

Colonial Political Thought and Independence

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Abstract

The Colonial Charters of Virginia established the rights of settlers, and these rights became the basis of Colonial era political thought. They were repeated in Revolutionary texts to cite the grievances of colonists and to justify their declaring independence from the British. These rights of settlers cited in the Charters inherently implied they could develop economic and political activities, and Jefferson preserved this when he was tasked with writing the Declaration. This piece makes three claims. First, the political philosophy that the natural rights of men entitled them to democratically governed economic and political activity, stated implicitly in the Charters and similarly repeated in the Boston Pamphlet and Declaration of Independence, predates enlightenment thinkers and this political philosophy was learned from the British system. Secondly, this philosophy has a basis in economic rights and this basis, as well as liberty left for colonists' decision-making in the Charters, provided the foundation for expanded political rights and political development in the Colonial era. Thirdly, fundamental colonial political philosophy was largely unchanged from settlement through the time of the revolution, but the development of political rights meant increased British involvement, or interference, in colonial economic and political affairs was antithetical to the Colonial era. Therefore, by establishing these rights the British sowed the seeds of their own destruction in Colonial America, and these rights provided the basis for colonial political thought eventually leading to the classic liberal tradition of life, liberty, and property. The Colonial era inherited its fundamental understanding of economic and political rights from British-American colonist ancestors. These ancestors were provided significant autonomy in their economic and political rights, so they declared their independence for those reasons.

Introduction

The impetus for the Declaration of Independence largely centered on the terms of the colonists' economic and political rights because of a lack of control over the rights they felt entitled to as British-Americans. This lack of control was a result of British tax and trade policies, and the context of British mismanagement of the colonies made the situation worse as the British sought to pay off debt following the French and Indian War. The colonists declared their independence for the same economic and political rights as their English colonist ancestors, rights formally recognized in 1607 in the colonial Charters granted by King James Charles Stuart I. The Charters established colonial rights to economic and political activity and later actions by the Crown that limited colonists' control over these activities provided the justification to declare independence. The basis of opposition to British interference in colonial economic and political affairs is a colonial political philosophy, which is identified in the Charters and other documents from the first colonists through the American Revolution. This philosophy is the natural rights of colonists entitled them to democratically governed economic and political activity. The role of the Charters and this philosophy predated enlightenment thinkers, and the colonists learned this fundamental political philosophy, particularly the value of rights in economic terms, by the British who therefore sowed the seeds of their own destruction, as the colonists declared independence one hundred and sixty-nine years later. This paper will discuss the fundamental role this philosophy had in the context of colonial political thought and the Declaration of Independence, and eventually leading to the classic liberal tradition of life, liberty, and property.

The colonial Charters of 1607 established settlers' rights in the New World, entitling them to the same rights they held in Britain. James Otis Jr. noted, "The colonists are entitled to as ample rights, liberties, and privileges as the subjects of the mother country are, and in some respects to more (Howard,

1905).” The basis of settlers’ rights were first established by the king who, ‘by the grace of God,’ provided rights to pursue economic and political ends in America (Stuart I and VI, 1607). The words ‘by the grace of god’ are referenced by later colonists who claimed entitlement to these natural rights, or unalienable rights. This wording is a matter of nomenclature; therefore rights ‘by the grace of God’ and natural rights share the definition as rights provided by God, or natural law.

The point of the Charters was to cite these natural rights of English subjects in order to establish their entitlement to the economic and political ends they sought in the New World. Through these seminal documents, this became the fundamental political philosophy of the colonial era. The presence of this language in the First, Second, and Third Charters of Virginia, and repeated in the latter Boston Pamphlet and Declaration of Independence, illustrates how this political thought and the political philosophy within them was fundamentally unchanged at the American Revolution. However, political thought in the colonial era allowed for further development of political rights because of the basis of political rights in economic terms, and the liberty granted to settlers for decision-making in the Charters.¹

The American Revolution was about the rights colonists had experienced since the first settlement and the violation of those rights by the English government. These violations were primarily economic but were also sometimes more abstract. These economic rights continued to serve as the basis for political rights and provided the basis for what is the classic liberal tradition of life, liberty, and property. The king establishing these rights through natural law in the Charters provided the rights of ‘settlers to plant and habitate’ in America, and this later translated to ‘all men endowed by their creator with rights,’ as Jefferson asserted, because these men wanted to exercise those same rights for the same ends. The rights of settlers cited in the Charters inherently implied they could develop economic and political activities, and Jefferson preserved this when he was tasked with writing the Declaration. This piece makes three claims. First, the political philosophy that ‘the natural rights of men entitled them to democratically governed economic and political activity,’ stated implicitly in the Charters and similarly repeated in the Boston Pamphlet and Declaration of Independence, predates enlightenment thinkers and this political philosophy was learned from the British system. Secondly, this philosophy has a basis in economic rights and this basis, as well as liberty left for colonists’ decision-making in the Charters, provided the foundation for expanded political rights and political development in the colonial era. Thirdly, fundamental colonial political philosophy was largely unchanged from settlement through the time of the revolution, but the development of political rights meant increased British involvement, or interference, in colonial economic and political affairs was antithetical to the colonial era. The colonial era inherited its fundamental understanding of economic and political rights from British-American colonist ancestors. These ancestors were provided significant autonomy in their economic and political rights, so they declared their independence for those reasons.

The First, Second, and Third Charters of Virginia

The prominent position of settlers’ rights at the beginning of the Charters, expressed by the king’s granting rights by the grace of God, make the basis of settlers’ economic ends a matter of divine providence, or natural law. The perennial features of the colonial era, including individual liberty, local governance, and property rights, were a product of this philosophy in the Charters as it expressed rights in similar terms. This section will illustrate how this philosophy in the Charters was an antecedent to

¹ Hyneman and Lutz noted the Charters granted colonists liberties, privileges, enlargements, and immunities. When the Charters did not provide enumerated political rights there was room for the Colonists to decide themselves, thus the Colonists had the same rights of Englishmen with the added benefit the Charters left for decision-making. Additionally, America’s geographical location also afforded for this local political autonomy. The authors also note rights meant most of the early Charters allowed settlers to design their own political institutions and practice self-government. The colonists used this experience to develop early compacts and townships.

Jefferson's words in the Declaration. The First Charter's content centers on the rights of settlers to adventure and to exploit the natural resources of America for economic gain.

The First Charter permitted the investors in the joint-stock company "to make habitation, plantation, and to deduce a colony of sundry of our people into that part of America commonly called Virginia (Stuart I and VI, 1607)." The two groups of investors established here were authorized settlement by his grace to two separate areas of land. This provided settlers discretion to establish themselves, within the geographical parameters set by the charter, by making use of the lands and resources available to them. The document authorized the right of settlers to defend themselves from those who would violate their commercial interests, including anyone who would attempt to inhabit those colonies and plantations, or those who attempt "the hurt, Detriment, or Annoyance, of the said several colonies (Stuart I and VI, 1607)" Any violation of these colonial interests could be taken up with the treasurer of a colony and that treasurer could enforce financial penalty under his authority to levy fines (Stuart I and VI, 1607).

These points are central to future understanding of colonial era political thought because these established rights to land and resources meant settlers had a legally binding document to refer to as their political foundation for economic and political activity. The discretion authorized in the document also supported later increases in colonists' autonomy of rights as they engaged in economic activity: "And shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better safeguard, according to their best Discretion, and the Discretion of the Council of that Colony (Stuart I and VI, 1607)." The Charters established a community of colonies under the direction of Britain, but Britain left room for the judgement of the settlers to make decisions as subject to their own interests.

Within the Charters, the authority of the king, by the direction of natural law, granted investors their rights to plantation and habitation in America (Stuart I and VI, 1607). The political philosophy of the Charters, therefore, is one originating with the king and his government, but it is through natural law that the investors are provided these rights, so they are natural rights. These rights of settlers were established to pursue and secure economic ends, and the Charters provided the basis of justification for settlement as an economic one whereby investors exercised their natural rights to profit from American natural resources. The natural resources in America were advantageous to the British market and joint-stock company investors, and the investor rights pursuant to the economic interests thereof was the basis for any future justification of economic activity.

The economic basis also allowed investors to gain more democratic control over the Virginia Company in the second and third Charters. The Second and Third Charter of Virginia followed the same basic format of the First, but the Second expressly provided settlers the right to choose their representatives to a Council (Stuart I and VI, 1607). The company was initially governed by a Council for Virginia composed of thirteen investors who were appointed by, and swore to serve in the interests of, the king, and the council was delegated powers to govern and make decisions they felt were in the best interests of the Crown and Company (Wolf). The company council also appointed a seven-member council to ensure its directions were followed in Virginia, and these council members elected from their ranks a president (Wolf). This position was unsuccessful, but this subtle democratic quality became the basis for increased democratic governance of the company in the Second and Third Charters. The need for the second charter came out of the financial needs of colonists and the resistance they faced from natives, and this charter divested some power from the King and transferred it to the colonists themselves, so they could solve these issues (Wolf). The investors of the Virginia Company could now elect a treasurer to lead it, and they were also authorized to elect their own council members whereas the king had the sole authority of these appointments before. The choice of council members by the investors were subject to the king's veto and maintained their duty of loyalty to his interests, but this still marked an evolution in governance for the Virginia Company whereby natural rights and economic activity led to increased political rights.

The Boston Pamphlet

One hundred and sixty-five years after the First Charter of Virginia, and in the early stages of revolution, following what Parliament considered an inflammatory denouncement of the Townshend Acts by the Massachusetts Assembly, the Assembly defied an order to revoke its denouncement, and Parliament dissolved it. The Boston Pamphlet was the response, written primarily by Samuel Adams, to this action by Parliament. Its immediate grievances were based on the desire of the Assembly to reconvene, and what colonists claimed was an unjust vestige of Parliament to decide the pay of the Massachusetts governor and other officials (Adams, 1772). The document asserted that the restriction placed on the Assembly to reconvene, its weak position compared with Parliament, the imposition of economic restrictions, and a lack of recourse through petition threatened their life, liberty and property (Adams, 1772). The colonial era witnessed increased emphasis for the role of natural rights as it related to economic activity.² The experience of wealth in the colonies after 1745, and the following economic decline, also increased the sensitivities of the colonists', which bolstered their claims that increased British taxation was a violation of their natural rights. In effect, the Boston Pamphlet asserted violations like these were a violation of their ancestors' rights in settlement.

The British, by establishing economic rights for the colonists, sowed the seeds of their own destruction as these rights became increasingly political. The Boston Pamphlet cited the colonists' rights provided by the Charters, and it expressed the colonists' rights to direct economic affairs. For resistant colonists, the British Parliament's interference with provincial assemblies' control over economic and political affairs through restrictive commercial trade and tax policies were a contradiction of the Charters.³

The Boston Pamphlet asserted the colonists were entitled to their vested rights as men, which the law of God and nature, as well as the laws of nations, and well-grounded municipal law with foundation in the former, provide for and respect (Adams, 1772). Adams asserted the legitimacy of their grievances rested on their natural rights as men, as Christians, and as subjects, and he claimed the actions of their provincial assembly and the document itself are not subversive to the ends of government (Adams, 1772). This was reasonable because their grievances centered on the infringement of fundamental rights to economic and political activities granted to them by Charters. Citing the Charters, the document asserted colonial rights were violated because they wished to exercise the very rights granted to their ancestors (Adams, 1772). These ancestors "hired Servants for the defense of their Lives, Liberties and Property," and this is the reasoning the document used to claim the colonists themselves should be the assessors of the pay for their governor and other officials (Adams, 1772). The document asserted it was the rights of the colonists, as subjects of England, to assume control, as a body politic, for the mutual safety and prosperity they had as a union of men (Adams, 1772). "The absolute Rights of Englishmen and all Freemen in or out of civil society are principally personal Security, personal Liberty, and private Property

² Gautham Rao noted "By the time Revere set to work in 1770, the British imperial custom house had become a backdrop of the gathering revolution. Since 1756, British Treasury officials had been pressuring colonial customs agents to strictly enforce new taxes and commercial regulations. Colonial merchants, sailors, and others fiercely resisted these actions."

³ Prior to the 1760s Britain had largely ignored their American colonies. Following the Seven Years' War, the parliament worked to pay-off debt, but it was limited by the strengthened radical reform movements in Britain. The reform movements disrupted the British governing class and forced the British government to create increased revenue from colonies. British officials responsible for managing the colonies until this point were often more interested in English political patronage than organizing the affairs of the colonies. Further, the way the British haphazardly managed colonial affairs left colonists with less political and economic incentive to cooperate with Parliament. King George III's impetuous style did not help Britain regain the authority it required to work with the increasingly independent and economically motivated colonists. The lack of British support following colonial economic decline still made matters worse for the British. British imposition of new taxes and customs regulations while proving unsupportive of colonial economic issues naturally led to colonial indignation of the King and Parliament.

(Adams, 1772).” Therefore these colonists, by ‘the laws of God and Nature,’ as provided by the Charters and acts of British Parliament, declared themselves entitled to these economic and political activities (Adams, 1772).

The Declaration of Independence

The Declaration’s purpose was to provide an explanation of the Resolution of Independence, which Congress approved as the official separation between the colonies and Great Britain. However, the Declaration provided a deeper explanation as it reflected on the colonial era and illustrated the points of tension with Britain based on colonial era political thought. The Declaration asserted when it becomes necessary for a people to dissolve its political bands with another, that people assume “the separate and equal station to which the Laws of Nature and of Nature’s God entitle them,” so they must provide “the causes which impel them to separation (Jefferson, 1776).”

The document addresses the commercial restraints of the colonists which followed the raising of conditions, or increased standards, for the “new appropriation of lands,” which the document claimed cut off trade with “all Parts of the World,” and the imposition of new taxes without consent of the colonies (Jefferson, 1776). Referring to the severity posed by British despotism, Jefferson points out the Quebec Act of 1774, and cited the abolishment of the free system of English laws in that province. This is significant because he admits the established system of English laws is free, so there is continuity with the Boston Pamphlet as he asserted his grounds are consistent with the Charters (Jefferson, 1776). These violations, then, contradict colonial political thought and norms of political practice, and this point is emphasized when he cited how unalienable rights derive from the Charters (Jefferson, 1776). Here Jefferson wrote, “For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments (Jefferson, 1776).”

Jefferson claimed petitions were answered only by further injury. “We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations (Jefferson, 1776).” These appeals were not heard by the voice of justice and consanguinity, so here he provided context for shared ideas and values consistent with their ancestry as they related to British usurpations.⁴ This context was defined by Jefferson as a British government with shared traditions and political values, but one which no longer upheld the rights necessary to exercise that political philosophy (Jefferson, 1776). The document concluded that its declaration of independent united colonies is supported by its “firm Reliance on the Protection of divine Providence, and the delegates’ mutually pledged lives, fortunes, and sacred honor (Jefferson, 1776).”

Conclusion

The ideas of the revolution were not new in the decades leading to revolution, but they were subsequent to the role early settlers had in formulating their Colonial tradition. The principles of natural rights, freedom of economic activity, taxation and representation, self-government, and individual liberty were all provided within the context the Charters established with the first settlers. The ideas of revolutionary texts repeated many of the same values of colonial political tradition and used them to justify their rights to have control over economic and political activities.

The continuity of the proceeding ideas, beginning with the Charters, and repeated in the Boston Pamphlet and Declaration was complemented by the philosophies of John Locke, Adam Smith, Francis Hutcheson, and others who influenced the colonists as they emphasized the relationship between natural

⁴ Gary Wills referred to Edmund Burke’s *reflections* to provide the colonial context for the meaning of revolution, and this is significant as it relates to the intention of colonial petitions for redress. The sanctity colonists observed for the practice came from the reforms of the Glorious Revolution of 1688: “He reminded them that ‘the Revolution was made to preserve our ancient indisputable laws and liberties.’ True revolution is a constitutional development—the extraordinary act that is needed to maintain the flow of ordinary ones: ‘This is the spirit of our constitution, not only in its settled course, but in all its revolutions.’”

law, the individual, and society. This is apparent as colonists cited Locke's principles in colonial documents, and the Boston Pamphlet asserted the language in the Charters supported Locke's principles of life, liberty, and property (Adams, 1772). Enlightenment thinkers had a significant role in contributing to later colonial political thought, but the antecedents of colonial political thought beginning with the Charters provide a temporal order leading to revolution, and this basis in the Charters allowed for the development of that political thought, or expanded political rights before these enlightenment thinkers began making their contributions. The philosophy found in these documents was inherently characteristic of what became the classic liberal tradition whereby life, liberty, and property remain its foundation. The Declaration reflects this philosophy and history, which Jefferson expanded on, and this made it a seminal document in American political thought. He captured the fundamental character of colonial political thought, and he repeated it to justify independence, but he illustrated some of the more inherent qualities of those rights with words like "all men are created equal, that they are endowed by their Creator with certain unalienable Rights (Jefferson, 1776)."

Political concepts largely remained the same, but they were inherently fluid as they were established through natural law and based in economic rights and provided freedom for decision-making and autonomy. The political conditions, as a result of British interference in colonial affairs, at the time of the American Revolution made the colonists' continued subjection to Parliament's commercial acts antithetical to these thoughts and beliefs, and antithetical to the relationship they had with Britain. These conditions provided for a more formal evolution in political rights with the American Revolution. Colonial political expressions of revolutionary colonists were consistent with the philosophy established in the Charters, and they developed these ideas as they grew more familiar with independence. These ideas grew both as they related to the conditions of their political affairs and as a matter of abstract political thought.

References

- Adams, Samuel. *The Boston Pamphlet* (1772). America in Class, from the National Humanities Center: Making the Revolution: America, 1763-1791 Primary Source Collection. <http://americainclass.org/sources/makingrevolution/crisis/text6/bostonpamphlet.pdf>.
- Ellis J. Joseph. *Founding Brothers: The Revolutionary Generation*. New York: Vintage Books – Random House, 2002.
- Howard, Elliott George. "Preliminaries of the Revolution, 1763-1775." In *The American Nation: A History, From Original Sources by Associated Scholars*, ed. Albert Bushnell Hart, LL.D, 116. Ebook. <https://hdl.handle.net/2027/mdp.39015004097708?urlappend=%3Bseq=15>.
- Hyneman, S. Charles and Lutz, S. Donald. "Colonial Origins of the American Constitution, Introductory Essay." The Liberty Fund Online. <https://oll.libertyfund.org/pages/colonial-origins-of-the-american-constitution>. 1998
- Jefferson, Thomas. *The Declaration of Independence*. 1776.
- Rao, Gautham. *National Duties*. Chicago and London: The University of Chicago Press, 2016.
- Stuart I and VI, King James Charles. *The First Charter of Virginia*. Yale Law School Lillian Goldman Online Law Library: The Avalon Project. http://avalon.law.yale.edu/17th_century/va01.asp.
- Stuart I and VI, King James Charles. *The Second Charter of Virginia*. Yale Law School Lillian Goldman Online Law Library: The Avalon Project. http://avalon.law.yale.edu/17th_century/va02.asp.
- Stuart I and VI, King James Charles. *The Third Charter of Virginia*. Yale Law School Lillian Goldman Online Law Library: The Avalon Project. http://avalon.law.yale.edu/17th_century/va03.asp.
- Wills, Gary. *Inventing America: Jefferson's Declaration of Independence*. New York: Vintage Books, 2018.
- Wolf, Brendan. "Virginia Company of London." Encyclopedia Virginia (Virginia Humanities) in partnership with Library of Virginia. https://www.encyclopediavirginia.org/virginia_company_of_london#start_entry.
- Wood, Gordon, *The American Revolution: A History*. New York: The Modern Library, 2003.