

Reading the Riot Act: Rhetoric, Psychology, and Counter-Revolutionary Discourse in Shays's Rebellion, 1786–1787

Jeremy Engels

In 1786, backcountry Massachusetts farmers, fed up with government policies favoring aristocratic elites, marched on courts to bar the entry of judges and juries. Enacting a long-standing tradition known to colonists as a "Regulation," the farmers' movement became known as Shays's Rebellion. Erupting in the turbulent days following the War for Independence, yet predating the formation of the national Constitution, Shays's Rebellion was understood as a crucial post-war attempt to deploy state violence to manage popular dissent; thus, Shays's Rebellion produced deeply problematic yet lasting rhetorical conventions for justifying the compromised forms of republicanism that mark the early republic.

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Stephen Lucas has argued that the Declaration of Independence, one of America's founding documents, faced a vexing rhetorical problem: according to the dictates of natural law, declaring war was lawful only when it was "necessary"; thus it was imperative that the Revolutionary War was rhetorically manufactured as "natural." The rhetorical problem, then, was to demonstrate that the American Revolution was an unavoidable revolution, not a disobedient rebellion, for revolution connoted a natural cycle akin to the revolution of the heavens, whereas rebellion was unlawful, wicked, and worthy of the swift retort of the King's militia. This explains Thomas

Jeremy Engels is a Ph.D. candidate in the Department of Speech Communication at the University of Illinois, Urbana-Champaign. Correspondence to: Department of Speech Communication, University of Illinois, 244 Lincoln Hall, 702 S. Wright St., Urbana, Illinois, 61801, USA. Email: jengels@uiuc.edu. He would like to thank Stephen Hartnett, Donovan Conley, Darren Mulloy, Greg Goodale, Ryan Blum, Anna Engels, David Henry, and the anonymous *QJS* reviewers for their helpful feedback and suggestions.

Jefferson's list of 28 grievances against King George III, which demonstrated that England's rule over the colonies was tyrannical and illegitimate, hence making the colonists' violence revolutionary, not rebellious. Colonial revolutionary violence was thereby justified by rhetorical claims couched in the terms of natural law.¹

Jefferson's maneuvers in this regard were based on his astute reading of available rhetorical traditions. Indeed, there was a prominent revolutionary tradition in England, where uprisings overturned the government in 1640, 1660, and 1688. John Locke argued in the *Second Treatise on Government* (1689) that citizens were justified in revolting under certain conditions:

The end of government is the good of mankind, and which is *best for mankind*, that the people should be always exposed to the boundless will of tyranny, or that the rulers should be sometimes liable to be opposed, when they grow exorbitant in the use of their power, and employ it for the destruction, and not the preservation of the properties of their people?²

The Declaration is clearly influenced by Locke's rationale for revolution, as it argues for the right to overthrow a non-representative, despotic government:

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.³

While this passage is rightly remembered as a remarkable (and limited) declaration of rights, it also sanctions revolution, for if a government abuses the unalienable rights of life, liberty, and the pursuit of happiness, then it becomes the people's right to overthrow that government. But as English history had instructed colonists, a ruling class does not just abdicate power; it must be over-turned by force. Thus, violence lies at the heart of the American revolutionary experience.⁴

Just 10 years after Jefferson immortalized this revolutionary logic in the Declaration, it was repeated in Shays's Rebellion, which erupted in 1786–1787 when backcountry Massachusetts farmers (calling themselves "Regulators") who were economically abused by government policies favoring Boston elites marched on rural courts to bar the entry of judges and juries. Shays's Rebellion thus challenged the legitimacy of the Massachusetts state government, which responded by violently repressing the protestors. To the dismay of Massachusetts elites, Jefferson praised Shays's Rebellion as a logical outcome of the Declaration's revolutionary potential. In a February 22, 1787 letter to Abigail Adams, Jefferson defended the rebellion as necessary for America's civic health:

The spirit of resistance to government is so valuable on certain occasions, that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then. It is like a storm in the Atmosphere.⁵

For Jefferson, then, violent rebellions were as natural as storms. In fact, in a November 13, 1787 letter to William Stephens Smith, Jefferson elaborated on his theory that violence has a positive effect on American politics:

We have had 13 states independent 11 years. There has been one rebellion. That comes to one rebellion in a century & a half for each state. What country before ever existed a century & half without a rebellion? & what country can preserve it's liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon & pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is it's natural manure.⁶

Jefferson thus justified the violence underlining both the Declaration of Independence and Shays's Rebellion; indeed, his words on Shays's Rebellion suggest that violence was a necessary component of enacting democracy in America.

However, in response to Shays's Rebellion, other elites tried to limit the right of citizens like Daniel Shays to take up arms against the state. Those who were eager to consolidate power in a Federal Constitution thus used Shays's Rebellion to advance their cause. For example, Boston merchant Stephen Higginson mused in a February 13, 1787 letter to Henry Knox: "You will endeavour no doubt to draw strong Arguments from the insurrection in this State in favour of an efficient General Government for the Union." During the rebellion, Virginia delegate Henry Lee, in a September 8, 1786 letter to George Washington, argued, "Weak and feeble governments are not adequate to resist such high handed offences." According to Elbridge Gerry, the Boston protégé of Sam Adams, "The evils we experience flow from the excess of democracy." James Otis summarized the problem of democracy following the Declaration and the Revolution: "When the pot boils, the scum will rise." Elites did draw strong arguments from Shays's Rebellion to attack democracy; indeed, the Constitution tempered the violent, democratic spirit of the Revolution by balancing it with a beefed up legal system.⁷

Shays's Rebellion was a critical turning point in American politics because it exposed the instabilities of democratic mob rule, known at the time as "mobocracy," thus furthering the American quest for rational, non-violent government. Kimberly Smith argues that "[c]entral to the rejection of mob action was the reformulation of popular politics around the practice, and ideal, of reasoned debate." Notice that Smith makes the common move of opposing reason and violence. Shays's Rebellion, however, demonstrates that reason is often violent, and that violence can be rational. The immediate result of Shays's Rebellion was consolidation of repressive violence—like that later sanctioned by President Washington to crush the Pennsylvania Whiskey Rebellion in 1794—in the hands of both state and federal government. Stephen Browne argues in his analysis of Angelina Grimké that "[v]iolence disorders, and in disordering it calls into question the structures of commitment though which communities define themselves." Shays's Rebellion, however, demonstrates that violence can also order society. Indeed, the Anti-Federalist "Centinel" was frightened by the monopolization of violence in the Constitution: "a good government founded

on fraud and deception could not be maintained without an army sufficiently powerful to compel submission.” “Centinel” worried about the consequences of a Federal republican government run by “harpies of power” who would utilize state violence to control popular violence like Shays’s Rebellion. Thus, following Smith, Browne, and anti-federalist arguments against the Constitution, this essay demonstrates that violence can serve dual purposes: its *popular* forms can disrupt social relations, while its *Constitutional* state forms serve to enforce domestic order.⁸

In “Four Senses of Rhetorical History,” David Zarefsky argues that “[b]y studying important historical events from a rhetorical perspective, one can see significant aspects about those events that other perspectives miss.” The Regulators’ practice of marching on courts was a political crisis that necessitated persuasion from all parties; for the Regulators to have their grievances remedied, they had to convince the government to redress them, and for the Regulators to back down, the government had to persuade them to. As of yet, however, Shays’s Rebellion has not been analyzed from the perspective of rhetorical history. This essay fills this gap by analyzing the discourse surrounding Shays’s Rebellion, focusing specifically on the Massachusetts government’s rhetorical situation. The very presence of Regulators challenged the legitimacy of the government, and hence the government’s task was persuading Massachusetts citizens that, because it was legitimate, the Regulators were criminals. This was a challenging situation, because if the government was not effective at criminalizing the Regulators, or if the Regulators did not back down, or if the government overstepped its bounds to punish innocent Massachusetts citizens, then it would become more difficult to convince these citizens of the government’s legitimacy. Thus, this essay proceeds in three steps: first, by addressing the historical context of Shays’s Rebellion; second, by discussing the threat the rebels posed to the Boston government; and third, by analyzing the government’s strategy for repressing the Regulators and persuading citizens of the Regulators’ criminality. In the third section, I will explore a metaphor found in a letter of one of Bowdoin’s military generals, “riveting,” that helps explain the complexities of the counter-revolutionary discourse of Shays’s Rebellion. To conclude, I demonstrate that Shays’s Rebellion had a profound effect on the writing and ratification of the Constitution, and hence suggest that the lessons Shays’s Rebellion taught early Americans continue to have a constitutive effect on contemporary American culture and society.⁹

“How Shocking to Humanity”: The History of Shays’s Rebellion

Shays’s Rebellion began because James Bowdoin’s government ignored the voices of frontier citizens. A large wholesaler who had helped fund the Massachusetts First National Bank, Bowdoin was elected by the state’s senate after a close popular election in 1785. As a major landlord with holdings in Boston and Maine (then a Massachusetts province), Bowdoin’s main administrative concerns were property and currency speculation. Indeed, he took advantage of his position as governor to further his own monetary interests, and this became clear to frontier farmers when Bowdoin and other elites publicly swindled them out of their rightfully earned

Revolutionary War salaries. After being elected the state's governor, Bowdoin abused his position to ensure that he and other already wealthy currency speculators would profit at the expense of underrepresented farmers and Revolutionary War veterans.¹⁰

After the Revolutionary War, each state had a substantial war debt, and therefore could not fund at full value the security notes issued to soldiers as payment during the war. As Massachusetts' currency depreciated, many veterans, needing hard money to live, sold their paper notes to speculators at depressed values. Some states consolidated these notes to become creditworthy, funding them at sunken values. Massachusetts, however, heavily influenced by several wealthy speculators who had purchased the veterans' notes at depressed values, funded the notes at original value. The Massachusetts speculators' influence was great: 35 men then held over 40% of the state debt, and all of them either served in the legislature or had family who did (Bowdoin himself held over £3,290 in securities). No other state equaled Massachusetts' protection of speculators' interests. This merger of state and profit hurt backcountry farmers: not able to pay debts accumulated during the Revolution while fighting for their country, veterans sold their war bonds to creditors paying less than a quarter of their value. Then Massachusetts funded the notes at full price, creating luxurious profits for speculators. Even worse, when Massachusetts couldn't immediately pay the creditors, it taxed the same veterans to pay the fortunate men holding their swindled notes. Backcountry Revolutionary War veterans were thus justifiably angry with elite Bostonians, as Berkshire Judge William Whiting observed:

[H]ow shocking to humanity must be the idea that the poor soldier who has for many years through dangers hardship hunger and nakedness wrought out the salvation of his country must now be compelled to pay his proportion of the interest.¹¹

He continued, "It would certainly have been much better for him to have received no wages at all." An anti-Bowdoin editorial echoed Whiting's disbelief, arguing that the situation would not "have occasioned such 'HIDEOUS ROARINGS,' had it not contained such '*damning proofs*' of rectitude, as to make those who have amassed an immense hoard of Publick Securities for *a mere song*, TREMBLE for their cheap-bought wealth." In short, Bowdoin's government demonstrated that its policies would be determined by profit, not concern for its citizens.¹²

Backcountry citizens were economically crippled when the Boston legislature closed on July 8, 1786 without addressing their repeated pleas for hard money, simplified courts, and a more centrally located state capitol. The state's intractability upset Massachusetts' maritime economy, causing indignant farmers from the country to protest against the political profiteers from a distant capital city. Massachusetts frontiersmen were largely subsistence farmers, producing enough to feed their families and then a little extra to trade to shopkeepers for subsidiary goods, such as sugar, lace, or rum. These shopkeepers, in turn, profited from the farmers' goods by trading them in Boston, where, in an increasingly globalized market, urban merchants sold them overseas. Farmers paid debts in goods, making the economy fragile: indeed, Massachusetts farmers weathered several poor harvests in the 1780s,

and on top of a harsh taxation policy, rural patterns of exchange broke down. Shopkeepers refused to barter; courts would not listen to farmers' complaints; and the government, located days away in Boston, rebuffed farmers' pleas. Gordon Wood thus argues that "Shays's Rebellion represented something of an anomaly, largely because the farmers of Western Massachusetts, unlike other groups in the 1780s, found no release for their pent-up grievances in legislative action but instead were forcefully resisted by the authorities." Indeed, with evolving markets leaving them vulnerable and no legal release for grievances, farmers fulfilled the Declaration's revolutionary promise by taking up arms against a tyrannical government.¹³

On August 22, 1786, representatives from 50 backcountry towns met at the home of Colonel Seth Murray in Hatfield to draft a proclamation calling for a more democratic state constitution. Gatherings like this set Shays's Rebellion in motion. Employing a time-honored backcountry method of "moral economy" whereby citizens took up arms to protect their property from unjust governmental intervention, the Hatfield convention decided to "break up the Court next Week," thereby "Regulating" the government by barricading courts refusing to hear their grievances. Regulation dated as far back as the 1680s in England, and was popularized by colonial farmers in North Carolina during the 1760s and South Carolina during 1768–1769. During August and September, Regulators repeatedly closed courts from Northampton to Worcester. The most dramatic of these closings occurred on August 29, 1786, when nearly 1,500 citizens closed the Northampton courthouse in Western Massachusetts.¹⁴

The state responded swiftly. In September 1786, the Massachusetts government passed acts to quiet the court-storming rebels, including an Indemnity Act, a Riot Act, a Militia Act, and an act suspending the writ of habeas corpus. On October 20, the federal government authorized nearly 2,000 troops to fight the Regulators. On November 10, the Massachusetts government passed an act giving Bowdoin dictatorial power to arrest anyone suspected of being a Regulator. On January 4, 1787, after the Massachusetts government refused, Bowdoin called on rich Bostonians to fund a mercenary army of 4,400 soldiers that on January 25, in blistering cold and deep snow, defended the Federal Arsenal at Springfield by killing four Regulators. The arsenal, erected in 1778, held 7,000 muskets with bayonets, 1,300 barrels of powder, and much shot and shell, thus making it a formidable cache of weapons and home of the repressive violence on which Bowdoin's government was founded. After this battle the Regulators scattered. Many were pursued and captured by General Benjamin Lincoln on February 3–4; all others were barred from voting in subsequent elections by the February 16 Disqualification Act. One final skirmish was fought at Sheffield on February 27, in which four rebels and one government soldier were killed—thus bringing the Regulation to a halt.

The Regulators' violence challenged the legitimacy of the Boston government; the violence of Bowdoin's government defended this challenged legitimacy. In order to understand the Massachusetts government's counter-revolutionary response, we must first investigate the government's motivation for attacking the Regulators, which was, as we will see, to protect property.¹⁵

"The China Came to Hand Without Much Damage": Collapsing Public Government and Private Profit

Rumors about Daniel Shays spread far beyond Massachusetts; indeed, George Washington responded to news of the Regulators in an October 23, 1786 letter to Lee, by writing, "The picture which you have drawn, & the accts which are published, of the commotions & temper of numerous bodies in the Eastern States, are equally to be lamented and deprecated." For Washington, Shays's Rebellion validated British claims that the Americans could not govern themselves, thus exhibiting "a melancholy proof of what our trans atlantic foe have predicted; and of another thing perhaps, which is still more to be regretted, and is yet more unaccountable; that mankind left to themselves are unfit for their own government." Shays's Rebellion forced Washington to draw a difficult conclusion for a nation steeped in the promises of democracy: that democratic states are violently, and perhaps inherently, unstable. Curiously, Washington ended this letter, containing consequential political judgments from the pen of a future president, with the following personal message: "The China came to hand without much damage; and I thank you for your attention in procuring & forwarding of it to me." Washington here demonstrated his wealth, because few Americans at the time could afford china, which was a symbol of status; thus, the future president's comment on china ended a letter in which political lessons and indications of wealth were mixed. Indeed, Washington's counter-revolutionary letter disparaged the ability of poor farmers like Daniel Shays to participate in politics.¹⁶

Though Washington was a southern gentleman, and Bostonians like Bowdoin were northeastern speculators and mercantilists, both were angry that the Regulators refused to defer to their political authority. There was, as Jefferson acknowledged, a "natural aristocracy" based on "virtue and talents" in post-revolutionary America that was distinct from "artificial" English aristocracies based on "wealth and birth." Though Jefferson attacked artificial aristocracies, natural aristocrats, like artificial aristocrats before them, demanded deference from citizens who had not climbed the social ladder. Washington's letter, colored by patrician disdain for the political aspirations of common folk, portrayed a wealthy, natural aristocrat denouncing revolution in order to protect his and his fellow gentlemen's china from popular uprisings like Shays's Rebellion.¹⁷

The threat the Regulators posed to the Massachusetts government, and to natural aristocrats everywhere, was more symbolic than physical. Though Secretary of War Henry Knox estimated the number of "desperate & unprincipled men" to be between 12,000 and 15,000, no more than 2,000 ever assembled in one place. At the first court closing in Northampton on August 29, the number of Regulators was a formidable 1,500; however, the typical number was much smaller, at between 300 and 800. Though 300 angry men with pitchforks and guns were undoubtedly frightening, there is evidence to suggest they were reluctant to harm other Massachusetts citizens. When the Regulators marched on the Federal Arsenal at Springfield, they were over-matched and outgunned by General William Shepard's troops; though the Regulators had twice the number of soldiers, Shepard had artillery, and the Regulators were loath

to skirmish with weapons. Indeed, Shepard's troops fired twice, hitting only sky, tree, and snow; on the third volley, however, they killed Ezekiel Root, Ariel Webster, Jabez Spicer, and John Hunter, prompting a chorus of indignant voices charging Shepard's troops with "murder." That the Regulators viewed the government's physical violence as murder indicates a moral and social judgment. For them, there were clear boundaries of legitimate regulation, and killing people fell outside these bounds. This rhetorical clue suggests that although the Regulators were perpetrating what looked like a *military* revolution, their actions were in fact *symbolic*—hence the Regulators' horror at military "murder."¹⁸

Regardless of the physical threat, natural aristocrats in Boston defended themselves from the symbolic threat of the Regulators by punishing them. Indeed, to quell the Regulators many elites called for impressive displays of violence. The Revolutionary War hero from Boston, Samuel Adams, called for executions: "In monarchies . . . the crime of treason and rebellion may admit of being pardoned or lightly punished; but the man who dares to rebel against the laws of a republic ought to suffer death."¹⁹ Reverend Jeremy Belknap, the pastor of a prominent Boston church, was equally hostile:

The General Court are now coming together . . . They ought to *declare*, what everybody knows to be a fact, that a rebellion exists, and then to "let loose the dogs of war," who, from the animation they have already discovered, will soon seize and worry those ravening wolves.²⁰

Belknap made no appeal to republican principles or natural law; he called on the state to unleash the dogs of war on enemies who were less than human—indeed, according to him the Regulators were wolves deserving of death. William Shepard, the war general from Westfield who led the government's response at the Springfield Arsenal, endorsed this policy of pain. In a December 1786 letter to Bowdoin, Shepard employed warhawk rhetoric as a response to the Regulators. He knew of calls for leniency, "I am aware of the policy of some persons to let the insurgents proceed," yet advocated military force instead:

[I]t appears unseasonable and ill timed to either procrastinate or introduce lenient measures untill [sic] the government have given proofs of their force and ability, otherwise clemency appears to proceed from inability or pusillanimity, and comes with an ill grace.²¹

"Ill grace" here was weakness and it won no battles for Shepard.

Both Massachusetts citizens and government utilized violence to defend private property, thereby making it a distinctly modern state. For Michel Foucault, modernity shifts definitions of crime from attacks on bodies to theft of goods; in modernity, then, the state sanctions, and police enforce, a progressive distinction between crimes traditionally condemned (crimes against bodies) and crimes threatening the new order of capitalism (crimes against property). This transition means that "justice" favors the emerging bourgeoisie, or, in Jefferson's words, the natural aristocracy. Once an accepted part of plebian communities, the criminal (what Foucault called the "delinquent") became a scapegoat for the state's need to

protect property. The modern discourse of property rights was enforced in the late 18th century by police, as historian Peter Linebaugh argues in *The London Hanged*. Indeed, he demonstrates that the first police system was created for two goals: to prevent theft and to enforce wage-labor. As capitalism developed, workers were offered substandard wages, just enough to be better off than the jobless; then they were drugged with imported sugar, tea, and alcohol from the slave markets of the Caribbean. For Linebaugh, “[t]he eighteenth century view regarded the police function as not so much to defend private property (though this of course was included) as to create and then to sustain the class relations in the production of private property.” Thus, police bullied hostile workers into accepting the exploitative system of wage-labor; in short, state violence enforced modern orders of property. Though Foucault writes mainly about France, and Linebaugh about England, we can apply their insights to America, where property favored the natural aristocracy at the expense of peasant farmers like Daniel Shays, thereby making Shays and his compatriots likely targets for policing.²²

Fisher Ames deployed this modern discourse of property rights in his “Brutus” essay, published at the beginning of Shays’s Rebellion. He wrote: “Am I to lose my property, and to be involved in distress, to relieve persons whom I never saw, and who are unworthy of compassion if they accept the dishonest relief?” Ames expressed disbelief that persons he “never saw”—i.e., persons who did not travel in his circles—would challenge his property rights. Other elites also feared a symbolic challenge. According to David Humphreys, a legislator and Connecticut Wit, “there is a licentious spirit prevailing among many of the people; a levelling principle; a desire of change; & a wish to annihilate all debts public & private.” Though accurately noting that the Regulators’ violence was linked to “poverty,” according to Secretary of War Henry Knox:

They feel at once their own poverty, compared with the opulent, and their own force, and they are determined to make use of the latter, in order to remedy the former. Their creed is “That the property of the United States has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the common property of all. And he that attempts opposition to this creed is an enemy to equity and justice, and ought to be swept from off the face of the earth.” In a word they are determined to annihilate all debts public and private and have agrarian Laws.²³

Such hyperbole is instructive, for unlike the later European revolutions in 1789 and 1848, the Regulators in Massachusetts did *not* follow a creed advocating the annihilation of public and private debts that sustained class distinctions. Hence illustrating anxiety about wealth and class and also their understanding of rhetoric, both Humphreys and Knox depicted the Regulators’ relatively limited goals as the destruction of their property. Indeed, hyperbole was one of the government’s rhetorical strategies because by exaggerating the Regulators’ goals the government portrayed the situation as more desperate than it was and thereby justified its use of violence against the Regulators. This strategy also attacked the Regulators’ violence as an unjustifiable attempt to steal political power. In Massachusetts, then, the sure path

to protecting the natural aristocracy's interests of life, liberty, and the pursuit of property was to declare rebellion and subject the criminals to the repressive power of the state's militia.²⁴

"The Gun and Bayonet was now the Only Standard of Authority": Deciphering the Bowdoin Government's Rhetoric

In his interpretation of the Declaration of Independence, Jay Fliegelman, like Stephen Lucas before him, argues that American independence was fundamentally a rhetorical problem, and hence Fliegelman attempts to recover the "lost world" of 18th-century rhetoric. Rejecting the influence of Locke, Fliegelman argues that rhetoric in early America was instead premised on Scottish *belles lettres*, specifically the work of Hugh Blair, George Campbell, and Lord Kames. These theorists believed that all humans possessed a moral sense; as their predecessor Thomas Hutcheson argued, "The moral sense seems ever to approve and condemn uniformly the same immediate objects, the same affections and dispositions, though we reason very differently about the actions which evidence certain dispositions or their contraries." Or, in Jefferson's words, "the moral sense of right and wrong" was "like the sense of tasting and feeling, in every man makes a part of his nature." Since all humans possessed a moral sense, then, Fliegelman argues that 18th century rhetoric in America was based on subjective emotional appeals rather than logic. Privileging pathos and ethos at the expense of logos, persuasion was "soft compulsion" and oratory was the process of appealing to another's moral sense and hence moving them to action.²⁵

As Fliegelman acknowledges, soft compulsion required shared beliefs and common values between subjects: "True oratory represented and reiterated shared beliefs in an effort to maintain a shared cultural world, one that provided a circumscribed scene for human action and created consensus by calling forth the universal nature of man." However, the situation in Massachusetts was a problem because it lacked commonality; indeed, Shays's Rebellion arose due to division and the government's task was therefore to restore unity to the state. Fliegelman claims that the Declaration was successful at performing independence by arguing that the British were "deaf to the voice of justice & of consanguinity," and this deafness in turn differentiated sympathetic Americans from their unfeeling parent country. Granting the accuracy of Fliegelman's analysis of the international Revolutionary War, it is a different rhetorical problem entirely when subjects inside the nation are insensible, as the Regulators claimed about the government and the government about the Regulators. Because Shays's Rebellion was concerned with divisions, between rich and poor, between city and frontier, and between those with political power and those without it, the theory of soft compulsion is not the most useful framework for understanding it and thus a different framework is required.²⁶

One letter in particular suggests an alternative framework for understanding the government's rhetoric in response to Shays's Rebellion. In a February 18, 1787 letter to Governor Bowdoin, William Shepard celebrated the "rout" of the government army over the Regulators in the battle of Springfield. However, he noted that the

remaining rebels were “devising every method to embarrass, to intimidate, to revive the dying spirit of rebellion.” Even though the government had won the battle at Springfield, Shepard argued that it would be a mistake to withdraw the state’s violence: “Removing too soon that force by which alone they have been quelled, before the idea of their inferiority has become familiar and established in their minds, might be productive of pernicious consequences.” A mental state of “inferiority” therefore had to be established in the rebels’ minds. Thus, Shepard requested that the Massachusetts legislature’s strategy go beyond physical repression to altering the rebel psyche, to “rivet in their minds a compleat conviction of the force of government and the necessity of an entire submission to the laws.” Shepard here called for the government to invest enough military force and also the full arsenal of the government’s rhetoric to ensure that the Regulators submitted to Massachusetts law. There was therefore a psychological component to Shepard’s call for violence, for he requested that the government rivet a “conviction” onto the rebels’ minds. Indeed, not content to use words to persuade the malcontents, Shepard wanted Bowdoin to use violence to alter the Regulators’ minds, hence moving rhetoric towards force and words towards weapons.²⁷

When unpacked, Shepard’s metaphor of riveting helps to underscore the rhetorical dynamics of Shays’s Rebellion. To explain this metaphor it is necessary to consider advances in the 18th century, because the riveting metaphor arose as the psychological episteme of the 18th century shifted, bringing about the possibility of “new epistemologies of emotion,” to use Dana Rabin’s words, and “a whole new order of concepts,” to use Foucault’s.²⁸ One driving force behind this shift was John Locke, whose psychology of the *tabula rasa* altered the way Anglo-Americans thought about the mind and about language. Published in 1690, Locke’s *Essay Concerning Human Understanding* offered a theory of the mind as “white paper.” Rejecting Descartes’ *a priori* ideas, he wrote: “Let us suppose the mind to be, as we say, white paper, void of all characters, without any ideas:—How comes it to be furnished? . . . To this I answer, in one word, from EXPERIENCE.” Since he argued that the mind was passive, simple ideas could come from experience only. Similarly, complex ideas, such as space and time and convictions such as justice and freedom, were derived from experience. As Locke wrote,

The simple ideas we have, are such as experience teaches them us; but if, beyond that, we endeavour by words to make them clearer in the mind, we shall succeed no better than if we went about to clear up the darkness of a blind man’s mind by talking; and to discourse into him the ideas of light and colours.²⁹

Because all ideas were based on experience, Locke mistrusted rhetoric, labeling orators “perfect cheats” and arguing that “all the artificial and figurative application of words eloquence hath invented, are for nothing else but to insinuate wrong ideas.” Indeed, Locke claimed that because rhetoric was not based in experience, it confused the mind.³⁰

Anticipating Locke’s argument that the mind was white paper, but differing from Locke by arguing that speech could introduce ideas directly into a listener’s mind,

French orator and logician Bernard Lamy offered a theory of rhetoric that is useful for understanding the counter-revolutionary discourse of Shays's Rebellion in *The Art of Speaking* (1675). Lamy's manual argued that persuasion was like war and that the orator was like a soldier. He wrote:

An Orator is to imitate a Souldier fighting with his enemy. The Souldier is not satisfied with drawing his Sword, he strikes, and watches to take the first advantage that is given: He moves up and down to avoid the insults of his Enemy, and in a word assumes all the postures that Nature and practice have taught him for invasion or defense.³¹

The goal of persuasion was then to "bend and incline [the audience] to what side he pleases," and one method of doing this is the artful employment of figures, which "imprint strongly" on a subject's mind. Lamy listed repetition as the most important figure because, as he wrote,

When we are in Combat with our Enemy, we think it not enough to give him one wound and no more; we multiply our blows, for fear one should not do the business: So in Speaking, if we think our first words not well understood, we repeat them, or explain them another way.³²

Believing as Locke did in the *tabula rasa*, but arguing that words could impress ideas upon the mind, repetition was a powerful figure because the more often a word was repeated the deeper the impression on the mind and hence the greater the likelihood of producing a desired action in the subject.³³

Shepard's letter brought together the state's need for powerful language to quell the rebellion with the state's need to use violence to alter the Regulators' minds. For many rhetoricians of this era, rhetoric involved penetrating another's mind to produce a behavior. In Thomas Hobbes' words, "opinions are delivered not by right reason, but by a certain violence of mind." This violence of mind was implied in Shepard's words. Notice that Shepard did not argue that the government's sole task was to force the Regulators to submit to their laws; rather, Shepard called for the government to rivet a conviction onto the rebels' minds and hence to produce cooperative subjects. *Figuratively*, then, riveting was a way of short-circuiting Locke's psychology by impressing a conviction directly onto a subject's mind. We can interpret riveting, and the government's strategy, as akin to the rhetorical repetition Lamy championed. If we take riveting to be the master trope guiding the Massachusetts government's counter-revolutionary discourse, it is possible to offer a more compelling rhetorical analysis of the situation than has been offered before. Indeed, the government faced a daunting rhetorical task, because on the one hand it would use language to rivet certain convictions onto the Regulators' minds, but on the other hand it was required to address the citizens of Massachusetts that did not participate in Shays's Rebellion. This rhetorical situation was challenging because, as Lamy wrote, the Orator-Soldier "keeps his Enemy in breath; the strokes that he makes at him continually, the assaults that he makes at him on all sides, the different ways of his attacks and retreats, keeps him constantly waking." To create a conviction in the Regulators' minds, the state needed to mobilize all the available persuasives in its arsenal to assault the Regulators

from multiple angles. The tightrope the state had to walk, then, was between deploying sufficient ammunition to create mental convictions and not attacking the civil liberties of the state's citizens, because to succeed at the former was potentially to fail at the latter.³⁴

Bowdoin's rhetorical strategy, as announced in his address to the General Court printed in Massachusetts newspapers the second week of February 1787, was two-pronged and directed at two audiences: first, he would punish the dissenting Regulators, thus quelling the spirit of *radical* revolution that Shepard called "the dying spirit of rebellion" and Humphreys called "the licencious spirit"; and second, he would nurture "the spirit of energy in government" that many elites praised by demonstrating to Massachusetts citizens that the government defeated criminals. Bowdoin's speech began with a false dichotomy: "By those proceedings there was held forth to them punishment on the one hand, and pardon on the other. Punishment, in case of perseverance in their criminal conduct. Pardon and indemnity, if they desisted from it." This dichotomy was false because the gesture of "pardon," the Indemnity Act of November 15, 1786, was all stick and no carrot. First, it targeted all men partaking in "outrageous proceedings," a generous definition of unlimited scope that targeted any and all potential enemies of the government. Second, it dictated that non-compliance would result in trial "in any county within this commonwealth nearest thereto, where law and justice can be administered," thereby offering a recipe for administrative homecourt advantage. And third, it condemned anyone "subversive of the authority of law and government," thereby extending the possibility of criminality to all Massachusetts citizens. Thus, the Indemnity Act provided an opportunity for extending punishment, not clemency.³⁵

So that the citizens of Massachusetts might support his government Bowdoin told the story differently, arguing that the state's violence was necessary to protect the safety of Massachusetts citizens:

The safety & well being of the Commonwealth being thus in hazard, and the lenient, conciliating measures of the General Court having been rejected by the insurgents, I conceived myself under every obligation of honor and duty to exert the powers vested in me by law & the Constitution for the protection & defence of the Commonwealth against the hostile & nefarious attempts of those lawless men.³⁶

These "hostile & nefarious attempts" of "lawless men" had to be constructed, and this entailed persuading Massachusetts citizens that the Regulators were criminals. The first prong of Bowdoin's strategy, the argument for criminality, began with the Riot Act of October 27, 1786, which made it a crime for 12 or more people with weapons, or 30 or more people period, to assemble in a threatening manner. In these situations, the criminal suffered a bitter cocktail of public and private punishment at the very time that certain progressive reformers like Benjamin Rush were rejecting public punishment. According to the Riot Act, the offender "shall be whipped *Thirty-nine* stripes on the naked back, at the publick whipping-post, and suffer imprisonment for a term not exceeding *Twelve Months*, nor less than *Six Months*." Public shame was intermeshed into the term of imprisonment, for "once every three months during the

said imprisonment, [the prisoner will] receive the same number of stripes on the naked back, at the publick whipping-post as aforesaid." The spectacle was designed for three purposes: first, the physical punishment would rivet the Riot Act's redefinition of the Regulators as criminals onto the Regulators' bodies and their minds; second, this punishment would reinforce the government's portrayal of the Regulators as criminals to the public; and third, it would set an example for law-abiding citizens that they should both continue to respect the law and also impress upon them that the government was punishing the Regulators on their behalf.³⁷

Thus, the Riot Act created a formidable definition of criminality, as did the February 4, 1787 Act Declaring Rebellion. This act defined criminality as "subversive of all order and government, absolutely incompatible with the publick safety and happiness." According to this act, the Regulators represented "an open, unnatural, unprovoked, and wicked Rebellion against the dignity, authority, and Government of this Commonwealth." Labeling the Regulators "rebel" and "wicked" were important rhetorical moves; if the Regulators' behavior was perceived by Massachusetts citizens as unnatural and criminal, then the government could deploy violence to crush their challenge and then not be committing "murder," as the Regulators claimed at Springfield, but instead protecting the state's citizens. Here the government's position was ironic, because the Massachusetts government attempted to reverse the rhetorical dynamics of the Declaration of Independence. Indeed, that document had the task of portraying America's violence against England as natural, whereas the Massachusetts government had a task similar to the British government during the Revolutionary War, which was to portray the enemy's violence as "unnatural" and their cause as a "wicked Rebellion." As King George III proclaimed, colonists "have at length proceeded to open and avowed rebellion, by arraying themselves in a hostile manner, to withstand the execution of the law." Thus both the Massachusetts government and the British parliament had to criminalize the popular violence that threatened their legitimacies.³⁸

The government's rhetoric also labeled the Regulators insane, a noteworthy rhetorical move in the latter part of the 1700s when insanity was widely stigmatized and warranted confinement. Shepard called the Regulators "these deluded people"; Ames characterized them as a "mad people"; Samuel Lyman taunted them as a "party of mad men." The Indemnity Act opened with a reference to madness, calling Regulators "deluded persons," and requiring them to change not just their criminal ways, but, even more strongly, to change their very sensibilities: "the Legislature are willing to extend their clemency to all such deluded persons, provided they return to a due sense of their allegiance to government." Knox, in a letter to Washington, labeled the Regulation "a formidable rebellion against reason." Isaiah Thomas, the publisher of the *Worcester Magazine*, positioned a letter from rebel leader Adam Wheeler above the prescription for curing a rabid dog's bite. The proximity of Wheeler's letter to a rabid dog was not arbitrary; it was an intentional attack on the Regulators' sanity and, even more, on their very humanity. Labeling them "mad" served a two-fold rhetorical purpose: following Lamy's observations on repetition, to repeatedly call the Regulators mad was to attempt to rivet this conviction on

their minds, just as it was an attempt to stigmatize the Regulators in public opinion, thereby making the government's violence at places like Springfield justified.³⁹

In the end, riveting became problematic for the Massachusetts government because the rhetorical resources the government deployed to alter the Regulators' subjectivities impinged upon the civil liberties of Massachusetts citizens. Indeed, had the government attempted solely to repress the Regulators rather than deploy rhetoric and violence to alter their minds, then Bowdoin might have successfully defeated their challenges. Historian Daniel Cohen explains that America experienced a crime wave from the middle 1780s into the 1790s, and historian Paul Gilge argues that there was a conservative turn against techniques of Regulation after 1776; accordingly, Reverend Bezaleel Howard, pastor of Springfield's Congregationalist parish, expressed dissatisfaction with the Regulators' methods: "Thire things Evidently Call for amendment and redress, but Guns and Bayonets and Hostile appearances was far from being the proper way to accomplish the design." In an age of unsettling crime, bayonets became a threat to order; thus, though a traditional part of colonial life, many Massachusetts citizens perceived the Regulators' popular violence with scorn. It was in this context that the flawed second prong of Bowdoin's strategy, to endear subjects to the government, occurred. The government's rhetorical strategy for persuading citizens that it was legitimate can be summarized by three rhetorical maneuvers: first, it punished the Regulators and attempted to convince Massachusetts citizens that it did this for them; second, it exaggerated the Regulators' aims, thereby making them dangerous criminals, not justified revolutionaries; and third, it focused attention on the Regulators' violent methods, thereby obscuring the farmers' grievances. Each of these strategies had potential; indeed, the government had an auspicious opportunity for portraying the Regulators as criminals.⁴⁰

Though the government had this opportunity, riveting rhetoric that cuts off all dissent is counter-productive in a republic; indeed, in the eyes of many loyal Massachusetts citizens Bowdoin became tyrannical. Emblematic of Bowdoin's tyranny was a February 23, 1787 act requiring all men licensed to sell liquor in the commonwealth—including the tavern owners who had harbored meetings of Regulators in August 1786—to take an oath of allegiance to the administration, lest they be stripped of their licenses. The act's purpose was to solidify allegiance to the commonwealth: "And it is further *Resolved*, That no person shall be licenced by virtue of the forgoing resolve . . . until he . . . shall take and subscribe the following oath." The oath, which represented a not-so-subtle attempt to gain allies in repressing Shays's Rebellion, read:

*I A.B. do swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and that I will to the utmost of my power, defend the Constitution and Government therof, against traitorous conspiracies, and all hostile and violent attempts whatsoever.*⁴¹

Here, Bowdoin's bifurcating logic became clear: either Massachusetts citizens were with or against the government. This disjunction provided no space for dissent, and this act was typical of the government's rhetoric. Tavern owners and Massachusetts

citizens were both presented with a stark alternative: they could accept the government's story of criminality, or they could go to jail. Thus, as the government depicted Massachusetts citizens, they had only *bad agency*; they were portrayed as subjects in need of the government's protection because they could not protect themselves, and also as potential criminals who might mimic the Regulators by also taking up arms against the government. Therefore the government delegated to itself the power to jail all the state's subjects.⁴²

The government's attempt at riveting backfired due to accumulated attacks on the rights of Massachusetts citizens. The November 10, 1786 act suspending the writ of habeas corpus gave Bowdoin nearly dictatorial control over Massachusetts citizens:

Be it therefore enacted . . . That the Governour, with the advice of the Council, be, and he hereby is, authorized and empowered, by warrant, under the seal of the commonwealth, by him subscribed, and directed to any sheriff, deputy-sheriff, or constable, or any other person, by name, to command, and cause to be apprehended, and committed in any jail, or any other safe place, within the commonwealth, any person or persons whatsoever, whom the Governour and Council shall deem the safety of the commonwealth requires should be restrained of their personal liberty, or whose enlargement is dangerous thereto.⁴³

Bowdoin could now jail his enemies and compel government officials to aid in repression, and he immediately put these scary, King George III-like powers to use by apprehending five rebels, Oliver Parker, Benjamin Page, Nathan Smith, John Kelsey, and Job Shattuck. This act demonstrated Bowdoin's terrible power, for Shattuck had long been a thorn in the state's side; and on the night of November 30, government troops arrested Shattuck, Parker, and Page in Groton, injured John Hapsgood, a man not named on their warrant, and were rumored to have "put out the eye of a woman, and stabbed and cut of the breast of another, and mangled an infant in the cradle." On the return trip to Boston, the cavalry harassed other farmers, ordering them "to pull down fences and do drudgery for them, or they would instantly split their brains out." These actions damaged the government's ethos, because it was difficult to persuade law-abiding citizens of the necessity of state violence when it was used for self-serving ends hurting innocent women and children.⁴⁴

The February 26 Disqualification Act barred Regulators from voting and serving in public office; the March 9 Indemnity Act granted clemency to those associated with the insurgency (with the exclusion of Shays and three others) so long as that person took an oath of allegiance to Bowdoin's government. These two acts, along with the suspension of the writ of habeas corpus, though powerful rhetorical attempts to rivet a conviction of criminality on the minds of the Regulators, cut off all opposition to Bowdoin's government. Thus, Bowdoin took his tactics too far. Without inspiring faith in Massachusetts citizens that his violence was deployed for public good, his persuasive strategy became illegitimate.⁴⁵

Though no friend to the Regulators, Boston lawyer James Sullivan was alarmed at Bowdoin's strategy:

The General Court goes on with remarkable *and astonishing* unanimity, as there is no opposition it would be a wonder if the Constitution was strictly adhered to and

yet the critical situation of the Commonwealth requires circumspection in order that good men may not be made enemies to Government: the powers of Government are so united in the metropolis that [it] is dangerous even to be silent.⁴⁶

According to Sullivan, dissent was bound so successfully that “a man is accused of rebellion if he does not loudly approve every measure as prudent, necessary, wise and *Constitutional*.” Other government voices also spoke out against the gagging of dissent, including Noah Webster, the young Connecticut lexicographer and lawyer who would soon be famous for his blue-backed *American Spelling Book*. Webster, who was an outspoken defender of a strong central government that would reproduce itself through a nationalized language, nevertheless wrote an eloquent defense of clemency for the protestors in a March 1787 letter to Bowdoin that called for restitution for the public bond scandal. He argued, “A man who sells a note for a fifth of its value & then is taxed to pay the full sum instead of gaining his money *once* absolutely loses it *twice*.” Webster concluded that the government’s policies were unjust, immoral, and ultimately self-defeating: “I conceive the zeal for funding the debt to be totally mis-timed; instead of preserving faith it would destroy it by a high-handed act of treachery.” The Massachusetts government desired to stifle the spirit of rebellion; however, in Webster’s estimation, its mistimed, greedy policies compromised its credibility.⁴⁷

The most telling warning came from General Benjamin Lincoln. In a February 20, 1787 letter to Bowdoin, he voiced reservations about the government’s strategy and urged clemency:

People who have been in arms are hourly coming in. Their flight into the bosom of their country will I doubt not be in some proportion to the mild terms held out by government as the conditions on which they may expect its favours.⁴⁸

Lincoln argued that if the government became tyrannical, its citizens would take up arms against it out of desperation and the inability to enact political change any other way. For Lincoln, then, who was one of the state’s leading military figures, Massachusetts citizens did not need to be controlled but appeased. On February 22, Lincoln stressed cautious terms to Bowdoin, noting that “our gaols are now full” and that the “Sheriff will not apprehend any others” unless “most aggravatedly guilty.” He recommended complete and universal clemency: “I am fully in opinion that we might now liberate, under bonds, all who have been apprehended on State warrants in this county.” The irony is thick: the Massachusetts government accused dissenters of madness, but refused to listen to reasonable advice like Lincoln’s, choosing instead to follow a self-destructive policy of full-scale rhetorical warfare.⁴⁹

Then as now, a government protecting its own interests above the public good is not representative. Indeed, state agencies entrusted with repressing the Regulators convicted scores for treason and sentenced 18 men to death. The resulting martial law attempted to control the bad agency and revolutionary potential of the state’s citizens, and thus damaged civil liberties in Massachusetts far more than the Regulators’ popular violence. Indeed, the Massachusetts government attempted to

control revolution at all costs. Reverend Howard described the negative effect of these repressive counter-revolutionary measures on Massachusetts society:

Jealously raging in Every bosom, Envy and malice in Every heart, pride and ostentatious partiality, tyriny and oppresion raging among the magistracy, plainly Discovering the Byass and Inclination of their mind and the Wickidness of their hearts. Now they had power to punish in what manner they pleas and . . . Such a state of anarchy and & Confusion, Dispotism and Tyranny succeeded the Dispersion of Shays troops. Nothing Could be more Injurious to the Liberty and privileges of a peopal than the Conduct of the Justices and the military men. To be a soldier was sufficient to Invest him with power to drag whomsoever they would from their beds at midnight and commit them to Goal untill a partial Examination could be had and, if Innocent, Dismis without any recompense for the cruil Behaviour of the Soldiery, some committed to Goal till Bonds were procur for their appearance at the next Supreme Court, but many upon taking the oath, Delivering up their arms, and paying, then went Home.⁵⁰

Howard portrayed a society oppressed in a manner that, 10 years earlier, had sparked the American Revolution; in fact, stories of soldiers dragging citizens from their sleeping beds suggested to citizens that Bowdoin's government, like King George's, was founded on malice, tyranny, and oppression and therefore no longer represented them. The government's policies endangered the rights of all Massachusetts citizens; in Rev. Howard's words, under Bowdoin's administration, "The Gun and Bayonet was now the only standard of authority." When the government entrusted with enforcing justice ruled by military force and violence, it became unsatisfying to law-abiding citizens, who accordingly rejected the state's government and voted instead for new leadership.⁵¹

Washingtonians and Shaysites

In the April 1787 state elections, John Hancock defeated Bowdoin by a four to one margin. As historian Richard Brown describes the election:

Although hundreds of men in the western counties were disqualified from voting because of pro-Shays activities, the mobilization of voters set a record for a statewide election. In the absence of other variables, it is clear that the rebellion and the actions of the government had generated a wave of interest in politics that had not been seen since the early years of the Revolution.⁵²

The spirit of revolution that Bowdoin's administration sought to control—the spirit of popular resistance Jefferson praised—could not be contained by the Massachusetts government's counter-revolutionary riveting. Indeed, 60 more towns sent delegates to the General Court to vote than in 1786. Reverend Howard provided a contemporary view of the 1787 elections: "Bowdoin had (by the Disqualifying Act and the Suspension of the Habeas Corpus Act and some other proceedings) made himself Quit[e] obnoxious [to] the Majority of the people, and Elections now being come, they left him out, and by a great majority chose John Hancock." Howard concluded, with a religious zeal, that Bowdoin "had not Husbanded his own affairs with any

manner of oeconomy. The malice of Hell and the Envy of the prince of Darkness was now conspicuous and Evident.”⁵³

Indeed, if riveting called for the government to deploy all its resources to impress a conviction on the Regulators' minds, necessitating the many anti-Regulator laws it passed, it oppressed all Massachusetts citizens. The administration's strategy backfired; riveting failed; and Bowdoin's position was shattered. Shays's Rebellion thus demonstrated that citizens of Massachusetts would reject state-sanctioned violence if it infringed on their natural rights.

Preceding the writing and ratification of the Federal Constitution, Shays's Rebellion was an important moment in American history. In fact, the specter of Daniel Shays was deployed to justify the ratification of the Constitution, and the federalist position in the debates surrounding ratification was anti-democratic because Shays's Rebellion exposed the violence of the democratic rule that Jefferson had praised. In *Federalist 10*, Madison denounced democracy as a breeding ground for faction, instead preferring republicanism, in which the representatives' "wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations." In *Federalist 21*, Hamilton used a slippery-slope strategy of rhetorical questions piled one on top of another to demonstrate the threat Shays's Rebellion posed to all citizens under the weak Articles of Confederation:

A successful faction may erect a tyranny on the ruins of order and law . . . The tempestuous situation from which Massachusetts has scarcely emerged evinces that dangers of this kind are not merely speculative. Who can determine what might have been the issue of her late convulsions if the malcontents had been headed by a Caesar or by a Cromwell? Who can predict what effect a despotism established in Massachusetts would have upon the liberties of New Hampshire or Rhode Island, of Connecticut or New York?⁵⁴

The Constitution would rectify both Madison's and Hamilton's concerns by creating a republic that stripped citizens of their right to popular violence: indeed, Article 4, Section 4 of the Constitution authorizes the federal government to protect states against "domestic Violence"; Article 1, Section 8 allows the Militia to "suppress Insurrections"; and Article 1, Section 9 permits the suspension of the writ of habeas corpus "in cases of Rebellion or Invasion." The federal government thus demonstrated its intention to put down any and all future Shays's Rebellions.

For the new federal Constitution to criminalize the tradition of revolution enshrined in the Declaration of Independence, the members of the Constitutional Convention had to create a government that reserved the right to punish another Daniel Shays if he arose. Indeed, Shays continued to be a symbolic threat even after the close of Shays's Rebellion. For example, Boston's *Massachusetts Gazette* on October 19, 1787 published an article defending ratification by declaring that all Federalists "should be distinguished hereafter by the name of WASHINGTONIANS, and the ANTIFEDERALISTS, by the name of SHAYSITES, in every part of the United States." The ratification of the federal Constitution was a final attack on the Declaration's revolutionary spirit displayed in Shays's Rebellion; as Jefferson wrote,

“Our Convention has been too much impressed by the insurrection in Massachusetts; and in the spur of the moment they are setting up a kite to keep the hen-yard in order.” Thus, though Bernard Bailyn argues that the Constitution “is the final and climactic expression of the ideology of the American Revolution,” Gordon Wood provides evidence to the contrary. By creating a strong central government with the power to coerce dissent and squash democracy, Wood argues that the Constitution completely reneged on the spirit of the Revolution, noting, “the Americans of 1787 shattered the classical Whig world of 1776.” Wood demonstrates that for the anti-federalists, “it was unbelievable that [the Constitution] could have even been proposed.” For Wood, the Constitution was a complete rejection of the spirit of 1776; and following the analysis offered in this essay, it is clear that one of the reasons it rejected the Revolution and the Declaration of Independence was because both advocated the type of popular, anti-government violence displayed in Shays’s Rebellion.⁵⁵

The framers of the Constitution thus repudiated the legacy of the Revolutionary War; and though it might be tempting to label this a contradiction, it was instead a necessary corrective for the nation-building process. As Hannah Arendt explains, “nothing threatens the very achievements of revolution more dangerously and more acutely than the spirit which has brought them about.” Arendt here highlights the fundamental paradox of revolutions: if revolutions are waged to found stable nation-states, they simultaneously set loose energies that threaten stability; thus, nation-builders must repress the very revolutions that brought their nations into being.⁵⁶

Thomas Paine, the quintessential radical, illustrates the movement from revolution to repression. In 1776, Paine published *Common Sense*, which brought the colonies closer to a revolutionary consciousness. Paine’s vitriolic attack on Britain suggested, “To talk of friendship with those in whom our reason forbids us to have faith, and our affections wounded through a thousand pores instruct us to detest, is madness and folly.” However, Paine later argued that revolutions were problematic because they tended to force individuals to “lose sight of morality, of humanity and of the theology that is true.” Hence, in a profound reversal, just 10 years after crafting the rhetorical bombs of *Common Sense*—which claimed that “government even in its best state is but a necessary evil”—Paine penned an attack on popular protest, *Dissertations on Government* (1786). Writing in the wake of widespread protests in Philadelphia against the state’s central bank, Paine attacked the “delusion” that led to complaints and argued that protesters should judge the “naked truth of things” with the “cooler spirit” of rationality. If the protesters did this, they would realize that as citizens of Pennsylvania they existed within the structures of a representative government, and hence possessed no right to “insurrection”: “the republican form and principle leaves no room for insurrection, because it provides and establishes a rightful means in its stead.” Because citizens elected their representatives, they then had no right to revolt; republican governments therefore contained dissent. For Paine—one of the master rhetoricians of the Revolutionary War—former revolutionaries lost their state-toppling powers the minute they entered into representative

government. By revoking the right of revolution from those who threatened to overturn the present order, Paine acted to ensure the sanctity of his new nation.⁵⁷

Paine's movement mimicked the rhetorical strategies of the drafters of the Constitution. Indeed, the Constitution and its defenders were quite successful at criminalizing the popular violence that Jefferson thought as natural as storms, for in a final rhetorical triumph this event came to be known as "Shays's Rebellion" and not as "the Regulation." The status of the event at the time was unclear for, depending upon one's sympathies, Daniel Shays led a wicked rebellion or a failed revolution. Determined to uphold the sanctity and stability of their nation, however, American historians in the early Republic made the powerful rhetorical move of articulating the Constitution with America, and then opposing these lauded icons to the "wicked rebellion" led by Daniel Shays—thereby validating Constitutional state violence and discrediting popular violence as a legitimate expression of politics in the United States.

Notes

- [1] Stephen Lucas, "Justifying America: The Declaration of Independence as a Rhetorical Document," in *American Rhetoric: Context and Criticism*, ed. Thomas W. Benson (Carbondale, IL: Southern Illinois University Press, 1989), 75–6; see also Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (1922; New York: Vintage, 1958), 7–8, and Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (Garden City, New York: Doubleday, 1978), 49–64. For arguments that violence was critical to the founding of the United States and to American identity, see Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600–1860* (Middletown, CT: Wesleyan University Press, 1973); Marshall Smelser, "An Understanding of the American Revolution," in *An Almost Chosen People: The Moral Aspirations of Americans*, ed. Walter Nicgorski and Ronald Weber (Notre Dame, IN: University of Notre Dame Press, 1976), 3–18; Charles Royster, "Founding a Nation in Blood: Military Conflict and American Nationality," in *Arms and Independence: The Military Character of the American Revolution*, eds. Ronald Hoffman and Peter J. Albert (Charlottesville, VA: University Press of Virginia, 1984), 25–49; Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 3–66; and *No Duty to Retreat: Violence and Values in American History and Society* (New York: Oxford University Press, 1991), 3–38.
- [2] John Locke, *Second Treatise of Government*, ed. Richard H. Cox (1689; Wheeling, IL: Harlan Davidson, 1982), section 229, p. 140.
- [3] The Declaration of Independence is reprinted in *The Radical Reader: A Documentary History of the American Radical Tradition*, ed. Timothy Patrick McCarthy and John McMillian (New York: The New Press, 2003), 44–47. In 1823, Jefferson recalled that Richard Henry Lee had argued during the Revolutionary War that the Declaration was "copied from Locke's treatise on government," and he did not object, thereby providing anecdotal confirmation of Locke's influence on the Declaration; see Thomas Jefferson to James Madison, August 30, 1823, in *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford, 10 vols. (New York: Knickerbocker Press, 1892–1899), 10: 267–8.
- [4] For studies of the Declaration of Independence, see Wilbur Samuel Howell, "The Declaration of Independence and Eighteenth-Century Logic," *William and Mary Quarterly* 18, no. 4 (October, 1961), 463–84; Wills, *Inventing America*; Lucas, "Justifying America," *Rhetoric and*

- Public Affairs* 1, no. 2, and also his “The Rhetorical Ancestry of the Declaration of Independence,” *Rhetoric and Public Affairs* 1 (Summer 1998): 143–84; and Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1998). Many “extremist” groups have argued that the Declaration sanctions revolutionary violence, and accordingly have framed their anti-government activities as legitimately American; for examples, see D. J. Mulloy, *American Extremism: History, Politics, and the Militia Movement* (London: Routledge, 2004), 75–88, and Philip Foner, ed., *We, the Other People: Alternative Declarations of Independence by Labor Groups, Farmers, Women’s Rights Advocates, Socialists, and Blacks, 1829–1975* (Urbana, IL: University of Illinois Press, 1976).
- [5] Thomas Jefferson to Abigail Adams, February 22, 1787, in *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson & Abigail & John Adams*, ed. Lester J. Cappon (1959; Chapel Hill: University of North Carolina Press, 1987), 173.
- [6] Thomas Jefferson to William Stephens Smith, November 13, 1787, *Writings*, 4: 467.
- [7] Stephen Higginson to Henry Knox, February 13, 1787, “Letters of Stephen Higginson,” *Annual Report of the American Historical Association* (Washington, DC, 1896), 1: 751; Henry Lee to George Washington, September 8, 1786, in volume 8 of *Letters of Members of the Continental Congress*, 8 vols. ed. Edmund C. Burnett (Washington, DC: Carnegie Institution of Washington, 1936), 463; Gerry quoted in Max Farrand, ed., *The Records of the Federal Convention of 1787*, 4 vols. (New Haven, CT: Yale University Press, 1937), 1: 48; James Otis quoted in Gordon Wood, *The Creation of the American Republic, 1776–1787* (1969; Chapel Hill: University of North Carolina Press, 1998), 476; for the most forceful arguments that Shays’s Rebellion assisted in the justification of the federal Constitution, see Leonard Richards, *Shays’s Rebellion: The American Revolution’s Final Battle* (Philadelphia: University of Pennsylvania Press, 2002), 117–64, and Richard D. Brown, “Shays’s Rebellion and the Ratification of the Federal Constitution in Massachusetts,” in *Beyond Confederation: Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephen Botein, and Edward Carter (Chapel Hill: University of North Carolina Press, 1987), 113–27.
- [8] Kimberly Smith, *The Dominion of Voice: Riot, Reason, and Romance in American Politics* (Lawrence: University of Kansas Press, 1999), 45; Stephen Howard Browne, *Angelina Grimké: Rhetoric, Identity, and the Radical Imagination* (East Lansing: Michigan State University Press, 1999), 37; Centinel, Letter 8, December 28, 1787, Letter 9, January 5, 1788 in *The Complete Anti-Federalist*, ed. Herbert J. Storing, 7 vols. (Chicago: University of Chicago Press, 1981), 2: 178, 181; on “mobocracy,” see Paul Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1762–1834* (Chapel Hill, North Carolina: University of North Carolina Press, 1987).
- [9] David Zarefsky, “Four Senses of Rhetorical History,” in *Doing Rhetorical History: Concepts and Cases* (Tuscaloosa, AL: The University of Alabama Press, 1998), 30; for the “constitutive approach” to rhetorical criticism, see James Jasinski, “A Constitutive Framework for Rhetorical Historiography: Toward an Understanding of the Discursive (Re)constitution of ‘Constitution’ in *The Federalist Papers*,” in *Doing Rhetorical History*, 72–92. On republicanism, see Daniel Rodgers, “Republicanism: The Career of a Concept,” *Journal of American History* 79, no. 1 (1992): 11–38; Wood, *Creation of the American Republic*, vii–viii, 57; Bernard Bailyn, *The Ideological Origins of the American Revolution* (1967; Cambridge, MA: Harvard University Press, 1992), 321–79; J. G. A. Pocock, “Virtue and Commerce in the Eighteenth Century,” *Journal of Interdisciplinary History* 3 (Summer 1972): 119–34; and *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (1975; Princeton: Princeton University Press, 2003), 95–140, 506–52.
- [10] For discussions of James Bowdoin, see David P. Szatmary, *Shays’s Rebellion: The Making of an Agrarian Insurrection* (Amherst, MA: University of Massachusetts Press, 1980), 44–55; Richards, *Shays’s Rebellion*, 85–89; and Gordon E. Kershaw, *James Bowdoin: Patriot and Man of the Enlightenment*, ed. Martha Dean (Brunswick, MN: Bowdoin College Museum of Art, 1976).

- [11] Stephen Riley, "Doctor William Whiting and Shays' Rebellion," *Proceedings of the American Antiquarian Society* 66 (January 1956): 133
- [12] Plain Truth, "Untitled," *Massachusetts Centinel*, February 18, 1786. Italics in original.
- [13] Gordon Wood, "A Note on Mobs in the American Revolution," *William and Mary Quarterly* 23, no. 4 (October 1966): 641; on rural economies in Massachusetts, see Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780–1860* (Ithaca, NY: Cornell University Press, 1990), 21–58, and Robert Mutch, "Yeoman and Merchant in Pre-Industrial America: Eighteenth Century Massachusetts as a Case Study," *Societas* 7, no. 3 (Autumn 1977): 279–302.
- [14] For the Regulators' proclamation, see the *Hampshire Herald*, September 5, 1786; for a treatment of the Regulators' discourse, see Michael Lienesch, "Reinterpreting Rebellion: The Influence of Shays's Rebellion on American Political Thought," in *In Debt to Shays: The Bicentennial of an Agrarian Rebellion*, ed. Robert A. Gross (Charlottesville: University Press of Virginia, 1993), 161–84; for a discussion of "Regulation," see E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (February 1971): 76–136. Helpful sources on the Regulations in North Carolina and South Carolina include John S. Bassett, "The Regulations of North Carolina, 1765–1771," in *American Historical Association Annual Report for the Year 1894* (Washington DC: GPO, 1895), 141–212; James P. Whittenburg, "Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation," *William and Mary Quarterly* 34 (1977): 215–38; and Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge, MA: Harvard University Press, 1963).
- [15] Smith, *The Dominion of Voice*, 27, argues that in early America "mob action" was "the exercise of the community's right to take over the function of government." Using her analysis, we can argue that Shays's Rebellion occurred in the liminal period between popular acceptance of mob rioting as a legitimate form of government and its displacement by rational deliberation as the preferred form.
- [16] George Washington to Henry Lee, Jr., October 31, 1786, in *The Papers of George Washington: Confederation Series*, 6 vols., ed. W. W. Abbott (Charlottesville: University Press of Virginia, 1995), 4: 318, 320; on Americans' desire for the cultural distinction that owning china would provide, see John Kuo Wei Tchen, *New York Before Chinatown: Orientalism and the Shaping of American Culture, 1776–1882* (Baltimore: Johns Hopkins University Press, 1999), 3–24.
- [17] Thomas Jefferson to John Adams, October 28, 1813, in *Adams-Jefferson Letters*, 388; two helpful discussions emphasizing Washington's aristocratic worldview include Bernard Fay, *George Washington: Republican Aristocrat* (Boston: Houghton Mifflin, 1931), and Richard Norton Smith, *Patriarch: George Washington and the New American Nation* (Boston: Houghton Mifflin, 1993), and note also that Washington is bitterly flayed for being an aristocrat in Philadelphia's *Aurora*, see Richard N. Rosenfeld, *American Aurora: A Democratic-Republican Returns* (New York: St. Martin's, Press, 1997), 30–1, 238, 242, 255, 274, 290, 297, 309, 337, 387, 411, 413, 485; on the natural aristocracy's demands for deference, see Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage, 1991), 57–77, 179–80, 271–86.
- [18] Knox to Washington, October 23, 1786, *Papers of George Washington*, Vol. 4, 300. According to Szatmary, at Springfield there were 300 men from Berkshire, 1,000 men from Hampshire, and 1,000 men from Worcester and Middlesex. Shepard's army had 1,000 militiamen, and nearly 4,400 men were in the government army under Lincoln that was marching to Springfield but arrived too late for the battle; see Szatmary, *Shays' Rebellion*, 100–1; on the battle at the Springfield Arsenal, see George Richards Minot, *The History of the Insurrections, in Massachusetts, In the Year MDCCLXXXVI, and the Rebellion Consequent Thereon*. (Worcester, MA: Isaiah Thomas, 1788), 111; Marion Starkey, *A Little Rebellion* (New York: Alfred A. Knopf, 1955), 132–33.

- [19] Sam Adams quoted in William V. Well, *The Life and Public Services of Samuel Adams*, 3 vols. (Boston: Little Brown, 1865), 3: 246.
- [20] Jeremy Belknap quoted in John H. Lockwood, *Westfield and its Historic Influences 1669–1919* (Springfield, MA: Springfield Binding Co, 1922), 112.
- [21] William Shepard to James Bowdoin, December 17, 1786, in *The Bowdoin and Temple Papers*, in *Collections of the Massachusetts Historical Society* 7, no. 6 (Boston: Massachusetts Historical Society, 1907), 119.
- [22] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (1975; New York: Vintage, 1995), 73–103, 257–92; Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1991), 434–5.
- [23] Fisher Ames, “Lucius Junius Brutus Essays,” in *Works of Fisher Ames*, 2 vols., ed. Seth Ames (Boston: Little Brown and Company, 1854), 2: 96; David Humphreys to George Washington, November 1, 1786, and Knox to Washington, October 23, 1786, *Papers of George Washington*, 351, 300.
- [24] The few letters and editorials by Regulators published in newspapers emphasize patriotism, and, using the recurring tropes of the American Revolution, the lawfulness and constitutionality of Regulation. Indeed, for the Regulators, the goal was not to overturn government, but rather to improve their situation within that government. See Adam Wheeler, “To the Publick,” *Worcester Magazine*, November 22, 1786; A Member of Convention, “Untitled,” *Worcester Magazine*, October 1, 1786; “The following is a copy of a Letter from a Number of Principle Regulators,” *Worcester Magazine*, February 1, 1787; and “Petition from Shays’ Rebellion (1786),” reprinted in *The Radical Reader*, 51–3.
- [25] Jay Fliegelman, *Declaring Independence: Jefferson, Natural Language, & the Culture of Performance* (Stanford, CA: Stanford University Press, 1993), 1–62; Hutcheson, quoted in Wills, *Inventing America*, 212; Thomas Jefferson, *Notes on the State of Virginia* (1787), ed. William Peden (1954; Chapel Hill: University of North Carolina Press, 1982), 93; on the Scottish view of the moral sense and its influence on Jefferson and America, see Wills, *Inventing America*, 193–239, and William Charvat, *The Origins of American Critical Thought, 1810–1835* (1936; New York: Russell and Russell, 1968), 27–58; for a study of how one orator negotiated the rhetorical terrain between sympathy and logic, see James M. Farrell, “Fisher Ames and Political Judgment: Reason, Passion, and Vehement Style in the Jay Treaty Speech,” *Quarterly Journal of Speech* 76 (1990): 415–34.
- [26] Fliegelman, *Declaring Independence*, 45, 62.
- [27] Shepard to James Bowdoin, February 18, 1787, *Bowdoin and Temple Papers*, 142.
- [28] Dana Rabin, “Bodies of Evidence, States of Mind: Infanticide, Emotion and Sensibility in Eighteenth-Century England,” in *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550–2000*, ed. Mark Jackson (Burlington, VT: Ashgate, 2002), 78; Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (1961; New York: Vintage, 1988), 219.
- [29] John Locke, *An Essay Concerning Human Understanding*, 2 vols., ed. Alexander Campbell Fraser (1690; New York: Dover Publications, 1959), 1: 121–2, 157.
- [30] John Locke, *Essay*, 2: 146.
- [31] Bernard Lamy, *The Art of Speaking* (1676), reprinted in *The Rhetorics of Thomas Hobbes and Bernard Lamy*, ed. John Harwood (Carbondale, IL: Southern Illinois University Press, 1986), 374.
- [32] Bernard Lamy, 361, 247, 230.
- [33] For background on Lamy, see Thomas Conley, *Rhetoric in the European Tradition* (Chicago: University of Chicago Press, 1994), 173–6.
- [34] Thomas Hobbes, *De Cive* (1642), in *Man and Citizen*, ed. Bernard Gert (Indianapolis: Hackett Publishing Co., 1998), 231; Lamy, *Art of Speaking*, 241.

- [35] Shepard to James Bowdoin, February 18, 1787, *Bowdoin and Temple Papers*, 142; David Humphreys to George Washington, November 1, 1786, *Papers of George Washington*, 351; James Bowdoin, "Speech to the General Court," *Bowdoin and Temple Papers*, 159; "Act for Granting Indemnity to Sundry Offenders on Certain Conditions," *Worcester Magazine*, December 1, 1786.
- [36] Bowdoin, "Speech to the General Court," *Bowdoin and Temple Papers*, 160–1.
- [37] "Riot Act," *Worcester Magazine*, November 8, 1786.
- [38] "Act Declaring Rebellion," *Worcester Magazine*, February 15, 1787; King George III, Proclamation, August 23, 1775, reprinted in *The Spirit of '76: The Story of the American Revolution as Told by Participants*, ed. Henry Steele Commager and Richard B. Morris (New York: Da Capo Press, 1995), 281.
- [39] William Shepard to James Bowdoin, February 18, 1787, *Bowdoin and Temple Papers*, 142; Ames, "Camillus," *Works*, 103; Samuel Lyman to Samuel Breck, December 27, 1786, *Bowdoin and Temple Papers*, 122; "Act for Granting Indemnity," *Worcester Magazine*, December 1, 1786; Knox to Washington, October 23, 1786, *Papers of George Washington*, 300; *Worcester Magazine*, November 22, 1786; on punishing insanity and crime, see Foucault, *Madness and Civilization*, 226–9. On the rhetorical functions of dehumanization, see Kenneth Burke, "The Rhetoric of Hitler's 'Battle,'" in *The Philosophy of Literary Form: Studies in Symbolic Action* (New York: Vintage Books, 1957), 191–220; Ronald Takaki, *Iron Cages: Race and Culture in 19th-Century America* (1979; Oxford: Oxford University Press, 2000), 36–144, and "The Tempest in the Wilderness: The Racialization of Savagery," *Journal of American History* 79 (1992): 892–912; Robert L. Ivie, "Images of Savagery in American Justifications for War," *Communication Monographs* 47 (1980): 279–94; and Michel Foucault, "The Abnormals," in *The Essential Works of Michel Foucault, 1954–1984*, Volume 1: *Ethics, Subjectivity and Truth*, ed. Paul Rabinow (New York: The New Press, 1997), 51–8.
- [40] Howard's narrative is reprinted in Richard D. Brown, "Shays's Rebellion and Its Aftermath: A View from Springfield, Massachusetts, 1787," *William and Mary Quarterly* 40, no. 4 (1983): 598–615 (quote, 603); Daniel Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674–1860* (Oxford, Oxford University Press, 1993), 119–20; Gilje, *The Road to Mobocracy*, 71–92; for one study of how the public sphere developed in America to replace techniques of popular violence like Regulation, see Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, MA: Harvard University Press, 1990).
- [41] "Untitled," *Worcester Magazine*, March 1, 1787.
- [42] The perception that citizens might mimic criminals was rooted in 18th-century epistemology, which created the problem of "mimetic corruption" discussed in Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760–1835* (Chapel Hill, NC: University of North Carolina Press, 1996), 87–127.
- [43] "An Act for Suspending the Privilege of the Writ of Habeas Corpus," *Worcester Magazine*, December 1, 1786.
- [44] Richards, *Shays's Rebellion*, 18–21, 93.
- [45] "Indemnity to Certain Persons Concerned in the Rebellion!" *Worcester Magazine*, March 22, 1787; "An Act for Preventing Persons Serving as Jurors," *Worcester Magazine*, March 22, 1787; "An Act for Suspending the Privilege of the Writ of Habeas Corpus," *Worcester Magazine*, December 1, 1786.
- [46] James Sullivan to Rufus King, February 25, 1787, in *The Life and Correspondence of Rufus King*, 6 vols., ed. Charles R. King (New York: G. P. Putnam's Sons, 1894), 1: 214.
- [47] Webster to James Bowdoin, March 15, 1787, *The Bowdoin and Temple Papers*, 175, 178; on Webster's efforts to create a national language, see Jill Lepore, *A is For American: Letters and Other Characters in the Newly United States* (New York: Alfred A. Knopf, 2002), 15–41.
- [48] Lincoln to James Bowdoin, February 20, 1787, *The Bowdoin and Temple Papers*, 145.
- [49] Lincoln to James Bowdoin, February 22, 1787, *The Bowdoin and Temple Papers*, 157.

- [50] Howard reprinted in Brown, "A View from Springfield, Massachusetts," 610.
- [51] Howard reprinted in Brown, "A View from Springfield, Massachusetts," 609.
- [52] Brown, "Shays's Rebellion and the Ratification of the Federal Constitution," 120.
- [53] Howard reprinted in Brown, "A View from Springfield, Massachusetts," 612.
- [54] James Madison, Federalist 10, and Alexander Hamilton, Federalist 21, in *The Federalist Papers*, ed. Clinton Rossiter (New York: Mentor, 1961), 82, 139–40; for background on the *Federalist Papers*, see Arthur Furtwangler, *The Authority of Publius: A Reading of the Federalist Papers* (Ithaca, NY: Cornell University Press, 1984); for an analysis of the rhetoric of the ratification debates, see James Jasinski, "Rhetoric and Judgment in the Constitutional Ratification Debate of 1787–1788: An Exploration Between Theory and Critical Practice," *Quarterly Journal of Speech* 78 (1992): 197–218; for a study of the ratification debates in Massachusetts, see Terence S. Morrow, "Representation and Political Deliberation in the Massachusetts Constitutional Ratification Debate," *Rhetoric and Public Affairs* 3, no. 4 (2000): 529–53.
- [55] *Massachusetts Gazette*, October 19, 1787; Jefferson to Smith, November 13, 1787, in *Writings* 4: 467; Bailyn, *Ideological Origins of the American Revolution*, 321; Wood, *Creation of the American Republic*, 606, 499.
- [56] Hannah Arendt, *On Revolution* (New York: Viking, 1963), 235; on this "legitimation crisis," to use Jürgen Habermas's term, see also Sacvan Bercovitch, *The American Jeremiad* (Madison: University of Wisconsin Press, 1978), 132–75, and *The Rites of Assent: Transformations in the Symbolic Construction of America* (New York: Routledge, 1993), 29–67.
- [57] Thomas Paine, *Common Sense* (1776), *The Age of Reason* (1794), and *Dissertations on Government, the Affairs of the Bank, and Paper Money* (1786), in *The Thomas Paine Reader*, ed. Michael Foot and Isaac Kramnick (New York: Penguin, 1987), 93, 400, 66, 182, 176, 175, 168; for background on *Common Sense*, see Scott Liell's excellent, and at times thrilling *46 Pages: Thomas Paine, Common Sense, and the Turning Point to Independence* (Philadelphia: Running Press, 2003); and for a rhetorical analysis of the pamphlet, see J. Michael Hogan and Glen Williams, "Republican Charisma and the American Revolution: The Textual Persona of Thomas Paine's *Common Sense*," *Quarterly Journal of Speech* 86, no. 1 (2000): 1–18.

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