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[6]Boucher, Reminiscences of an American Loyalist, pp. 14-20.

[7]Ibid., pp. 20-23. [8]Ibid., p. 21.

[9]Ibid., p. 23. [10]Ibid., pp. 24-25.

Boucher was to be tutor for Captain Dixon of Port Royal, Virginia, a retired sea captain on whose behalf Younger had acted. Boucher landed in Virginia on July 12, 1759.[11] His first impressions of America were mixed. He said that the manner and conversation of the inhabitants were "almost in every Thing ye very opposite of my Taste."[12] Yet, he was impressed with the wealth of the place. In a letter to James he wrote, "Plenty and Abundance are nowhere wanting; and this ye Inhabitants seem to know, and therefore (differ't from some of you at Home) with Satisfaction and Pleasure Enjoy them."[13] He went on to say:

> They live well and dress well, all without any Labour and almost with't any concern of their own. So that it may truly enough be said of many of Them, 'They toil not, neither do they spin, yet Solomon in all his Glory was not array'd like one of These.'[14]

To Boucher this must have seemed a fabulous place, a place where a penniless schoolmaster could prosper if he put his mind to it, without the grudging physical labor that sometimes netted nothing but poverty.

After a few months of tutoring, Boucher decided to branch out and embark on a career as a merchant. Mr. Younger had suggested to him before he left England that he might

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[11] Ibid., pp. 25-26.

[12] Jonathan Boucher to the Reverend John James, August 7, 1759, "Letters of Jonathan Boucher" in The Maryland Historical Magazine, Vol. 7 (March 1912), p. 4.

[13] Ibid., p. 4.

[14] Ibid., p. 5.

want to engage in trade and offered to employ him as his factor should he decide to do so. Boucher eventually decided to accept Younger's offer. A ship was dispatched from England with a cargo of goods and a house was purchased in Falmouth in which Boucher was to set up his store. However, Boucher's career in trade never materialized. Captain Dixon, a widower, was in the process of trying to negotiate a profitable marriage with a widow, Dorcas Washington. Apparently the question of Dixon being the father of an illegitimate child was threatening the match. Dixon approached Boucher and another man, offering them a tidy sum of money if one of them would marry the woman and admit to fathering the child. Boucher rather scornfully rejected Dixon's offer and incurred his undying emnity. Dixon spitefully decided to sabotage Boucher's deal with Younger. Writing Younger, he told him that a new store there would hardly be profitable causing Younger to cancel his deal with Boucher. Soon after that Younger's business failed and with it went Boucher's career as a merchant.[15]

In 1762 a vacancy opened for an Anglican priest in Hanover parish of King George's County and Boucher was unexpectedly offered the position, which he accepted. He sailed to England to receive ordination and returned to

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[15]Boucher, Reminiscences, pp. 28-29.

America an Anglican minister.[16] Boucher's entry into the ministry was accidental. Prior to this time he seemed to have entertained no desire to enter the Anglican priesthood. In January of 1760, Boucher wrote James a letter informing him that he did not intend to go into the ministry, but to pursue a secular avocation as a merchant. He described the Virginia clergy as "worthless" and went on to say that generally speaking they were "the most despised and neglected Body in the Colony. . . ."[17] Worthington C. Ford echoes Boucher's contention that the quality of the clergy in Virginia at this time was very low. He wrote, "If we were to judge the sincerity of the church by the character of some of its exponents and agents to be found in Virginia, the result would be discouraging."[18] He said that like much of the merchandise sent to America many of the clergy could be called "colonials," meaning that the quality was not good enough to be used at home.[19] Zimmer remarks that many of the clergymen were alcoholics and parishioners would sometimes find them drunk in the pulpit.[20] The condition of the Virginia clergy can further be seen in the fact that it was

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[16]Ibid., p. 30.

[17]Boucher to James, January 31, 1760, in MHM, Vol. 7 (March 1912), p. 17.

[18]Worthington C. Ford, ed., "Letters of Jonathan Boucher to George Washington" in The New England Historical and Genealogical Register, Vol. 52 (January 1898), p. 16.

[19]Ibid., p. 61. [20]Zimmer, p. 51.

a minister, Mr. Giberne, whom Boucher replaced at Hanover parish, that was the only man Boucher had ever gambled with.[21] Boucher seemed to have had doubts about his own piety at this time and did not think himself equal to the task of being a minister. He wrote, "My thoughts had long been withdrawn from the Church; nor could my late course of life in any sense have qualified me for it."[22] In his first impressions of Virginia Boucher described the people as conversing mostly on "subject of Gaiety and Levity" and of being of "a livelier, readier wit . . ." than Englishmen.[23] Apparently, Boucher had gotten attached to this type of living for he described himself at this time as engaging in "many silly frolics" and "very often at balls and on visits, and almost constantly in a round of very unimproving company."[24] So, up until the vacancy in St. George County, Boucher had not thought of himself as a candidate for the ministry. He had desired secular employment rather than spiritual, furthermore, he did not see himself as spiritually worthy to become a minister. However, the debacle with Dixon and Younger had put him rather in a quandary and when the offer came, in Boucher's

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[21]Boucher, Reminiscences, p. 30. [22]Ibid., p. 29.

[23]Boucher to James, August 7, 1759, in The Maryland Historical Magazine, Vol. 7 (March 1912), p. 4.

[24]Boucher, Reminiscences, p. 27.

words, "not knowing what else to do with myself," he decided to accept it.[25]

For a man who had expressed no particular desire to enter the ministry, and indeed had been somewhat critical of it, Boucher apparently made a good priest. Of him W. C. Ford said, "It must be admitted that Boucher was, in ability, much above the ordinary divine to be found in Virginia at that time."[26] Such was the respect of his parishioners for him that when he left Hanover parish in 1763 to fill a vacancy in St. Mary's parish, they continued his salary a quarter of a year after he had left them.[27] This is even more remarkable when one considers that Boucher had gotten off to a precarious start in St. George's County, where the popular former minister, Mr. Giberne, had attempted to poison the minds of the parishioners against Boucher in retaliation for some remarks Boucher had made about Giberne's scholarly pretenses.[28]

Boucher prospered in St. Mary's parish. He continued his occupation of tutoring, increasing the number of boys who boarded with him from six to about thirty. Among these boys were the sons of some of the most prominent gentlemen

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[25]Ibid., p. 30.

[26]Ford, ed., Boucher to Washington, Vol. 52 (January 1898), p. 61.

[27]Boucher, Reminiscences, p. 40.

[28]Ibid., pp. 34-38.

in Virginia, the most celebrated of which was probably Jackie Parke Custis, the stepson of George Washington. Boucher and Washington became friends, and remained so until the Revolution came between them.[29] Boucher invested heavily in his plantation at St. Mary's. He bought stocks of cattle, horses, and slaves, running into debt five or six hundred pounds. For a man who had a self-proclaimed loathing for physical labor, he seemed to have put in a great deal of work on the plantation. His first overseer turned out to be incompetent, so Boucher undertook all of the running of the plantation by himself, and although this was his first attempt at such a venture, he was successful in bringing in a good crop. He also superintended his thirty boys without the services of an usher for two years. Boucher lived at St. Mary's for seven years, and although he had good, friendly neighbors and made a good living, he remarked that he did not look on this period of life with much satisfaction. He did not find it the kind of life a "literary" man should lead and although he had prospered, he felt he did not do as well as he could and should have done.[30]

At this time Boucher also began to wrestle with his religious convictions. He was not a stranger to Enlightenment thought and read widely. His works abound with

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[29] Ibid., p. 48.

[30] Ibid., pp. 40-41.

references to Voltaire, Rousseau, Blackstone, Locke, Hobbes, and many other great thinkers of the Enlightenment. During his time at St. Mary's he read the works of two rationalist theologians, Clark and Whiston, that had the effect of shaking his faith in the Holy Trinity. Such was the extent of his doubt that for a whole year he omitted the Athanasian Creed from his services, before he was able to resolve the problem to his own satisfaction.[31]

Boucher had long sought an appointment to a parish in Maryland where clerical salaries were higher than they were in Virginia. In his last years in Virginia, Boucher had made friends with Henry Addison and Walter and Daniel Dulany, powerful figures in Maryland. In 1770, after much difficulty, and with the help of these friends, Boucher obtained an appointment to St. Anne's parish in Annapolis.[32] In Annapolis, Boucher seemed finally to have found a home. He called it, "the genteelest town in North America . . . ," marvelling at its many eminent inhabitants and the cultural enrichments to be found there.[33] Always having considered himself a literary man, he found himself in the company of other literary men which seemed to have pleased him tremendously. He had the chance to write some verse for an actress and a couple of prologues for some plays, claiming

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[31]Ibid., pp. 43-48.

[32]Ibid., pp. 50-57.

[33]Ibid., pp. 65-66.

that he "became of some note as a writer."[34] His friends included some of the most influential men in Maryland: Henry Addison, whose sons attended Boucher's school and whose niece he eventually married; Walter and Daniel Dulany, members of one of the most prestigious and powerful families in Maryland; and Governor Robert Eden with whom Boucher had a particularly close, lifelong friendship.[35] As rector of Annapolis, Boucher served as official chaplain to the Lower House of the Maryland legislature. He claimed to have had a great deal of power saying:

> I was in fact the most efficient person in the administration of Government, though I neither had a post nor any prospect of ever having one. The management of the Assembly was left very much to me; and hardly a Bill was brought in which I did not either draw or at least revise, and either got it passed or rejected.[36]

Although this claim seems to be somewhat exaggerated, Boucher's friendship with Eden and the Dulanys no doubt gave him some degree of power. At this time Boucher also became president of the Hominy Club, one of the most prestigious gentlemen's clubs in Maryland. It was a social club dedicated, Boucher said, to the promotion of "innocent mirth" and "ingenious humour." Some of the most important men in the colony were members, including Governor Eden who was an honorary member.[37] Thus, it seemed that in Maryland Boucher had attained

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[34] Ibid., p. 66.

[35] Ibid., p. 67.

[36] Ibid., p. 92.

[37] Ibid., pp. 66-67.

what he had been looking for since his impoverished childhood days in Blencogo, a measure of wealth and social position. He had recaptured for the Boucher family the status that had once been theirs in those early years in Cumberland County. He had obtained for himself a gentleman's existence, devoted to literary pursuits and the leisure and company of other gentlemen. However, Boucher's success would be short-lived. The current of the times was running against Jonathan Boucher and would soon seal his fate.

Part of the explanation for Boucher's conservatism and Loyalism is the fact that he was caught up in the chaos of Maryland politics on the eve of the Revolution. Charles A. Barker wrote,

> At no time in the eighteenth century, from the restoration of proprietary government to the Revolution, was there even an interval of real political peace in Maryland.[38]

Maryland politics was dominated by a struggle between the proprietary forces, represented by the governor, the upper house, and the lord proprietor; and the anti-proprietary faction, which dominated the lower house. The lord proprietor had vast powers, Robert Calhoon remarking that he ran the colony "like a feudal barony."[39] He appointed the

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[38]Charles A. Barker, The Background of the Revolution in Maryland (New Haven: Yale University Press, 1940), p. 214.

[39]Robert M. Calhoon, The Loyalists in Revolutionary America, 1760-1781 (New York: Harcourt, Brace, Jovanovich, Inc., 1965), p. 140.

governor, who served at his pleasure, and to whom he issued instructions on provincial policy. Through the governor he appointed the Privy Council of State, or Council, which served as the upper house (minus the governor as head), the executive body, and the provincial court of appeals. Through the Council, the proprietor also had various fees collected which served as income for the governing of the colony and as profit for the lord proprietor. The Council was made up of gentlemen farmers, many of whom were friends, relatives, or relatives of relatives of the lord proprietor, such as, Governor Robert Eden, who was the lord proprietor's brother-in-law. They formed what was called the "proprietary family," a sort of clique from which outsiders were excluded.[40] In addition to his other powers, the lord proprietor also had authority over the appointment of clergymen in the colony for the established Anglican Church. This was a power that would cause much trouble in Maryland in the near future as we shall see.[41]

The anti-proprietary element held supremacy in the popularly elected lower house. They were opposed to the absolute power of the lord proprietor, many of them agitating for a conversion from proprietary government to royal government, for even the king did not exercise as much power

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[40]Barker, pp. 117-153. [41]Ibid., p. 46.

over royal colonies as did the lord proprietor over Maryland. In Barker's words, they felt that the proprietorship was "expensive, burdensome, and absolutistic" and that royal government at least "held out the expectation of autonomy and benevolence under the protecting rights of the British Constitution."[42] Conflict between the two forces was augmented by the fact that all four authorities in the colony, the lower house, the upper house, the governor, and the lord proprietor could introduce legislation and no legislation could become law without the approval of all four. Since the proprietor, governor, and upper house were bound together by common interest, the seeming system of checks and balances really amounted to a battle between two opposing forces, the proprietary forces and the anti-proprietary forces. In the years just prior to the Revolution, the battle increased in intensity, with the proprietary forces seeking to protect and enhance their power and the anti-proprietary forces seeking to curb that power, partially by linking their arguments against proprietary rule to the greater struggle of America against British excesses.[43]

The issue that brought the two sides to their sharpest clash was the expiration in 1770 of the tobacco inspection law. Bound up with this law was the question of official's

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[42]Ibid., p. 118. [43]Calhoon, p. 139.

fees and clergy dues. The law was first passed in 1747 and when last renewed in 1763 had caused much strife between the two legislative houses. Since that time investigations by special lower house committees had revealed the scandalously high incomes state officials had been receiving from the collection of fees. With tobacco prices being depressed at the time of the law's expiration, the high fees were hardly affordable. Members of the lower house saw this as their chance to reduce officials' fees.[44]

The stage was thus set for the confrontation between the proprietary and anti-proprietary forces. The lower house, seeking a test case with which to attack officials' fees charged that William Stewart, a clerk in the land office, had continued to collect fees after the law had expired. This was done without any statutory right whatsoever, which only the assembly could grant. The lower house discharged the sergeant-at-arms to jail Stewart until further notice. Governor Eden parried by proroguing the legislature just long enough to free Stewart, then reconvening it to discuss the passage of a new inspection law. This move greatly angered the lower house who saw the governor's action as further evidence of the excessive power of the lord proprietor, and an affront to the principles of representative government. In his next action, Eden again invited the

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[44]Barker, pp. 340-341.

indignation of the lower house. Seeing that the two houses could not agree on a new inspection law, and seeing that the colony was desperately in need of one, Governor Eden issued a proclamation which said that until a new law was passed inspections would continue, the fee rate not to exceed that collected under the old law. To the lower house this was rule by tyranny, and they vehemently attacked the governor's proclamation. The controversy raged for about two years and when the legislature was not in session, due to the death of the Lord Baltimore, the debate spilled over into the newspapers. Finally, the lower house relented and passed a tobacco inspection law without a fee schedule, letting the question of fees stand. It was a victory for the proprietary element.[45]

The same 1747 tobacco inspection law that dealt with officials' fees also reduced clergy dues from forty pounds of tobacco per poll, as set in the 1702 Act of Establishment, to thirty pounds per poll. Since the 1747 law had now expired, the clergymen argued that the 1702 act was now in effect, meaning for them an increase in income of ten pounds per poll.[46] As mentioned above, the authority over the appointment of Anglican clergymen went to the lord proprietor, who sometimes placed his personal favorites in lucrative parishes. As in Virginia, there was great dissatisfaction

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[45]Ibid., pp. 345-357. [46]Ibid., p. 358.

with the men being appointed as clergymen in Maryland. There were numerous complaints to the bishop of unsavory conduct among the ministers, ranging from complaints of drunkenness and neglect of duty to the fathering of illegitimate children. These complaints prompted moves for reform but many of these moves were quashed because they interfered with the prerogative of the lord proprietor.[47] Thus, people thought that the salaries of clergymen were generally too high considering the scandalous behavior many of them exhibited. So, an effort was made to reduce clergy dues by arguing that the 1702 Act of Establishment was invalid due to the fact that the governor had signed it several weeks after the death of King William, whose commission he held. They argued that the law should have been signed by someone who held the commission from Queen Anne.[48]

Jonathan Boucher, because of his friendship with Sir Robert Eden and his close ties with the Dulanys was already linked with the proprietary element. In 1772 seeing his clerical salary in jeopardy, he was to enter a debate that would further mark him as a member of the proprietary faction. In December, 1772 he embarked on a debate in the Maryland Gazette on the question of clergy dues with William Paca and Samuel Chase, two leaders of the anti-

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[47] Ibid., pp. 43-49, 359.

[48] Ibid., p. 360.

proprietary faction. The debate began on an informative, issue-oriented note, with Boucher asking by what authority did Chase and Paca serve as vestrymen if the Act of 1702 was void. Chase and Paca countered by accusing Boucher of unfairly, and viciously attacking them in the press, and by bringing to public attention Boucher's unpopular views concerning an American episcopate. From there the letters seemed to have degenerated, on both sides, into a series of character assassinations, with issues taking a secondary role.[49] The letters ran for four months in the Maryland Gazette and when it was over Boucher had undoubtedly increased his list of enemies. To make matters worse, in November 1773, the legislature finally passed a new church tax which provided thirty pounds of tobacco or four shillings per poll for the clergymen, a considerable defeat for Boucher's cause.[50] So, because of this heated newspaper debate in which Boucher took part with Chase and Paca, and because of his association with the proprietary faction in the colony, Boucher made many new enemies, most of whom would serve the patriot cause in the coming Revolution.

Boucher's open support for the establishment of an American episcopate also aroused hostility toward him. He

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[49]Maryland Gazette, Boucher to Chase and Paca, December 31, 1772, February 4, April 15, 29, 1773; Chase and Paca to Boucher, January 15, March 18, 1773; Paca to Boucher, February 25, March 11, 25, April 8, 1773; Boucher to Paca, March 4, 18, April 1, 1773; Boucher, Reminiscences, pp. 70-71.

[50]Barker, p. 365.

helped initiate a petition among clergymen in the colony in favor of an American bishop. This so infuriated his friends and benefactors, Governor Eden and the Dulanys that for several months they refused to speak to him.[51] Boucher believed that establishing an American bishopric would be good for the Anglican Church. America would no longer have to depend on England for ministers. Since potential American ministers would not have to make the long trip to England for ordination, there would probably be an ample supply of local prospects. Boucher thought that the result would be better ministers, something that Virginia and Maryland sorely needed.[52] However, the question of an American episcopate was a controversial and emotional issue, especially in the climate just prior to the Revolution. Indeed, one should not underestimate its impact in bringing on the Revolution. Anglicans who wanted an American bishop were seeking to provide better organization and supervision for the American church; however, many nonconformist sects feared an American bishop as an attempt by the Church of England to stifle religious liberty and establish itself as the state church in America. It was associated with the Stamp Act and Townshend Duties, among other things, as part of a grandiose plot on the part of Great Britain to encroach

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[51]Boucher, p. 65.

[52]Boucher, p. 112.

on American liberties.[53] Therefore, Boucher's championing of this cause earned him even more enemies among future patriots.

Boucher received an appointment, in 1773, to Queen Anne's parish in Prince George County. This he readily accepted for the parish was a good one, in a nice part of the country, and a valuable one because of an excellent strain of tobacco that was grown there. Also, it was the home of Nellie Addison, the niece of Henry, whom Boucher intended to court and whom he would eventually marry.[54] Boucher had acquired quite a reputation from the stands he had taken on controversial political issues. His new parishioners did not share his political sentiments, Boucher describing them as "in general, violent patriots." Indeed, they looked upon Boucher as a leader of the opposition faction. In addition, there was a clergyman from their own county, who shared their political beliefs, whom they would have rather seen get the appointment Boucher had received. Consequently, on his first Sunday there, Boucher found the

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[53]Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1967), pp. 94-159; Carl Bridenbaugh, Mitre and Sceptre, Transatlantic Faiths, Ideas, Personalities, and Politics, 1689-1775 (London: Oxford University Press, 1962); Arthur Lyon Cross, The Anglican Episcopate and the American Colonies (Cambridge, Massachusetts: Harvard Historical Studies IX, 1902).

[54]Boucher, Reminiscences, p. 73.

doors of the church shut against him, and a few Sundays following this a man paid eight dollars for so many loads of stones to drive Boucher and his friends from church by force if need be.[55] This was only the beginning to a stormy and troublesome period in Boucher's life.

Late in 1773, the lull that had persisted for the past few years in the dispute between the American colonies and the parent state came to an end. The controversial Tea Act, the resulting Boston Tea Party, and "Intolerable Acts" ignited anew the strife between Great Britain and her American colonies. This period also saw Jonathan Boucher drifting farther and farther toward the Tory position for which he is best remembered. Although Boucher is generally seen as a high-Tory and staunch defender of the monarchy, he held some rather Whiggish positions during most of his stay in America, particularly in his Virginia years. In a letter to James on December 9, 1765, Boucher bitterly attacked the Stamp Act saying, "you can not conceive what a sad situation we are in, occasioned by this terrible Stamp Act." He goes on to say that the act is in every sense "oppressive, impolitic, and illegal." He remarks that the rights of Americans have been "mercilessly invaded by Parliament . . ." which had never until then pretended to exercise such a privilege of internal

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[55]Ibid., p. 74.

taxation.[56] On American resistance to the Townshend Acts, Boucher wrote, "Seriously, I do think the American opposition the most warrantable generous and manly, that history can produce."[57] These do not seem to be the ramblings of an adamant high-Tory, on the contrary, they seem rather Whiggish in flavor. As Zimmer asserts, it seems to have been his connection with Maryland politics and the ill treatment he received from the revolutionaries that forged Jonathan Boucher into a Tory. In fact, it is Zimmer's contention that Boucher's Tory position did not crystallize until after years of bitter exile in England.[58] This view seems to have some validity. For example, as late as 1774 in his "Letter of a Virginian to the Congress," Boucher praises Locke, whom he will later viciously attack. Of Locke, he wrote:

> His treatise of government, as far as his ideas are practicable, with the corrupt materials of all governments, is undoubtedly a most beautiful theory, the noblest assertion of the unalienable rights of mankind.[59]

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[56]Boucher to James, December 9, 1765, in The Maryland Historical Magazine, Vol. 7 (March 1912), p. 295.

[57]Boucher to James, July 25, 1769, in The Maryland Historical Magazine, Vol. 8 (March 1913), p. 44.

[58]Anne Young Zimmer and Alfred Kelly, "Jonathan Boucher, Constitutional Conservative" in The Journal of American History, Vol. 58 (March 1972), pp. 897-922.

[59]Jonathan Boucher, "Letter of a Virginian to the Congress" (Boston: Mills and Hicks, 1774; Readex Microprint Edition, Published by the American Antiquarian Society), no. 13170, p. 26.

At another point in the letter, he states that they are fortunate to live in America where one can find "the spirit of equality, so flattering to all generous minds and so essential to the enjoyment of private society."[60] Later he would attack the principle of equality. So as late as September 1774, Boucher had not made the complete transition from Whig to Tory.

Boucher was not alone among future Tories in his opposition to post-1763 British colonial policy. Joseph Galloway, Daniel Dulany, Hector St. John de Crevecoer, and even Thomas Hutchinson were all opposed to the Stamp Act.[61] Most Americans were opposed to these policies. Indeed, Wallace Brown states, that it was "something of an anachronism to distinguish between Whigs and Tories" at this time.[62] Thus, Boucher did not appear to be out of step with American opinion nor did he, at this time, seem to be any more conservative than other colonists, Whig or Tory. America did not really split up into camps of Whigs and Tories until after the crises in Boston of 1773-74. This also seems to be the period when Jonathan Boucher began his drift toward Toryism. Although Boucher continued to oppose

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[60] Ibid., p. 30.

[61] Brown, pp. 31-32; William H. Nelson, The American Tory (Oxford: The Clarendon Press, 1961), pp. 5-7; Calhoon, pp. 52-57, 137-138.

[62] Brown, p. 32.

British policy, he apparently felt that the protests were beginning to go too far, that they were getting out of hand. The work of the extra-legal committees of safety frightened him as well as the frequent talk of democracy and republicanism, which he equated with anarchy. Boucher also seemed to have developed a greater love and dedication for the Church. This was a significant change for a man who had once spurned the ministry. The church doctrine of submission and non-resistance to government was, no doubt, etched in his mind. In the ever increasing intensity of these protests, Boucher felt he could discern something that went beyond the protest of a tax on tea, something much deeper, and much more dangerous.

As the American protest against British policy grew in fervor, Boucher began to speak out against the patriot cause in his sermons and in various newspapers. This, of course, drew the further ire of his parishioners. Because he declined the suggestion of some patriots to preach a sermon in favor of the "suffering people of Boston" and because he refused to join any of the revolutionary associations or sign any resolves in sympathy with the patriot position, he became, in his words, a "marked man." He continued, ". . . and though I endeavored to conduct myself with all possible temper and even caution, I daily met with insults, indignities, and injuries."[63] He

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[63]Ibid., pp. 105-108.

was called to appear before a revolutionary committee and a body of two hundred militia were dispatched to make sure that he appeared. Always determined that "the true way to escape a danger is fairly to meet it. . . ," Boucher told the captain of the militia, whom he knew, that he would not be escorted before the committee by the militia alive, but if the captain would withdraw his men he would report peacefully. Boucher appeared before the committee, on which his two old enemies, Chase and Paca, were sitting, and was able, mainly through addressing the crowd who had come to see the trial, to talk himself out of trouble.[64] Things subsequently grew so dangerous for Boucher that for more than six months he preached with a pair of loaded pistols lying on the cushion beside him,

> . . . having given notice that if any man, or body of men, could possibly be so lost to all sense of decency and propriety as to attempt really to do what had been long threatened, that is, to drag me out of my own pulpit, I should think myself justified before God and man in repelling violence by violence.[65]

Whatever can be said about Jonathan Boucher, it cannot be said that he lacked courage. With the use of the press denied him because of his unpopular views, Boucher continued to speak out against the patriots in his sermons.

In Revolutionary America the pulpit was an important forum for expressing political opinions. A fast day was

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[64]Ibid., p. 113. [65]Ibid., pp. 118-123.

called, apparently for expressing revolutionary doctrine. Boucher's curate, a Mr. Harrison, was supposed to deliver the sermon in Boucher's home church that day, but it was suggested to Boucher by Governer Eden and others that since Harrison had republican leanings it might be better if Boucher preached on that particular day. Boucher agreed and looked over the sermon Harrison had prepared. It was a sermon against absolute monarchy. Boucher softened the sermon to the point where it "could not possibly give offence" and on the appointed day appeared at the church to deliver it. He found the church filled with two hundred armed men under the command of Osborne Sprigg who informed Boucher that he would not be preaching that day. Boucher replied that this was his church and he would not be ordered out of his own pulpit. When the time came for the sermon to be delivered, Boucher prepared to mount the pulpit, "with my sermon in one hand and a loaded pistol in the other." He was restrained physically from entering the pulpit by friends who told him that they had heard orders given to twenty men that should he enter the pulpit he was to be shot. Undeterred, Boucher had to be physically prevented from entering the pulpit. In the ensuing melee, Boucher was surrounded by Sprigg's men and seeing himself in imminent danger Boucher seized Sprigg and held a cocked pistol to his head, "assuring him that if any violence was offered me I would instantly blow his brains out." By doing this Boucher was able to escape the

mob.[66] Boucher delivered the sermon the following Sunday and afterwards was again faced with an unruly mob whose clutches he was able to talk himself out of.

The treatment that Boucher received at the hands of the revolutionary committees was not atypical of that received by Loyalists, particularly the most vocal, by their fellow colonists. Wallace Brown writes, "The zeal of the patriots could be extremely capricious and, as always with witch-hunts frequently ridiculous and heavy-handed."[67] He relates the story of a citizen who was abused for naming his dog "Tory" and of a Episcopal minister who was brought before a local committee for officiating at a baptism where a child was named Thomas Gage.[68] Although the American Revolution featured no mass executions as did, for instance, the French and Chinese Revolutions, it did have its share of atrocities. Many Loyalists were mobbed and tortured by patriots. Dr. John Kearsley, a Philadelphia physician and Loyalist, was attacked by a mob that bayoneted his hand and paraded him through the streets of Philadelphia (the city of brotherly love) to the tune of the "Rogue's March." According to his wife, he nearly died from the treatment. Kearsley's house was later ransacked. He was arrested and eventually died in jail.[69] Loyalist Samuel Seabury and his friend Myles

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[66] Ibid., pp. 118-123. [67] Brown, p. 130.

[68] Ibid., p. 130. [69] Brown, pp. 137-138.

Cooper, President of Kings College (later Columbia) had to flee for their lives at one point. They stayed in an old mansion where they were hidden in a secret room, food being passed to them through a trap door.[70] Daniel Leonard was forced to leave his home at Tauton after bullets were fired into his house by a mob of his political enemies.[71] Tarring and feathering was a favorite punishment for Loyalists. John Malcolm, an outspoken Loyalist, was seized in Boston and on a bitterly cold night when the Boston harbor was completely frozen over, stripped naked, tarred and feathered and paraded through the streets of Boston.[72] A letter in the Boston Gazette speaks of some of the horrors that awaited Loyalists:

> . . . chaining men together by the dozens and driving them like herds of cattle into distant provinces, flinging them into loathsome jails, confiscating their estates, shooting them in swamps and woods as suspected Tories, hanging them after a mock trial; and all because they would not abjure their rightful soveriegn, and bear arms against him.[73]

Brown states that the number of Loyalists subjected to cruel treatment may never be known, as neither will the number murdered or executed "legally," but from the many accounts of executions in Whig newspapers the number must have been substantial.[74] Such was the climate in America in the years

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[70]Tyler, p. 353. [71]Ibid., p. 367.

[72]Brown, pp. 134-136.

[73]Boston Gazette, August 19, 1776, cited in ibid., pp. 133-134.

[74]Ibid., p. 138.

immediately preceding the Revolution. Such was the treatment handed out to Loyalists by men who talked of natural rights but denied their fellow citizens those same rights. These were the actions of men, many of whom in another twenty years would be clamoring for a Bill of Rights and talking about free speech and free press. It was in this climate that Jonathan Boucher became a law and order Tory. He was appalled and frightened by these extra-legal committees and lawless mobs that ransacked houses, quashed free speech, abused, tortured, jailed, and executed people without the benefit of duly constituted authority. As Boucher asked, "What is tyranny but the assumption and exercise of power without any authority?"[75] All the talk of republicanism and democracy from these people conjured up in Boucher's mind pictures of mob rule and anarchy, as it did in the minds of many eighteenth century thinkers, as we shall see later. For Boucher, the actions of these revolutionary committees indicated that America was headed straight toward oblivion.

Given the frequency of such incidents as happened in Boucher's home church, he decided that it was no longer safe for him to remain in America. It was a painful decision, leaving the country that had become his home, where he had all of his attachments to go to a country that had become

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[75]Boucher, Reminiscences, p. 130.

"foreign" to him; but on September 10, 1775, Jonathan Boucher left for England, never to see America again.[76] A measure of the bitterness Boucher felt about the treatment he had lately received in his adopted country can be seen in these excerpts from a letter he sent to George Washington, breaking off their friendship:

> I have at least the merit of consistency; and neither in any private or public conversation, in anything I have written, nor in anything I have delivered from the pulpit, have I ever asserted any other opinions or doctrines than you have repeatedly heard me assert both in my own house and yours. You cannot say that I deserve to be run down, vilified, and injured in the manner which you know has fallen to my lot, merely because I cannot bring myself to think on some political points just as you and your party would have me think. And yet you have borne to look on, at least as an unconcerned spectator, if not as an abettor, I have in a manner been petted to death. I do not ask if such conduct in you was friendly: was it either just, manly, or generous? It was not: no, it was acting with all the base malignity of a virulent Whig.

He goes on to say, "You are no longer worthy of my friendship; a man of honor can no longer without dishonor be connected with you. With your cause I renounce you. . . ."[77]

Thus, Boucher joined the 100,000 other Loyalists who fled America during the period of the Revolution. At first he thought it would be only a temporary stay of about six months, but as the war progressed and the British made no headway, he came to the painful realization that his sojourn in England would be a permanent one. He became a constant

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[76] Ibid., p. 141. [77] Ibid., pp. 140-141.

critic of the British war effort, as did many Loyalists, placing much of the blame for the loss of the colonies on the incompetence of the British commanders.[78] He wondered, however, even if the war did end favorably whether he would be able to return, such was the bitterness of his neighbors toward him. Their hatred for him was so great that even after he had left Maryland he was burned in effigy by the patriots.[79] Although he lost all of the possessions he did not carry with him, Boucher was luckier than most Loyalists, for he made a good living in England. He resumed his former profession as a schoolmaster in addition to his clerical duties as curate in Paddington, and for a time he served as assistant secretary to the Society for the Propagation of the Gospel in Foreign Parts. Later he served as vicar in Epsom, Surry County, England. His beloved Nelly died in 1784 and three years later Boucher married a second time to a Mary Elizabeth Forman. The marriage was a lucrative one for Boucher and went a long way toward putting him on firmer financial ground. Unfortunately, his second wife died soon after their marriage and Boucher was left alone again. He would marry a third time, however, and father eight children.

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[78]Boucher to James, November 10, 1779, in The Maryland Historical Magazine, Vol. 10 (March 1915), p. 35.

[79]Boucher to James, October 23, 1776, in The Maryland Historical Magazine, Vol. 9 (September 1914), p. 234.

It was in these later years, after Boucher had had time to reflect on his years in America that he wrote his Reminiscences and published A View of the Causes and Consequences of the American Revolution, which he dedicated to his old friend, George Washington (although he did not seek to rekindle their friendship). Boucher may also have been the author of a pamphlet entitled, Remarks on the Travels of the Marquis de Chastellux in North America in which he attempted to offset an anti-Loyalist travel account. His authorship is disputed, however. During this time Boucher also became interested in his home county of Cumberland. He was a contributor to William Hutchinson's History and Antiquity of Cumberland. He also wrote, "The Secret History of Hutchinson's Cumberland," which was composed from some of Boucher's material that was deleted from the Hutchinson work.[80] Appalled at the backwardness of Cumberland county, Boucher formulated an elementary social welfare program. It provided for a County Association that would try to stimulate the economy by encouraging the growth of agriculture, industry, commerce, and education. A Loan Office would be created, through the investments of local gentlemen. This office would provide for low interest loans without great legal entanglements. Among other things the Loan Office would provide payments to poor people with large families, elderly poor who had

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[80]Zimmer, pp. 358-359, 463.

labored hard most of their lives, and intelligent students whose parents were too poor to send them to school. Although the plan was never implemented, the fact that Boucher even conceived it sheds doubt on the contention that he was an ultra-conservative.[81] He served as vicar in Epsom for nineteen years until his death in 1804, never abandoning the convictions and principles he had so vigorously advanced in America.[82]

Jonathan Boucher was a complex man. By his own admission he was vain and lazy, but he was also a man of tremendous courage and honesty. Wallace Brown wrote of Loyalists:

> It took great courage to express a violently unpopular minority view, to undergo social ostracism, economic ruin, imprisonment, and to face sometimes even physical torture and death, all of which many met with great fortitude.[83]

Jonathan Boucher must certainly be counted as one of these, for he possessed the courage that Brown speaks of in abundance. But what of the forces that drove Boucher into Toryism, what can we say of this? That they were as complex and as hard to pin down as Jonathan Boucher. Boucher's attachment

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[81]The Reverend C. M. Lowther Bouch, "Jonathan Boucher" in Transactions of the Cumberland and Westmorland Antiquarian and Archaelogical Society, Vol. 27, New Series, 1927.

[82]Jonathan Boucher, Reminiscences, Jonathan Bouchier, ed., pp. 144-198.

[83]Wallace Brown, The Good Americans: The Loyalists in the American Revolution, p. 65.

to the ruling class in Maryland was probably one factor in Boucher's Loyalism. The wealth and social prestige that Boucher had sought for so long was tied up with his connection with Sir Robert Eden, the Dulanys, and the rest of the proprietary element in Maryland. To go against the source of his wealth and social standing would have been suicide. Self-interest though this may be, political philosophers from Plato to Niebuhr have talked of how man is largely motivated by self-interest. Boucher was guided by a certain amount of self-interest as were the patriots. However, it would be a mistake to view Boucher as a man completely motivated by self-interest, a puppet of the proprietary element and slave to his own selfish desires. He was also a man of conviction, as evidenced by his support of an American episcopate at the cost of enraging his friends and patrons. As a man who did not start out to be a devout Anglican cleric, he apparently developed into one. His love for the Anglican Church and its doctrine seems to have grown steadily from his entrance into the priesthood to the turbulent years preceding the Revolution. He seemed to have taken the church doctrine quite seriously, including its insistence on submission and non-resistance to government, which he continued to preach in the face of boisterous opposition. The final factor that seemed to confirm his Loyalism and conservatism was the ruthlessness of the extra-legal committees of safety just before the

Revolution. In them Boucher saw mob rule and anarchy, and the destruction of everything he saw as decent.

CHAPTER II

THOUGHT: AN OVERVIEW

At the heart of Jonathan Boucher's political philosophy lies a belief in strict obedience to government. The laws of the state must be obeyed. This is true for everyone but it is especially true for the Christian. Obedience to government is the Christian's duty. To disobey the law of the state is to disobey God's law, for God has ordained all governments, good and bad. Boucher wrote:

> Obedience to Government is every man's duty, because it is every man's interest: but it is particularly incumbent on the Christian, because (in addition to its moral fitness) it is enjoined by the positive commands of God: and therefore, when Christians are disobedient to human ordinances, they are also disobedient of God. If the form of government under which the good providence of God has been pleased to place us be mild and free, it is our duty to enjoy it with gratitude and with thankfulness, and in particular, to be careful not to abuse it by licentiousness. If it be less indulgent and less liberal than in reason it ought to be, still it is our duty not to disturb and destroy the peace of the community, by becoming refractory and rebellious subjects, and resisting the ordinances of God.[1]

However, there is another reason for non-resistance to government, a secular one. That reason being that it is

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[1]Jonathan Boucher, A View of the Causes and Consequences of the American Revolution; in Thirteen Discourses Preached in North America Between the Years 1763 and 1775 (London: G. G. and J. Robinson, 1797), pp. 507-508.

through government, the law of the state that liberty is protected. Without law there can be no liberty, for liberty consists of "subserviency to law." Even Locke said, "Where there is no law, there is no freedom." Boucher wrote:

> The mere man of nature (if such a one there ever was) has no freedom: all his lifetime he is subject to bondage. It is by being included within the pale of civil society and government that he takes his rank in society as a free man.[2]

A man in a theoretical state of nature has no liberty, for he is always subject to the whims and wills of those stronger than he. It is only in a civil society, under government where he is protected by law that he can truly be free. Law serves as a restraining force, to keep the strong from destroying the weak. Liberty, therefore, does not only consist of being able to pursue one's own natural rights without fear of interference; liberty also consists of being restrained by law from encroaching on the rights of others. "True liberty, then is a liberty to do everything that is right, and the being refrained from doing anything that is wrong."[3] To seek liberty, therefore, outside of the law is an anathema.

> To pursue liberty, then, in a manner not warranted by law, whatever the pretence may be is clearly hostile to liberty; and those persons who thus promise you liberty are themselves the servants of corruption.[4]

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[2]Ibid., p. 509. [3]Ibid., p. 511.

[4]Ibid., p. 510.

Government, then, is not to be feared, it is to be revered. It is a positive thing by which God keeps men from tearing each other apart, by which liberties are protected.

> Lawful government is the greatest blessing that mankind can enjoy, and the very life and soul of society; without which, men must live together rather like wolves and tigers, than like rational creatures. To resist and to rebel against a lawful government, is to oppose the ordinance of God, and to injure or destroy institutions most essential to human happiness.[5]

So, Boucher differed from his revolutionary counterparts in that they saw government as a necessary evil that must be restrained from encroaching on man's liberty while Boucher saw it as beneficial to keep men from encroaching on each other's liberty. All government is by its very nature absolute and irresistible. It cannot even limit itself, for such an act must come from a superior. For any government to cease making itself irresistible and to cease from being absolute is to destroy itself. Therefore, to resist government is to destroy it.[6] So, according to Boucher, government must be obeyed, for to resist it is to destroy it and to destroy government is to destroy liberty and lead into anarchy.

The best the Americans could hope for in destroying the type of government under which they lived was democracy. Boucher was critical of democracy. He had a mistrust of the

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[5]Ibid., p. 422. [6]Ibid., p. 545.

masses saying that the multitudes were more apt "to be guided by their passions than by their judgment."[7] Democracy is to be avoided because it leads to the equalization of property. This destroys the artificial distinctions in society which are created by property. For Boucher, this is bad enough, but such an equalization of property also destroys all motivation, and industriousness in society.[8] In this Boucher seems to be anticipating the concerns of modern conservatives who have argued along the same lines in opposition to the New Deal programs of the thirties, social welfare programs, and the utopian philosophies of Communism and Socialism. So, for Boucher, the breaking of ties with the British government could lead to anarchy, or democracy, which in Boucher's eyes, is little better than anarchy.

In order to uphold his thesis of non-resistance to government, Boucher found it necessary to attack some of the notions being advanced at that time, notions which he felt were feeding the fires of revolution. These notions were the Lockean concepts of the social compact, equality, and the right of revolution. It is interesting to note here that the preeminence of Lockean influence on the American revolutionaries has been recently questioned, specifically by Bernard Bailyn. Boucher, however, writing during that period

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[7]Ibid., p. 100. [8]Ibid., p. 364.

seemed to have seen Locke as having the main influence and it is Locke's thought that he set about to refute.[9]

We turn first to Boucher's attack on the doctrine of equality. It is on this notion of equality which rests the belief that government was instituted by a consent of the people, the notion that no man can be subjected to another but by his own consent. For Boucher, this idea is an erroneous one. Man is a social animal, but without government there can be no society, and without some relative inferiority and superiority there can be no government.

> A musical instrument composed of chords, keys, or pipes, all perfectly equal in size and power, might as well be expected to produce harmony, as a society composed of members all perfectly equal to be productive of order and peace.[10]

He went on to say:

> If . . . no man could rightfully <u>be compelled to come in</u> and be a member even of a government to be formed by a regular compact, but by his own individual consent; it clearly follows, from the same principles, that neither could he rightfully be made or compelled to submit to the ordinances of any government already formed, to which he has not individually or actually consented. On the principle of equality, neither his parents, nor even the vote of a majority of the society . . . can have any such authority over any man. Neither can it be maintained that acquiescence implies consent; because acquiescence may have been extorted from impotence or incapacity. Even an explicit consent can bind a man no longer than he chooses to be bound. The same principle of equality

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[9]Bernard Bailyn, <u>The Ideological Origins of the American Revolution</u> (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1967), pp. 34-47.

[10]Ibid., p. 515.

> that exempts him from being governed without his own consent clearly entitles him to recall and resume that consent whenever he sees fit; and he alone has a right to judge when and for what reasons it may be resumed.[11]

So, under the principle of equality, governments could not stand for long. Society would devolve into a succession of governments with people continually giving and withdrawing their consent, "the majority today might be the minority tomorrow. . . ."[12] Governmental instability would be the result of the doctrine of equality.

Furthermore, the concept of equality and the social compact are contradictory. If man set up a government by contract, and if all men are equal, and if they give up some of their rights in the formation of government, who shall be the ones to receive these extra rights? "By asking another man to have jurisdiction over me I clearly do not think myself his equal and by his agreeing to do so he clearly does not think himself equal to me."[13] So, the doctrine of equality is incompatible with an orderly society and contradictory to the concept of the social compact which it supposedly upholds.

Then Boucher attacks the idea of the right to revolution. John Locke has said that in a civil society men have an obligation to "submit to the determination of the majority." The doctrine of right to resistance is incompatible with this

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[11] Ibid., p. 515.

[12] Ibid., p. 515.

[13] Ibid., p. 520.

directive from Locke. Boucher deduces that what Locke meant by "determination of the majority" were the laws. According to Boucher, even the laws in a despotically run country must be looked upon as the "determination of the majority" because in such cases "even acquiescence only must be looked upon as equivalent to a declaration." Thus, a right to resistance is incompatible with Locke's dictum to submit to the "determination of the majority," for what is resistance but refusing to submit to the "determination of the majority," i.e., the laws.[14]

> It is indeed impossible to carry into effect a government which, even by compact, might be framed with this reserved right to resistance. Accordingly, there is no record that any such government ever was so formed. If there had, it must have carried the seeds of its decay in its very constitution.

Such a system could only produce, "perpetual dissensions and contests, and bring back mankind to a supposed state of nature. . . ."[15] Thus, the right to revolution is also incompatible with any kind of orderly government.

Next, Boucher attacks Locke's argument that the social compact is the origin of government and that government is based on the consent of the governed. Boucher said that it is ridiculous to believe that people who had been accustomed to such freedom in the supposed "state of nature" would unanimously, or even by a majority, vote to submit themselves to

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[14]Ibid., pp. 517-518. [15]Ibid., p. 518.

the restrictions, many of them unpleasant ones, of civil government. Such a submission would be completely out of character with their former habits and represent a totally unrealistic view.[16] Also, without the power of life and death there can be no government. Men living under government may be, for reasons of public or private utility, be forced to submit to heavy penalties, even capital punishment. This is, of course, giving one man the power over the life of another, but the power over life and death is not one man's to grant to another. Only God has that right, and only God can take away life, or delegate that right to someone. Consequently, according to Boucher, for the above reasons it is clear that government originated not from a compact between men, but from the divine authority of God.[17]

It is here that Boucher turns to the Filmerian doctrine of patriarchialism for his explanation of the origin of government. Government was instituted from the beginning by God to prevent men from ripping each other apart in a Hobbesean-like state of nature. No state of nature ever existed. God had instituted government from the beginning for He knew men's violent nature and was concerned that they should not war against each other like so many wild beasts and destroy themselves. Adam was the first king and Eve the first subject.

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[16]Ibid., pp. 520-521. [17]Ibid., p. 521.

Adam's position and possessions were passed to his eldest son (primogeniture). The kings that rule the earth are descendants of Adam and thus receive their power and authority from God. So, government is not instituted by a consent of the governed, there is no equality, and every man is born subject to another. Society is like a family and the king is the father of that family. He is the head of the state just as the father is head of the family, and he is to be obeyed just as the father is to be obeyed.[18]

Therefore, as far as Boucher is concerned, he has refuted the argument that government derived from the consent of the people and the comparably dangerous doctrines of equality and right to resistance. Government did not originate as a result of a compact between men but as an edict from God. Therefore, it is God's ordinance that government be obeyed. Non-resistance is the law of God as well as being in the best interest of society.

Boucher is, obviously, a believer in non-resistance. However, he is not, as Clinton Rossiter has suggested, a believer in absolute non-resistance.[19] Rossiter's position ignores an important part of Boucher's political philosophy, that being, the notion of passive obedience. If, as he has said, to resist government is to destroy it, then every man

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[18]Ibid., pp. 523-532, 526ff-533ff; Filmer, pp. 53-126.

[19]Rossiter, pp. 104-105.

owes obedience to government. But that obedience can take two forms. It can be active obedience, or passive obedience. Active obedience is simply obeying the laws of the state. Passive obedience, however, is similar to what is better known today as passive resistance. If the law of the state contradicts what that person believes to be the law of God, he is to disobey the law of the state and obey God's law. However, he is to accept whatever punishment is handed out by the state for this disobedience.[20] Boucher wrote:

> No government upon earth can rightfully compel anyone of its subjects to an active compliance with anything that is, or that appears to his conscience to be inconsistent with or contradictory to, the known laws of God.[21]

Boucher is speaking out of a tradition that extends back through Luther and he could probably be said to be a forerunner of such people as the individualist, Thoreau, and the modern social activists, Gandhi and Martin Luther King. This seems to be a highly individualistic element in Boucher's philosophy, leaving active obedience to the individual conscience. Probably, Boucher did not understand the ramifications of what he had said, for as Gandhi proved, governments could be toppled by the type of passive obedience Boucher talks about.

This, then, is an overview of Jonathan Boucher's political thought. It is an uneven philosophy, at times strong

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[20]Boucher, p. 546. [21]Ibid., p. 546.

and at other times weak. For the most part, Boucher's attack on Locke is interesting and does raise some questions about Lockean thought. For example, in his argument against the right to resistance Boucher correctly points out that the arguments Locke uses to justify the Glorious Revolution can be used as an excuse for revolution by anyone. In Locke's scheme of things, it does seem possible for a disgruntled minority to go against the rightful "determination of the majority" on the grounds that their rights have been trampled. Although Locke did not believe that his philosophy invited frequent revolutions, Boucher pointed out that it could. However, Boucher errs badly when he tries to insist that even in a despotism the law is the "determination of the majority" and therefore, no right to resistance exists. Such an argument is a weak one. If a revolution occurs in a nation where a despot has taken control and usurped the laws, it is he and not the people who have gone against the "determination of the majority." Boucher claims that in a despotism the law is the "determination of the majority" because in such cases even acquiescence must be looked upon as consent. In this, he is self-contradictory for a few pages earlier, in his argument against equality, Boucher had argued that acquiescence does not imply consent, "because acquiescence may have been extorted from impotence or incapacity." How can acquiescence be construed as consent when one is talking about the rule of a despot and non-consent when one is talking about

government by compact? In this case, Boucher's argument seems weak.

Also, Boucher's contention that the social compact theory is invalid because only God can delegate the right to take life is a shaky one. It may be sufficient for a religiously oriented society. However, in a secularized society it would not seem to have much weight.

As mentioned previously, Boucher's political philosophy has earned him the reputation of being an ultra-conservative, a man totally removed from the burgeoning American political tradition. Rossiter has intimated that he was not even a typical Tory.[22] But, was Boucher's thought really that far from the prevailing American pattern? Was he really that much more conservative than his fellow colonists. Certainly in his arguments for law and order, Boucher was not alone among Loyalists. Both Daniel Leonard and Samuel Seabury made similar arguments.

Part of Boucher's conservative reputation is due to the fact that he is one of the few Americans, Loyalist, or patriot to attack John Locke, Bailyn writing that before 1776 Locke, Montesquieu, Voltaire, and Rosseau were almost never denounced by anyone.[23] Even the stalwart Tory, Thomas Hutchinson, did not try to refute Locke, he argued only that the patriots had misread Locke.[24] However, if Anne Young Zimmer

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[22]Rossiter, pp. 104-105. [23]Bailyn, pp. 28-29.

[24]Calhoon, p. 57.

is correct in her contention that Boucher's conservative political philosophy did not crystallize until after his exile to England, he also may be included in that mainstream of Americans who did not attack Locke prior to 1776. If Boucher's refutation of Locke did come before 1776, however, he was in good company for David Hume had already attacked and crushed the Lockean arguments on the social compact in his Treatise of Human Nature.[25] Michael Clark has described Lockeanism as "only one strand of political thought and a strand that had become somewhat frayed after the better part of the century."[26] At any rate, Boucher's attack on Locke is seen by many as one of the more favorable parts of his philosophy. James E. Pate wrote, "He no doubt performed a service in attacking the absurdities of such contemporary political theories as the contract theory and the equality of man."[27] And Leonard Labaree said:

> Thus Boucher, more realistic than many American conservatives, saw that the compact theory involved inadequacies and contradictions. . . . He saw, too, that the theories which had justified one revolution might be used to support another.[28]

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[25]David Hume, A Treatise of Human Nature, L. A. Selby-Bigge, ed. (Oxford: The Clarendon Press, 1888), pp. 540-541.

[26]Michael Clark, "Jonathan Boucher, the Mirror of Reaction" in The Huntington Library Quarterly, Vol. 33 (November 1969), p. 31.

[27]James E. Pate, "Jonathan Boucher, An American Loyalist" in The Maryland Historical Magazine, Vol. 25 (September 1930), p. 319.

[28]Labaree, p. 127.

However, in spite of this praise that Boucher has received for his attack of Locke, he was again criticized for substituting the social compact theory with the archaic doctrine of patriarchialism.

Another contributing factor to Jonathan Boucher's ultra-conservative reputation is the fact that he has often been viewed simply as a follower of Sir Robert Filmer, and like Filmer an adherent to the antiquated doctrine of the divine rights of kings. Phillip Evanson, for example, classified him a "King worshipper."[29] Nothing could be farther from the truth. Boucher was not a "King worshipper" and he did not derive his political philosophy entirely from that of Filmer's. As we have seen, it was Boucher's intention to show that government derived not from men but from God. Whereas, it might seem that a man arguing against the right to revolution might choose Hobbes as his model, Boucher, as Clark points out, was repelled by the secularism, empiricism, and materialism of Hobbesean thought.[30] Besides, both Hobbes and Locke said that government derived from men. Instead, Boucher seized upon Sir Robert Filmer whose theory of the origin of government suited Boucher's contention that

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[29]Phillip Evanson, "Jonathan Boucher: The Mind of an American Loyalist" in The Maryland Historical Magazine, Vol. 58, (June 1963), pp. 128-129.

[30]Clark, "Jonathan Boucher, The Mirror of Reaction," Vol. 33, p. 29.

government was ordained by God. Boucher depends basically on Filmer for his explanation of the origin of government, but he does not possess Filmer's extreme admiration of monarchy. In Causes and Consequences, Boucher wrote that Filmer,

> . . . entertained some very extravagant notions on monarchy, and the sacredness of kings and (what is perhaps less pardonable) some disparaging and unjust opinions respecting the supremacy of law.[31]

Zimmer and Kelly have described Boucher as a constitutionalist on the order of Edmund Burke, and the evidence does seem to bear this out.[32] In referring to Boucher as a "King worshipper" it must be remembered that the government that Boucher was talking about conserving was not the same government that Filmer had defended. Boucher was not defending the absolutist rule of James I or Charles I. He was defending the English Constitution as it stood after the Revolution of 1688, the revolution that supposedly brought the Parliament parity in power with the monarchy. Boucher was defending the "mixed constitution," the constitution which diffused power among the monarchy, the House of Commons, and the House of Lords, and was dedicated to maintaining this balance. Boucher, like virtually all Americans of that time, both patriots and Loyalists was an admirer of that Constitution.

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[31]Boucher, Causes and Consequences, p. 530ff.

[32]Zimmer and Kelly, "Jonathan Boucher, Constitutional Conservative," Vol. 58, pp. 897-922.

He wrote, "The excellence of the British Constitution is that it consists of three distinct, independent, and equipollent, powers; the King, the Lords, and the Commons."[33] This is not the statement of a true Filmerian. Filmer did not believe in mixed government. As far as Filmer was concerned, if the king surrendered any part of his sovereignty to the people, he ceased to be a king. It was no longer a monarchy, but a democracy.[34] Therefore, it seems clear that Boucher is not an unqualified follower of Filmer nor is he a worshipper of the monarchy. Boucher did not rely solely on Filmer in formulating his political philosophy. His writings abound with references to Grotius, Hume, Voltaire, Rousseau, Blackstone, and he even used Locke when it suited his purposes.

Rather than sounding like Filmer, Boucher's philosophy had at times, a distinctive Burkean flavor about it and as Zimmer and Kelly assert, it is probable that in his later years he was influenced by Burke.[35] In the preface to Causes and Consequences, he speaks of man as being a "creature of habits and prejudices" and says that one of the weaknesses of the fledgling American government is that they have "no valorous ancestry" or "history" to boast of.[36]

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[33]Boucher, Causes and Consequences, p. 217.

[34]Filmer, p. 93.

[35]Zimmer and Kelly, Vol. 58, p. 912.

[36]Boucher, Causes and Consequences, p. lv.

> They have none of those hereditary attachments to country, which are the strong ligatures of government; nor any of that constitutional devotion to institutions of long standing, which nothing but long habits can form, for the want of which no new institution, however wise and salutory, have any compensation to offer.[37]

He says that constitutions grow stronger by growing older and that new constitutions, as the one in the United States, do not possess enough strength and stability. Boucher wrote:

> And it is neither supposition nor folly thus to be contented with institutions of long continuance, though palpably imperfect; even in preference to such as in theory might seem less exceptionable, but which have never been tried by the touchstone of practice. There are cases, however, and those not a few, in which it may be both creditable and beneficial to us to depart from long received and established maxims: but, whenever we do so, the necessity must be manifest, and the change conducted with all possible temper and judgment.[38]

In talking of change, Boucher wrote:

> Like the busy meddlers in the grand rebellion, our ruling passion is to dislike and quarrel with everything that is settled, and it seems to be our highest gratification to be permitted to pull to pieces and destroy systems and establishments which it would probably have exceeded our abilities to have formed.[39]

In these passages he sounds very Burkean, showing a reverence for the traditions of the past, for the old and established English Constitution. He is not adamantly against change, but only believes that it should be slow and in line with the traditions of the past. Michael Clark has said that Boucher could not be an American Burke because American society was

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[37] Ibid., p. lxx.

[38] Ibid., p. 209.

[39] Ibid., p. 208.

different from that of Britain. Burke's tradition was related to British institutions.[40] However, for Boucher, the American tradition was fused with that of Britain. The English Constitution, the established Anglican Church, these traditions of the past belonged to America, as well as to England. But with the Revolution, America had cut herself off from that tradition. The revolutionaries were attempting to build a country from scratch, without the benefit of old and established habits and traditions, and Boucher thought this would be difficult to accomplish. So, Boucher is not easily pigeon-holed as an archaic divine rightist. He sounds Burkean as much as Filmerian. He is not so easily classified.

Finally, part of Boucher's ultra-conservative reputation is due to the fact that, as we have seen, he attacked the cherished American ideals of democracy and equality. R. W. Marshall chides him for his low opinion of the masses, saying, "Certainly, he was out of tune with the preaching of the equality doctrinaires of his time."[41] He continues on to say, "He [Boucher] possessed no Jeffersonian faith in the wisdom of the masses. . . ."[42] That Boucher was

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[40]Clark, "Jonathan Boucher's Causes and Consequences," p. 116.

[41]R. W. Marshall, "What Jonathan Boucher Preached" in The Virginia Magazine of History and Biography, Vol. 46 (January 1938), p. 6.

[42]Ibid., p. 6.

no democrat, and that he did not believe in equality has already been shown, but was he that much more conservative on these points than was the mainstream of early American political thought? Actually, Boucher's opinions on democracy and equality were not that different from the men who founded this country. Bernard Bailyn writes that, during this era democracy was, "a word that denoted the lowest order of society, as well as, the form of government in which the commons ruled" and,

> . . . was generally associated with the threat of civil disorder and the early assumption of power by a dictator. Throughout the colonial period, and increasingly in the early Revolutionary years, the dangers of 'democratical despotism' preyed on the minds not merely of crown officials and other defenders of prerogative but all enlightened thinkers. . . .[43]

He goes on to say that the American revolutionaries were not concerned with "the need to recast the social order nor with the problems of economic inequality and the injustices of stratified societies. . . ."[44] In speaking of the Founding Fathers, Richard Hofstadter said that their distrust of men "was first and foremost a distrust of the common man and democratic rule."[45] He stated that democratic ideas were usually associated with the oppressed classes, or the rising middle classes, but that the men who met in Philadelphia to

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[43]Bailyn, pp. 282-283. [44]Ibid., p. 283.

[45]Richard Hofstadter, The American Political Tradition and the Men Who Made It (New York: Alfred A. Knopf, 1948), p. 4.

frame the Constitution were from the privileged classes of American society and that "Nowhere in America or in Europe--not even among the great liberated thinkers of the Enlightenment--did democratic ideas appear respectable to the cultivated classes."[46] The founders of America feared that democracy would allow the majority, who did not own property to usurp it from the minority who did. Such a usurpation would lead to the destruction of liberty and to tyranny. The propertyless masses were seen as idle and lacking in incentive. It was thought that since they did not have a stake in society, i.e., property, they should not be allowed to participate in the governing of that society, lest they, through their blind self-interest, destroy it. Richard Hofstadter states it most fittingly when he says:

> It is ironical that the Constitution, which Americans venerate so deeply, is based upon a political theory that at one crucial point stands in direct antithesis to the mainstream of American democratic faith. . . . The Founding fathers thought that the liberty with which they were most concerned was menaced by democracy. In their minds liberty was linked not to democracy but to property.[47]

This pervasive philosophy can be seen in the fact that in 1787, the year of the Constitutional Convention, all thirteen states possessed property qualifications for suffrage. Even in the Northwest territory there was a fifty acre

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[46]Ibid., p. 5. [47]Ibid., p. 10.

freehold qualification.[48] Universal manhood suffrage was not a reality in early America.

This fear of democracy, this distrust of the common man is everywhere expressed in the literature of early American political thought. Madison talked of the inadequacies of democracy in Federalist no. 10.[49] At the Constitutional Convention, Roger Sherman said that the people ". . . should have as little to do as may be about the Government."[50] Elbridge Gerry exclaimed that the evils that plagued America flowed from ". . . the excess of democracy."[51] Edmund Randolph told the convention that they were there to find a cure for the evils under which America suffered. He said that "in tracing these evils to their origin every man had found it in the turbulence and follies of democracy."[52] Alexander Hamilton said that the new Constitution would protect them from ". . . the depredations which the democratic spirit is

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[48]Paul Eidelberg, The Philosophy of the American Constitution: A Reinterpretation of the Intentions of the Founding Fathers (New York: Free Press, 1968), pp. 262-263; Chilton Williamson, American Suffrage from Property to Democracy, 1760-1860 (Princeton, New Jersey: Princeton University Press, 1960), p. 117.

[49]Alexander Hamilton, James Madison, and John Jay, Selections from the Federalist, Henry Steele Commager, ed. (New York: Meredith Corporation, 1941), p. 13.

[50]James Madison, ed., Notes of Debates in the Federal Convention of 1787 (Athens, Ohio: Ohio University Press, 1966), p. 39.

[51]Ibid., p. 39. [52]Ibid., p. 42.

apt to make on property. . . ."[53] John Adams expressed a similar loathing of democracy. His fear of what would happen should a democracy be instituted was very similar to Boucher's:

> Debts would be abolished first, taxes laid heavy on the rich, and not at all on the others, and at last a downright equal division of everything be demanded and voted. What would be the consequences of this? The idle, the vicious, the intemperate, would rush into the utmost extravagance of debauchery, sell and spend all their share and then demand a new division of those who purchased from them.[54]

Edmund S. Morgan has stated that even the egalitarian Jefferson shared this fear of the propertyless masses. This can be evidenced by his fear of the landless urban workers, usually attributed to his idyllic view of the rural existence, but for Morgan, at least partially attributable, to his dread of the idle masses. Morgan speculates that this dread may have been a factor in Jefferson's suggestion that should slavery be abolished the former slaves be sent back to Africa.[55] In speaking of this it should also be remembered that Jefferson wrote property qualifications for voting into the state constitution of Virginia.[56] So, we see that the founders of

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[53]Frederick C. Prescott, ed., Alexander Hamilton and Thomas Jefferson, Representative Selections, With Introduction, Bibliography and Notes (New York: American Book Company, 1934), p. 40.

[54]Adams, ed., Works of John Adams, Vol. 6, p. 9.

[55]Edmund S. Morgan, "Slavery and Freedom: The American Paradox" in The Journal of American History, Vol. 53 (June 1972), pp. 5-29.

[56]Hofstadter, p. 28.

America were, like Boucher, critics of democracy, and whatever they meant by equality, they did not mean economic, political, or social equality. None of these existed or was fought for by the revolutionaries. Therefore, it would seem that in his views of democracy and equality, Boucher was not that much more conservative than were the founders of America. Indeed, in a letter to James Maury in 1799, Boucher expressed satisfaction with the first two American presidents saying that they were Tories ". . . in practice at least as much so as I avow muself to be in principle."[57] One might even speculate that could he have somehow remained in this country through the Revolution he might have found a place in the Federalist Party. It should be noted, however, that though the Founding Fathers did not believe in democracy or equality as we view them today, neither did they go to the opposite extreme. Although they were wary of the people, they believed that the authority of government could derive only from the people, which differentiated them from Boucher. Hofstadter sees them, as they saw themselves, as moderates, standing between the extremes of anarchy, on one hand, and tyranny, on the other. However, in the light of what we have just read, it cannot be said that Jonathan Boucher was very far removed from them. Indeed, in the following chapters we will see

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[57]Boucher to Maury, February 17, 1799, in The Maryland Historical Magazine, Vol. 10 (June 1915), p. 126.

that in many of his views he was as liberal or perhaps more so than his revolutionary counterparts.

CHAPTER III

VIEWS ON BLACK SLAVERY AND INDIAN POLICY

In this chapter, we will explore two aspects of Boucher's thought that cast doubt on the assertion that he was simply a reactionary. These two aspects are Boucher's ideas on black slavery and the treatment of Indians, ideas which, as we shall see, do not seem indicative of an ultra-conservative.

In his writings, Boucher stated that he had an "abhorrence" of slavery. He said that it debased the slave and that blacks had been done an injustice by being enslaved.[1] In his sermon, "On the Peace of 1763," Boucher called for the gradual, compensated, emancipation of slaves.[2] Similar action would be advocated by Jefferson in the latter part of the century and by James Madison and Abraham Lincoln in the next century.[3] However, Boucher called for the

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[1]Jonathan Boucher, A View of the Causes and Consequences of the American Revolution; in Thirteen Discourses Preached in North America Between the Years 1763 and 1775 (London: G. G. and J. Robinson, 1797), p. 39; Jonathan Boucher, Reminiscences of an American Loyalist, Jonathan Boucher, ed. (Boston: Houghton Mifflin Company, 1925), p. 98.

[2]Boucher, Causes and Consequences, p. 39.

[3]Thomas Jefferson, Notes on the State of Virginia, William Peden, ed. (Chapel Hill: The University of North Carolina Press, 1955), pp. 138-139; John G. Nicolay and

elimination of slavery in the 1760's, even before the revolutionary fervor made such denouncements of slavery more frequent. And although he set forth no systematic plan of emancipation, in talking of it nowhere does he mention colonization, contrary to the men cited above. He seemed to believe that blacks should remain in America and attempt, as best as possible, to become responsible members of American society. So, his position on slavery certainly does not seem like a reactionary one. On the contrary, it seems quite liberal, indeed almost radical for the mid-eighteenth century.

However, Boucher's position on slavery was tainted by ambiguity. Although he remarked that he abhorred slavery, Boucher did believe it to be lawful, and in most cases humane.[4] Indeed, in much of his discussion of slavery he sounded rather like the Southern apologists of a later era, claiming that "the Negroes in general in Virginia and Maryland in my time were not upon the whole worse off nor less happy than the labouring poor in Great Britain."[5] Even in setting forth his emancipation plan, Boucher was not objecting to slavery so much on humanitarian as on economic grounds.

John Hay, eds., The Complete Works of Abraham Lincoln, Vol. 7 (New York: The Tandy-Thomas Company, 1905), pp. 112-115; James Madison, Letters and Other Writings of James Madison, Vol. 8 (Philadelphia: J. B. Lippincott and Company, 1865), pp. 133-139.

[4]Boucher, Causes and Consequences, p. 39.

[5]Boucher, Reminiscences, p. 97.

He felt that Virginia and Maryland were behind most of the other colonies agriculturally because of their dependence on slave labor, and that eradicating slavery would remedy the situation. Boucher believed that free labor was, in the end, cheaper than slave labor. By eradicating slavery, planters could reduce the expense of cultivation.[6] So, we see that Boucher opposed slavery mainly on economic rather than on humanitarian grounds and that he thought slavery, in his area, to be largely humane.

What of Boucher's contention that the slaves in Virginia and Maryland were no worse off than the laboring classes in England? Virginians had throughout the colonial period expressed such sentiments. Governor Gooch and colonial historian Robert Beverly made similar pronouncements in 1705, and Edmund S. Morgan claimed that early Virginians had seen great similarities between the slave and the English laborer.[7] How true were they? Certainly the harshness of the slave codes does not bear out these contentions. For example, in Boucher's state of Virginia, slaves were forbidden to leave the plantation without a pass, under a penalty of twenty lashes. Runaways were usually dealt with by the master in

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[6]Boucher, Causes and Consequences, p. 39.

[7]Robert Beverly, The History and Present State of Virginia, Louis B. Wright, ed. (Chapel Hill: The University of North Carolina Press, 1947), p. 272; Edmund S. Morgan, American Slavery, American Freedom, the Ordeal of Colonial Virginia (New York: W. W. Norton and Company, Inc., 1975), pp. 320-327.

whatever way he deemed appropriate. Runaways who were suspected of hiding out and committing petty offenses while at large could be killed by any means their captors wished. Such slaves that were captured alive could be dismembered in any fashion, short of taking their lives. A slave convicted of raising his hand to a white Christian received thirty lashes. The right of a master to "correct" his slaves was also protected. A 1705 act forbade any "immoderate" correction but said that it was not a felony if a slave was killed while resisting correction, or died under correction if there was no malicious intent. Even a master convicted of maliciously killing a slave was only found guilty of manslaughter and in such cases there was no penalty at all.[8] Although the living conditions may have been similar, certainly the poor of England did not live under such severe restrictions. The English laborer possessed two things that the slave did not, freedom and a certain amount of protection under the law. So, Boucher's assertion that slavery in Virginia was relatively humane seems to have been a naive or erroneous assertion.

It cannot be denied, however, that in his dealings with his own slaves Boucher was very humane. In his Reminiscences he stated that no compliment ever paid him went so near to his

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[8]Arthur P. Scott, Criminal Law in Colonial Virginia (Chicago: The University of Chicago Press, 1930), pp. 199-200, 299-313.

heart as when a gentleman, overtaking one of his slaves asked him to whom he belonged. "To Parson Boucher, thank God!" the man replied.[9] In an age when the education of blacks was ignored or even scorned as dangerous, Boucher, speaking in relation to gradual emancipation, exhorted slaveowners to cultivate the minds of their slaves to release them from "the chains of ignorance."[10] In conjunction with his efforts to convert blacks to Christianity, Boucher set up a school in which two or three black men served as schoolmasters to teach slave children to read in their spare time.[11] Boucher seemed to imply that in any gradual emancipation plan blacks should be better educated to enable them to survive in a free society.[12] Indeed, in the area of education of blacks, Boucher was probably much more enthusiastic than Jefferson. Winthrop Jordan wrote:

> It was of the utmost significance that such men as Thomas Jefferson, vastly interested in the promotion of American education, were to an equal extent uninterested in educating Negroes so as to improve their chances of participating in the body politic.[13]

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[9]Boucher, Reminiscences, p. 96.

[10]Boucher, Causes and Consequences, p. 42.

[11]Boucher, Reminiscences, p. 59.

[12]Boucher, Causes and Consequences, p. 42.

[13]Winthrop D. Jordan, White Over Black, American Attitudes Toward the Negro, 1550-1812 (Chapel Hill: The University of North Carolina Press, 1968), p. 355.

Some of Boucher's zealotry in educating blacks may have been due to the fact that it was part of Anglican church policy to do so, although many Anglican ministers ignored this. The Society for the Propagation of the Gospel in Foreign Parts was active in colonial America in educating blacks and Indians.[14]

Unlike many whites of his time, Boucher thought that blacks were intelligent human beings, and, therefore, educable.[15] Indeed, Boucher seemed to accept the environmentalist argument currently advocated by the anti-slavery element of that time--that blacks were not inherently inferior but that they were victims of the environment in which they were forced to live.[16] How then could a man who believed that black men were intelligent human beings, not inherently inferior to their masters, justify slavery? For Boucher, slavery may not have been based so much on any belief in natural racial inferiority as on the conservative's belief in a naturally hierarchical society. Since blacks were uneducated they were on the bottom of the hierarchy, but with education this could be remedied and a degree of social

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[14]John Hope Franklin, From Slavery to Freedom, A History of Negro Americans (New York: Alfred A. Knopf, 1947), pp. 82, 95, 108.

[15]Boucher, Reminiscences, pp. 58-59; Boucher, Causes and Consequences, p. 42.

[16]Jordan, pp. 287-293.

mobility could be obtained. This sheds some light on Boucher's conclusion that slavery in Virginia and Maryland was not that much worse than the condition of the English laborer. In his mind, there was an equivalency between the two groups. The American slaves were, in a sense, the American equivalent to the English worker, and if the worker could be lifted from the bottom of society, then so could the slave. The black slave was mentally as capable of advancement as the white English laborer. This is not to deny Boucher's contention that a natural inequality would always exist in society; however, he believed that this inequality would not necessarily be based on racial grounds.

Arising from all of this there is the obvious question of why Boucher did not free his own slaves. The answer was probably that possession of slaves was a symbol of status and prestige in the Southern colonies, as well as a necessity to the plantation system. Being the social climber that he was, Boucher could not bring himself to the point of actually freeing his own slaves, for to do so would destroy the high status he had worked so hard to achieve.

Although Boucher may not have seen American slavery as based on racial inferiority, he did, however, realize that to most Americans this was a large part of its basis. He wrote that even if an African slave was made free in America ". . . supposing him to be possessed even of talents and virtue . . ." he could never be on terms of equality with a

free white person. Nature had placed insuperable barriers in his way, those barriers being the complexion of his skin.[17] He wrote:

> A convict, when purified by long service, and become industrious and honest, naturally coalesces with the people around him, and his former delinquencies and infamy are forgotten; his children can never be upbraided with their having had a father: whereas the descendants of a white person, married to a black one, would, for many generations, by their complexion, proclaim their origin. Accordingly, though many mulattoes and people of colour have obtained wealth, I remember no instance, in any European colony, of their having obtained rank.[18]

Boucher seemed to have realized that the problem between blacks and whites in America was not merely slavery, but race prejudice. This was an observation that de Tocqueville and Abraham Lincoln would make in the next century and one that would be made again by such modern historians as Winthrop Jordan and Carl Degler.[19] It was an observation that was being expressed more and more from the fledgling anti-slavery movement of that time.[20] Yet, it was a realization

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[17]Boucher, Causes and Consequences, p. 40.

[18]Ibid., p. 40ff.

[19]Alexis de Tocqueville, Democracy in America, Vol. 1, J. P. Mayer and Max Lerner, eds. (London: Harper and Row Publishers, 1966), pp. 312-333; Nicolay and Hay, eds., Works of Abraham Lincoln, Vol. 8, pp. 1-9; Carl N. Degler, "Slavery and the Genesis of American Race Prejudice" in Interpreting Colonial America, James Kirby Martin, ed. (New York: Dodd, Mead and Company, 1973), pp. 141-158.

[20]Jordan, pp. 276-280.

that white Americans would repeatedly fail to come to grips with in their dealings with blacks.

Such, then, was Boucher's position on black slavery. As we have seen, it was a somewhat ambiguous position, and one which might seem racist in the twentieth century. Boucher was not an abolitionist on the order of, for instance, John Woolman, but few men were at that time. In the context of eighteenth century thought, Boucher's position on slavery was a very liberal one. This may become clearer as we take a brief look at the American view of slavery in the eighteen century.

By the time Jonathan Boucher arrived in Virginia in 1759, slavery was a firmly entrenched institution there. Geographical conditions dictated the development of a staple crop. The Virginia economy, unlike the diversified economies of the northern colonies, was based on one agricultural staple: tobacco. Tobacco required labor that was cheap, unskilled and mobile, but not temporary or independent, and in a region where there was a shortage of labor and an abundance of land, slavery seemed the answer.[21] Edmund S. Morgan has posited another interesting advantage to slavery. The Virginia ruling class was afraid of the tremendous number of landless, idle poor that were released into the society after their indentures

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[21]Ibid., pp. 71-82.

had run out. It was this sort of people that were partially responsible for Bacon's Rebellion. Slavery had the advantage of slowing and eventually stopping the flow of these landless poor into Virginia society.[22] Africans seemed the likely candidates because, among other reasons, they were seen as a heathen race for whom slavery was only fitting, and because it was more difficult for them to successfully escape, due to the color of their skins. The first blacks arrived in Virginia in 1619. There is not enough historical evidence to ascertain what their status was, that of slaves or indentured servants. After 1640, however, there is evidence that some blacks were serving for life as slaves, although court records show that others were free and accumulating property. After 1660 slavery was written into the statute law of Virginia.[23]

Slavery was slow in coming to Virginia, according to Morgan, because until the late seventeenth century indentured labor was cheaper than slave labor. The mortality rate for immigrants to Virginia was so high, in the first half of the seventeenth century, that there was no advantage in owning a man for life. The chances were better than fifty-fifty that he would die in his first five years in Virginia, and slaves were twice as expensive as indentured servants. As the

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[22]Morgan, American Slavery, American Freedom, p. 308.

[23]Franklin, p. 72; Jordan, pp. 73-82.

mortality rate decreased, however, slave labor became less expensive than indentured labor and the popularity of slavery increased, as the tremendous influx of slaves into the colony showed.[24]

In 1625, there were only twenty-three blacks in Virginia, a number that had grown to three hundred by the middle of the century. By 1708 that number had grown to 12,000 black slaves as compared to 18,000 whites. By the middle of the eighteenth century, there were 120,156 blacks and 173,316 whites.[25] Richard Hofstadter places the number of slaves in the colony at this time even higher saying that Virginia led all other colonies in absolute numbers of slaves with 140,000. This was 41 percent of the total population.[26] The tremendous proportion of blacks in the colony and the restive nature of many slaves fostered fears of slave insurrection in the white population, fears that lasted throughout the Revolutionary era. Thus, there was the passage of the aforementioned slave codes to control the blacks. So, at the time of Boucher's arrival, slavery was already firmly established in Virginia and in the rest of the colonies. It was protected and sanctioned by statute law.[27]

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[24]Morgan, American Slavery, American Freedom, pp. 297-299.

[25]Franklin, p. 73.

[26]Hofstadter, America at 1750, A Social Portrait (New York: Alfred A. Knopf, 1971), pp. 89-130.

[27]Jordan, pp. 110-115; Franklin, pp. 71-75.

What of Boucher's contention that slavery was economically unsound in mid-eighteenth century Virginia? This does not seem to have been the case. At the time Boucher was writing his economic objections against slavery, Virginia had undergone some fluctuation in tobacco production.[28] These fluctuations may have been what Boucher was alluding to when he said that Virginia and Maryland were lagging behind the other states in crop cultivation. That they were attributable to slavery, however, is doubtful considering the fact that tobacco production was rather prosperous in the years immediately prior to and after these fluctuations.[29] Also, as Louis Morton has stated, small planters who had few slaves could hardly compete in the European market with the big planters that owned many slaves.[30] Boucher's assertion that slavery, at this time, was economically unfeasible may have been a misinterpretation of the situation, or perhaps even a smokescreen to mask genuine humanitarian objections to slavery. At any rate, slavery in mid-eighteenth century Virginia seemed to have been economically sound.

By this time slavery had not only been sanctioned legally, economically, and socially but also philosophically

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[28]Lewis C. Gray, History of Agriculture in the Southern United States to 1860 (New York: Peter Smith, 1941), p. 273.

[29]Ibid., pp. 272-275.

[30]Louis Morton, Robert Carter of Nomini Hall, A Virginia Tobacco Planter of the Eighteenth Century (Williamsburg, Virginia: Colonial Williamsburg, Inc., 1941), p. 123.

and religiously as well. As David Brion Davis pointed out, slavery had been rationalized since antiquity by such thinkers as Plato and Aristotle, as well as by the Sophists, Stoics, and Cynics. Its legitimacy had been upheld by the Judeo-Christian tradition. Christianity, by concentrating on man's inner self had declined a direct condemnation of slavery. Slavery was not attacked in the writings of Paul and had received rationalization by great Christian thinkers such as Augustine, Aquinas, Calvin, and Luther.[31] Even the great champion of individual liberty and equality, John Locke, had refused to condemn slavery. In his Two Treatises of Government, Locke rationalized slavery as "the State of War continued, between a lawful conqueror, and a captive."[32] It was something that took place outside of the social compact. Indeed, in writing the "Fundamental Constitutions of Carolina" Locke aided in the sanctioning of slavery, writing, "Every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religious soever."[33] So, we see that by the middle of the eighteenth century, when Boucher came to America, slavery was already an established

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[31]Davis, pp. 39-49.

[32]John Locke, Two Treatises of Government, Peter Laslett, ed. (Cambridge: Cambridge University Press, 1963), pp. 324-326.

[33]John Locke, The Works of John Locke (London, Glasgow, and Dublin: Thomas Tegg, W. Sharpe and Son, G. Offor, G. and J. Robinson, J. Evans and Company, R. Griffin and Company and J. Cumming, 1823), p. 196.

and accepted part of colonial life. It was not attacked, nor necessarily was it defended, but it was accepted. At the time Boucher made his anti-slavery pronouncements such sentiments were barely beginning to be expressed.

Although the Quakers began an assault on slavery in the 1750's, it was really in the 1760's with the first rumblings of discontent toward Great Britain that anti-slavery sentiment began to emerge. The Quaker attack on slavery had concentrated mainly on eradicating slavery among Quakers rather than in the entire society. However, the consternation with British policies in the 1760's, and the resulting cries about freedom, liberty, natural rights, and the equality of man stemming from Enlightenment thought seemed to have forced upon many colonists the realization that slavery was an affront to the principles which they were espousing.[34] Thus, we find one of the earlier advocates of colonial rights, James Otis, also attacking slavery writing, "The Colonists are by the law of nature free born, as indeed all men are white or black." He wrote that the slave trade "is the most shocking violation of the law of nature . . ." and said that it "has a direct tendency to diminish the idea of the inestimable value of liberty. . . ." He wrote, "It is a clear truth, that those who every day barter away other men's

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[34]Franklin, pp. 269-311.

liberty will soon care little for their own."[35] These passages are representative of the anti-slavery feelings that began to sprout in the 1760's as a partial effect of the growing revolutionary ideology. Such sentiments were being expressed in pamphlets and from the pulpit. Many astute observers began to doubt the belief in inherent black inferiority and to see that the problem of slavery was intimately related to race prejudice. Thus, Boucher, with his pronouncements against slavery during this period, must be placed among these early anti-slavery advocates.

In the next three decades, spurred by the spirit of revolution, anti-slavery declarations and activities became more frequent. Many of the revolutionaries came out against slavery and/or the slave trade. Thomas Paine wrote the preamble to a Pennsylvania law to abolish slavery.[36] Benjamin Franklin, as president of the Pennsylvania Society for the Abolition of Slavery, called slavery "an atrocious debasement of human nature."[37] John Adams exclaimed with pride, "I have through my whole life, held the practice of slavery

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[35]Charles F. Mullet, ed., "Some Political Writings of James Otis, Part I" in The University of Missouri Studies, Vol. 4 (July 1929), p. 66.

[36]William M. Van der Weyde, ed., The Life and Works of Thomas Paine, Vol. 1 (New Rochelle, New York: Thomas Paine Natural History Association, 1925), pp. 103-105.

[37]John Biglow, ed., The Works of Benjamin Franklin, Vol. 10 (New York and London: G. P. Putnam's Sons, The Knickerboker Press, 1888), p. 167.

in such abhorrence, that I have never owned a Negro or any other slave. . . ."[38] Of slavery, Patrick Henry wrote, "I will not, I cannot justify it."[39] Both Alexander Hamilton and John Jay joined anti-slavery societies.[40] Thomas Jefferson's anti-slavery sentiments are well-known. As a member of the House of Burgesses in 1769 he and Richard Bland made an attempt to get legislation passed for the emancipation of slaves, but this attempt failed. His first draft of the Declaration of Independence included a scathing indictment of the slave trade which was finally deleted due to pressure from the southern colonies. In drafting a new consitution for Virginia in 1783, Jefferson submitted a plan for the gradual emancipation of slavery. This plan was rejected.[41] Lastly, again in his Notes on the State of Virginia, Jefferson set forth an emancipation plan.[42] So, as far as his views on slavery were concerned, Boucher and the revolutionaries were very close together. He may be chided for his ambiguity, but then so may the nation's founders.

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[38]Adams, ed., Works of John Adams, Vol. 10, p. 380.

[39]Patrick Henry to Robert Pleasant, January 18, 1773, in George Brookes, Friend Anthony Benezet, cited in Davis, p. 196.

[40]Ibid., p. 172.

[41]Paul Leichester Ford, ed., The Writings of Thomas Jefferson, Vol. 1 (New York, London: G. P. Putnam's Sons, 1892), p. 5; Julian P. Boyd, ed., The Papers of Thomas Jefferson, Vol. 1 (Princeton: Princeton University Press, 1950), p. 318; Vol. 6, pp. 608.

[42]Jefferson, Notes, pp. 137-138.

For all his hatred of slavery, Jefferson's position on the subject was woefully ambivalent. He could never seem to discard a belief in the inherent inferiority of blacks, a difficulty that Boucher did not seem to have had.[43] Also, as has already been mentioned, Jefferson was neglectful of the problem of black education, a problem which Boucher was insistent on tackling. David Brion Davis has pointed out that since Jefferson played a key role in revising the Virginia law, he had an excellent opportunity to reform the harsh slave codes. This he did not do. The bills Jefferson proposed retained most of the repressive features of the codes.[44] Jefferson was also reticent about putting his whole weight behind the anti-slavery movement. He never joined an anti-slavery society. As Davis pointed out, he never acknowledged nor expressed approval of the Virginia abolition society.[45] He opposed the wide publication and distribution of his Notes on the State of Virginia for fear that the parts on slavery might cause some "irritation."[46] Lastly, Jefferson refused to emancipate his own slaves. There have been many explanations given for Jefferson's ambiguity. Richard Hofstadter wrote that Jefferson was a man who sought to avoid controversy. He would not assert his principles when he thought

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[43]Ibid., pp. 139, 143.

[44]Davis, p. 174. [45]Ibid., p. 176.

[46]Boyd, ed., The Papers of Thomas Jefferson, Vol. 8, p. 184.

that they would invite indignation from his neighbors. He was also a pragmatist, a man who would not push for something he thought had no chance of succeeding.[47] Winthrop Jordan wrote that Jefferson was a victim of his own racism, a racism that even he did not realize ran so deep.[48] Edmund S. Morgan has said that the ambiguity may have been caused by Jefferson's fear of the landless, urban masses which he thought slaves might become should they become free and remain in this country.[49] Whatever the reason, Jefferson shrank from putting his full force behind the anti-slavery movement and thus missed an opportunity for even greater respect in American history.

Ambivlance on the slavery issue was not confined to Jefferson. In spite of the tirade against slavery during the Revolution, it would be another eighty years before the institution would be eradicated. Indeed, slavery was sanctioned by the Constitution. With the passing of the Revolution, much of the wave of protest against slavery came to a halt. The subject of the inhumanity of slavery was largely ignored at the Constitutional Convention. Many of those who had expressed a disdain for slavery kept quiet for fear that a debate over slavery might cause Southern delegates to walk out

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[47]Hofstadter, The American Political Tradition, pp. 21, 25.

[48]Jordan, pp. 430-436.

[49]Morgan, "Slavery and Freedom: The American Paradox," Vol. 53, pp. 5-29.

and wreck the union they had fought so hard to build.[50] So, the flame of anti-slavery sentiment blazed in the air of the Revolutionary spirit and dwindled to a tiny glimmer thereafter. Seen against this historical backdrop, Boucher was not any more ambiguous on the question of slavery than were his revolutionary counterparts. Indeed, on certain aspects of the slavery question, specifically, the questions of black education and inferiority, he seemed more enlightened than even the arch-liberal, Thomas Jefferson.

One must conclude, therefore, that on the issue of slavery, Boucher cannot be regarded as an ultra-conservative. Certainly he was not as enlightened on the subject as he could have been, and certainly he did own slaves, but this could also be said of many of the anti-slavery spokesmen of this period, including Thomas Jefferson. Nevertheless, in his perception of the race problem, in his attitude on black education, and in his opposition to slavery he was surely far ahead of his time. Looking at our definition of liberalism, surely a man who proposed so radical a change as the emancipation of slaves, for whatever reason, in the mid-eighteenth century could not be termed an ultra-conservative.

Even more liberal than Boucher's stand on slavery was his position on the treatment of Indians, a position that was not marked by the ambivalence of his anti-slavery views.

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[50]Jordan, pp. 321-341.

The history of white-Indian relations in colonial Virginia and Maryland was dominated by genocidal warfare against the Indians, precipitated by a white hunger for land. The two sides had regarded each other with a certain amount of suspicion from the time the first English settlers landed at Jamestown. Despite the mutual suspicion and sporadic outbreaks of violence, relations between the two sides were relatively good during the first decade of English settlement. There was much cultural interaction in which settlers learned new farming and agricultural techniques from the Indians and the Indians learned to make use of iron in their tools. The discovery of tobacco as a staple crop, however, brought a fundamental change to Indian-white relations. The increased production of tobacco along with the rapid influx of settlers into the colony created the need for more land. Therefore, the colonists increasingly started to encroach on Indian territory. This, along with the colonists' penchant for coercing necessities from the surrounding tribes strained relations badly. Violence finally broke out when a respected Indian of the Powhatan Confederacy was murdered by whites. Angered by six years of white expansion and intimidation, the Indians attacked a number of white settlements in 1622 under their chief, Opechancanough. Three hundred and fifty Virginians out of a total population of 2,000 were killed in the attacks. The attacks did not expel the English from the colony, as the Indians had hoped; nevertheless, they were sufficient enough

in impact to force the Virginia company into bankruptcy, and the colony into royal hands. More importantly, however, the attack gave the colonists an excuse to launch a war of annihilation against the Indian population.[51] As Gary Nash has noted, many of the settlers were glad in a perverse sort of way that the Indian attacks had occurred, for it gave them an excuse to make war on the Indians in order to gain coveted land.[52] Nash observed that before the 1622 massacre, Indians had been described at various times as "ingenious" and "industrious." After the massacre, however, such accolades gave way to descriptions such as "barbarous" and "improvident."[53]

With this intensely belligerent attitude toward the red man and an unquenchable thirst for land, the settlers decimated the Indian population as they moved inexorably to the west. Virginia colonial government was decentralized and its efforts to restrain the settlers proved fruitless. The result was another Indian war in 1644 in which approximately 500 of 8,000 colonists were killed. A fear of future wars caused a reversal in Virginia's Indian policy and a peace treaty was signed in 1646 between the colonists and the

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[51]Gary B. Nash, Red, White, and Black, The Peoples of Early America (Englewood Cliffs: Prentice-Hall, Inc., 1974), pp. 54-63; Wilcomb Washburn, The Indian in America (New York: Harper and Row Publishers, 1974), p. 128.

[52]Nash, pp. 62-63. [53]Ibid., p. 63.

Powhatan Confederacy. The treaty provided for a designated Indian territory in which whites were not to encroach.[54]

By the middle of the seventeenth century the Indian population of Virginia had been greatly reduced by warfare and disease. In 1608 when the English first came to Virginia there were reportedly twenty-eight tribes. By 1669 that number had dwindled to eleven. The Indian population in 1608 numbered around 30,000. By 1669 there were only 2,000 remaining. This steady decay of Indian strength coupled with growing white strength made it more tempting for the whites to risk war in order to gain Indian land.[55]

The peace of 1646 lasted for three decades. Immigrants continued to stream into Virginia and to them the thought of good land reserved for Indians exclusively was disturbing. They put pressure on the governor to open up the land for settlement. The trouble started in 1765 when a group of Doeg Indians tried to steal some hogs from a planter who had refused to pay them for services rendered. The Doeg's plan failed and many of them were killed. The Doegs took revenge by raiding settlements along the Virginia-Maryland border. The whites retaliated with indiscriminate attacks on the Indians, friendly tribes as well as hostile tribes. In the ensuing violence a young planter, Nathaniel Bacon, took up

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[54]Ibid., p. 65; Washburn, p. 128. [55]Nash, p. 65.

arms against government wishes. This precipitated what amounted to a civil war in Virginia in which many people, both red and white, lost their lives. Although Bacon's Rebellion was eventually put down in 1677, the real losers in the struggle were the Indians. Their population was further reduced in the genocidal war. The Rebellion also showed the incapability of the government in restraining the settler's thirst for land.[56] When Boucher came to Virginia in the middle of the eighteenth century, the pattern had not changed appreciably. The British government was finding peace hard to maintain on the frontier as long as white traders were continually cheating the Indians and settlers were encroaching on their land. Until this time, colonial governments had been handling Indian affairs; however, the British government felt that they had been doing a poor job, given the frequency of Indian wars. Therefore, in 1763 the British government moved to take greater control of Indian affairs. They issued the famous Proclamation of 1763 which drew a line along the frontier demarcating Indian territory from white territory. Indian land was put off limits to whites. Although it was only meant as a temporary

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[56]Ibid., p. 65; Wilcomb Washburn, The Governor and the Rebel, A History of Bacon's Rebellion in Virginia (New York: W. W. Norton and Company, Inc., 1957), 166 pp.

measure, the action so angered the colonists that it can probably be listed as one of the causes of the American Revolution.[57]

Boucher was critical of the policy of genocide toward the Indians and he urged the colonial governments, both provincial and British, to pursue a more humane policy toward the Indians. He felt that the government should try to civilize them and make them productive members of society rather than to exterminate them. In a letter to The Reverend James, he wrote:

> I have long been griev'd at ye ill Policy of ye Governm't w'th regard to Indian affairs. For I am morally certain, it were a much easier Task to civilize every Savage in America, than Peter the Great had, w'n He undertook to humanize the Bears of Russia. And the Interests of Humanity as well as of sound Policy are concerned, that the attempt sh'd be made.[58]

In his sermon, "On the Peace in 1763," Boucher argued along the same lines, attacking government policy of genocide toward the Indians and calling for more humane treatment.

> If we judge from any thing that has yet been attempted concerning them, they have been looked upon as untamed, and untameable monsters; whom like the devoted nations around Judea, it was a kind of religion with white men to exterminate. We have treated them with a rigour and severity equally unsuitable to the genius of our government, and the mild spirit of our religion.[59]

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[57]Francis Paul Prucha, American Indian Policy in the Formative Years, The Indian Trade and Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), pp. 9-24.

[58]Boucher to James, December 9, 1765, in The Maryland Historical Magazine, Vol. 7 (March 1912), p. 7.

[59]Boucher, Causes and Consequences, p. 29.

He attacked settlers for the brutality they had shown toward the Indians, citing several examples, and said that he hoped such treatment would soon cease.

> I own to you, I have not seldom blushed at their accounts of the treatment they have experienced from white men: but, I trust the period is not far distant, when, for our own sakes, as well as for theirs, we shall endeavor to diffuse political security and happiness to the Indian nations with whom we have any intercourse; and to convert them into free men, useful subjects; and good Christians.[60]

Boucher went on to attack the land hunger of the colonists, saying that they (the colonists) already had more land than they knew how to manage. Such a practice of lustful land acquisition was not at all conducive to agricultural improvement for it was likely to involve them in constant Indian wars. He urged them to enlarge the empire, not through the acquisition of more land, but

> . . . by the civilization of the Indians; who already have a better title to any of our un-located lands, than we can possibly give any new comers; and who, with little pain, might soon make at least as good subjects as those whom we are likely to put in their place.[61]

In order to "civilize" the Indian, Boucher urged that they be changed from a hunting society to an agricultural society. For Boucher, hunting societies tended to be savage and warlike, while agricultural societies tended to be more peaceable.

> The brief character of uncultured man is to neglect agriculture, to practice hunting, and to delight in

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[60]Ibid., pp. 30-31. [61]Ibid., p. 32.

> war. From Nimrod down to Atakullakulla hunters have been savage and bloody-minded. It would seem, then, that we have only to wean Indians from the chase, to take them. Every other effort to mollify and humanize their stubborn spirits, without this preliminary requisite will continue to be made to little purpose. They may make talks; they may give strings of wampum; nay, they may even be baptized, and be called Christian; but as long as they live by hunting they will still be Indians.[62]

In order to accomplish this, Boucher said that gunpowder or weapons should not be sold to them, or if so, sold at a very high price. He urged that little or nothing be given them for their pelts and that high bounties be paid them should they raise or produce as farmers, shepherds, or manufacturers.[63]

Boucher was never in a position to implement his plan, but there is evidence that he considered trying to have it, or some other such plan brought before the House of Burgesses. However, he did not follow through with his plan because he apparently felt it would not pass, due to the intense hatred toward the Indians. In a letter to The Reverend Mr. Tickell, he wrote,

> Tho' I had got six or eight Pages of a Pamphlet finished, to lay before our Assembly, w'c was to shew, by demonstrative Proofs, that every Savage on the Northern Continent of America might be civilized in a few years & be made valuable Subjects, at hardly so great as Expence as Virg'a alone has been at in supporting the War ag'st Them but for one year-but, happily for Me, the Squire of my Parish, who is a Burgess, declared in good Time, that all the accursed Race of Them sh'd be cut off- Hip

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[62] Ibid., p. 35. [63] Ibid., p. 36.

& Thigh- so, I just said, God preserve the poor Indians
& dropped my Pen.[64]

Boucher's plan was an interesting one, and in the light of eighteenth century treatment of the Indians, a very noble one. Boucher's idyllic view of the agricultural existence had a distinctly Jeffersonian flavor about it, and indeed in their Indian policy the Jeffersonians attempted, unsuccessfully, to make the Indians a community of farmers.[65] Noble though Boucher's plan was, it seemed to lack feasibility. It does not seem evident that agricultural societies are naturally more peaceable than hunting societies. Boucher seems to have forgotten that many of the Indian tribes were agriculturally based societies and had taught many agricultural techniques to the whites. Also, the task of squeezing off weapon sales to the Indians would be a difficult one indeed, as long as there was money to be made by unscrupulous men by selling arms. Even if successful, however, it might not prevent war if white maltreatment of Indians continued unabated. Lastly, as long as there was a demand for furs in England and the Indians had a supply, they would continue to be well paid for fur trading. So, Boucher may have been a little naive in his planning; nevertheless, his plan and his

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[64]Boucher to Tickell, January 13, 1764, in The Maryland Historical Magazine (June 1912), p. 163.

[65]Bernard W. Sheehan, Seeds of Extinction, Jeffersonian Philanthrophy and the American Indian (Chapel Hill: The University of North Carolina Press, 1973), 279 pp.

attitude toward the Indians seems very advanced and remarkably liberal for the eighteenth century. While colonial Indian policy was characterized by genocide and coercion, Boucher urged peacefulness and kindness.

Many of the revolutionaries were not blind to the mistreatment of Indians nor unconcerned about their fate. Franklin, for example, vehemently attacked the "Lancaster massacre" of six Indians in Pennsylvania by nearly one hundred frontiersmen.[66] Patrick Henry urged inter-marriage between Indians and whites as a measure of bringing peace to the frontier, and Jefferson's sympathy and admiration for the Indians can be clearly seen in his Notes on the State of Virginia.[67] However, at the same time, they seemed to have been more concerned with the acquisition of land and westward expansion, and they believed that the Indians should not stand in the way of these goals. Therefore, when Indians complained of white encroachment on their land, the solution of some of these men was to placate the Indians with gifts. Patrick Henry, for example, talked about appeasing them with, among other things, tobacco, ammunition, and whiskey.[68] Similarly, George Washington realized that the Proclamation

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[66]David Freeman Hawke, Franklin (New York: Harper and Row Publishers, 1976), p. 207.

[67]Robert D. Meade, Patrick Henry, Practical Revolutionary (Philadelphia: J. B. Lippincott Company, 1969), p. 264; Jefferson, Notes, pp. 92-107.

[68]Meade, p. 157.

of 1763 was a temporary measure to placate the Indians and told a friend that they should start immediately to make plans to secure more western lands.[69] So, it seems that few of the revolutionaries were as consistently sympathetic to the problems of the Indians as was Boucher. Few of them, with the possible exception of Jefferson, seemed to have the deep admiration for the Indians that Boucher had or the deeper understanding that he had of the problem of white-Indian relations.

Zimmer speculated that if Boucher had lived on the frontier where he was exposed to the constant threat of Indian attack rather than in the tidewater region, he might not have been as sympathetic toward the Indians.[70] This may be true. However, as things turned out, Boucher's position on the treatment of Indians was a remarkably progressive one for tidewater Virginia in the eighteenth century.

The evidence is conclusive: Boucher's ideas on the treatment of Indians and on black slavery, far from being ultra-conservative, were extraordinarily liberal for those times. Indeed, as we have seen, on some aspects he was more liberal than his revolutionary counterparts. One wonders what kind of contribution Boucher might have been able to make to help America attain a more humane Indian policy, and

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[69]Douglas Southhall Freeman, Washington (New York: Charles Scribner's Sons, 1968), p. 169.

[70]Zimmer, p. 78.

to eradicate slavery had he not been exiled. Indeed, this raises another interesting question. To what extent did other Loyalists share Boucher's liberal views on slavery and Indian policy? If these other Loyalists shared the same liberal beliefs as Boucher on these two subjects, might not America have lost, through the Loyalist exile, a significant liberal segment of its population that may have helped us to have a more humane Indian policy and eradicate slavery sooner? The evidence tends to indicate that this was not the case. Loyalists do not seem to have possessed a commonly shared attitude on slavery or Indian policy. For example, while Boucher urged the eradication of slavery, Thomas Hutchinson vetoed a bill prohibiting the importation of slaves in Massachusetts because the bill was sponsored on the grounds that slavery was immoral. Hutchinson countered that slavery was not immoral in Massachusetts because slaves could not be legally executed by their masters there. In fact, although it had not been tested, Hutchinson believed it possible for slaves to own property in Massachusetts. He felt that the lot of the slave in Massachusetts was no worse than that of the indentured servant.[71] Likewise, Boucher's friend and fellow Loyalist, Daniel Dulany, helped to write a tougher slave code for Maryland.[72] The Loyalist ranks do not seem

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[71]Bernard Bailyn, The Ordeal of Thomas Hutchinson (Cambridge: The Belknap Press of Harvard University Press, 1974), p. 378.

[72]Barker, p. 35.

to have been filled by many ardent abolitionists. There were many blacks, however, who were Loyalists. Both Nelson and Brown attest to this fact.[73] In Virginia, Lord Dunmore's proclamation to free all black slaves who would rise against their rebel masters greatly frightened the planters. John Hope Franklin reported that numerous blacks escaped to British lines.[74] The proportion of blacks that became Tories and the proportion that became Whigs is not known, however.

As far as the plight of the Indians was concerned, there is no evidence that Loyalists as a group shared Boucher's concern on the treatment of Indians. It is probable that they were so concerned about saving the union with Great Britain that they gave the plight of the Indians little thought. As was the case with blacks, most of the Indian population in the colonies sided with the British. After all, it was the colonists who were continually encroaching on their land and the British with acts like the 1763 Proclamation that were aiding them.[75] So, it seems that the Loyalists did not form a liberal segment on the question of slavery and Indian policy. The Loyalists were not really a

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[73]Brown, pp. 48-49; Nelson, pp. 90, 111-112.

[74]Franklin, pp. 133-134.

[75]Francis Paul Prucha, American Indian Policy in the Formative Years, The Indian Trade and Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), pp. 26-27; Brown, p. 48; Nelson, pp. 89-90.

party with a slate of issues on which they all agreed. They were composed of various men with various interests and opinions. The only thing that bound them together was their opposition to independence and the American Revolution. Thus, Boucher seems to have been rare among Loyalists in his advocacy of emancipation of slaves and humane treatment for Indians.

So, in this chapter we have seen that Boucher's views on slavery and Indian policy were not those of a reactionary, but were surprisingly liberal views for the eighteenth century. In these views Boucher was closer to the revolutionaries than to his fellow Loyalists, and in some aspects his views were even more liberal than those of the revolutionaries. Boucher's views of the treatment of racial minorities in America paint a more complex picture of the man, and cast further doubt on the view that Boucher was simply an ultra-conservative.

CHAPTER IV

VIEWS ON THE TOLERATION OF CATHOLICS

A final liberal element in our discussion of Boucher's political philosophy concerns his views on the toleration of Catholics. As we have seen, Boucher was something of a civil libertarian, speaking out vehemently for freedom of speech and press.[1] It was easy for Boucher to be a civil libertarian, for he was the victim of the intolerance and persecution by the committees of safety. The presses were closed against him and his speaking curtailed due to threats of violence. It was, therefore, logical that Boucher should have been an advocate of free speech and press. To these, however, we can add Boucher's advocacy of religious toleration for Catholics. Boucher was a voice for tolerance in an age of intolerance.

Prejudice against Catholics was extensive in pre-Revolutionary America. This was particularly true in Boucher's Maryland. So, his advocacy of toleration for Catholics was certainly a liberal suggestion for the period. John Cogely wrote, "Anti-Catholicism has been called America's

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[1]Jonathan Boucher, Reminiscences of an American Loyalist, Jonathan Bouchier, ed. (Boston: Houghton Mifflin Company, 1925), pp. 128-130.

oldest and most abiding prejudice."[2] This may be an overstatement of the case, but it does seem to have a great deal of validity. Anti-Catholicism in America had its roots in the Protestant Reformation, and especially in the religious turmoil in England in the sixteenth and seventeenth centuries. Although the English Reformation was brought about as a direct result of political controversies and Henry VIII's marital woes, the English people were ready for Protestantism. There was great resentment toward the Church by barons, townsmen, and sheep-raising landlords because of its great wealth and the secularization of the clergy. Lutheranism and other Protestant ideas had already entered the country and found advocates in such men as John Firth, Robert Barnes, Hugh Latimer, and William Tyndale. Henry VIII was reticent about making great doctrinal changes in the English Church, his break with Rome being more political than religious. However, religious as well as political sentiment grew against the Church of Rome through the years. The Anglican Book of Common Prayer during the reign of Edward VI contained pronouncements against Catholicism, and the clergy were issued injunctions to preach against the Bishop of Rome four times a year. Feeling toward Catholics was not helped by the short reign of Mary Tudor who used her authority as head of the

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[2]John Cogley, Catholic America (New York: The Dial Press, 1973), p. 2.

Church of England to restore Catholicism and persecute Protestantism. With the end of Mary's reign and under the strong rule of Elizabeth I, Protestantism became firmly entrenched in England.[3]

There were several reasons for English sentiment against Catholics, many of which were political. In an age when the establishment of churches was one of the many manifestations of nationalism, religious dissent was seen by both Protestants and Catholics as a threat to national unity. The international nature of Catholicism, the fact that Catholics presumably owed their allegiance to the Pope--even over the nation-state--frightened many Englishmen, as did the tremendous political power wielded by the Pope through the ages. The infamous Gunpowder Plot probably helped to accentuate this fear. Furthermore, the fact that the Pope was allied with England's two traditional enemies, France and Spain, did not esteem Catholicism in the eyes of many Englishmen.[4]

In addition to these political objections there were, of course, religious objections to the Church of Rome, particularly among the more radical sects of English Protestantism.

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[3]Harold J. Grimm, The Reformation Era, 1500-1650 (New York: The Macmillan Company, 1954), pp. 289-307, 460-479; Sister Mary Augustina, American Opinion of Roman Catholicism in the Eighteenth Century (New York: Columbia University Press, 1936), p. 16.

[4]Cogley, p. 2; Augustina, pp. 15-16; Grimm, pp. 547-548.

To give validity to their claims that they had returned Christianity to the simplicity it had enjoyed in its infancy, many Protestsnt reformers sought to prove that the Church from which they had withdrawn, the Roman Catholic Church, was a church that taught superstition, a church that survived by keeping its adherents ignorant. To many Englishmen in the sixteenth and seventeenth centuries, the Catholic Church was seen as a church that had perverted the teachings of Christ, a church that had become so bogged down in dogma and ritualistic observances that it could no longer be termed Christian, but rather anti-Christ.[5]

The sixteenth and seventeenth centuries were intolerant periods as far as religion was concerned. In addition to their disagreements with the Church of Rome, the Anglicans also found themselves faced with a growing number of non-conformist sects--Presbyterians, Independents, Puritans, Separatists, Baptists, and Quakers. These radical sects felt that the Anglican Church had not gone far enough in getting away from the rituals and dogma of Catholicism. Elizabeth had been able to maintain peace with these dissenting sects but the Stuarts only inflamed matters. Thus, in the seventeenth century the Anglican Church persecuted these dissenting sects, the non-conformists holding the Church of England in mutual contempt. There was little agreement or

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[5]Augustina, pp. 13-15.

common ground between them, except in their hatred for Catholics. Sister Mary Augustina wrote:

> Out of the numerous and well-nigh endless controversy which arose from the conflict of opinion thus engendered, there emerged what was perhaps the only common ground between conformity on the one hand and the various aspects of non-conformity on the other--their hatred, deep and abiding, of Catholicism.[6]

When the English came to America, they brought their religions and their religious prejudices with them.

Though these sects had undergone persecution in England, they came to America where many persecuted each other. Puritans persecuted Quakers and Anglicans continued to hate all dissenting sects. However, they hated Catholicism with a persistence and intensity that they felt toward no other Christian denomination. John Ellis wrote:

> The Anglican minister of Virginia and the Puritan divine of Massachusetts Bay were often worlds apart in their theology, but there was nothing that would cause them to close ranks more quickly than a supposed threat from the Church of Rome.[7]

So, an anti-Catholic bias was imported to the American continent with the English settlers and was reinforced by sects such as the French Huguenots who had undergone persecution in Catholic countries.[8] This hatred and fear of Catholics became deeply engrained in America and was reflected in

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[6]Ibid., p. 21.

[7]John Tracy Ellis, American Catholicism (Chicago: The University of Chicago Press, 1956), p. 19.

[8]Charles W. Baird, History of the Huguenot Emigration to America, Vols. 1 and 2 (Baltimore: Regional Publishing Company, 1966).

the legal restrictions placed upon them by every American colony. In many colonies Catholics could not vote or hold office, and they were taxed more heavily than other citizens.[9] By the decade prior to the Revolution, the Enlightenment had not wiped out this prejudice. The persistence of this anti-Catholic sentiment is evident in the sermons, writings, and utterances of colonial leaders. In a time when religion was still important politically, socially, and economically, Catholicism was condemned from the pulpit. In his sermon on the Man of Sin (1773), given as part of the anti-Catholic Dudlean Lectures, Puritan cleric, Samuel Cooper, asserted that the Catholic Church was the embodiment of the anti-Christ foretold in the New Testament. He said that the Roman Catholic church

> . . . resembled that apostate and idolatrous, that subtil and fraudful, that tyrannical and persecuting power, predicted in our text, and in other passages of the New Testament.

He goes on to talk of it as a "Romish superstition" whose progress over the centuries was a monument to "human sagacity and weakness."[10] He painted the Catholic church as an enemy of the Enlightenment and as an institution which fed on the ignorance of its followers. He said, "even to this day the

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[9]Francis X. Curran, Catholics in Colonial Law (Chicago: Loyola University Press, 1963), pp. 1-108.

[10]Samuel Cooper, "Sermon on the Man of Sin," 1773 (Boston: Greenleaf's Printing Office, 1774), Readex Microprint Edition, Published by the American Antiquarian Society, No. 13227, p. 5.

body of the people in the Romish are not near so enlightened as in Protestant communion."[11] Not only was Catholicism spiritually corrupt, but a danger to free government,

> Popery is incompatible with the safety of a freee government. It sets up a foreign head, superior to all civil rulers; a spiritual power that reaches to every thing upon earth, and can brook no control.[12]

The Congregationalist minister Jonathan Mayhew was an early advocate of American liberties, and a fierce opponent of the Stamp Act. His voracity in these areas can only be matched by his hatred of Catholicism. In one sermon he painted the Catholics as idolaters because of their worshipping the "eucharist, saints, and angels, pictures, and images."[13] The idolatry of the Catholics, he said, was "more gross . . . than that of the Israelites in worshipping golden calves, or than many persons, even among the pagans, were chargable with."[14] Of the Catholic church, he said, "She is a most corrupt one, a filthy prostitute, who hath forsaken her first love and is become indeed the 'mother of harlots.'"[15] He said that Catholicism and liberty were incompatible and lamented that "Thousands of weak and wicked Protestants are annually perverted to an impious, horrid system of

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[11]Ibid., p. 50. [12]Ibid., p. 66.

[13]Jonathan Mayhew, "Discourse on Popish Idolatry," May 8, 1765 (R & S Draper, Edee & Gill, and J & J Fleet, 1765, Readex Microprint Edition, Published by the American Antiquarian Society, No. 10068), p. 6.

[14]Ibid., p. 17. [15]Ibid., p. 43.

tyranny over the bodies and souls of men. . . ."[16] In another sermon he urged the government to Christianize and humanize the Indians; otherwise they would be "in great danger of apostasizing from their natural paganism and barbarity, into that which is worse, the religion of Rome. . . ."[17] He said that the great duties that Catholic missionaries inculcated in their Indian converts were those of "butchering and scalping Protestants."[18] One of the main reasons for the formation of the Society for the Propagation of the Gospel in Foreign Parts was to compete with Catholic missionaries. The Society for the Propagation of the Gospel in Foreign Parts missionaries were expected to send back yearly reports on the strength of Catholics in their areas.[19] The feelings of these Anglican clerics toward Catholics can be seen in this report of a Maryland minister made on the local strength of Catholics:

> We have Popish Priests daily flocking in amongst us, and the whole province smells of Popish superstitions,

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[16]Ibid., p. 50.

[17]Jonathan Mayhew, "A Sermon Preach'd in the Audience of His Excellency William Shirley, Esq.," May 29, 1754 (Boston: Samuel Knecland, 1754), p. 31.

[18]Ibid., p. 32.

[19]David Humphreys, An Historical Account of the Incorporated Society for the Propagation of the Gospel in Foreign Parts (London: Printed by Joseph Downing in Bartholomew-Close, near West-Smithfield, 1730).

> & I wish these Caterpillars were destroyed; they poison apace our young Plants that are growing up.[20]

Even the Quaker, William Penn, lashed out against Catholics in "A Seasonable Caveat Against Popery."[21]

However, hatred of Catholicism was not limited to religious leaders. Future revolutionary, John Adams, spoke out against Catholics in his article, "Dissertation on the Canon and the Feudal Law," in which he characterized the Catholic Church as a system of "tyranny," which thrived by keeping people in ignorance.[22] He wrote:

> . . . they [the Catholic Church] even persuaded mankind to believe, . . . that God Almighty had entrusted them with the keys of heaven, whose gates they might open and close at pleasure; with a power of dispensation over all the rules and obligations of morality; with authority to license all sorts of sins and crimes; with a power of deposing princes and absolving subjects from allegiance; with a power of procuring or withholding the rain of heaven and the beams of the sun; with the management of earthquake, pestilence, and famine; nay, with the mysterious, awful, incomprehensible power of creating out of bread and wine the flesh and blood of God himself. All these opinions they were enabled to spread and rivet among the people by reducing their minds to a state of sordid ignorance and staring timidity, and by infusing into them a religious horror of letters and knowledge.[23]

John Adams' cousin and fellow revolutionary, Samuel Adams, had an equal dislike of Catholicism. In an article in the Boston

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[20]Letters of The Reverend Rainsford, April 10, August 16, 1724, July 22, 1725, cited in Augustina, p. 71.

[21]William Penn, A Collection of the Works of William Penn, Vol. 1 (London: Assigns of J. Soule, 1726), pp. 467-486.

[22]Adams, ed., Works of John Adams, Vol. 3, p. 450.

[23]Ibid., pp. 449-450.

Gazette (1768), he warned Americans, "as you value your precious civil liberty, and everything you call dear to you, to be upon your guard against POPERY."[24] In another article in the Gazette seven days later, he wrote, "much more is to be dreaded from the growth of POPERY in America, than from Stamp-Acts or any other Acts destructive of men's civil rights. . . ."[25] So, we see that an intense anti-Catholic sentiment was an integral part of American life in the decade prior to the Revolution.

This sentiment rose to the surface as a reaction against the Quebec Act. This bill, passed by Parliament in 1774, among other things allowed toleration of Catholicism in Canada. There was a fiery reaction in the American colonies against this bill. Americans seemed to feel that their religious liberty was jeopardized by the Act, and that Catholicism would become established in America. Propagandists used this hatred of Catholics to drive one more wedge between Great Britain and her American colonies. Condemnation of the Act was loud and farflung. A writer to the New York Journal called it "the most daring stretch of the prerogative of the crown, and the most sinful violation of the rights of a free people, that the annals of Britain, or any

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[24]Harry Alonzo Cushing, ed., The Writings of Samuel Adams, Vol. 1 (New York: G. P. Putnam's Sons, 1904), p. 202.

[25]Ibid., p. 203.

other nation in the world register."[26] The Boston Gazette reported that American Catholics were rejoicing at the signing of the Quebec Act for they thought that they would soon get the same privileges as their Canadian brothers. It said that the Catholic churches of Boston drew a number of people, but these people were from the "lower sort."[27] The Virginia Gazette reported that tar and feathers would bring a good price that year and that some men were "determined to tar and feather every wight who voted for the Quebec bill, if they presume to come and offer themselves as candidates at the next general election. . . ."[28] The Maryland Gazette printed a report that a General Carlton had gone to Quebec to take command of thirty thousand Roman Catholics to be used as a militia. It went on to say

> . . . with so formidable a popish army, commanded by so able a general, in the service of the Crown . . . is it not high time for the protestants of all denominations in these kingdoms to take some effectual measures for the security of their civil and religious liberties.[29]

To this chorus of fear and indignation we can add the voice of Alexander Hamilton. In his pamphlet, "A Full Vindication of the Measures of the Congress," (1774) Hamilton wrote, "Does not your blood run cold, to think an English

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[26] New York Journal, September 15, 1774.

[27] Boston Gazette, September 26, 1774.

[28] Virginia Gazette, September 15, 1774.

[29] Maryland Gazette, November 10, 1774.

parliament should pass an act for the establishment of arbitrary power and popery in such an extensive country?"[30] He went on to say, "They may as well establish popery in New York and the other colonies as they did in Canada."[31] The Continental Congress also joined in the attack on the Quebec Act and Catholicism. In an "Address to the People of Great Britain," the Congress expressed uneasiness at a predominantly Catholic country on America's northern border, swelled by Catholic immigrants from Europe. They wrote,

> By their [the Catholics] devotion to Administration, so friendly to their religion, they might become formidable to us, and on occasion, be fit instruments in the hands of power, to reduce the ancient free Protestant colonies to the same state of slavery with themselves.[32]

They called the Catholic religion one that had "dispensed impiety, bigotry, persecution, murder, and rebellion through every part of the world."[33]

This is just a small sample of the protest that hit the colonies with the passage of the Quebec Act. Much of this protest and talk of Catholic armies attacking the colonies was probably mere propaganda. But, this propaganda

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[30]Syrett, ed., Papers of Alexander Hamilton, Vol. 1, pp. 68-69.

[31]Ibid., p. 69.

[32]Worthington Chauncey Ford, ed., Journals of the Continental Congress, 1774-1789, Vol. 1 (Washington: Government Printing Office, 1904), p. 88.

[33]Ibid., p. 88.

would have been ineffective and would not have been used had there not been substantial anti-Catholic feeling in the colonies. An indication of the pervasiveness of this anti-Catholic prejudice can be seen in the actions of some members of George Washington's army who were planning to carry out the "custom" of burning the Pope in effigy. Washington strongly disapproved of such actions and the men were punished.[34] The depth of American anti-Catholic feeling was not lost on Tory, Joseph Galloway, who at one point argued for continued unity with Great Britain on the grounds that it was British power that had prevented America from falling into the hands of a Catholic power, and with British protection gone this fate might soon ensue.[35] It is against such deeply rooted fear and hatred of Catholicism that Boucher's views must be measured.

True, Jonathan Boucher himself was not free from a certain anti-Catholic bias, still he did believe in religious toleration for Catholics. This is even more remarkable when one considers that Maryland was among the most violently anti-Catholic colonies. Maryland was originally established as a

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[34]John C. Fitzpatrick, ed., The Writings of George Washington, Vol. 4 (Washington: U. S. Government Printing Office, 1931), pp. 64-65.

[35]Joseph Galloway, A Candid Examination of the Mutual Claims of Great Britain and the Colonies, With a Plan of Accommodation on Constitutional Principles (New York: Printed by James Rivington, 1775; Readex Microprint Edition, Published by the American Antiquarian Society), No. 14059, pp. 45-46, 48.

haven for Catholic but after the Glorious Revolution Anglicanism became the established religion and Catholics came under persecution. Charles A. Barker wrote:

> As if to wipe out the imprint of Catholic dominance during the seventeenth century, the eighteenth-century assembly passed the severest anti-Catholic laws in America, forbidding the erection of churches and the employment of Catholic teachers, and prohibiting Catholics to hold office or to vote.[36]

There was even a law that made it possible for Catholic widows to have their children taken from them to be raised in a Protestant home.[37] Boucher took issue with this persecution. He wrote that to the Catholic population "we are bigots, uncharitable and intolerant; we are persecutors."[38] He went on to say, "we subject them to unnecessary, unreasonable, and unjust restrictions, and disqualifications."[39] Boucher said that he realized that advocating the toleration of Catholics was not commonly done by Protestant ministers but that he felt it his duty, "not only as a man but as a Christian, and (let me add) more particularly as a Protestant minister of the word of God, to recommend and practise such toleration."[40] He attacked many of the misinterpretations and stereotypes that had grown up about Catholicism. He said that it was not true that

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[36]Barker, pp. 43-44. [37]Curran, pp. 92-93.

[38]Boucher, Causes and Consequences, p. 268.

[39]Ibid., pp. 268-269. [40]Ibid., p. 255.

Catholics gave in to tyrants, or were behind the ignorance of the Dark Ages; on the contrary, they were a part of the Enlightenment. As for their giving in to tyrants, he said that they protested evil dogmas as much as did Protestants and that some of the things written by Catholics on the cause of liberty might even satisfy the Sons of Liberty.[41] Boucher took cognizance of the long tradition of anti-Catholic feeling: Protestants still remembered the persecutions of "Bloody Mary," the fear of Mary Queen of Scots, and numerous Catholic plots, real or alleged. These episodes, said Boucher, should be forgotten.[42] He said the British owed a great deal to the Catholics, for it was Catholics who obtained the Magna Carta, which laid the foundation for the British Constitution.[43] In short, Boucher was saying that Catholics were no different from anyone else: some of them were evil, some were virtuous. Like any group, they had made errors, and they made contributions to society.

Although Boucher called for toleration of Catholics, he did not believe in complete toleration. He believed that the Anglican Church should continue to be the established church in Maryland and that neither the Catholic, nor any other church should be put on equal footing with it. Complete toleration would result in support being given to

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[41]Ibid., p. 276. [42]Ibid., p. 287.

[43]Ibid., p. 289.

religious systems unfavorable to good morals or possibly hostile to the state.[44] He continued to believe that Catholics were wrong in their doctrine, but discounted harsh laws and persecution as a means of making them see their error. He wrote:

> In religion, all that religion allows is, that we may persuade, but not command; we may press with arguments, but have no right to force by penalties; . . . compulsion is not allowed, not only because even in its aims it may be unreasonable and unjust, but also because it is the worst way we could possibly take to produce conviction. That is the result of fair and strong argument; whereas all that compulsion can produce is hypocritical conformity.[45]

Boucher deplored the fact that Christianity had broken up into so many different sects. At one point he wrote:

> . . . the almost endless diversity of opinion that has prevailed on the subject of religion and the numerous sects into which the Christian world has been divided, is one of the greatest calamities with which mankind have ever been visited.[46]

He seemed to hope that the Anglican, Catholic, and Presbyterian churches could somehow unify, preferably under the Anglican banner, which he deemed the moderate way, standing between the two extremes of Catholicism and Calvinism.[47]

Thus, we have Boucher's views on the toleration of Catholics. As can be seen, he was not for full religious toleration, as was Jefferson, but his position was surely not an ultra-conservative one. While anti-Catholic feelings

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[44] Ibid., p. 260.

[45] Ibid., p. 258.

[46] Ibid., p. 66.

[47] Ibid., pp. 74-76.

and persecution were the rule in the colonies, and especially in Maryland, Boucher urged toleration for Catholics. However, it would be too much to say that Boucher's position was based entirely on high principles. By coming out for religious toleration of Catholics, Boucher hoped to persuade the bulk of Maryland's large Catholic population to remain loyal to Britian in the revolutionary struggle. He specifically stated this at the opening of his "Sermon on the Toleration of Papists."[48]

Boucher was not successful in this attempt. Most of Maryland's Catholic population joined the side of the revolutionaries. This was probably due, in large part, to the influence of the prominent Catholic, Charles Carroll of Carrolton.[49] In calling for the toleration of Catholics, Boucher may have also hoped to effect the unification of the churches previously mentioned. That such a reunification could have been achieved was probably impossible, yet Boucher seemed to have genuinely hoped for it. Maybe he felt that the olive branch he held out to Maryland's Catholics might be a first step. Also, Boucher had been exposed to intolerance and persecution at the hands of the committees of

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[48]Ibid., pp. 241-242.

[49]William W. Sweet, Religion in the Development of American Culture, 1765-1840 (New York: Charles Scribner's Sons, 1952), pp. 46-47.

safety. He probably felt an affinity with Catholics in this. Whatever the reason for Boucher's belief in toleration for Catholics, the fact that he called for such toleration certainly muddles the picture of Boucher the ultra-conservative.

CHAPTER V

CONCLUSION

What can we say then about Jonathan Boucher? Was he, as most scholars have claimed, an ultra-conservative, a reactionary, a man at variance and out of step with the American political tradition? The evidence tends to indicate that such a characterization of Boucher is too simplistic. It does not take into account all aspects of his thought and is predicated on an unrealistic view of early American history and political philosophy.

We have seen that Boucher held some beliefs that, on the surface, seem extremely conservative and alien to the American political tradition. However, we have also seen that Boucher possessed beliefs that were extremely liberal, even radical for the eighteenth century. We have already discussed how Boucher called for the emancipation of slaves in the 1760's, while the eighteenth century anti-slavery movement was still in its infancy. In Indian affairs, Boucher called for humane treatment of Indians, even criticizing land hungry settlers at a time when genocide was being practiced against the Indians and westward expansion was rarely questioned. Lastly, we have seen how Boucher called for the toleration of Catholics in an age when

anti-Catholic sentiment was running high, even among such revolutionaries as John and Samuel Adams. It seems incredible that a man who held such beliefs could be called a reactionary. Why has this happened? It seems that many scholars have, for the most part, ignored the liberal aspects of Boucher's thought. They have concentrated on other elements, the seemingly conservative elements. They have looked at the fact that Boucher attacked the cherished American ideals of equality and democracy. They have concentrated on the fact that Boucher denied the right to revolution, calling instead for complete obedience to government. They have seen that he attacked Locke's social contract theory, denying its validity as the basis for the origin of government and replacing it with Filmer's archaic doctrine of patriarchialism. Finally, scholars have looked at the fact that Boucher did not believe governmental authority to be lodged in the people, but with God. These beliefs seemed completely at odds with the revolutionary ideology of that time and straight out of the seventeenth century. Thus, we have the picture of Boucher, the ultra-conservative.

However, even if one ignores the liberal elements of Boucher's thought and looks only at the conservative aspects, the view of Jonathan Boucher as the reactionary and the man at odds with the American political tradition still does not hold. For we have seen that in holding many of these so-called conservative ideas, Boucher was not that far from his

revolutionary counterparts. Boucher has been scorned for attacking the ideals of equality and democracy. Yet, it has been shown that he was no different from many of the Founding Fathers. The founders of this country did not believe in democracy as we view it in the twentieth century. Democracy, as we view it was not fought for by the revolutionaries, indeed they feared it as much as did Boucher. They placed very little faith in the wisdom of the common man. And although there was much talk of equality in early American political thought, they did not believe in equality as we see it today. They did not believe in social, political, or economic equality. Many of the social welfare programs of today would probably be abhorrent to the Founding Fathers. So, in his views on equality Boucher was not that different from the nation's founders. Scholars have been guilty of looking back at early American political thought through twentieth century eyes. They have imposed twentieth century conceptions of terms such as equality and democracy on the men of the eighteenth century, which is a mistake. However, they have not done this as far as Boucher is concerned. An aura still surrounds the nation's founders. They are seen as wise men. Our definitions of democracy and equality were theirs. No such aura surrounds Boucher. He is saddled with the realistic, prevailing eighteenth century view of democracy and equality as frightening things--things to be avoided. Like the early Protestants defending the Reformation, Boucher and

the Loyalists must be made to look the villains, the very embodiment of evil and ultra-conservatism so that the Revolution could be justified. America's founders, as great and wise as they were, must be made to look even greater and wiser than mortal men usually are. This may be a nice and valuable myth, but this is not truth. So, part of Boucher's conservative reputation has been due to a value-laden approach to history.

Another part of Jonathan Boucher's conservative reputation has been due to a misinterpretation of the so-called conservative elements of his thought. Because Boucher accepted Filmer's notion on the origin of government, it has also been assumed that, like Filmer, he was a believer in the divine right of kings. This, as has been shown, is a totally false assumption. Boucher did not worship the king. If anything, he worshipped the British Constitution, that group of laws, institutions, and customs that was also respected by the American revolutionaries. Boucher worshipped the British Constitution as it stood after the Glorious Revolution of 1688, the constitution that, if anything, took power away from the king rather than infused him with it. Boucher did not preach that people should respect a particular form or branch of government, but government in general.

Boucher is also said to have believed in total submission to government. This, too, is erroneous. Boucher, like

his counterparts, believed in a higher law, the law of God. When a person's conscience told him that the law of the state contradicted the law of God he was to obey the law of God, accepting the punishment of the state. Such a doctrine is rather individualistic for an ultra-conservative to advocate. We have seen in the twentieth century the revolutionary potential of such a doctrine. So, we see that part of Boucher's ultra-conservative reputation is due to misinterpretations of his thought.

Now, other areas of his thought, such as his attacks on the social contract and the right to revolution, and his view on the basis of governmental authority can be described as clearly conservative. Yet, even in this, Boucher's thought does not merit the utter contempt it has received. The purpose of this thesis has not been to say that Boucher was a liberal and held no conservative ideas, but that he was not an ultra-conservative, totally out of step with American political opinion. His conservative ideas were not antiquated. As has been mentioned, in attacking the social contract theory Boucher was in the same tradition as David Hume. So, even in his conservative ideas, Boucher should not be seen as a philosopher speaking out of the seventeenth century.

Thus, the view of Jonathan Boucher as an ultra-conservative seems to be a false one. The evidence indicates that this is not an accurate characterization of

Boucher. This view has come about because several liberal elements in Boucher's thought, his views on slavery, his views on Indian policy, his views on the toleration of Catholics, have been largely overlooked by scholars. Also, scholars have looked at Boucher through the eyes of the twentieth century. They have judged him by twentieth century standards, instead of seeing him as an eighteenth century political philosopher. Furthermore, they have misinterpreted various segments of Boucher's political thought. Boucher was not an ultra-conservative, nor was he a deviant from the American political tradition. In many areas there was little difference between Boucher's thought and that of America's founders. The seeming abyss has come about because many scholars have refused to realize that early American society and political philosophy were not as democratic as is usually believed. So, in expressing a fear of democracy, for example, Boucher was not deviating significantly from the American political thought of that period. In reality, he was very much in line with it. Therefore, we see Boucher has been criticized unjustly.

If Boucher held many liberal views and was, for the most part, in line with the American political tradition, what does this say about other Loyalists? Did the Loyalists form a liberal segment on such subjects as human rights for minorities, a segment that might have helped us remedy many of our racial problems sooner and more easily? The evidence

seems to show that such was not the case. As has been shown, Boucher seemed to have been virtually alone among prominent Loyalists in his views on black slavery and Indian policy, and if Joseph Galloway's attitude is any indication, on toleration of Catholics as well. There does not seem to have been substantial agreement between Loyalists on any issue except one, that America should not become independent of Great Britain. This was their overriding concern. If advocating toleration for Catholics would serve this purpose, then by all means it should be advocated. If catering to the deep-seated American distaste for Catholicism would help maintain the union with Britain, then by all means this should be done. The Loyalists did not represent a liberal segment. In fact, it is hard to say that they represented any kind of segment. As we have seen, they were composed of various kinds of people, blacks wanting freedom, Indians wanting to be left alone, government officials wanting to hold on to their jobs, members of various religious sects whose doctrines forbade revolution, aristocrats fearing the collapse of the social order, political philosophers, fearing the advance of strange new ideologies. They were a loose conglomeration of people who for reasons of self-interest, or ideology opposed separation from Great Britain, even though most of them agreed that the grievances against Great Britain were justified. Indeed, they cannot be even called a coalition. They were not a political party or organized interest group in any

sense of the word. In fact, Nelson said that this was part of their problem. They did not work together; they did not organize. Two of their most prominent leaders, Joseph Galloway and Thomas Hutchinson, living fairly close together did not know each other or correspond.[1] So, in his liberal ideas Boucher was not reflecting the beliefs of a liberal Loyalist segment, or a conservative segment for that matter. In this he was on his own.

Now that we have attempted some answers to the questions posed at the beginning of this thesis, let us turn to a problem that has occurred to me during the writing of this thesis. This problem concerns those oft-used but troublesome terms of "liberal" and "conservative," which have been used extensively in this thesis. How adequate are these terms in describing political behavior and ideology? This thesis tends to shed doubt on their adequacy. First of all, people do not fit into neat liberal-conservative categories. The case of Jonathan Boucher points this out. How does one classify Boucher? Was he liberal? He certainly held many liberal beliefs, some more liberal than those of the revolutionaries. Was he a conservative? He held many conservative views also. We then see that Boucher does not fit neatly into either category. What about his counterparts? The same problem applies

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[1]William H. Nelson, The American Tory (Oxford: The Clarendon Press, 1961), pp. 18-20.

to them. For example, Alexander Hamilton is usually seen as a conservative. He had a great dislike for the masses and too much democratic rule, believing instead in government by aristocracy. This would certainly seem to qualify him for the conservative camp. On the other hand, he was also dedicated to the liberal tenets of individualism and the right to revolution and black equality. His willingness to support a revolution and his dynamic economic policies certainly show no fear of change. Indeed, they show a certain optimism, a liberal trait. Again, the question is raised--how does one classify Hamilton? So, one problem with the liberal-conservative dichotomy is that people do not fit easily into such neat categories.

One reason why people do not fit neatly into these categories, and another problem with the use of the terms "liberal" and "conservative" is the key factor of self-interest, which is often ignored. As has already been mentioned, political philosophers through the ages have talked of the importance of self-interest in political matters. Furthermore, several modern studies indicate that people, particularly at the mass level, do not form opinions on issues on the basis of ideology so much as they do on their own immediate interests.[2] As we have seen, part of Boucher's

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[2]Robert Axelrod, "Structure of Public Opinion on Policy Issues" in Public Opinion Quarterly, Vol. 31 (Spring 1967), pp. 51-60; Angus Campbell, The American Voter (New York: John Wiley and Sons, Inc., 1960), pp. 227-234; Herbert McClosky,

loyalism can probably be linked to self-interest. As a member of the proprietary faction from which he drew the wealth and status he had searched for all his life, it would have been entirely against Boucher's interest to cut off the source of this wealth and status and join the revolutionaries. And although Beard's Economic Interpretation of the Constitution is probably an overstatement of the case, it does show that economic self-interest probably played a role in the framing of the Constitution.[3] This is not to say that political ideology plays no part in the forming of political opinions, but that self-interest plays an equal, or perhaps a greater role. People do not fit neatly into liberal-conservative categories because they do not, to a large extent, form public opinions on the basis of ideology but rather on self-interest. Self-interest is not easily charted or characterized because it cuts across ideological lines. This is a further problem with the use of the terms "liberal" and "conservative."

"Consensus and Ideology in American Politics" in the American Political Science Review, Vol. 58 (June 1964), pp. 361-382; Philip E. Converse, "The Nature of Belief Systems in Mass Publics" in Ideology and Discontent, David E. Apter, ed. (New York: The Free Press, 1964), pp. 206-261; Donald D. Searing, et al., "The Structuring Principle: Political Socialization and Belief Systems" in the American Political Science Review, Vol. 67 (June 1973), pp. 415-432.

[3]Charles A. Beard, An Economic Interpretation of the Constitution of the United States (New York: The Macmillan Company, 1935).

A third and final problem with the terms is that their meanings have changed over the years, particularly in America. In early America, conservatives were people, like Hamilton, who advocated strong central government and governmental interference in the economy. Liberals, like Jefferson, were advocates of decentralized government, more local control, and laissez-faire economic policies. These were some of the basic tenets of liberalism. Thus, a person, like Barry Goldwater, might more accurately be called a nineteenth century liberal, in the mold of John Stuart Mill and Thomas Jefferson rather than a conservative. The problem may be the atypical nature of the American political tradition. Scholars, like Hartz, Dolbeare, and Guttmann have argued that America has never really had a conservative tradition. The American tradition has been a liberal tradition.[4] Dolbeare even goes so far as to say that the fights we traditionally say are between liberals and conservatives are in reality between two opposing branches of liberalism.[5] Since liberalism and conservatism can only be defined in relation to each other, America, lacking true conservatism, has had trouble in defining liberalism. This thesis, of course, has its

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[4]Louis Hartz, The Liberal Tradition in America, An Interpretation of American Political Thought Since the Revolution (New York: Harcourt, Brace, and World, Inc., 1955); Guttmann, The Conservative Tradition in America; Dolbeare, Directions in American Political Thought.

[5]Ibid., pp. 307-327.

its enemies, but it points out the uncertain nature of the terms "liberalism" and "conservatism," especially when applied to the American scene. It points out the danger of looking back over two centuries to call Boucher an ultra-conservative, or Jefferson a liberal, or John Adams a conservative. The terms liberal and conservative are not easily operationally defined and their usage is fraught with danger.

So, in looking at Jonathan Boucher's political thought, we have found several things. We have found that the "ultra-conservative" Boucher held many beliefs considered to be liberal and that in much of his philosophy he was not far from the founders of the United States. We have reaffirmed that early America was not as democratic and egalitarian as is usually believed. We have explored and discarded the notion that the Loyalists represented a liberal segment on social issues in revolutionary America. Lastly, and perhaps most importantly, we have learned that caution must be exercised when using such terms as "liberal" and "conservative" and that these terms may be totally inadequate in describing American political behavior and ideology. It is hoped that these findings will be of service to students of American political thought in understanding and analyzing the American political tradition.

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