

Thomas Hutchinson In Context: The Ordeal Revisited

BERNARD BAILYN

IN RECENT YEARS, there has been a flood of thorough, imaginative, celebratory biographies of the Founders of the American nation, and a more remarkable group cannot easily be imagined. They formed one of the **most creative circles in modern history**. It is hard to know what other group, what other creative circle, to compare them with. And it's hard to know who of this eighteenth-century North American circle—this world historical junta of public intellectuals and politicians—to single out for pre-eminence. Adams, so successful a diplomat and so poor a politician, but always a wonderful human presence, who brooded with penetration on the great issues of his age; or Hamilton, who saw the future of an emerging capitalist world of market economies and helped bring it into being (he was, Talleyrand said, one of the three greatest men of the age, the others being Napoleon and Pitt); or Franklin, that adroit, ingenious, elusive, deliberately self-fashioned icon of Americanism of whom a new biography has been published in each of the past three years; or

BERNARD BAILYN delivered the first annual Baron Lecture in Antiquarian Hall on Friday, October 22, 2004. This lecture honors Robert C. Baron, chairman of the American Antiquarian Society Council from 1993 to 2003, and president of Fulcrum Publishing. The lecture is a forum for distinguished AAS members who have written seminal works of history to reflect on one book and its impact on scholarship and society in the years since its first appearance. Bailyn is Adams University Professor and James Duncan Phillips Professor of Early American History, emeritus, at Harvard University. He is the author or editor of seventeen books and the winner of two Pulitzer Prizes, for *The Ideological Origins of the American Revolution* (1967) and *Voyagers to the West* (1986).

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Madison, whom no biographer can make charming but whom everyone respected in his own time and respects now as a world-class constitutional theorist; or Washington, of whom in the past two years we have had two more biographies, and who correctly saw himself as the military creator, then the symbol and embodiment, of the first modern republican nation state.

They were extraordinarily creative men, and indeed none more so than Jefferson—polymath, visionary, but also a tough, successful politician—who enunciated, more brilliantly than anyone else could have done, the glittering ideals of the Revolution while personally mired in the squalor of slavery.

A remarkable circle of public men, whose accomplishments have been so well known for generations and whose papers—collections of their every recorded utterance—have been published and republished in technically improving editions throughout the twentieth century. We now have the thirty-nine-volume start of the gargantuan multigenerational Adams Papers, and the new and elaborately edited Jefferson, Madison, Franklin, and Hamilton papers. And we have the papers too of others who did not quite reach the highest mark but who were of consequence in the Pantheon and whose lives have also been traced in detail: John Dickinson, whose *Farmer's Letters* was the most consequential ideological statement of the early years of the Revolution, who declined to vote for independence but who rose thereafter to positions of respect and authority. And others: Henry Laurens, Robert and Gouverneur Morris, George Mason.

But amid all these triumphant celebrities of our national origins, there was one antihero who was the greatest loser in the Revolution: the last royal governor of Massachusetts, Thomas Hutchinson. To Adams and the entire New England political intelligentsia he was not only, as the region's leading crown officer, a natural political opponent but the most villainous, traitorous person in the land. He had betrayed his country to the autocrats of Britain; he personified, they believed, all the corruption and the incipient tyranny that they were fighting against.

The Massachusetts CALENDAR;
 OR AN
A L M A N A C K
 FOR THE
 Year of our Lord Christ 1774;
 Being the second after Bissextile or Leap Year
 By EZRA GLEASON



The wicked Statesman, or the Traitor to his Country, at the Hour of DEATH.
 BOSTON: Printed by ISAIAH THOMAS: Sold at his Printing
 Office near the Market, and at his shop near the Mill-Bridge
 [Price, 7 coppers single, and 25 s. old ten or the dozen.]

Governor Thomas Hutchinson portrayed as 'the Wicked Statesman, or the Traitor to His Country, at the Hour of his Death.' A list of Hutchinson's crimes, his crown salary, considered excessive at £1500 and his presumed deviousness and lust for power, learned from reading Machiavelli, illustrate the charges brought against him by the patriot leaders. This engraving by Paul Revere for the cover of Ezra Gleason's *Massachusetts Calendar; or An Almanack for the Year of Our Lord Christ 1774* was printed in Boston by Isaiah Thomas. Courtesy American Antiquarian Society.

Yet, as the monumental biographies of the Founders were being written and the scholarly editions of their papers were being prepared, it was Hutchinson's biography I chose to write, and I did so for two reasons that were compelling to me.

First, I found the bitter, vicious vilification of Hutchinson by the Founders to be mysterious, unaccountable. It baffled me, and I wanted to explain it. For no one loved his native land more than Hutchinson. His small property in Milton, Massachusetts, was, he said over and over, to him the most precious spot on earth. No one had deeper roots in the land than this fifth-generation New Englander, whose great-great-grandmother Anne had been one of the major figures in the first years of the Puritans' settlement—long before the Adams, Otis, and Hancock families had been heard of—and whose merchant forebears had been among the originators of the region's Atlantic commerce. He was remarkably accomplished. No American, North or South, wrote better history than he, nor had a more sophisticated, historicist sense of what the study of the past is all about. When in his exile in England Hutchinson was told by the famous Scottish historian William Robertson that he had refused to write the history of the English colonies because 'there was no knowing what would be the future condition of them,' Hutchinson replied that 'be it what it may, it need make no odds in writing the history of what is past, and I thought a true state of them ought to be handed down to posterity.'¹

Adams, his worst enemy, confessed that Hutchinson 'understood the subject of coin and commerce better than any man I ever knew in this country,' and Hutchinson had joined with Franklin in drafting the first plans for a colonial union. Though technically untrained in the law ('I never presumed to call myself a lawyer. The most I could pretend to was, when I heard the law

1. Peter O. Hutchinson, ed., *The Diary and Letters of His Excellency Thomas Hutchinson, Esq.* . . . 2 vols. (Boston and London, 1884-86), 2: 194. For Hutchinson's interest in French and Japanese history, see *The Ordeal of Thomas Hutchinson* (Cambridge: Harvard University Press, 1974), 28 n.46.

laid down on both sides, to judge which was right') Hutchinson proved to be a judicious and efficient chief justice of the Superior Court.² In politics he was active, bold, and forthright, but never a mean-spirited, vituperative, vengeful antagonist; his speeches, memos, letters, and formal pronouncements were logical, rational, cool, and cogent. His aim in politics was to keep the peace, maintain the received structure of authority, and enforce the law in accepted, traditional ways. The Puritan virtues of self-restraint, personal morality, worldly asceticism, and, above all, stubborn insistence on pursuing the truth however unpopular or dangerous it might be to do so, were essential parts of his personality. He was acquisitive, but not ostentatious; eager for public office—for his family as much as for himself—but careful not to overstep the accepted bounds of law and custom. Though more dutiful than colorful and in appearance unimpressive—a contemporary described him as 'tall, thin, half-starved'³—**he was intelligent, well-informed, well educated, and capable of clear exposition,** with a writer's instinct to resolve and objectify his experience by writing about it, if not with Jefferson's lyrical flow then with Madison's concision and accuracy of phrasing. In this sense his life was surprisingly contemplative. And the more I saw of his voluminous writings—his huge correspondence, his three-volume history of Massachusetts that included his account of the Revolution in that colony which he carefully edited to remove antagonistic phrases, his state papers, and his extraordinary bifocal set piece, the dramatic dialogue between an American and a European Englishman, which he wrote in 1768 but never published—the more I saw of all this, the more impressed

2. Adams to Joseph Ward, October 24, 1809, in *Journal and Letters of the Late Samuel Curwen*. . . , George A. Ward, ed. (3d ed., New York, 1845), 456; *Ordeal of Thomas Hutchinson*, 27, nn.44–45. For a more critical view of Hutchinson's judicial career, stressing the political slant of his Superior Court decisions, see John A. Dennehy, 'Thomas Hutchinson: Chief Justice of the Massachusetts Superior Court of Judicature,' *Massachusetts Legal History* 8 (2002): 1–34.

3. John Gardiner, quoted in Timothy A. Milford, 'Advantage: The Gardiners and Anglo-America, 1750–1820' (Ph.D. diss., Harvard University, 1999), 35.

I was with his ability and the deeper the mystery of his rejection and the hatred he inspired.

But there was a second reason for undertaking the biography. When I began work on *The Ordeal of Thomas Hutchinson* we were approaching the bicentennial of Independence and were distant enough from the event to view the whole of it, not foreshortened to anticipate an inevitably triumphant outcome. One could now see, I believed, the full context of the time, the contingencies and accidents, and understand the circumstances that constrained all involved, winners and losers, the boundaries that shaped all their lives. One could grasp, as I wrote then, the tragedy of it all—tragedy not in the sense of sad misfortune or of the disastrous consequences of hubris, but in the sense of limitations that bound all the actors. We were in a position to recover the uncertainties of the people of the time, who, unlike ourselves, did not know what their future would be—for whom, therefore, risk-taking was the key to everything they did.

How to recover the uncertainties of times past by those who come later and know the outcome is, I believe, one of the most difficult challenges historians face. Knowing as one does the result of what were for contemporaries the bewilderments of their time we naturally write our histories by selecting from the available evidence the train of data that leads to what we know would be the outcome, and we thereby distort the past. I could think of no better way of approaching the impossible—of recovering the indeterminacies of that distant time—than to study the losers impartially, even sympathetically, as if to withhold the outcome of history—to consider that the losers had been people who, if things had gone differently, might have emerged as victors, which is not to say that the losers were more worthy of victory than the winners. It is only a way of approaching the past as it actually was: unpredictable, full of clashes of personalities and interests that had no certain futures, a world like our own, alive with possibilities, none of which, in the contingencies of the time, could have been predicted to succeed.

Nothing was inevitable. The American Revolution was not inevitable. Could Hutchinson have kept a lid on the resistance in Boston and prevented it from exploding as it did? The answer is yes. The situation in Boston was inflamed but more or less stable as late as 1771–72, when Hutchinson asked to be relieved of his governorship, which he had been reluctant to accept in the first place, and allowed to retire with dignity. And even in the tea crisis in December 1773 he might have saved the situation by ignoring the law, allowing the tea ships to depart without unloading, thus illegally but prudently preventing an irreversible escalation of conflict. And could Britain have won the military conflict? Again, yes. As late as 1777, after two-and-a-half years of open conflict, America was still fighting a largely defensive war, and British victory was still the reasonable outcome, until the battle of Saratoga in October of that year—and the outcome of that engagement could not have been predicted.

My purpose in studying Hutchinson, then, was partly to explain the anomaly of his evident ability and patriotism on the one hand and the hatred he evoked on the other; and partly to recover through studying his ordeal something of the uncertainties, the contingencies of the time, the deeper context, the unpredictability. Having previously explored at length the world view of the victors, the triumphant ideology that we inherit from them, I hoped to look at the same transforming events from the other side, the side of the losers, whose most articulate native spokesman was Thomas Hutchinson.

So, in 1974 *The Ordeal of Thomas Hutchinson* was published. The reactions were interesting, though I have to say a little disconcerting. Some American reviewers liked it, but others, as I had anticipated, said that this biography of a law-and-order conservative who struggled against popular mobs and protestors could only be a disguised defense of Richard Nixon. Still others put the whole thing down to perversity or said that in various ways I had got it all wrong. Some British reviewers were kinder. Lord Blake said it was 'one of the outstanding political biographies of modern times,' a

remark that warmed my heart, until I recalled that among historians Blake was a leading Tory. And J. H. Plumb said it was 'a work of art,' which was something to put on one's gravestone, though I had to keep in mind that Plumb had sponsored the Trevelyan Lectures in the University of Cambridge which were the basis of the book and that, though liberal in many ways, he was a friend of royalty and a brilliant narrator of their lives and times. The book managed to win an award, then fell into obscurity, to be either ignored or dismissed as mistaken in various ways by subsequent biographers of Hutchinson.⁴

But it was this book that I thought I would go back to when I received the American Antiquarian Society's kind invitation to deliver the first of the Baron Lectures, a series to be devoted to retrospective views of an author's earlier work, 'describing the genesis of and response to it and reflecting on it in the current context of scholarship.' I did so because the reasons that had led me to write the book in the first place were not only still compelling in my mind but had become even more relevant in view of the flood of celebratory books on the Founders and the great expansion of our knowledge of eighteenth-century history.

Knowing more now about the greater eighteenth-century world than I did when I wrote the book and understanding the lives and thought of the Founders in greater detail than before, I now find the context of Hutchinson's life more complex than I did before and his ordeal more revealing of the forces at work in the world at large in the late eighteenth century. I am more certain now than I was then that it was Hutchinson, of all the American writers of the time, who best understood the established wisdom, the rock-solid, sanctified truth in matters of politics and political thought as it was then known. It was he who saw most clearly the apparent flaws in the Founders' arguments and did his best to convince them that

4. *The Spectator*, May 24, 1975; [*London*] *Times Literary Supplement*, June 13, 1945. See also Franco Venturi, *The End of the Old Regime in Europe, 1768-1776: The First Crisis* [1979], R. Burr Litchfield, trans. (Princeton: Princeton University Press, 1989), 382. *The Ordeal of Thomas Hutchinson* received the 1975 National Book Award for History.

what they were arguing was illogical, misguided, and certain to lead to disaster. That in the long run he was wrong is beside the point. At the time no one could have confidently predicted that. What he wrote and what he argued with increasing passion and ultimately despair was accurate, rational, and more logical than what his opponents staked their lives on. No crown official in America, or indeed in Britain, argued the government's case more fully and more clearly than this dutiful provincial.

And no one besides Hutchinson in the whole of colonial officialdom could have sustained the elaborate, learned public debate on constitutional principles he held in 1773 with the Massachusetts Assembly led by John Adams and James Bowdoin.

At the heart of that remarkable series of exchanges, now republished with scholarly commentary as *The Briefs of the American Revolution*, and in Hutchinson's other speeches and papers, lay an inverted relationship between power and liberty.⁵ Hutchinson argued that Britain's *power*, expressed by Parliament, logically, systematically, and necessarily extended to its colonies, but that its *liberties*, in their entirety, did not. His opponents argued precisely the opposite: that Parliament's power did not extend to its dominions, but that English liberties did. They were as valid in America as in the realm of England itself.

This great problem—of the boundaries and location of power and liberty—was the central constitutional struggle of the developing revolution, and no one defined it more clearly than Hutchinson.

As to power, he explained again and again, there could be no limit to the absolute authority of the King-in-Parliament. The Declaratory Act of 1766 asserting Parliament's 'full power and authority . . . to bind the colonies in all cases whatsoever' was a statement not of political choice but of logical necessity. For absolute

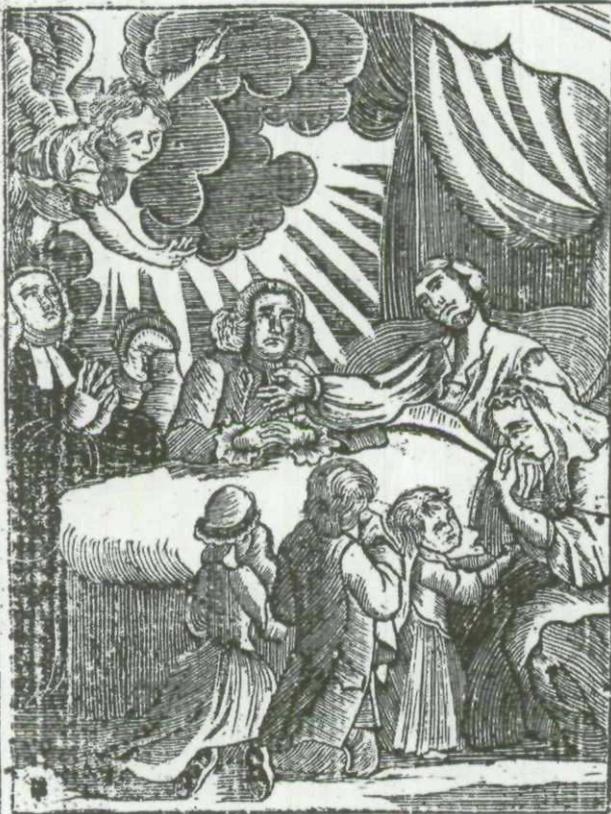
5. John P. Reid, ed., *The Briefs of the American Revolution: Constitutional Arguments Between Thomas Hutchinson, Governor of Massachusetts Bay, and James Bowdoin for the Council and John Adams for the House of Representatives* (New York: New York University Press, 1981); cf. *Ordeal of Thomas Hutchinson*, chap. 6 ('The Failure of Reason'), esp. pages 207–11.

AN ASTRONOMICAL DIARY: Or,
A L M A N A C K

For the Year of Christian Era, 1775.

By NATHANAEL LOW.

The VIRTUOUS PATRIOT at the Hour of Death.



IF Prayers and Tears th' PATRIOT's Life could save,
None but usurping Villains Death would have.

B O S T O N : Printed and Sold by JOHN KNEELAND, in
Milk-Street. Price 2/5d. per Doz. 6 Coppers single.

A dramatic and amusing contrast to the image of Thomas Hutchinson as 'the Wicked Statesman' is the image of 'The Virtuous PATRIOT at the Hour of Death' that appeared on the cover of *An Astronomical Diary: or, Almanack for the year of the Christian Aera, 1775* printed in Boston by John Kneeland. 'If prayers and tears the Patriot's life could save, / None but usurping Villains Death would have.' Courtesy American Antiquarian Society.

and final power, he wrote, is the defining characteristic of any sovereign entity; it could not be shared without being destroyed. In its nature—by definition—it was indivisible. **While Parliament would not use its power arbitrarily and unjustly, there was nothing to prevent it from doing so.** Whatever it did was constitutional since the King-in-Parliament and all its enactments, together with the common law, *were* the constitution. If Parliament erred, it would, for its own good if for no other reason, correct its error, as it did in repealing the Stamp Act. The colonists' groping and failing efforts to set out limits to Parliament's power—by rejecting its taxing power while accepting its legislative power or by claiming that the colonial assemblies had exclusive powers of their own and yet were loyal to Britain through the crown—none of this made sense, Hutchinson argued, for sovereign power was exclusive and indivisible.

Was he wrong? By 1776 the rebellious leaders themselves realized that their efforts to share sovereignty with Parliament had failed. If Britain insisted that Parliament's power was either exclusive and absolute or nothing, they would choose nothing, thus precisely enacting Edmund Burke's prediction in his speech on American taxation in 1774:

If, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them . . . to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. No body will be argued into slavery.⁶

Later, in 1787, the Founders returned to the problem in setting up a federalist structure for the national government, a sharing of

6. Paul Langford et al., eds., *The Writings and Speeches of Edmund Burke* 9 vols. (Oxford, 1980-), 2:458.

power between the national and state governments, which we inherit. But while the federalism they invented assigned significant powers to the states, in the end the national government had, as it has, ultimate sovereignty—a fundamental fact of American constitutionalism mandated not by the Founders in 1787, who for political reasons had not dared to write absolute national supremacy into the Constitution, but by successive federal judges who saw the inescapable logic of state formation. Two hundred years later, Max Weber, analyzing theoretically the logical structures of political authority, explained that ‘a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. . . . The state is considered the sole source of the “right” to use violence.’ Hutchinson had written: ‘it is essential to the being of government that a power should always exist which no other power within such government can have right to withstand or controul.’⁷

Yet, for his insistence on the logic of sovereign power Hutchinson was vilified, charged with denying his fellow colonists the rights that were theirs.

But that was a minor charge next to the firestorm of condemnation that fell on him when his views on liberties were publicized in private letters of 1767–69 that were revealed to the public in 1773. That blistering and defining episode, from which Hutchinson’s reputation never recovered, was provoked by Franklin, who obtained the letters in London from an unknown source and then sent them to Boston with instructions to restrict their circulation to a designated few. He knew that they would eventually be published and hoped that they would divert the blame for Britain’s repressive actions from the ministry to a few ‘very mischievous men’ in Boston, led by Hutchinson, who, Franklin and the Boston leaders would claim, had misrepresented the colonies as a

7. From Max Weber: *Essays in Sociology*, H. H. Gerth and C. Wright Mills, eds. and trans., (New York: Oxford University Press, 1958), 78; Catherine Barton Mayo, ed., ‘Additions to Thomas Hutchinson’s “History of Massachusetts Bay,”’ *Proceedings of the American Antiquarian Society* 59 (1949):57.

community in continuous turmoil, defiant of all law and order and determined to throw off allegiance to Britain. But if that was Franklin's plan, it succeeded only in part—not in creating a window for conciliation between America and Britain but in destroying Hutchinson's career and in the process elevating himself to the status of a patriot hero in America. For what the letters revealed was that in 1768–69 Hutchinson had written privately to a correspondent in England that it was impossible for 'a colony 3,000 miles distant from the parent state [to] enjoy all the liberty of the parent state . . .'—that it was simply a matter of fact that there would have to be 'an abridgement of what are called English liberties' in America if the tie to Britain were to be retained; and if that tie were lost, the defenseless colonies would be prey to all the predatory powers at work in the world of warring nations and all English liberties would then be lost.⁸

Once those words were published, the entire colonial world, it seemed, exploded in wrath. The New England newspapers boiled with rage at this betrayal of freedom by 'vipers whose poison has already destroyed the health of your province and spilt the blood of your people.' John Adams was outraged by this 'vile serpent . . . bone of our bone, born and educated among us.' His call for an abridgement of English liberties was so flagrant, so Machiavellian a treason, Adams wrote, that 'it bore the evident mark of *madness* . . . his reason was manifestly overpowered.' The indignation spread as the letters were published and republished locally, then splashed across the newspapers in almost every colony in America. Hutchinson was burned in effigy in Philadelphia and Princeton, and compared to Cataline, Caligula, and Nero.⁹

But what had Hutchinson actually written? Again and again, in letters to everyone he could reach, he explained that he had never said or implied that he *hoped* that English liberties would be restricted, that he had *wished* it, only that it was a matter of logic and

8. *Ordeal of Thomas Hutchinson*, 236, 227.

9. *Ordeal of Thomas Hutchinson*, 242–43.

observable fact that the colonies' removal from the homeland *must* create an abridgement of liberties—'must' in a descriptive, not volitional sense—it could not be otherwise. 'I did not see how it could be helped,' he said again and again. As to the 'secrecy' of these comments, there was nothing secretive about them. Had he not, in a speech to the Assembly a year earlier, said exactly the same thing? 'It is impossible,' he had then so publicly said, that 'the rights of English subjects should be the same in every respect in all parts of the dominions'—and no one had read treason into that statement then. The furor had been cooked up by the process by which the letters had been revealed, as if it had been the discovery of some deep-lying conspiracy to destroy the colonists' liberties.¹⁰

There is something poignant in this crisis in Hutchinson's career—poignant because the words that had been revealed so dramatically touched on a profound reality he sensed but did not, or could not, fully explain. What was it about the removal of Englishmen to distant lands that would necessitate an abridgement, a modification, of liberties? The one explanation he offered was the fact that while Englishmen (at least some of them) participated in the election of those who ruled them, and who presumably shared their interests, Americans did not—and if they did, their representatives would have no effect. But he implied much more than that. The entire constitutional system, he seemed to be suggesting, was somehow involved. Two hundred years later, legal scholars would be able to explain more fully the deeper basis of Hutchinson's argument.

There is a profound difference, modern historians of English law write, between, on the one hand, the common law as jurisdictional—that is, a system 'inseparable from the institutions that applied, practiced, and taught the common law: the Westminster courts, their circuits, the common law bar, and the Inns of Court' and, on the other hand, the law as jurisprudential—that is, 'a rationally organized body of rules and principles defined primarily

10. *Ordeal of Thomas Hutchinson*, 251.

in reference to each other not to the remedies and personnel enforcing them.' In the writings of the seventeenth-century authorities that Hutchinson relied on—above all the great jurist Lord Coke—the common law was conceived of in primarily jurisdictional not jurisprudential terms, that is, as the 'craft wisdom' of a particular court system that served it, and that jurisdictional system was bound to its natural roots in the realm of England and not its external dominions. While the crown had jurisdiction over all its dominions, Coke had explained, the common law courts did not. In Coke's eyes, 'English liberties did not follow Englishmen abroad.' They went no farther than the English border. '[Coke] never envisioned the common law,' a legal historian has recently written, 'as a free-floating jurisprudence that could be invoked as a shield against royal administration.' Hutchinson conceived of the common law as Coke had done, 'as a system of licenses to sue in territorially bounded courts' not as his opponents did, as 'an abstract jurisprudence operative in all of the crown's dominions.' In this, which was construed by local patriots such as Adams as treason, Hutchinson was a better lawyer and a better historian than his opponents, but a far poorer politician.¹¹

He was right too—this bland provincial official—in other ways. In his remarkable unpublished 'Dialogue between an American and a European Englishman'—a wide-ranging and learned exploration not only of the great public issues dividing England and America but of universal principles of governance and allegiance—he insisted that the law is not, as his opponents seemed to think, a moral code. The relation between law and morality, he wrote, was subtle and fluid. To sacrifice law for some abstract moral good, however worthy, would in the end destroy all law and with it the foundation of civilized society. But is not civil disobedience justifiable *morally*, the American Englishman asks? Yes, the European replies, but *only* morally. The rebel may

11. Daniel J. Hulsebosch, 'The Ancient Constitution and the Expanding Empire: Sir Edward Coke's British Jurisprudence,' *Law and History Review* 21 (2003): 446, 457, 458, 481.

be right *morally*, but the moral basis for his actions can never be recognized by the courts. And then followed this striking passage, which Hutchinson wrote and rewrote in successive drafts with great care for every word:

. . . every individual must take the consequence of a mistake if he attempts to stir up the body of a people to a revolt and should be disappointed. In a moral view he may perhaps be innocent whether his attempt succeeds or not, but . . . as a member of the political body . . . he must be pronounced guilty by the judiciary powers of that society if he fails of success. This is a principle essential to the nature of government and to the English constitution as well as all others.¹²

No contemporary American lawyer, no political thinker until jurists such as James Wilson and John Marshall, would penetrate more deeply into such root issues of constituted authority.

At the end of the book I attempted to sum up the meaning of Hutchinson's ordeal. Perhaps I may be forgiven now if I repeat what I then wrote:

Failing to respond to the moral indignation and the meliorist aspirations that lay behind the protests of the Revolutionary leaders, Hutchinson could find only persistent irrationality in their arguments, and he wrote off their agitations as politically pathological. And in a limited, logical sense he was right. The Revolutionary leaders were not striving to act reasonably or logically. Demanding a responsiveness in government that exceeded the traditional expectations of the time, groping toward goals and impelled by aspirations that were no recognized part of the world as it was, they drew on convictions more powerful than logic and mobilized sources of political and social energy that burst the boundaries of received political wisdom. Hutchinson could not govern an aroused populace led by politicians manipulating deep-felt ideological symbols. He could not assimilate these new forces into the old world he knew so

12. Bailyn ed., "A Dialogue between an American and a European Englishman" (1768), by Thomas Hutchinson, *Perspectives in American History*, 9 (1975): 365, 362.

well, and attempting uncomprehendingly to do so, lost the advantage of his greatest assets: a deserved reputation for candor, honesty, and a tireless and impartial devotion to the general good. Failing to carry the new politics with him by arguments that were accredited and tactics that were familiar, he . . . appeared hypocritical, ultimately conspiratorial, though in fact he was neither. As the pressure mounted, his responses narrowed, his ideas became progressively more limited, until in the end he could only plead for civil order as an absolute end in itself, which not only ignored the explosive issues but appeared, unavoidably, to be self-serving.¹³

This was my conclusion when I wrote the book. How does it strike me now? Reasonable, I'm relieved to say, but it is too narrow a judgment. The context is too limited. There is a much larger history of which Hutchinson's ordeal is a part, a broader perspective in which to locate his efforts, achievements, and failure.

The stirrings in North America in which Hutchinson was so fatally ensnared and which would result in the independence of the coastal North American colonies, were part of much greater movements. They were local manifestations of shifts in deep-lying cultural tectonics that undermined the foundations of the whole of Atlantic civilization and led to profound transformations.

Seventeen seventy-six, the year Hutchinson received an honorary degree at Oxford (which happened in fact on the Fourth of July)—saw the publication of Tom Paine's *Common Sense*, that flaming indictment of the whole structure of the British monarchy and aristocracy; the publication too of the first volume of Gibbon's *Decline and Fall of the Roman Empire*, that so ironically slighted the established pieties of complacent churchmen; of Richard Price's *Observations on the Nature of Civil Liberty*, that probed the inner nature of political liberty and proposed a Congress of Europe; of Adam Smith's *Wealth of Nations*, that argued for the demolition of commercial regulations and the release of personal self-interest for the common good; and of Jeremy Bentham's *Fragment on Government*, whose aim was to overthrow

13. *Ordeal of Thomas Hutchinson*, 380.

the principles of the British constitution and which introduced the radical concept of utilitarianism.

The year of American independence was thus a year of challenges in every sphere of British life—in ideology, politics, religion, economics, law, and the principles of international relations—but not only British life. The entire western world felt similar tremors that would lead within a single generation to widespread transformations.

The ideas of the Enlightenment, the maturing of colonial societies, and the emergence of industrial economies were eroding the foundations not only of Europe's *ancien régime* but of the western hemisphere's establishments as well. While the Latin American independence movements would erupt only after Napoleon's invasion of Spain in 1808, resistance to Spain's Bourbon reforms, parallel to Britain's colonial reforms after the Seven Years' War, provoked patriotic aspirations among the Spanish American creole elite and demands for home rule within an imperial commonwealth and representation in a central Hispanic Cortes. At the same time popular uprisings of the indigenous, African, and mixed race populations erupted everywhere: in Peru, in the rebellion led by Tupac Amaru in 1780; in Colombia, in the Comunero Revolution of 1781; in Saint Domingue, in the bloody insurrection of 1794 that convulsed the entire colonial world with scenes of plantation massacres and the threat of emancipation; and in Mexico, in the insurgency led by Diego Hidalgo and José María Morélos in 1810, inspired by a passion for ethnic equality.

There were shifting winds everywhere, from Paris to Cadiz, from the Netherlands to Peru, from Boston to Ecuador. The structure of the Atlantic world, which had developed over three centuries, seemed to be crumbling. In this vast panorama of challenges and transformations the helplessness of Thomas Hutchinson—this thoughtful, rational, logical, well-informed provincial official clinging so conscientiously to traditional verities while the world around him pitched and churned—is a vivid symbol and a revealing symptom of the tumult of the age. Seen through his

eyes it was not the exhilarating, creative beginning of a new, modern world but a painful evanescence and loss of certainty. He knew that logic and experience were on his side, but he had no way of grasping, in the apparent irrationality of his opponents' views, the forces of innovation that would remake the Atlantic world. He could only insist—sensibly, logically, and fatally—that 'we don't live in Plato's Commonwealth, and when we can't have perfection we ought to comply with the measure that is least remote from it.' So he was, as he said himself, 'a quietist, being convinced that what is, is best.'¹⁴

In his defeat and bewilderment one finds the full measure of the Founders' creativity, for to overcome the authority of Hutchinson's convictions, which distilled the wisdom of the ages, took nothing less than the recasting of the basic structure of established constitutional and political thought. They did not succeed all at once or completely, nor did Hutchinson's beliefs immediately disappear. But the Founders sensed the motion of the changing cultural tides bearing improvement if not perfection, and propelled them forward. In their world Independence was an eruptive triumph, to be celebrated, Adams so famously wrote, 'as the day of deliverance . . . with pomp and parade, with shows, games, sports, guns, bells, bonfires and illuminations, from one end of this continent to the other from this time forward forever more.'¹⁵ In Hutchinson's world the honor bestowed on him by Oxford on the Fourth of July could not compensate for the alienation and bewilderment he felt, nor the belittlement he would endure in the years of exile that followed as he stood alone, day after day, at the King's receptions, grey and gaunt, silently beseeching.

14. *Ordeal of Thomas Hutchinson*, 17.

15. John Adams to Abigail Adams, July 3, 1776, in L. H. Butterfield et al., eds., *Adams Family Correspondence*, 7 vols. (Cambridge, Harvard University Press, 1963-), 2:30.

Bernard Bailyn

THE ORDEAL OF
Thomas Hutchinson



The almanac image (see p. 283) of Thomas Hutchinson as it appears on the dust jacket of Bernard Bailyn's book. *The Ordeal of Thomas Hutchinson* (1974), received the National Book Award for History in 1975.

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